





 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2021/1067
Address	143-149 Norton Street LEICHHARDT NSW 2040
Proposal	Provide an additional storey to a three (3) storey mixed use development with parking approved under Development Application D/2018/427
Date of Lodgement	02 November 2021
Applicant	Xinvest Pty Ltd
Owner	HMMA Properties Pty Ltd
Number of Submissions	Initial: 2 (one objection, one in support)
Value of works	\$534,074.00
Reason for determination at Planning Panel	SEPP 65 (4 storeys or above)
Main Issues	<ul style="list-style-type: none"> • Incompatibility with the streetscape and inconsistent with desired future character controls • Adverse height, bulk and scale impacts to the east-adjointing properties • Non-compliance with Clause 4.4, 4.4A and 6.11A of Leichhardt LEP 2013 • Inadequate separation to the eastern boundary as required in the Apartment Design Guide • Inadequate information - updated Geotechnical and Structural Engineering report not provided
Recommendation	Refusal
Attachment A	Reasons for Refusal
Attachment B	Draft conditions of consent (in the event the Panel resolves to approve the application)
Attachment C	Plans of proposed development
Attachment D	Statement of Heritage Significance
Attachment E	Architectural Excellence Panel Minutes
	
LOCALITY MAP	
Subject Site	
Objectors	  N
Notified Area	
Supporters	
Note: Due to scale of map, not all objectors could be shown.	

1. Executive Summary

This report is an assessment of the application submitted to Council for an additional storey to a three (3) storey mixed use development with parking approved under Development Application D/2018/427 at 143-149 Norton Street LEICHHARDT NSW 2040.

The application was notified to surrounding properties and 2 submissions (one opposition and one in support) were received in response to the initial notification.

The main issues that have arisen from the application include:

- Incompatibility with the streetscape and inconsistent with desired future character controls;
- Excessive height, bulk and scale impacts when viewed from the private open spaces of the east adjoining properties (23 Short Street and 4 Arthur Street);
- Non-compliance with Clause 4.4A of Leichhardt LEP 2013, and thus, the applicable FSR development standard;
- Inadequate separation to the eastern boundary as required in the Apartment Design Guide; and
- Inadequate information - Updated Geotechnical and Structural Engineering report not provided.

The non-compliances not considered to be acceptable and is recommended for refusal for reasons outlined above and discussed in detail later in this report.

2. Proposal

The proposed development seeks consent for an additional residential level to the 3-storey mixed use (retail/residential) development approved under Development Consent D/2018/427 at 143-149 Norton Street, Leichhardt.

As amended, the proposal will add an additional level consisting of home offices and result in the removal of the four (4) roof terraces approved for Units 5-8 under the development consent.

The proposal will not result in any changes to the approved retail level, car parking, waste management and residential levels other than the provision of internal stair access from Level 2 to Level 3.

3. Site Description

The subject site is located on the eastern side of Norton Street, between Short Street and Allen Street.

The site, known as 143, 145, 147 and 149 Norton Street, are Lots 1, 2, 3 and 4 in DP 33422. Each of the lots have the benefit of cross easements for use of a 3.05 metre wide Right of Carriageway providing access off Short Street to the rear boundary of the site.

The site is rectangular in shape with frontage to Norton Street and Right of Way of 19.405 metres and side boundaries of 35.059 metres (north) and 35.05 metres (south).

The site has a total area of 805.60 square metres.

The subject site is currently occupied by four (4) single storey retail shops, currently vacant. The site is centrally located in the Norton Street commercial precinct.

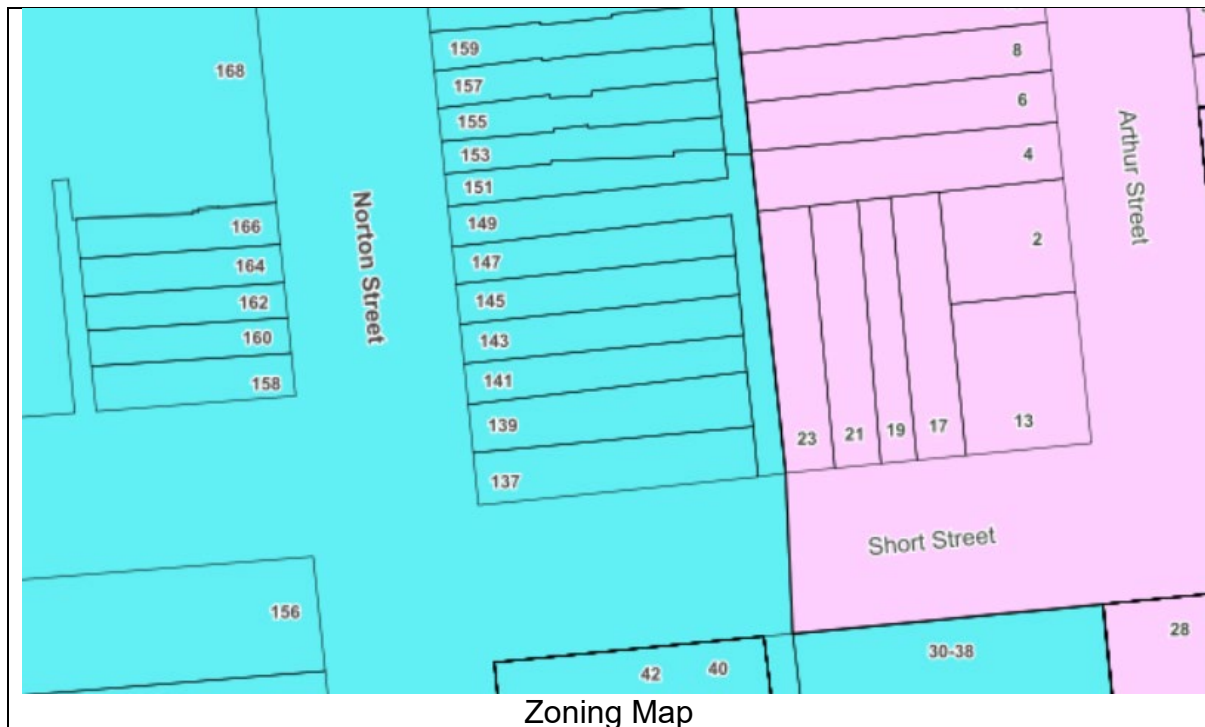
The surrounding development comprises:-

- to the north: a 2-storey attached commercial building with residential over (151 Norton Street);
- to the east: a single storey semi-detached dwelling (23 Short Street);
- to the south: a 2-storey commercial building (141 Norton Street); and
- to the west: 2-storey retail shops with residential over (160-164 Norton Street)

The subject site is not listed as a heritage item. The property is located within a conservation area. The property is identified as a flood prone lot.



View of Norton Street of the subject property



4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
BA5354	<u>149 Norton Street</u> Alterations to Barber's shop	Approved 20-Nov-1962
DA4019	<u>145 Norton Street</u> Coin operated Laundry & Res.	Approved 16-Mar-1971
BA10424	<u>149 Norton Street</u> Alterations to shop front	Approved 13-Jun-1972
D/2004/530	<u>143 - 149 Norton Street</u> Demolition of existing buildings and construction of a four storey mixed commercial and residential building, comprising of three commercial tenancies, nine residential dwellings, ground level parking and balcony over footpath.	Refused on Appeal 30-May-2005

D/2005/455	<u>143 - 149 Norton Street</u> Demolition of all existing structures on the site, construction of a mixed use commercial/residential building containing 8 residential units and 3 commercial tenancies with parking for 11 vehicles in total., , Please note: this application is being renotified to include the proposed roof plan.	Approved 27-Feb-2007
D/2013/584	<u>143 Norton Street</u> Alterations and additions to existing building including replacing the shop front. Change of use to cafe/bakery with hours of operation from 6:30 am to 9:30 pm, 7 days a week.	Approved 05-May-2014
PREDA/2016/202	Removal of trees, demolition of existing structures and construction of a 3 storey mixed development over one basement level.	Issued 23-Jan-2017
PREDA/2017/351	Removal of trees, demolition of existing structures and construction of a 3 storey mixed use development.	Issued 01-May-2018
D/2018/427	Removal of trees, demolition of existing structures and construction of a three storey mixed use development comprising retail, parking and waste facilities on the ground floor and eight residential units on the first and second floors, with Units 1-4 also comprising individual roof terraces.	Deferred Commencement Approval 28/05/2019 (Made operational 20- Aug-2021)

Surrounding properties

Application	Proposal	Decision & Date
BA/1990/588	<u>141 Norton Street</u> Second Storey addition to shop	Approved 22-Nov-1990
BA/1997/457	<u>141 Norton Street</u> Alterations and additions – Shop/Residence	Approved 13-Oct-1997
D/2017/147	<u>151 Norton Street</u> Alterations and additions to existing building and construction of a dwelling at first and second floors at the rear.	Approved Operational Consent 16-Jul-2018

M/2018/143	<u>151 Norton Street</u> Modification of Development Consent D/2017/147 seeking various changes, including: changes to ground floor entry; addition of fire rated blade walls to rear; and wall finish amendment to rear unit.	Approved 09-Oct-2018
D/2018/490	<u>168 Norton Street</u> Demolition of all structures on site. Site remediation. Construction of a part 5/part 6 storey building to provide residential accommodation for seniors and associated community use at ground level, plus a new retail shop fronting Norton Street at ground floor level. Fifty independent living units are proposed, of which eight will be affordable. Two levels of basement car parking are proposed providing parking for 57 vehicles.	Approved Deferred Commencement 04-Jul-2019 (Made Operational: 30-Jan-2020)
MOD/2020/0167	<u>168 Norton Street</u> Section 4.55(1) Modification of Development Consent D/2018/490 seeking to modify the approved development description to make correct reference to the number of approved independent living units to ensure consistency with the approved plans	Approved 29-May-2020
MOD/2020/0369	<u>168 Norton Street</u> Section 4.55(1A) Modification of Development Consent D/2018/490 which approved construction of a multi storey residential development for seniors and associated community use plus retail shop fronting Norton Street, seeking various internal and external changes	Approved 25-Feb-2021
MOD/2021/0249	<u>168 Norton Street</u> Section 4.55(1A) Modification of Development Consent D/2018/490 which approved new seniors and associated community use and retail building with parking and site remediation, seeking to delete Condition 39(b) to allow for a timber look batten fence in-lieu of a lapped and capped fence	Approved 12-Jul-2021
D/2014/717	<u>173 Norton Street</u> Demolition of existing buildings and construction of a mixed use development comprising 13 dwellings, 1 retail premises and basement parking. Remediation of the site.	Approved on Appeal 17-Jun-2015

M/2015/269	<p><u>173 Norton Street</u></p> <p>Modify D/2014/717 which approved demolition of existing buildings and construction of a mixed use development comprising 13 dwellings, 1 retail premises and basement parking, Remediation of the site. Modification involves deletion of 3-bedroom unit and part of ground floor business premises, and replacement with 4 x ground floor residential units and changes to parking, and lift over-run.</p>	<p>Approved</p> <p>20-Jun-2016</p>
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4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
15/2/2022	<p>Letter sent via the NSW planning portal requesting the application to be withdrawn. The following issues were raised:</p> <ul style="list-style-type: none"> • Issues in relation to the proposed additional storey at the front (Western Building) • Issues in relation to the proposed additional storey at the rear (Eastern Building) • The proposed additional levels are not supported on heritage grounds • Issues in relation of additional loads from the proposed level
7/3/22	<p>Instead of withdrawing the application, the applicant submitted amended plans that comprise of the following changes:</p> <ul style="list-style-type: none"> • Deletion of home office level for Units 1-4 fronting Norton Street; Removal of roof terraces and stair access for Units 5-8; • Reduction in floor area and increase in rear setback from rear lane for home office to Unit 5-8 on Level 3; • Change to roof form over home office level and introduction of dormer window; and • New skill ion metal roof concealed behind a parapet ends; and • Pre-formed awning to new windows on Level 3 facing courtyard (west).
25/3/22	<p>E-mail sent to applicant advising that the amended proposal was unlikely to be supported and recommended that the application be withdrawn.</p>
25/3/22	<p>E-mail from Applicant confirming that the application will not be withdrawn. The amended proposal is a lesser development than the original notified application, and therefore, did not require renotification under the Community Engagement Framework and this report assesses the amended plans.</p>

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEEP)*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)*
- *Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013)*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the Resilience and Hazards SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The issues in relation to contamination have been addressed in D/2018/427 which requires remediation of the site. As the current proposal is in relation to the provision of additional levels to the approved development, the proposed works under this application do not result in any further issues in this regard.

5(a)(ii) *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*

Design Quality Principles

The development is subject to the requirements of *SEPP 65* which prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is not acceptable having regard to the nine design quality principles as it is considered to be of a form that is contrary to Principle 1 and 2, i.e:

Principle 1: Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Principle 2 – Built Form and Scale “Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

The properties on the northern side of Short Street directly to the east of the proposed site are low density residential housing that predominately have a single-storey presentation to Short Street. The additional fourth level will be clearly visible from Short Street and a four-storey built form will introduce an overwhelming bulk and scale that does not provide an appropriate transition to the low-scale built forms Short Street streetscape on the northern side. The additional fourth level will also result in a development that will be inconsistent with the predominant forms, heights and scales characteristic of this part of Norton Street.



View from Short Street, centre of photo is the driveway associated with the subject site

The proposal is also considered to result in excessive height, bulk and scale impacts to the private open spaces of the properties adjoining to the east, in particular 23 Short Street and 4 Arthur Street where the 4 storey structure will be clearly visible and dominant from the private open spaces (see photo below) and a 4 storey form in this setting is considered to be intrusive in regards to visual bulk and massing.



View from the rear private open space of No. 4 Arthur Street

Therefore, the proposal is not of a form that is considered to be consistent with the Principle 1 and Principle 2 of SEPP No. 65.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within LDGP2013 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The proposed additions are in the form of an additional level consist of providing an additional 'home office' and bathrooms to the 4 units at the rear. As the number of apartments do not change, and there are no amendments to the levels below, there are no impacts to the compliance of the majority of provisions under the Apartment Design Guide which were already satisfied in the previously approved Development Application.

However, the following provisions require further discussion as a result of proposed additions to the approved development.

The following provides further discussion of the relevant issues:

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

- At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m

Comment: As the adjoining sites to the east of the subject are in the R1 General Residential which is a lower density area than the B2 Zoning of the subject site, the required separation to the rear boundary is 6 m + 3 m = 9 metres. The proposed windows at the rear associated with the proposed additional level are only 7205mm from the eastern boundary, and therefore, is contrary to the above provisions. As there are no immediate surrounding properties that have a 4th level with this setback, and there are potential sightlines into the private open spaces of the eastern adjoining properties, the proposed separation is not supported.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m ²

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Comment: The proposed additional level which creates a “Home Office” and therefore units 5-8 remain as 2 bedroom units, however there are additional bathrooms proposed. The sizes of the proposed apartments are as follows:

Apartment	Minimum Internal Area	Apartment Area	Complies
Unit 5	80 m ²	95 m ²	Yes
Unit 6	80 m ²	108 m ²	Yes
Unit 7	80 m ²	122 m ²	Yes
Unit 8	80 m ²	122 m ²	Yes

The proposal additions will comply with the minimum apartment size requirements, however, the proposal is not supported for reasons outlined elsewhere in this report.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: Where there are some internal rearrangements to level 3 for access to the proposed new home office level on level 4, there are no impacts to room sizes or living area sizes compared to what was previously approved.

5(a)(iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application satisfying the provisions of SEPP BASIX and will need to be referenced in any consent granted.

5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of *the Leichhardt Local Environmental Plan 2013*:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for land
- Clause 2.7 - Demolition
- Clause 4.4 - Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.3 – Development near zone boundaries
- Clause 5.10 - Heritage Conservation
- Clause 5.21 - Flood Planning
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

- Clause 6.8 - Development in areas subject to aircraft noise
- Clause 6.11 - Adaptive reuse of existing buildings in Zone R1
- Clause 6.13 - Diverse housing

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned B2 under the *LLEP 2013*. The *LLEP 2013* defines the development as:

“mixed use development means a building or place comprising 2 or more different land uses.”

The development is permitted with consent within the land use table. As discussed below, the development is considered to be inconsistent with the objectives of the B2 zone.

Clause 1.2 – Aims of Plan

The proposal:

- Does not comply with the applicable Floor Space Ratio development standard;
- Will have an adverse impact on the streetscape and Heritage Conservation Area, particularly due to the development being inconsistent with the predominant forms, heights and scales characteristic of this part of Norton Street; and
- Will have detrimental amenity impacts on properties to the east adjoining properties, including in terms of height, bulk and scale impacts.

Therefore, the proposal is contrary to the following objectives under Clause 1.2 of the Leichhardt LEP 2013:

- (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt*
- (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt*
- (l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area.*

Clause 2.3 - Land Use Table and Zone Objectives

The subject site is located in the B2 Local Centre zoning and the objectives are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that development is appropriately designed to minimise amenity impacts.
- To allow appropriate residential uses to support the vitality of local centres.
- To ensure that uses support the viability of local centres.
- To provide a mixture of compatible land uses.
- To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.
- To integrate suitable business, office, residential, retail and other development in accessible locations.

As discussed in sections above and later in this report, the proposed 4 storey form will be clearly visible from Short Street, is considered to be of a form, height and scale that is incompatible with this part of Norton Street and inconsistent with the desired future character of the area with resultant adverse impacts on the Heritage Conservation Area in which the site is located, and will result in adverse amenity impacts on adjoining residential properties to the east. Therefore, it is considered to be inconsistent with the following objectives under the B2 Local Zoning Objectives:

- To ensure that development is appropriately designed to minimise amenity impacts.
- To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.

Clauses 4.4 and 4.4A – Floor Space Ratio and Exception to Maximum Floor Space Ratio For Active Street Frontages

The following table provides an assessment of the application against the development standard prescribed in Clause 4.4 of the Leichhardt LEP 2013:

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 1:1 or 802.3 sqm	1.18:1 or 943.7 sqm	141.4 sqm or 18%	No

The applicant has stated in the Statement of Environment Effects that the proposal complies with the FSR requirement, citing that the Floor Space Ratio applicable to the site under Clause 4.4A of the Leichhardt LEP 2013 is 1.5:1, however, it should be noted that an FSR of 1:1 applies to the subject site under Clause 4.4, and it only increases to 1.5:1 if the proposal satisfies the provisions of Clause 4.4A(3) reproduced below, with particular reference to Clause 4.4A(3)(c) in bold text:

- (3) *Despite clause 4.4, the maximum floor space ratio for a building on land to which this clause applies is 1.5:1 if the consent authority is satisfied that—*
- (a) *the building will have an active street frontage, and*
 - (b) *the building comprises mixed use development, including residential accommodation, and*
 - (c) ***the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.***

As discussed previously and later in this report, the proposed 4 storey form will be clearly visible from Short Street and is not considered to be of a form, height and scale that is compatible with the low scale streetscape on Short Street, nor consistent with the predominant built scales in this section of Norton Street or the desired future character of the area and the Heritage Area in which the site is located. Therefore, it is considered that an FSR of 1:1 should apply to the site, and not the 1.5:1 FSR development standard that is only applicable if Clause 4.4A(3) is wholly satisfied. Given the concerns raised above and in this report, the proposed fails to achieve the precondition of Clause 4.4A(3)(c) under the Leichhardt Local Environmental Plan 2013 to enable a FSR of 1.5:1 to be applied, and hence, an FSR of 1:1 is deemed to apply in this instance.

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.4A – Floor Space Ratio

As discussed above, the applicant outlined in the Statement of Environment Effects that accompanies the Development Application that a Floor Space Ratio of 1.5:1 applies to the subject site, and therefore, has not submitted a Clause 4.6 exception for assessment.

However as discussed earlier in this report, it is considered that the amended proposal is not considered to be compatible with the desired future character of the area in relation to its bulk, form, and scale and that an FSR of 1:1 applies to the site.

Had a Clause 4.6 Exception been lodged, it would not have been supported for the following reasons:

- The proposed 4 storey form will be clearly visible from Short Street and is not considered to be of a form that is compatible with the low scale streetscape on Short Street.
- The proposed 4 storey form will have unacceptable bulk and scale impacts to the low scale residential properties to the east of the proposed site.

Clause 5.10 - Heritage Conservation

The following heritage commentary is made in response to the revised architectural drawings prepared by Metro Group Architects, dated 3 March 2022. These drawings respond to the heritage commentary provided on 19 January 2022 in response to the original proposal, which was considered to not be acceptable from a heritage perspective and provided alternative design solutions. Commentary from the original heritage referral is reiterated below along with additional commentary in response to the revised drawings.

Alternative solutions:

1. *The proposed additional Level 3 with home offices to all apartments is not supported and it is recommended the existing DA be withdrawn.*

Comment: The Level 3 component proposed above the units facing Norton Street have been deleted from the proposal. The Level 3 additions to Units 5, 6, 7 and 8 have been retained to the rear of the site. This still results in ultimately what will be a 4 storey development in its east elevation to the rear lane (Arthur Street) which traditionally is single storey in character. Four storey development within the Wetherill Estate HCA is inconsistent with Objective O1 of C2.2.3.5 of the DCP because the proposal is not consistent with the Desired Future Character and Controls for the Leichhardt Commercial Distinctive Neighbourhood.

The following design changes will need to accompany any future DAs or modifications:

2. *Design change:*
 - a. *The Mansard roof form for the addition, and materials are not complementary to the area. If additional levels could be accommodated or amendments are proposed to the approved roof form, sympathetic gable or skillion roof forms concealed behind a parapet to the street elevation would be more sympathetic.*

Comment: The roof form of the Level 3 addition to Units 5, 6, 7 and 8 have to the rear of the site have been retained to a gable roof form to the east elevation, with a skillion dormer to each unit and a skillion roof to the west. The revised proposal is 809mm higher than the previous proposal. It will present as 4 storeys to the laneway (approved as 3 storeys as part of D/2018/427).

- b. *The proposed box hoods introduced to the Level 1 bedroom 1 windows in Norton Street elevation are to be replaced with more traditional hoods in keeping with awnings in the streetscape. Detail of the awnings should be amended so they are pitched at approximately 40°.*

Comment: Deleted.

- c. Colorbond Monument proposed for the cladding and face brick in off white / light grey are not supported. Walls are to be constructed in the approved face brick approved in the External Finishes Schedule approved as part of D/2018/427.

Comment: Wall finishes to the Level 3 addition have been amended to a masonry render finish with ashlar block finish painted in natural warm colour similar to that approved as part of D/2018/427, which is acceptable.

- d. Stacked brick tiles in off white / light grey to the front façade of the west elevation to Norton Street are to be replaced with traditional dark blues, greens and reds.

Comment: Removed from the Finishes Schedule, though still shown on the ground floor of the front (west) elevation. It is recommended a condition be included in any consent requiring that stacked brick tiles in off white / light grey to the front façade of the west elevation to Norton Street must be replaced with traditional dark blues, greens and reds.

- e. *Dark grey / Monument proposed for the powder coated aluminium framed hoods to the Level 1 bedroom 1 windows in Norton Street elevation are to be replaced with traditional timber and corrugated roof sheeting materials.*

Comment: Replaced with warm grey, similar to that approved as part of D/2018/427, which is acceptable given they are associated with a new build.

Recommendation

The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the Wetherill Estate Heritage Conservation Area and is not in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013.

6.11A Residential accommodation in Zone B1 and Zone B2

As discussed in sections above and later in the report, the proposed 4 storey form will be clearly visible from Short Street and is not considered to be of a form, height and scale that is compatible with the low scale streetscape on Short Street, nor consistent with the predominant built scales in this section of Norton Street or the desired future character of the area, with resultant adverse impacts on the Heritage Area in which the site is located. Therefore, it is considered that the proposed is inconsistent with Clause 6.11A(3)(c), reproduced below:

- (3) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that –

- (a) the building comprises mixed use development, including residential accommodation, and
- (b) the building will have an active street frontage, and
- (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

Therefore clause 6.11A(3) has not been satisfied and development consent must not be granted.

6.13 – Diverse Housing

As the proposed additional level consist of “Home offices”, there are no additional bedrooms and no changes to the mix of apartments that was approved in D/2018/427.

5(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below:

Draft Environmental Planning Instruments	Compliance
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes
Draft State Environmental Planning Policy (Environment) 2017	Yes

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. The proposal is not supported for reasons outlined elsewhere in this report.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable

Part C	
C1.0 General Provisions	No – See discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	No – See discussion
C1.4 Heritage Conservation Areas and Heritage Items	No – See discussion
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes, subject to conditions
C1.8 Contamination	Not applicable
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Not applicable
C1.11 Parking	Not applicable (no proposed changes or additional parking demand)
C1.12 Landscaping	Refer to SEPP 65 assessment
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	Not applicable , no signage proposed
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
C2.2.3.5 Leichhardt Commercial Distinctive Neighbourhood	No – See discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – See Discussion
C3.2 Site Layout and Building Design	Refer to SEPP 65 assessment
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Not applicable
C3.7 Environmental Performance	Not applicable

C3.8 Private Open Space	Refer to SEPP 65 Assessment
C3.9 Solar Access	Yes, subject to conditions
C3.10 Views	Refer to SEPP 65 Assessment
C3.11 Visual Privacy	Refer to SEPP 65 Assessment
C3.12 Acoustic Privacy	Refer to SEPP 65 Assessment
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	No – see discussion
C4.2 Site Layout and Building Design	Not applicable
C4.3 Ecologically Sustainable Development	Not applicable
C4.4 Elevation and Materials	Not applicable
C4.5 Interface Amenity	Not applicable
C4.6 Shopfronts	Not applicable
C4.7 Bulky Goods Premises	Not applicable
C4.8 Child Care Centres	Not applicable
C4.9 Home Based Business	Not applicable
C4.10 Industrial Development	Not applicable
C4.11 Licensed Premises and Small Bars	Not applicable
C4.12 B7 Business Park Zone	Not applicable
C4.13 Markets	Not applicable
C4.14 Medical Centres	Not applicable
C4.15 Mixed Use	Yes
C4.16 Recreational Facility	Not applicable
C4.17 Sex Services Premises	Not applicable
C4.18 Vehicle Sales or Hire Premises And Service Stations	Not applicable
C4.19 Vehicle Repair Station	Not applicable
C4.20 Outdoor Dining Areas	Not applicable
C4.21 Creative Industries	Not applicable
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Not applicable
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Stormwater and flooding related issues are addressed by
E1.1.1 Water Management Statement	
E1.1.2 Integrated Water Cycle Plan	
E1.1.3 Stormwater Drainage Concept Plan	

E1.1.4 Flood Risk Management Report	conditions in D/2018/427.	
E1.1.5 Foreshore Risk Management Report		
E1.2 Water Management		
E1.2.1 Water Conservation		
E1.2.2 Managing Stormwater within the Site		
E1.2.3 On-Site Detention of Stormwater		
E1.2.4 Stormwater Treatment		
E1.2.5 Water Disposal		
E1.2.6 Building in the vicinity of a Public Drainage System		
E1.2.7 Wastewater Management		
E1.3 Hazard Management		
E1.3.1 Flood Risk Management		
E1.3.2 Foreshore Risk Management		Not applicable
Part F: Food		Not applicable
Part G: Site Specific Controls	Not applicable	

C1.0 General Provisions

As discussed in sections above and later in the report, the proposed 4 storey form will be clearly visible from Short Street and is not considered to be of a form, height and scale that is compatible with the low scale streetscape on Short Street, nor consistent with the predominant built scales in this section of Norton Street or the desired future character of the area, with resultant adverse impacts on Heritage Area in which the site is located. Therefore, it is considered to be inconsistent with the following objective Under this part:

O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.

C1.3 Alterations and additions, C1.4 Heritage Conservation Areas and Heritage Items and C2.2.3.5 Leichhardt Commercial Distinctive Neighbourhood

The issues in relation the impact of the Heritage conservation area and the desired future character of the area is discussed in detail in an earlier section of the report. The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the Wetherill Estate Heritage Conservation Area and is not in accordance with the relevant objectives and controls in the Leichhardt DCP 2013, in particularly, the proposal is inconsistent with Objective O1 of C2.2.3.5 of the DCP because the proposal is not consistent with the Desired Future Character and Controls for the Leichhardt Commercial Distinctive Neighbourhood and is considered to be inconsistent with the following desired future character controls:

- C1 - Maintain the character of the area by keeping development complementary in architectural style, form and materials.
- C4 - Promote land uses and urban design that enhance and contribute to the character and identity of the neighbourhood whilst protecting Heritage Items and Heritage Conservation Areas that combine to help create that character.
- C5 - Protect and enhance the residential amenity of dwellings in and adjoining the neighbourhood.

The proposed form is not compatible with the existing streetscape and visually overwhelms the surrounding properties and therefore is also inconsistent with the following:

- i. Objective O1 a. of Part C1.3 of the DCP requires that alterations and additions complement the scale, form and materials of the streetscape including wall height and roof form.
- ii. Objective O1 b. of Part C1.3 of the DCP requires that where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building.
- iii. C1 b. of Part C1.3 of the DCP requires that the overall form of alterations and additions shall be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form.
- iv. C8 of Part C1.4 of the DCP requires that new development demonstrate respect for the form, scale and sitting of the immediate area.
- v. C9 of Part C1.4 of the DCP that requires that new development comply with Part C Section 1.0; which requires that new development make a positive contribution to the character, scale, form, sitting, materials, colour and detailing within the streetscape.

C3.1 - Residential General Provisions

As discussed previously in this report, the proposal will be of a form, height and scale that is incompatible in its context and inconsistent with the desired future character of the area and the Heritage Area in which the site is located in and it fails to achieve compliance with clause 4.4A of Leichhardt LEP 2013. Therefore, it is considered to be inconsistent with the following objectives under this part:

- O3 - To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.
- O4 - To ensure that all residential development is compatible with the scale, form, sitting and materials of existing adjacent buildings.
- O5 - To ensure that all residential development is consistent with the density of the local area as established by the Leichhardt Local Environmental Plan 2013.

C4.1 Objectives for Non-Residential Zones

As discussed in earlier sections of the report, the proposal is not of an acceptable form, height, bulk and scale and will result in adverse visual bulk and scale impacts when viewed from the private open spaces of the east-adjointing properties, and therefore, is inconsistent with the follow objectives under C4.1 Objectives for Non-Residential Zones

- O6 - To be compatible with the character of the neighbourhood, in particular streetscapes in traditional main streets.
- O8 - To achieve an appropriate balance between promoting economic prosperity and protecting established residential amenity.
- O9 - To achieve a high quality urban environment where buildings make a positive contribution to the function and visual quality of the public domain and streetscape.
- O10 - To ensure a sensitive transition to adjoining residential areas at zoning boundaries.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

- Will result in a development that is incompatible with the predominant built forms in the area;
- Will result in excessive height, bulk and scale impacts and adverse amenity impacts on adjoining properties.

5(f) The suitability of the site for the development

It is considered that the proposal will have an adverse impact on the adjoining properties and the existing streetscape and will be out of character in form, height, bulk and scale with the predominant built context in the area, and therefore, it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

2 submissions were received in response to the initial notification, 1 being in opposition and one being in support.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: We strongly object to another level being added to this development. This means there will be even more units/balcony's overlooking us. Their balcony/view is very intrusive as it looks directly into our open plan living area, upstairs bedroom and bathroom. This is unacceptable, we have small children and this additional level is an invasion of privacy due to it being right in front of the main living area in our house. The back of our house is all glass making it ultra intrusive.

Comment: As discussed in an early section of the report, the proposed windows at the rear associated with the proposed additional level is only 7205mm from the eastern boundary, and therefore, provides inadequate separation from adjoining properties to the east. As there are no immediate surrounding properties that have a 4th level with this setback, and there are potential sightlines into the private open spaces of the east adjoining properties, the proposed separation is not supported.

Issue: Additionally, it's unclear based on the solar access drawings what the shadowing impact will be on us. We would like more details on this.

Comment: Additional shadow diagrams were requested and were subsequently provided by the applicant and confirm that there are no additional overshadowing impacts on the private open space or any living room windows of No. 4 Arthur Street from the proposed development during winter solstice between 9am and 3pm.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is contrary to the public interest as it is a development that is incompatible with the predominant built forms in the area and will result in excessive height, bulk and scale impacts and adverse amenity impacts on adjoining properties.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

Architectural Excellence Panel and Heritage: The comments of the Architectural Excellence Panel and Heritage sections are summarised below:

Architectural Excellence Panel:

- 1. The Panel notes that the applicant's rationale for the 3rd storey addition is heavily based on height of the recently approved shop-top housing proposal at 160 Norton Street (located opposite the subject site). However, it is the Panel's understanding that the height for the DA approved building at 160 Norton Street was established through site-specific DCP and LEP provisions, which is not the case for this proposal.*
- 2. Provision of the 3rd storey on both buildings on this site takes a quasi-mansard roof form that is of concern. The Panel notes that buildings with such forms are not consistent with the typical built form character of the area, and this would be visible from a range of locations.*
- 3. The Panel considers that the 3rd storey addition over the western building addressing Norton Street is problematic, as these additions will be highly visible from the surrounding public domain, particularly within the main streetscape. In the Panel's view, the top floor additions are not of a 'recessive nature'*
- 4. It is also the Panel's view that the 3rd storey addition to the eastern building addressing the laneway should only be supported if the proposal establishes consistency with the guidance offered within Parts 2F – building separation and 3F.5 zone transition of the ADG. The Panel notes that there are low density dwelling houses on properties located further to the east of the laneway within the General Residential zone that have a floor space ratio of 0.5:1. Therefore, a suitable built form transition is required. It is further noted that a 9m building separation distance will be required for the proposal measured from the centre of the lane.*
- 5. The extent of large west-facing glazed openings are problematic due to potential thermal loading issues, given the lack of sun protection for these windows.*

Planner's comment: While the additional level to the front buildings has been deleted and the design to the rear buildings amended, the proposal remains unsupportable as it is considered to be unsatisfactory in regards to its impacts on the Short Street streetscape, will be

incompatible in form, height, bulk and scale with the predominant built forms on Norton Street, and will result in adverse visual impacts to the east-adjoining properties.

Building:

Note architect panel concerns re accessibility - needs an access report and BCA report to address concerns of original DA from 2018. Additional floor - type a construction - likely to be a combination of deemed to satisfy and performance solutions for the development . Additional floor will need to ensure that geo tech and structural issues are addressed.

Engineering:

A Geotechnical report and Structural Engineer will be required to certify that the additional loading applied by the added floor level will need to be addressed.

Planner's comment: The issue in relation of additional loads from the proposed level was raised in the Council letter dated 15 February. The additional information submitted by the applicant on 7 March 2022 does not include any updated Geotechnical or Structural engineer reports, and therefore, this issue had not been addressed.

6(b) External

The application was referred to the following external bodies:.

- Ausgrid: Ausgrid does not have any objections for the proposed development.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions payable for the proposal. However as the number of apartment units (i.e. 8) does not change and the section 7.11 contribution levy is already capped at \$20000 per unit. A contribution of \$160,000 would be required for the development under Leichhardt Section 7.11 Contributions Plan. There is an existing condition requiring that this contribution under D/2018/427 to be paid.

8. Conclusion

The proposal does not comply with all the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan* Leichhardt Development Control Plan 2013.

The proposed 4 storey form will be clearly visible from Short Street, is considered to be of a form, height and scale that is not compatible with the predominant built forms in this part of Norton Street and inconsistent with the desired future character of the area with resultant adverse impacts on the Heritage Conservation Area in which the site is located, and will result in adverse amenity impacts on adjoining residential properties to the east.

Further to the above, the proposal is not of an acceptable FSR and density – in this regard

- The proposed development cannot be approved as it breaches the maximum FSR of 1:1 as stipulated by Clause 4.4 of the Leichhardt Local Environmental Plan 2013, and has not been accompanied with a Clause 4.6 request to vary this standard; and
- The proposed development cannot be approved as it fails to achieve the precondition of Clause 4.4A(3)(c) under the Leichhardt Local Environmental Plan 2013 to enable a FSR of 1.5:1 to be applied.

Given the above, the approval of the application would be contrary to the public interest, and hence, the application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2021/1067 for an additional storey to a three (3) storey mixed use development with parking approved under Development Application D/2018/427 at 143-149 Norton Street LEICHHARDT NSW 2040 for the reasons identified in Attachment A.

Attachment A – Reasons for Refusal

1. The proposed development is inconsistent and / or has not demonstrated compliance with the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a. Principle 1: Context and Neighbourhood Character;
 - b. Principle 2 – Built Form and Scale; and
 - c. Visual Privacy/Building Separation requirements of the Apartment Design Guide.
2. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a. Clause 1.2 of the Leichhardt Local Environmental Plan 2013 – Aims of the Plan;
 - b. Clause 2.3 – Zone objectives and Land Use Table;
 - c. Clause 4.4 – Floor Space Ratio;
 - d. Clause 4.4A – Exception to maximum floor space ratio for active street frontages;
 - e. Clause 5.10 – Heritage Conservation; and
 - f. Clause 6.11A - Residential accommodation in Zone B1 and Zone B2.
3. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a. Clause C1.0 - General Provisions;
 - b. Clause C1.3 – Alterations and Additions;
 - c. Clause C1.4 – Heritage Conservation Areas and Heritage Items;
 - d. Clause C2.2.3.5 - Leichhardt Commercial Distinctive Neighbourhood;
 - e. Clause C3.1 - Residential General Provisions; and
 - f. Clause C4.1 - Objectives for Non-Residential Zones.
4. The proposed development cannot be approved as it breaches the maximum FSR of 1:1 as stipulated by Clause 4.4 of the Leichhardt Local Environmental Plan 2013, and has not been accompanied with a Clause 4.6 request to vary this standard.
5. The proposed development cannot be approved as it fails to achieve the precondition of Clause 4.4A(3)(c) under the Leichhardt Local Environmental Plan 2013 to enable a FSR of 1.5:1 to be applied, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
6. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
7. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

Attachment B – Draft conditions of consent (in event that application is approved)

CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. Deferred Commencement Condition

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

1. A Geotechnical Report and Structural Engineer is required to certify the additional loading applied by the added floor level.

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse. Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A003, Issue B	SITE PLAN	03.03.2022	Metropoint Architects Group
A100, Issue B	GROUND FLOOR PLAN	03.03.2022	Metropoint Architects Group
A100(a), Issue B	GROUND FLOOR PLAN (LANEWAY)	03.03.2022	Metropoint Architects Group
A101, Issue B	LEVEL 1 PLAN	03.03.2022	Metropoint Architects Group
A102, Issue B	LEVEL 2 PLAN	03.03.2022	Metropoint Architects Group

A103, Issue B	LEVEL 3 PLAN	03.03.2022	Metropoint Architects	Group
A104, Issue B	ROOF PLAN	03.03.2022	Metropoint Architects	Group
A200, Issue B	WEST ELEVATION	03.03.2022	Metropoint Architects	Group
A201, Issue B	EAST ELEVATION	03.03.2022	Metropoint Architects	Group
A202, Issue B	NORTH ELEVATION	03.03.2022	Metropoint Architects	Group
A203, Issue B	SOUTH ELEVATION	03.03.2022	Metropoint Architects	Group
A300, Issue B	SECTION A	03.03.2022	Metropoint Architects	Group
A301, Issue B	SECTION B	03.03.2022	Metropoint Architects	Group
A302, Issue B	SECTION C	03.03.2022	Metropoint Architects	Group
A303, Issue B	SECTION D	03.03.2022	Metropoint Architects	Group
A950, Issue B	FINISHES SCHEDULE	03.03.2022	Metropoint Architects	Group
929765M_04	BASIX CERTIFICATE	04 March 2022	ESD Synergy Pty Ltd	

As amended by the conditions of consent.

FEES

2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

3. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

4. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

5. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

6. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

7. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

8. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

PRIOR TO ANY DEMOLITION**9. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE**10. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

11. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

12. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being

or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

DURING DEMOLITION AND CONSTRUCTION

13. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

PRIOR TO OCCUPATION CERTIFICATE

14. Aircraft Noise –Alterations and Additions

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

ADVISORY NOTES

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises

and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au

		Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100	www.dialprior toyoudig.com.au
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Attachment C- Plans of Proposed Development

DEVELOPMENT APPLICATION FOR AN ADDITIONAL STOREY TO AN APPROVED 3-STOREY SHOP TOP HOUSING DEVELOPMENT UNDER DEVELOPMENT APPLICATION D/2018/427



NO.	REVISION	DATE	LEGEND
1	ISSUED FOR PERMIT	21/03/2018	1. 2018/03/21
2	ISSUED FOR PERMIT	21/03/2018	2. 2018/03/21
3	ISSUED FOR PERMIT	21/03/2018	3. 2018/03/21
4	ISSUED FOR PERMIT	21/03/2018	4. 2018/03/21
5	ISSUED FOR PERMIT	21/03/2018	5. 2018/03/21
6	ISSUED FOR PERMIT	21/03/2018	6. 2018/03/21
7	ISSUED FOR PERMIT	21/03/2018	7. 2018/03/21
8	ISSUED FOR PERMIT	21/03/2018	8. 2018/03/21
9	ISSUED FOR PERMIT	21/03/2018	9. 2018/03/21
10	ISSUED FOR PERMIT	21/03/2018	10. 2018/03/21

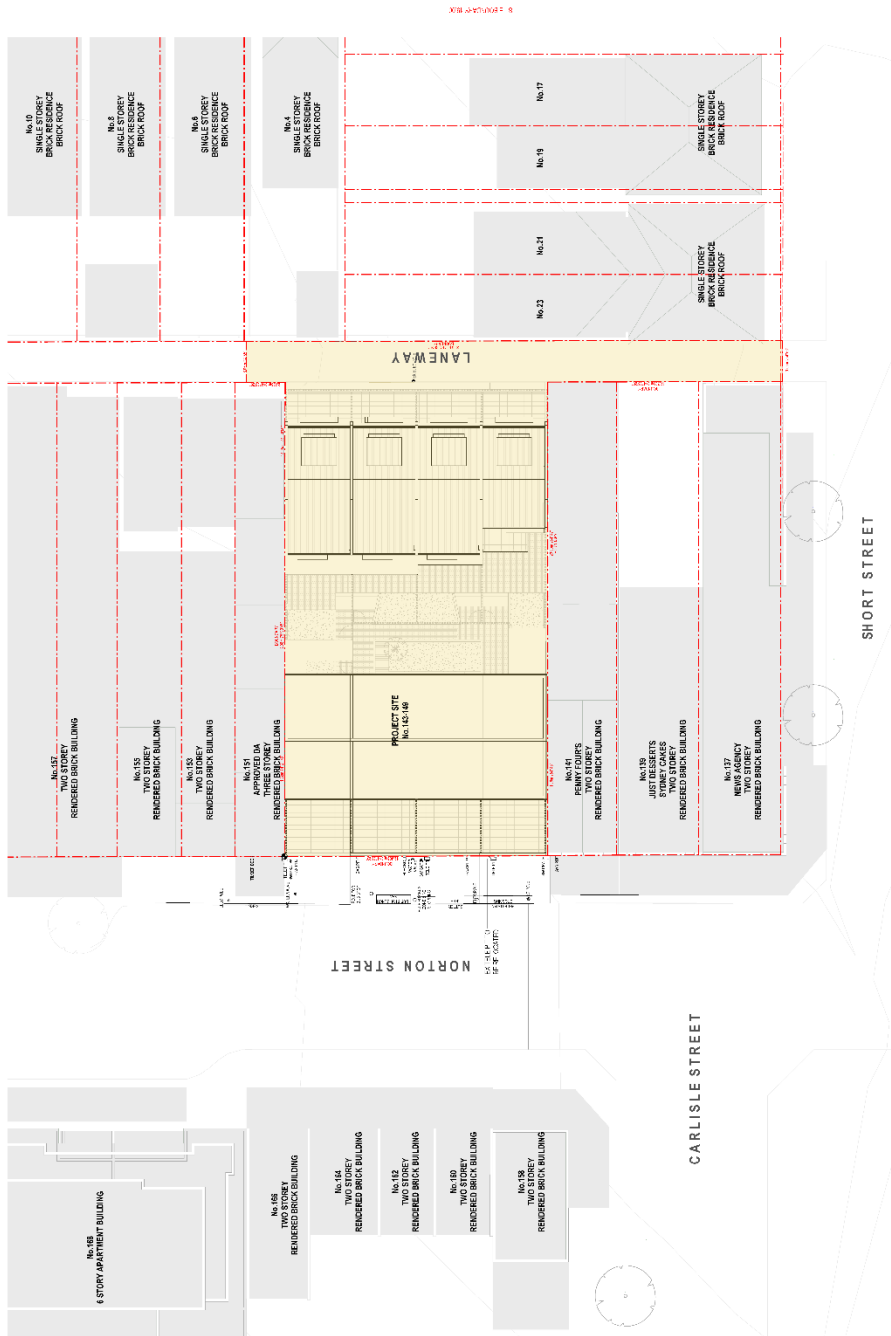
DRAWING LIST - DEVELOPMENT APPLICATION	SHEET NAME	REVISION	DATE
A000	COVER SHEET AND DRAWING LIST	B	03.23.2022
A001	SITE PLAN	B	03.23.2022
A002	GROUND FLOOR PLAN	B	03.23.2022
A003	GROUND FLOOR PLAN (LANEWAY)	B	03.23.2022
A004	LEVEL PLAN	B	03.18.2022
A005	LEVEL PLAN	B	03.18.2022
A006	LEVEL PLAN	B	03.18.2022
A007	ROOF PLAN	B	03.18.2022
A008	WEST ELEVATION	B	03.18.2022
A009	EAST ELEVATION	B	03.18.2022
A010	NORTH ELEVATION	B	03.18.2022
A011	SOUTH ELEVATION	B	03.18.2022
A012	SECTION A	A	03.18.2022
A013	SECTION B	A	03.18.2022
A014	SECTION C	A	03.18.2022
A015	SECTION D	A	03.18.2022
A016	SECTION E	A	03.18.2022
A017	SECTION F	A	03.18.2022
A018	SECTION G	A	03.18.2022
A019	SECTION H	A	03.18.2022
A020	SECTION I	A	03.18.2022
A021	SECTION J	A	03.18.2022
A022	SECTION K	A	03.18.2022
A023	SECTION L	A	03.18.2022
A024	SECTION M	A	03.18.2022
A025	SECTION N	A	03.18.2022
A026	SECTION O	A	03.18.2022
A027	SECTION P	A	03.18.2022
A028	SECTION Q	A	03.18.2022
A029	SECTION R	A	03.18.2022
A030	SECTION S	A	03.18.2022
A031	SECTION T	A	03.18.2022
A032	SECTION U	A	03.18.2022
A033	SECTION V	A	03.18.2022
A034	SECTION W	A	03.18.2022
A035	SECTION X	A	03.18.2022
A036	SECTION Y	A	03.18.2022
A037	SECTION Z	A	03.18.2022
A038	SECTION AA	A	03.18.2022
A039	SECTION AB	A	03.18.2022
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A098	SECTION CI	A	03.18.2022
A099	SECTION CJ	A	03.18.2022
A100	SECTION CK	A	03.18.2022

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 Phone: (03) 9439 1118
 Fax: (03) 9439 1119
 Email: info@mca.com.au
 Website: www.mca.com.au

VTG (P) S (G)N
 2020/11/A
A000

DEVELOPMENT APPLICATION
145-149 NORTON STREET LEICHHARDT
COVER SHEET AND DRAWING LIST

Author: 2020/11/A
 Title: Final
 Date: 03/01/20



MG A
 MCGILL GARDNER ARCHITECTS
 55 Richardson Avenue
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 Fax: (02) 9550 0919
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 Website: www.mga.com.au

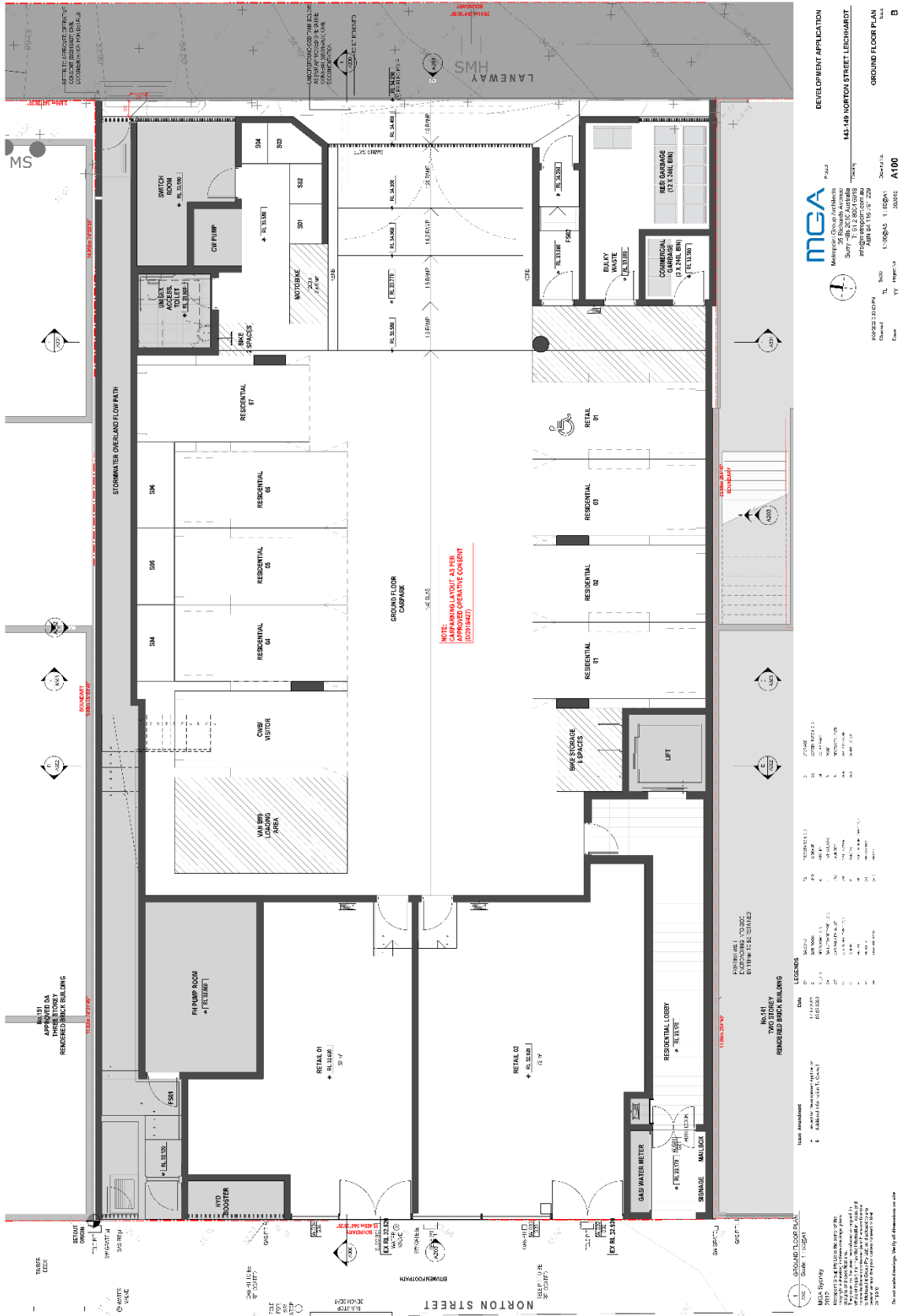
DEVELOPMENT APPLICATION
 145-146 NORTON STREET LEICHHARDT
 SITE PLAN
 1:500
 DATE: 13/08/2013
 DRAWN BY: J. GARDNER
 CHECKED BY: J. GARDNER
 SCALE: A000

ISSUE INFORMATION

NO.	DATE	DESCRIPTION
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49	05/05/2013	APPROVED DA
50	05/05/2013	APPROVED DA

LEGENDS

NO.	DESCRIPTION
1	EXISTING BUILDING FOOTPRINT
2	PROPOSED BUILDING FOOTPRINT
3	EXISTING DRIVEWAY
4	PROPOSED DRIVEWAY
5	EXISTING SIDEWALK
6	PROPOSED SIDEWALK
7	EXISTING CURB
8	PROPOSED CURB
9	EXISTING ROAD
10	PROPOSED ROAD
11	EXISTING UTILITY
12	PROPOSED UTILITY
13	EXISTING LANDSCAPE
14	PROPOSED LANDSCAPE
15	EXISTING FENCE
16	PROPOSED FENCE
17	EXISTING WALL
18	PROPOSED WALL
19	EXISTING POLE
20	PROPOSED POLE
21	EXISTING SIGN
22	PROPOSED SIGN
23	EXISTING TREE
24	PROPOSED TREE
25	EXISTING PLANT
26	PROPOSED PLANT
27	EXISTING PAVEMENT
28	PROPOSED PAVEMENT
29	EXISTING GRAVEL
30	PROPOSED GRAVEL
31	EXISTING ASPHALT
32	PROPOSED ASPHALT
33	EXISTING CONCRETE
34	PROPOSED CONCRETE
35	EXISTING BRICK
36	PROPOSED BRICK
37	EXISTING STONE
38	PROPOSED STONE
39	EXISTING METAL
40	PROPOSED METAL
41	EXISTING GLASS
42	PROPOSED GLASS
43	EXISTING WOOD
44	PROPOSED WOOD
45	EXISTING PLASTER
46	PROPOSED PLASTER
47	EXISTING GYPSUM
48	PROPOSED GYPSUM
49	EXISTING STUCCO
50	PROPOSED STUCCO



DEVELOPMENT APPLICATION

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 NSW 1512
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145-149 NORTON STREET LEICHTARD

GROUND FLOOR PLAN

Project No: 2023-23-CPM
 Date: 11/08/23
 Scale: 1:500
 Drawing No: A100

LEGEND

Code	Description
R1	Residential Unit 1
R2	Residential Unit 2
R3	Residential Unit 3
R4	Residential Unit 4
R5	Residential Unit 5
R6	Residential Unit 6
R7	Residential Unit 7
R8	Residential Unit 8
R9	Residential Unit 9
R10	Residential Unit 10
R11	Residential Unit 11
R12	Residential Unit 12
R1	Retail Unit 1
R2	Retail Unit 2
CK	Commercial Kitchen
RL	Residential Lobby
GW	Gas Water Meter
ST	Storage
MB	Mailbox
L	Lift
B	Bike Storage
FP	Fire Pump Room
GD	Ground Floor Carpark
SW	Stone Water Overland Flow Path

REVISIONS

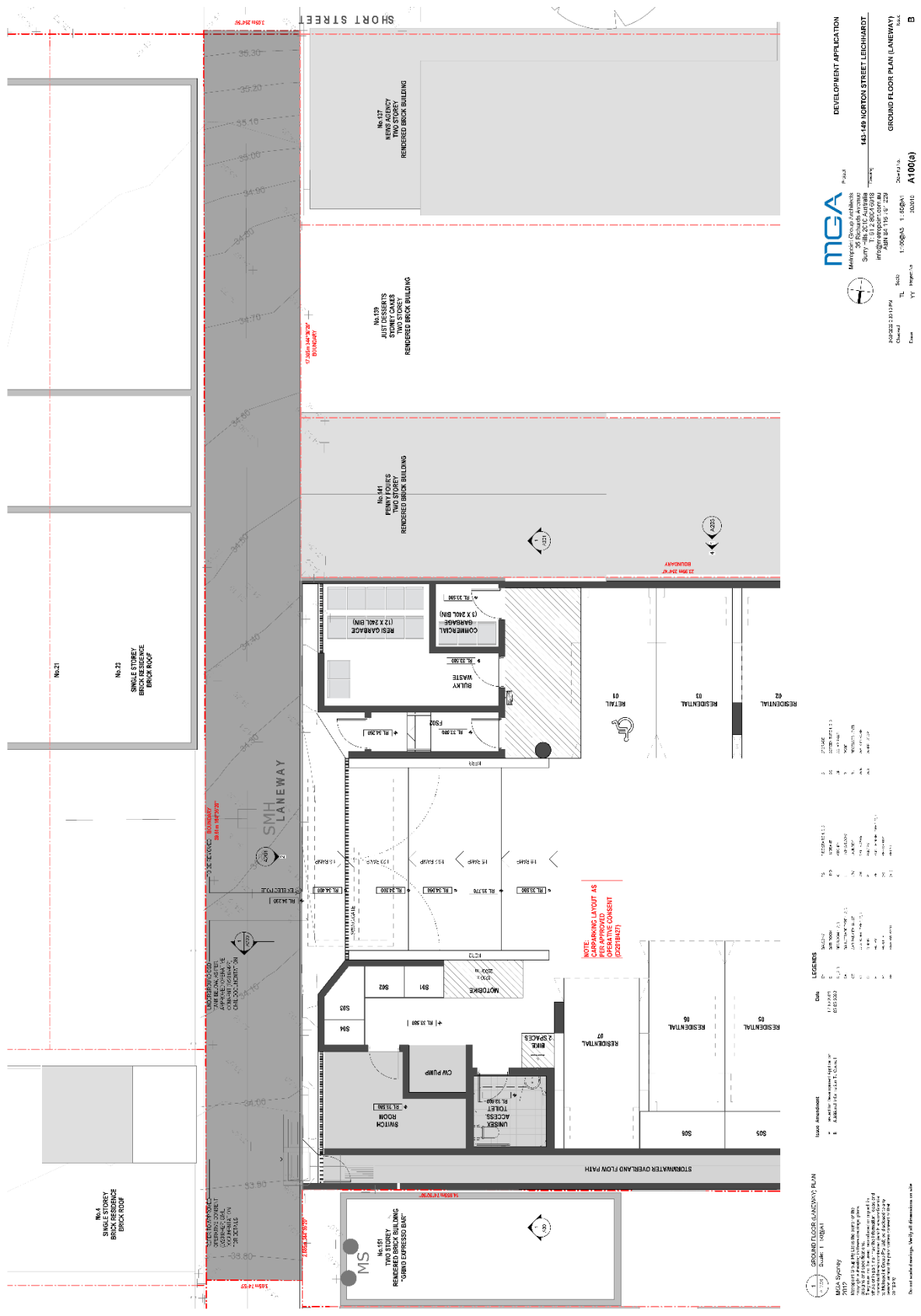
No.	Description	Date
1	Issue for Approval	08/08/23
2	Approved for Construction	08/08/23

NOTES

- REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS AND FINISHES.
- REFER TO STRUCTURAL DRAWINGS FOR COLUMN LOCATIONS AND BEAMS.
- REFER TO MECHANICAL DRAWINGS FOR DUCTWORK AND SERVICES.
- REFER TO ELECTRICAL DRAWINGS FOR SWITCHES AND OUTLETS.
- REFER TO PLUMBING DRAWINGS FOR TOILETS, SINKS, AND TAPS.
- REFER TO LANDSCAPE DRAWINGS FOR PLANTING AND GRASSING.
- REFER TO CIVIL DRAWINGS FOR DRIVEWAYS AND PAVEMENT.
- REFER TO SITE SPECIFIC REGULATIONS FOR ANY SPECIAL REQUIREMENTS.

GENERAL NOTES

- ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011.
- ALL MATERIALS TO BE USED MUST BE APPROVED BY THE LOCAL COUNCIL.
- ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE LOCAL COUNCIL.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE ENGINEER.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE PLUMBER.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE ELECTRICIAN.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE LANDSCAPER.
- ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE CIVIL ENGINEER.



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 MGA CONSULTANTS
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 PERTH WA 6007
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DEVELOPMENT APPLICATION
 Project: 145-146 NORTH ST STREET LEICHAHART
 Client: MGA CONSULTANTS
 Date: 11/09/2024
 Scale: 1:500
 Drawing: A100(a)
 Title: GROUND FLOOR PLAN (LANEWAY)



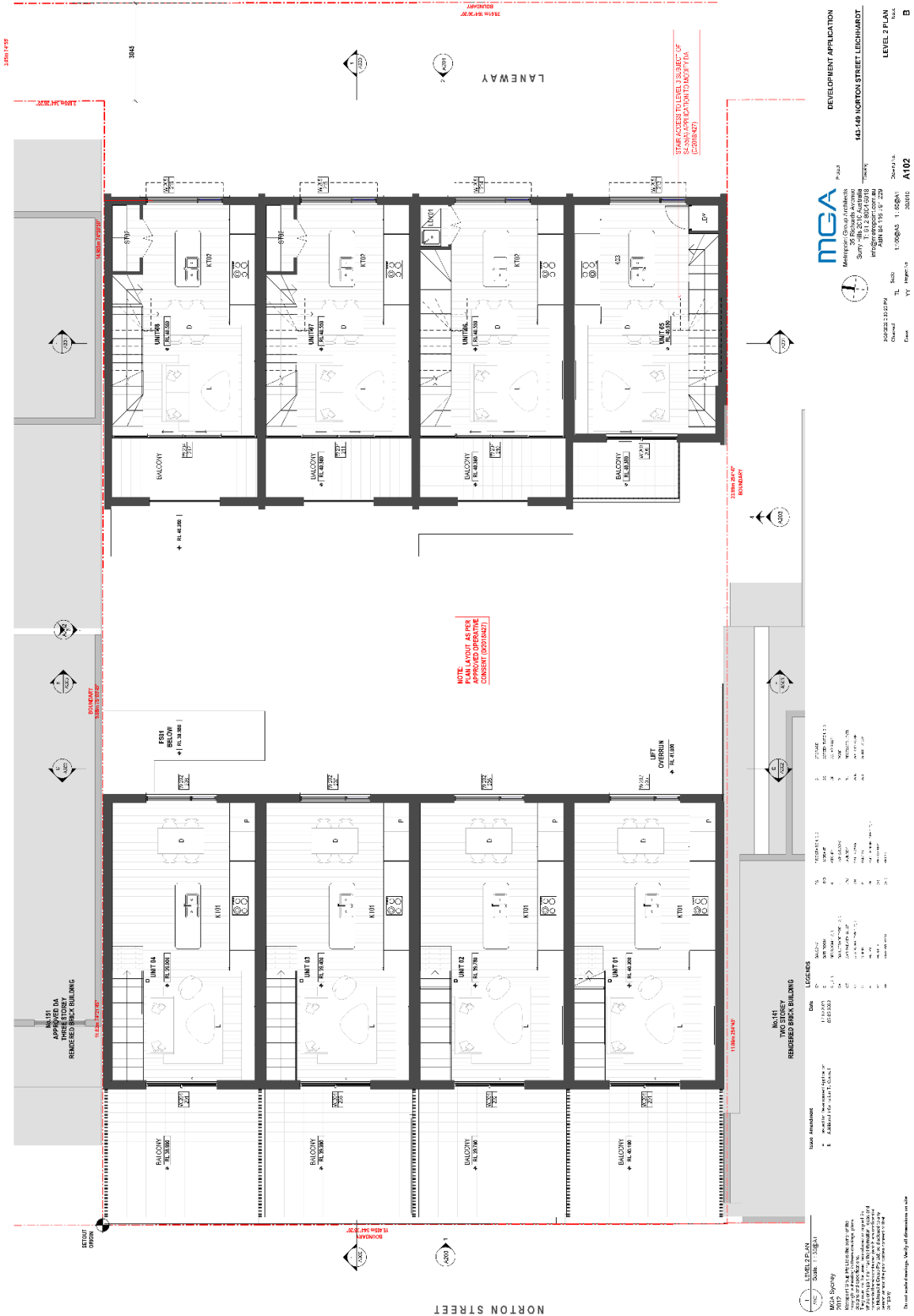
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 145-146 NORTON STREET LEICHTARD
 LEVEL 1 PLAN
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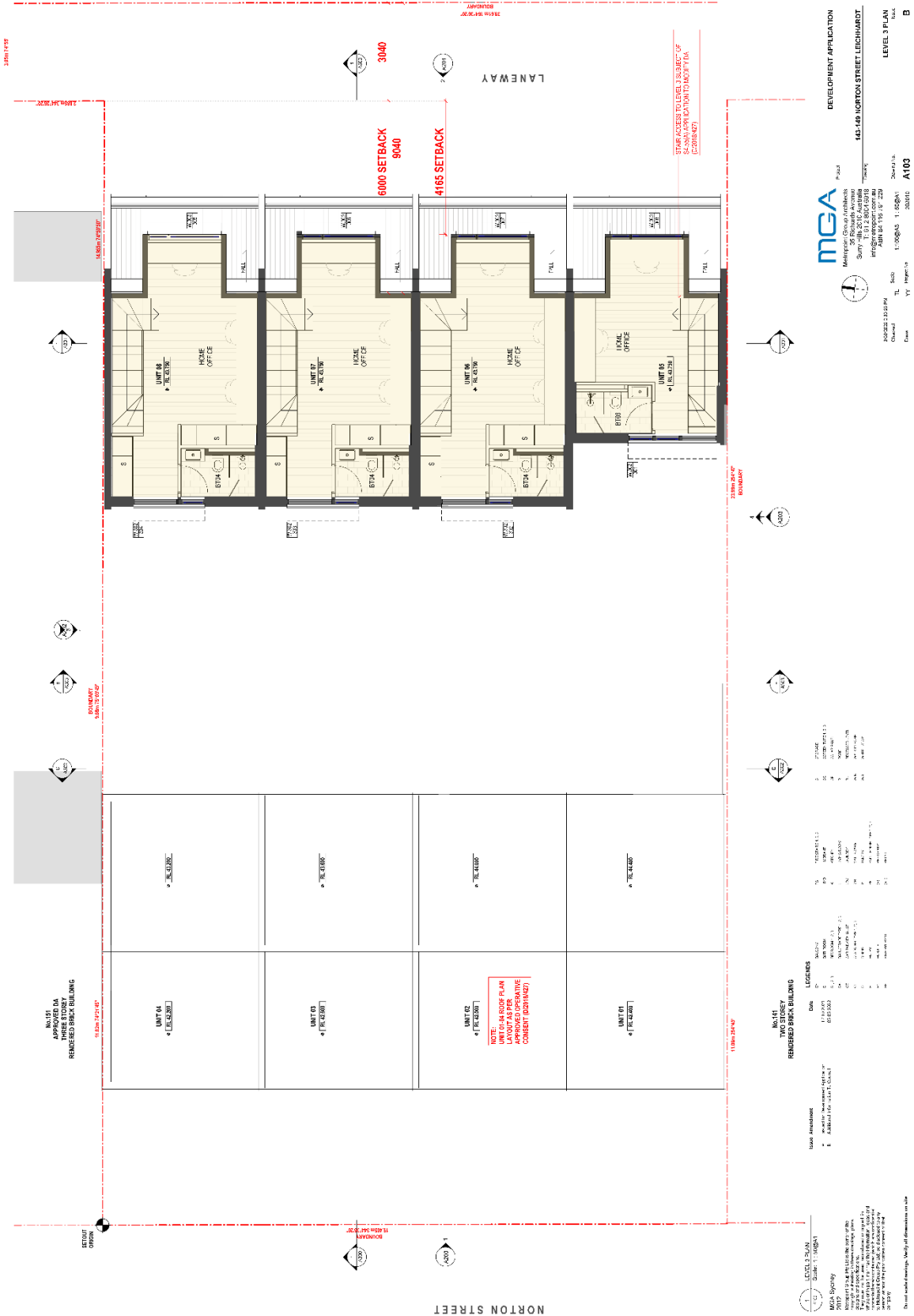
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 LEICHTARD NSW 2113
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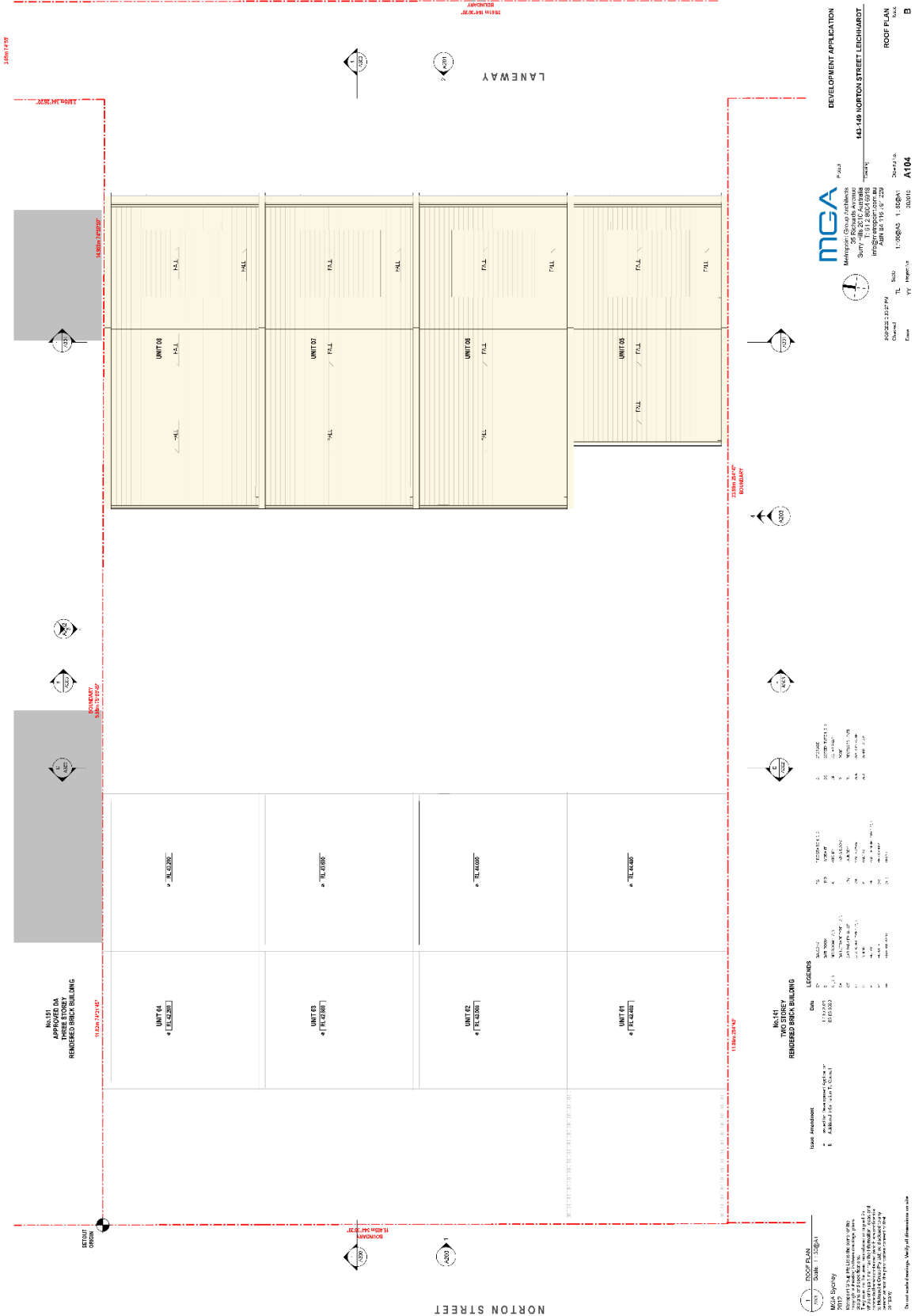
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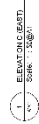
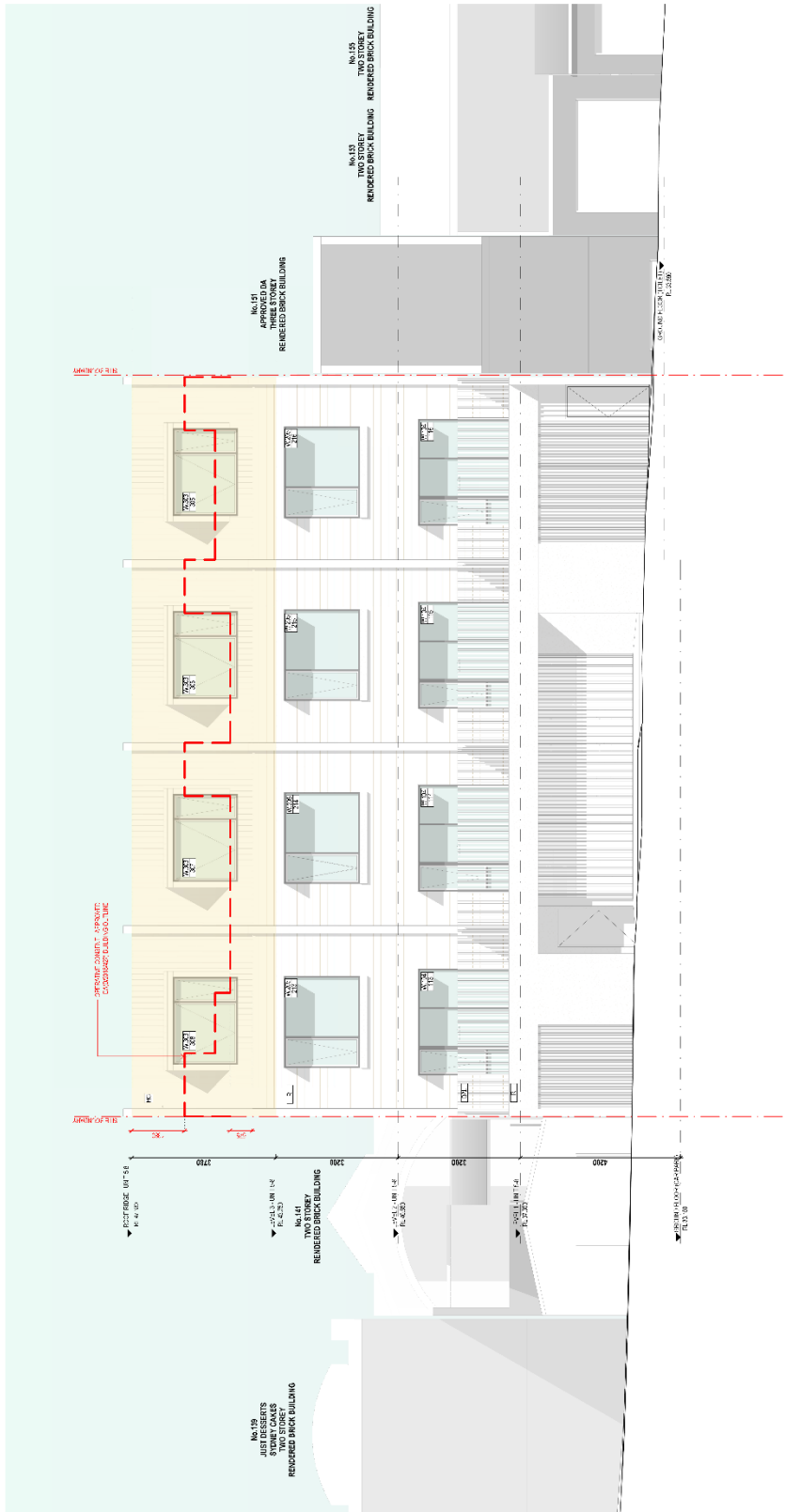
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99	11/09/2023	ISSUE FOR APPROVAL
100	11/09/2023	ISSUE FOR APPROVAL









Issue Information

- 1. Approved for the City of Sydney

LEGEND

Date	By	Description
05/05/20	05/05/20	Issue for comment

Issue Information

- 1. Approved for the City of Sydney

LEGEND

Date	By	Description
05/05/20	05/05/20	Issue for comment

Issue Information

- 1. Approved for the City of Sydney

LEGEND

Date	By	Description
05/05/20	05/05/20	Issue for comment

mga
 MGA Group Pty Ltd
 55 Richmond Avenue
 Surry Hills NSW 1510
 Tel: 02 9390 9098
 Email: info@mga.com.au
 Website: www.mga.com.au

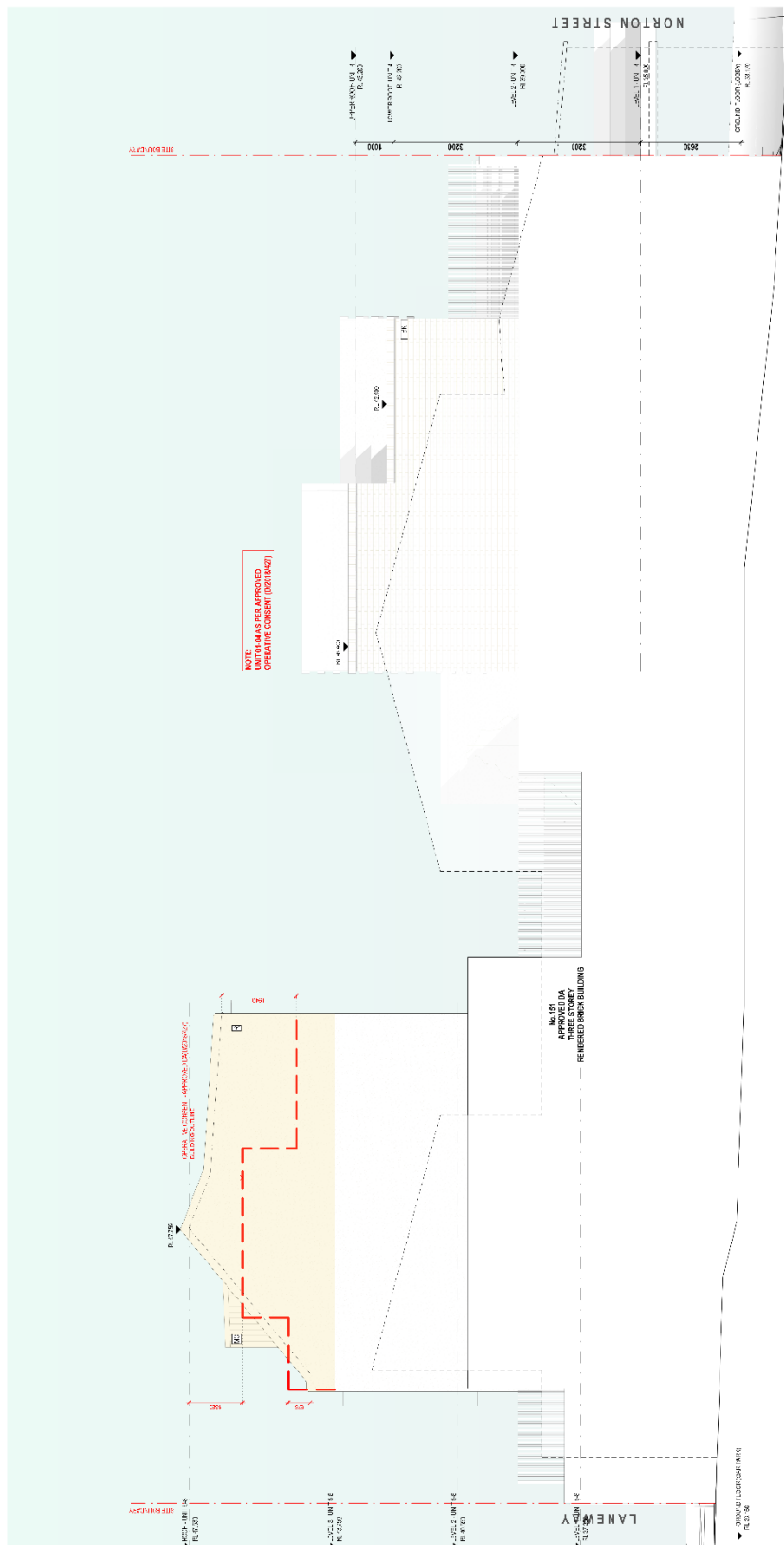
DEVELOPMENT APPLICATION

145-146 NORTHVA STREET LEICHHARDT

EAST ELEVATION

A201

Date: 11/09/2020 1:50pm
 Drawn: T. Hopper



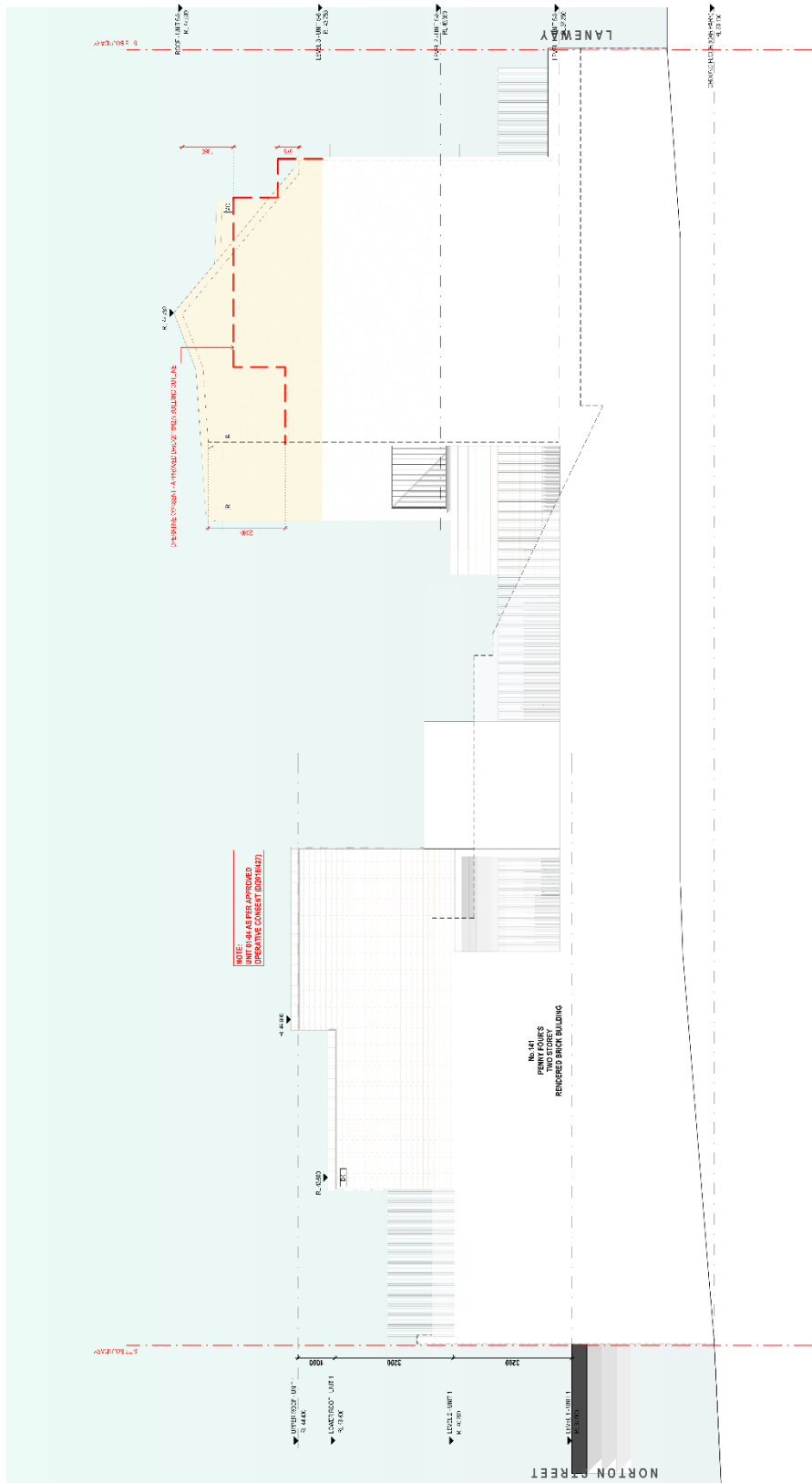
mga
 MGA CONSULTANTS
 145-146 NORTON STREET LEICHHARDT
 SYDNEY NSW 2048
 TEL: (02) 9550 9388
 INFO@MGA.COM.AU
 WWW.MGA.COM.AU

DEVELOPMENT APPLICATION
 No. 151 LANEYS LANE
 THREE STOREY
 RENEWED BRICK BUILDING

145-146 NORTON STREET LEICHHARDT
 NORTH ELEVATION
 DATE: 11/10/2014
 DRAWN: J. MCGEE
 CHECKED: J. MCGEE
 SCALE: 1:500
 SHEET: A202 OF 2

ISSUE	DATE	DESCRIPTION
1	10/10/2014	APPROVED
2	10/10/2014	REVISIONS
3	10/10/2014	REVISIONS
4	10/10/2014	REVISIONS
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6	10/10/2014	REVISIONS
7	10/10/2014	REVISIONS
8	10/10/2014	REVISIONS
9	10/10/2014	REVISIONS
10	10/10/2014	REVISIONS

LEGEND
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 9. APPROVED OPERATIVE CONSIST (0011827)
 10. APPROVED OPERATIVE CONSIST (0011827)



mga
 MCGILL GARDNER ARCHITECTS
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DEVELOPMENT APPLICATION
 145-146 NORTON STREET LEICHHARDT
 SOUTH ELEVATION
 DATE: 11/08/20 1:58PM
 DRAWN: J. SMITH
 CHECKED: A.200



NOTE: REVISIONS APPROVED (OPERATIVE CONSENT (CONV.047))

NOTE: REVISIONS APPROVED (OPERATIVE CONSENT (CONV.047))

NOTE: REVISIONS APPROVED (OPERATIVE CONSENT (CONV.047))

DEVELOPMENT APPLICATION

MGA
 Maitland City Council
 153-155 RICHMOND AVENUE
 SAULT STEAD, NSW 2325
 PH: 02 4924 2500
 WWW.MAITLANDCITYCOUNCIL.NSW.GOV.AU

145-146 NORTHON STREET LICENSURE

SECTION A
 1:500 (N)

Project: 145-146 Northon Street
 Date: 11/10/2024

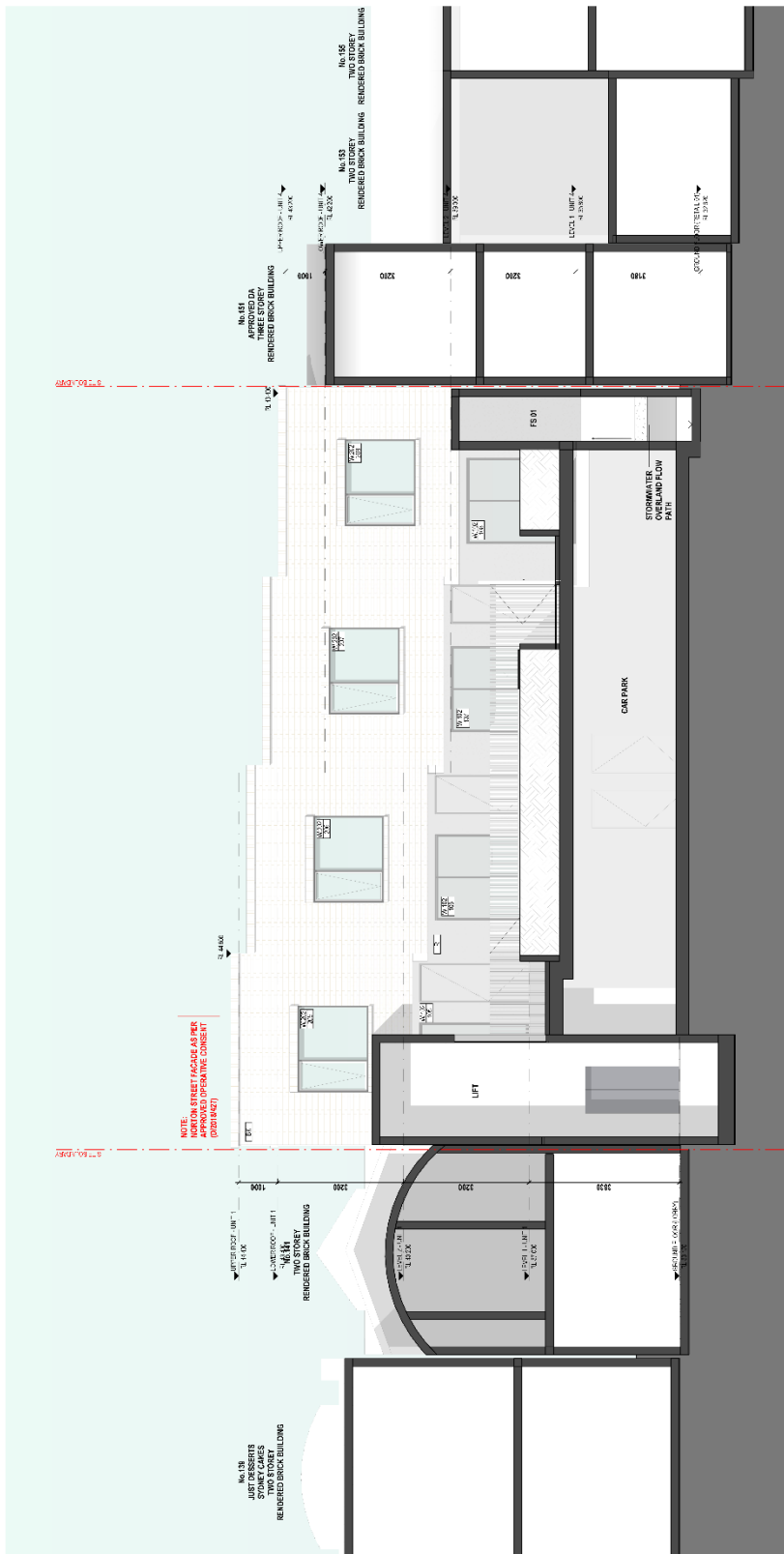
ISSUE INFORMATION

NO.	DATE	DESCRIPTION
1	11/10/2024	ISSUE FOR COMMENT
2	11/10/2024	ISSUE FOR COMMENT

LEGEND

NO.	DESCRIPTION
1	ISSUE FOR COMMENT
2	ISSUE FOR COMMENT

Do not scale drawings. Verify all dimensions on site.



Issue description:
 1. Approval of the proposed building
 2. Approval of the proposed building

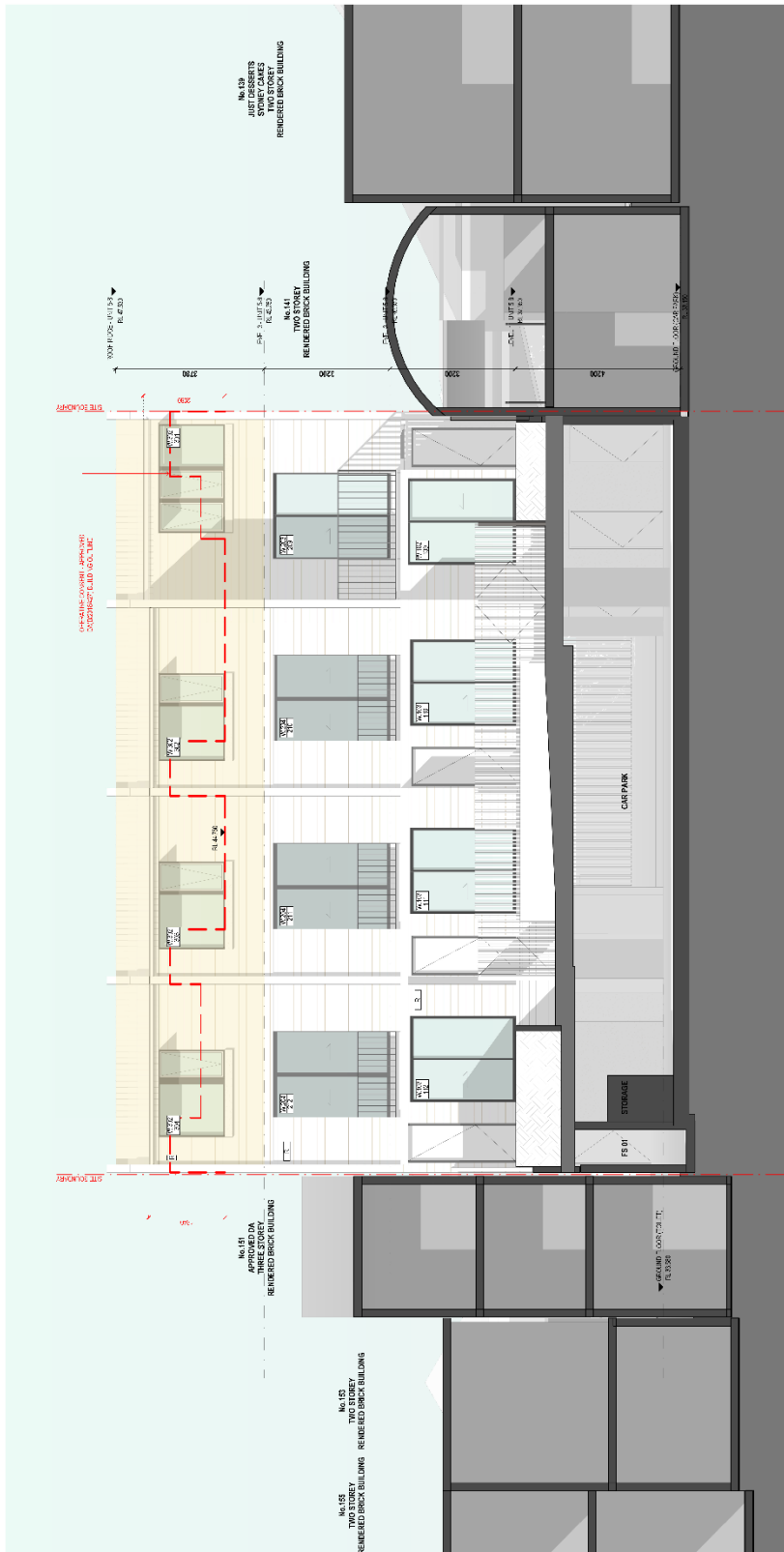
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 Date: 15/08/2024

Project:
 145-146 NORTH STREET LEICHAHART
 145-146 NORTH STREET LEICHAHART
 145-146 NORTH STREET LEICHAHART
 145-146 NORTH STREET LEICHAHART

NO.	DATE	DESCRIPTION
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DEVELOPMENT APPLICATION
 145-146 NORTH STREET LEICHAHART
 145-146 NORTH STREET LEICHAHART
 145-146 NORTH STREET LEICHAHART
 145-146 NORTH STREET LEICHAHART

SECTION C
 B



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ISSUE INFORMATION

Date	Version	Description
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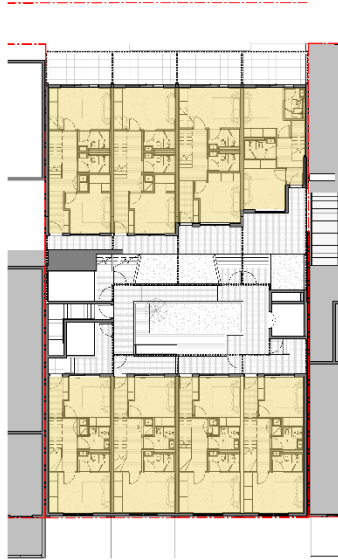
DEVELOPMENT APPLICATION

MGA
 Magnus G. Anderson
 Architect
 55 Richmond Avenue
 Surry Hills NSW 2010
 Phone: 02 9221 8000
 Email: m.g.anderson@mga.com.au
 www.mga.com.au

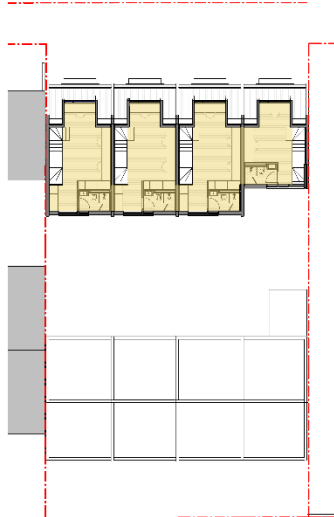
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 145-146 NORTON STREET LEICHAHART

Issue:
 100

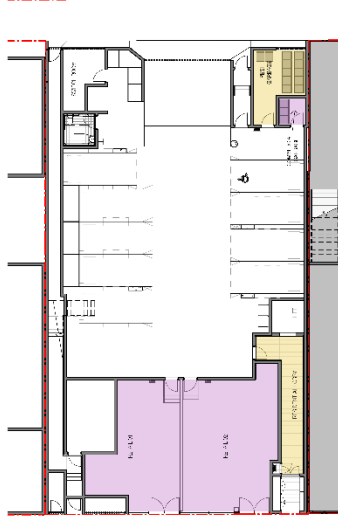
Section:
 A300



GFA LEVEL 3
RESIDENTIAL GFA 381 m²



GFA LEVEL 3
RESIDENTIAL GFA 109 m²



GFA GROUND FLOOR
RESIDENTIAL GFA 38 m²
COMMERCIAL GFA 139 m²



GFA LEVEL 2
RESIDENTIAL GFA 302 m²

Area	Area (m ²)	Area (sq ft)
Site Allowable GFA	1,147.1	12,387
Residential	789.1	8,511
Commercial/Residential	358.0	3,876
Total Residential/Residential GFA	1,147.1	12,387

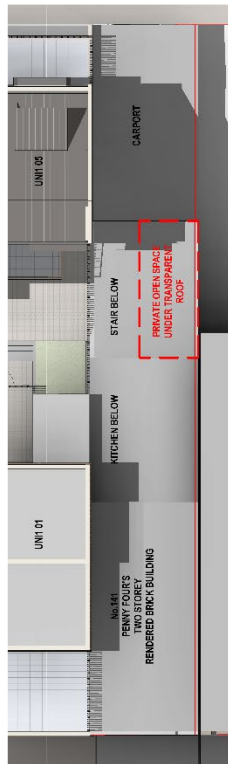
Area	Area (m ²)	Area (sq ft)
Residential	381.0	4,119
Commercial	139.0	1,491
Other	227.1	2,457
Total Commercial/Residential GFA	747.1	8,067

MGA
 MGA Group Pty Ltd
 15/17-19/199 Sturt Street
 Sturt SA 5042
 Tel: 08 8362 0088
 Fax: 08 8362 0089
 Email: info@mga.com.au
 Website: www.mga.com.au

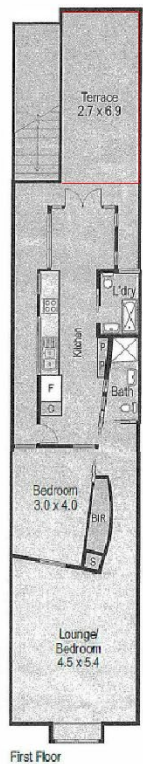
DEVELOPMENT APPLICATION
 145-146 NORTHON STREET LEICHAHART
 GFA PLAN & AREA SCHEDULES
 AS10

Issue	Date	Author	Check	Scale	Notes
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2	12/05/2024
3	15/05/2024
4	18/05/2024
5	22/05/2024
6	25/05/2024
7	28/05/2024
8	31/05/2024

Do not scale drawings. Verify all dimensions on site.



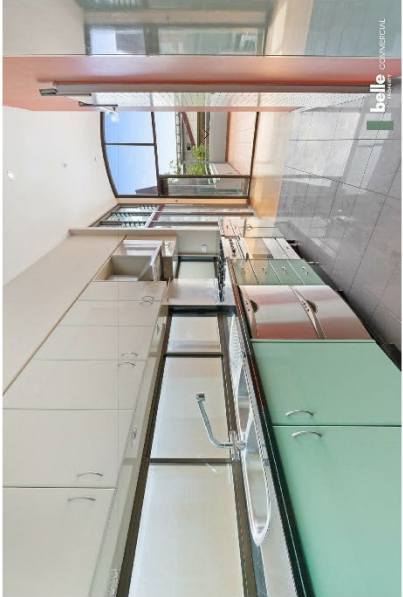
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Scale: 1:1000/84



No. 141 FLOOR PLAN PUBLISHED ON BELLE COMMERCIAL PROPERTIES WEBSITE

* BOTH APPROVED DA AND PROPOSED DEVELOPMENT SHADOW CAN ACHIEVE 2 HOUR SOLAR ACCESS TO 80% OF NO. 141 PRIVATE OPEN SPACE

PRIVATE OPEN SPACE
LOOKING FROM INTERNAL
NEW ROOF INSTALLED OVER
RECENT



KITCHEN, 11/41 MORTON STREET. PHOTO PUBLISHED ON BELLE COMMERCIAL PROPERTIES WEBSITE

NEW TRANSPARENT ROOF
INSTALLED OVER PRIVATE
OPEN SPACE



No. 141 ROOF OVER PRIVATE SPACE LOOKING FROM REAR LANE WAY. PHOTO TAKEN ON SEPTEMBER 13, 2021

MGA Spatially
20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

Issue Description

Date	By	Version	Description
01/05/2021	1	1.0	Initial Issue
01/05/2021	2	1.1	Revised Issue
01/05/2021	3	1.2	Final Issue

LEGEND

Symbol	Description
[Red dashed line]	Private Open Space
[Green area]	Carport
[Grey area]	Stair
[Blue area]	Kitchen
[Yellow area]	Bedroom
[White area]	Lounge
[Blue area]	Bath
[White area]	Utility
[Grey area]	Terrace

MGA
Mortgage Guarantee Agency
145-146 MORTON STREET LEICHHARDT
Sydney, NSW 1585
1800 000 000
www.mga.com.au

POSTED 23 SEP 2021 12:00PM
Date: 23/09/2021 12:00PM
Title: Private Open Space
No. 141 PRIVATE OPEN SPACE
A910



WINTER SOLSTICE - 21 JUNE 0900
APPROVED DA (D0018427) - 0% OF No. 44 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS
PROPOSED DEVELOPMENT - 0% OF No. 44 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS

APPROVED DA (D0018427) SHADOW ON No. 44 NORTON STREET & No. 23 SHORT STREET PRIVATE OPEN SPACE
 BOTH APPROVED DA AND PROPOSED DEVELOPMENT SHADOW CAN ACHIEVE 2 HOUR SOLAR ACCESS TO 50% OF No. 44 PRIVATE OPEN SPACE

NO OVERSHADOWING IMPACT ON No. 23 SHORT STREET PRIVATE OPEN SPACE BEFORE 2PM. REDUCED SHADOWS SET FROM 2PM

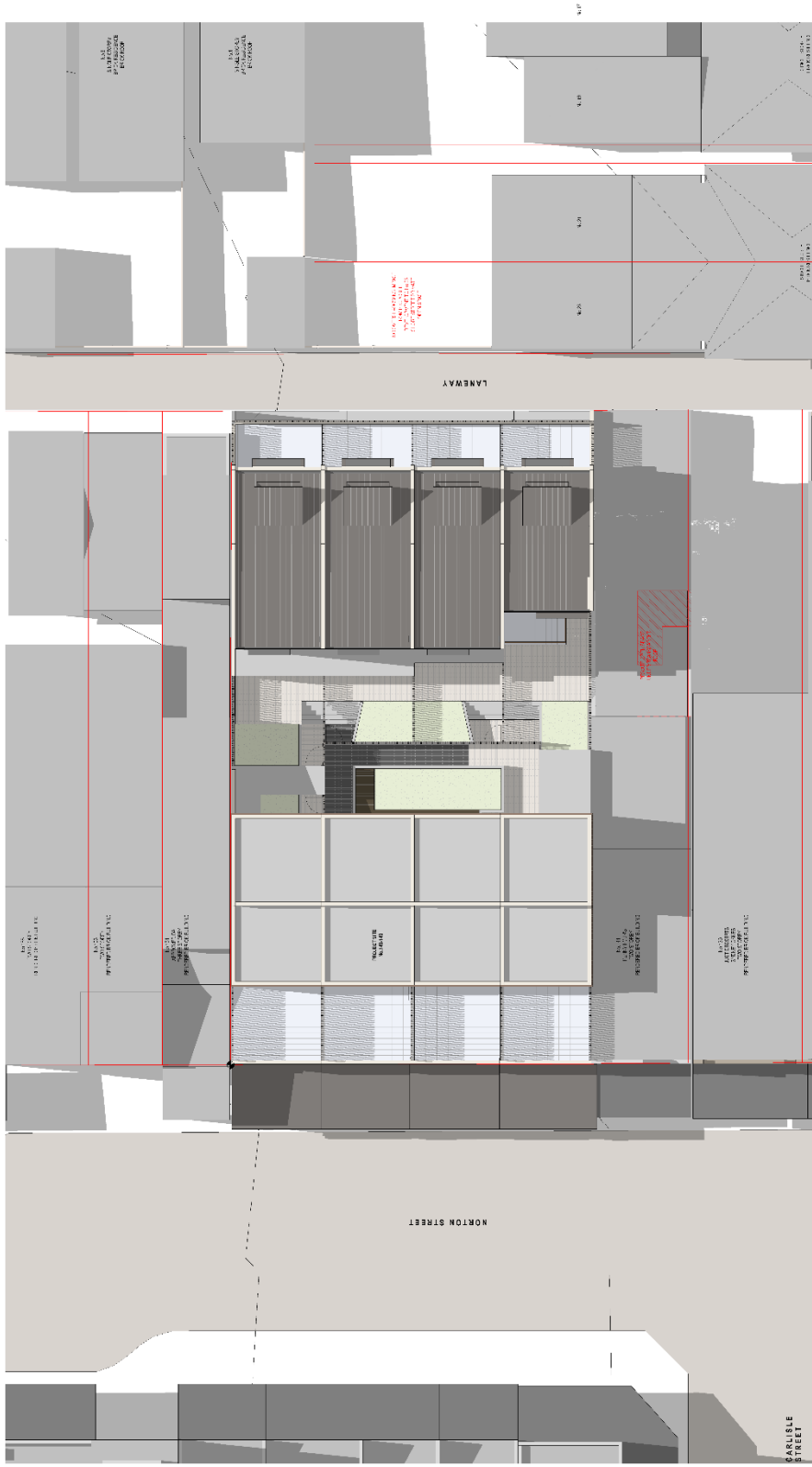
LEGENDS

Code	Description	Date
D1	APPROVED DA (D0018427)	01/05/2022
D2	PROPOSED DEVELOPMENT	01/05/2022
D3	APPROVED DA (D0018427) - 0% OF No. 44 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS	01/05/2022
D4	PROPOSED DEVELOPMENT - 0% OF No. 44 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS	01/05/2022
D5	NO OVERSHADOWING IMPACT ON No. 23 SHORT STREET PRIVATE OPEN SPACE BEFORE 2PM. REDUCED SHADOWS SET FROM 2PM	01/05/2022

MGA
 MGA Group Pty Ltd
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 Website: www.mga.com.au

DEVELOPMENT APPLICATION
 145-146 NORTON STREET LEICHHARDT
 DETAILED SHADOW DIAGRAM No. 44 & No. 23 - 0900
 Date: 21 June 2022
 Drawn: J. Taylor
 Scale: 1:500
 Project: A911



APPROVED DA (00019427) - SH. OF NO. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS
 PROPOSED DEVELOPMENT - SH. OF NO. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS
 SOLAR ACCESS TO SH. OF NO.141 PRIVATE OPEN SPACE
 NO OVERSHADOWING IMPACT ON NO.23 SHIRT STREET PRIVATE OPEN SPACE BEFORE 9PM
 REDUCED OPEN SPACE BETWEEN PLANS

Issue description
 1. Assessment of solar access
 2. Assessment of solar shading

DATE: 05/05/2024
 PROJECT: 141/23 SHIRT STREET
 CLIENT: MORTON & CARR
 LOCATION: 141 & 23 SHIRT STREET, WEST WILSON

WINTER SOLSTICE - 21 JUNE 1200
 APPROVED DA (00019427) - SH. OF NO. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS
 PROPOSED DEVELOPMENT - SH. OF NO. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS

LEGEND

DATE	DESCRIPTION	BY
05/05/2024	ISSUE DESCRIPTION	1
05/05/2024	ASSESSMENT OF SOLAR ACCESS	2
05/05/2024	ASSESSMENT OF SOLAR SHADING	3
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	4
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	5
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	6
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	7
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	8
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	9
05/05/2024	ASSESSMENT OF SOLAR ACCESS AND SHADING	10

1. Issue description
 2. Assessment of solar access
 3. Assessment of solar shading
 4. Assessment of solar access and shading
 5. Assessment of solar access and shading
 6. Assessment of solar access and shading
 7. Assessment of solar access and shading
 8. Assessment of solar access and shading
 9. Assessment of solar access and shading
 10. Assessment of solar access and shading

MGA
 Merrett Group Architects
 Level 20, 250 George Street, Sydney, NSW 2000
 Phone: 02 9233 1111
 Email: info@merrettgroup.com.au
 Project: 141 & 23 SHIRT STREET, WEST WILSON
 Date: 05/05/2024
 Scale: 1:500
 Draw: T1 - Section 14
 Sheet: A014
 DEVELOPMENT APPLICATION
 141 & 23 SHIRT STREET, WEST WILSON
 DETAILED SHADOW DIAGRAM ON No. 141 & No. 23 1200



WINTER SOLSTICE - 21 JUNE 1900
 APPROVED DA (D0019427) - 7% OF No. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS
 PROPOSED DEVELOPMENT - 7% OF No. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS

APPROVED DA (D0019427) SHADOW ON No. 141 MORTON STREET & No. 23 SHORT STREET PRIVATE OPEN SPACE
 BOTH APPROVED DA AND PROPOSED DEVELOPMENT SHADOW CAN ACHIEVE 2 HOUR SOLAR ACCESS TO 50% OF No. 141 PRIVATE OPEN SPACE

NO OVERSHADOWING IMPACT ON No. 23 SHORT STREET PRIVATE OPEN SPACE BEFORE 2PM.
 REDUCED SHADOWS BETWEEN 2PM

LEGENDS

Code	Description	Date
D1	APPROVED DA (D0019427)	01/05/2022
D2	PROPOSED DEVELOPMENT	01/05/2022

MGA Studio
 2/175 Sturt Street
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 www.mga.com.au



Michael G. Adams
 Surveyor
 145-146 MORTON STREET LEICHHARDT
 No. 23 - 1300
 No. 141 - 1300

Issue: 2022-01-22 PM
 Date: 21 June 2022
 Project: 145-146 MORTON STREET LEICHHARDT
 No. 23 - 1300
 No. 141 - 1300

AS16



WINTER SOLSTICE - 21 JUNE 1000
APPROVED DA (D0018427) SHADOW ON 141 NORTON STREET & NO. 23 SHORT STREET PRIVATE OPEN SPACE
PROPOSED DEVELOPMENT - SHA OF No. 141 PRIVATE OPEN SPACE RECEIVES DIRECT SOLAR ACCESS
 BOTH APPROVED DA AND PROPOSED DEVELOPMENT SHADOW CAN ACHIEVE 2 HOUR SOLAR ACCESS TO 30% OF NO. 141 PRIVATE OPEN SPACE
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 REDUCED SHADING AT 2:00 PM

LEGENDS

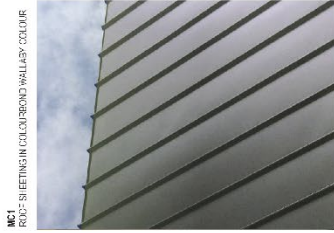
DATE	ISSUE	ISSUE DESCRIPTION
21/06/22	D	APPROVED DA (D0018427) SHADOW ON 141 NORTON STREET & NO. 23 SHORT STREET PRIVATE OPEN SPACE
05/05/20	E	APPROVED DA (D0018427) SHADOW ON 141 NORTON STREET & NO. 23 SHORT STREET PRIVATE OPEN SPACE

MGA Studio
 2017-2022
 Studio for Architecture, Urban Planning & Landscape Architecture
 10/150 Pitt Street, Sydney NSW 1513
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Michael G. Anishkin
 Project Architect
 145-149 NORTON STREET LEICHHARDT
 Sydney, NSW 1513 (02) 9231 5050
 www.mgastudio.com.au
 15/06/22 2:12 PM
 Date: 21/06/22
 Title: Report 1a
 Project: A917

DEVELOPMENT APPLICATION
 No. 23 - 1400



M01 ROOF SHEETING IN 'DARK BROWN' WALLASY' COLOUR



CORNER WINDOW IN ROOF



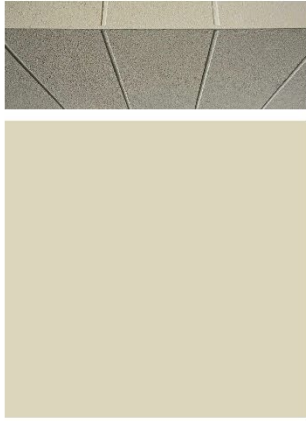
PREFORMED AWNING



AN11 METAL CLADDING/AWNING TO MATCH ROOF IN WARM GREY COLOUR



AN12 POWDER COATED ALUMINIUM PANELS TO MATCH WINDOWS AND FENCE - WARM GREY - SIMILAR TO APPROVED DA (D027BK47)



AN13 POWDER COATED ALUMINIUM PANELS TO MATCH WALL WITH SIMILAR TO APPROVED DA (D027BK47)

MGA Sydney
2019
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Item Description

- 1. External Wall Cladding - Warm Grey

Item

Item	Description	Quantity	Unit
1	External Wall Cladding - Warm Grey	100	m ²
2	External Wall Cladding - Warm Grey	100	m ²
3	External Wall Cladding - Warm Grey	100	m ²
4	External Wall Cladding - Warm Grey	100	m ²
5	External Wall Cladding - Warm Grey	100	m ²
6	External Wall Cladding - Warm Grey	100	m ²
7	External Wall Cladding - Warm Grey	100	m ²
8	External Wall Cladding - Warm Grey	100	m ²
9	External Wall Cladding - Warm Grey	100	m ²
10	External Wall Cladding - Warm Grey	100	m ²

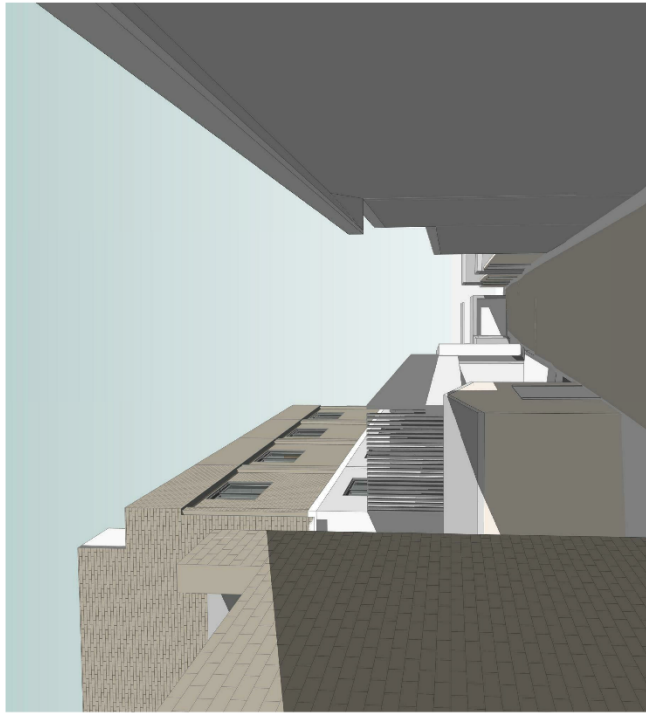
Legend

Item	Description	Quantity	Unit
1	External Wall Cladding - Warm Grey	100	m ²
2	External Wall Cladding - Warm Grey	100	m ²
3	External Wall Cladding - Warm Grey	100	m ²
4	External Wall Cladding - Warm Grey	100	m ²
5	External Wall Cladding - Warm Grey	100	m ²
6	External Wall Cladding - Warm Grey	100	m ²
7	External Wall Cladding - Warm Grey	100	m ²
8	External Wall Cladding - Warm Grey	100	m ²
9	External Wall Cladding - Warm Grey	100	m ²
10	External Wall Cladding - Warm Grey	100	m ²

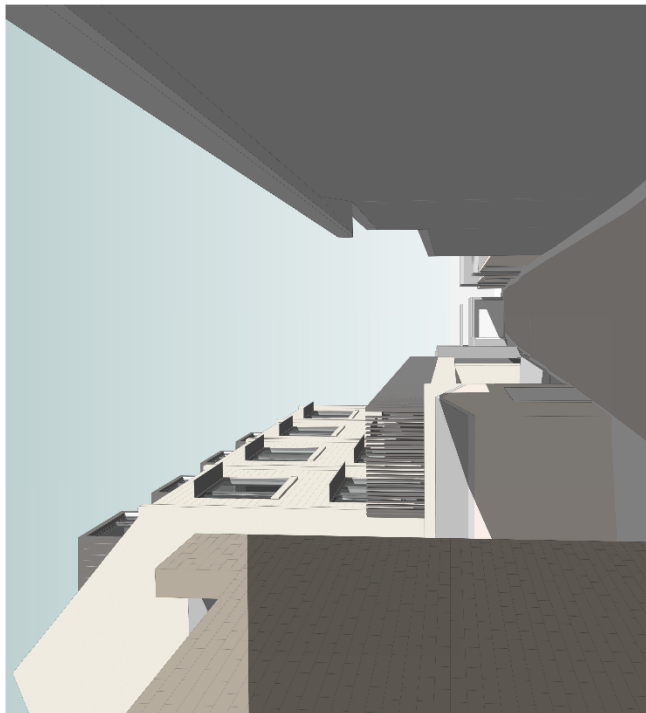
MGA
Metropolitan Governance Authority
Sydney, NSW 2000
Phone: (02) 9550 2000
Email: info@mga.nsw.gov.au

DEVELOPMENT APPLICATION
155-16 DORTON STREET LEICHADET
FINISHES SCHEDULES
A850

2023-05-18 PM 11:38 AM
Date: 11/04/2023



APPROVED DA (D2/018/427)
VIEW FROM MID-POINT AT THE CORNER OF SHORT STREET AND LANEWAY



PROPOSED
VIEW FROM MID-POINT AT THE CORNER OF SHORT STREET AND LANEWAY

mga
Merrill G. Anderson
145-146 Norton Street Leichhardt
Sydney, NSW 1535
02 9550 0988
info@merrillganderson.com.au

DEVELOPMENT APPLICATION
145-146 NORTON STREET LEICHDARDT
LANEWAY VIEW

Project: A980
Date: 20/01/18
Author: [Name]
Reviewer: [Name]

Issue	Description	Date	By	Status
1	Initial Design	20/01/18	[Name]	Open
2	Design Development	20/01/18	[Name]	In Progress
3	Final Design	20/01/18	[Name]	Completed

LEGEND

Code	Description
1	Proposed Building
2	Existing Building
3	Proposed Laneway
4	Existing Laneway
5	Proposed Street
6	Existing Street
7	Proposed Footpath
8	Existing Footpath
9	Proposed Greenery
10	Existing Greenery

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Attachment D – Statement of Heritage Significance

Godden Mackay Logan

Area 4 Wetherill Estate Conservation Area

Landform

The area is predominantly on the Norton Street ridge, and falling gently towards the north and Balmain Cemetery, now Pioneers Park.



Figure 4.1 Wetherill Estate Conservation Area Map.

History

This conservation area falls within the Wetherill Estate which was subdivided in 1875. By 1888 there were 114 buildings erected in the Wetherill Estate subdivision – 93 were of brick, 16 were of weatherboard and five were of unknown construction. The conservation area also covers a small number of allotments at the very southern end of Pioneer Park, where two very early attached single-storey cottages and some other early buildings front Allen Street. The two attached cottages could have been constructed for the caretakers of the cemetery.

Development of the area proceeded gradually, so that it was not until at least the 1930s before all the land was taken up and built upon. Some buildings along Derbyshire Road (outside the existing conservation area) have recently been demolished for new townhouses.

Sources

Information provided by Max Solling.

Significant Characteristics

- Varied character – shops and attached dwellings along Norton Street; Art Deco pub and store; large two-storey free-standing houses; single-storey double and single-fronted houses; small groups of terraces and semis; blocks of 1930s/40s flats.

Godden Mackay Logan

- Landmark and public buildings dominate the skyline and streetscape – Leichhardt Town Hall, post office and fire station.
- Streets mostly one chain wide, with some grassed verges.
- A range in age of buildings from 1870s-1930s/40s: from a pair of early joined single-storey cottages without fire walls to two Inter-War period buildings on the corner of Short Street and Balmain Road and blocks of flats. Most buildings belong to the nineteenth century.
- Brick by far the most dominant building material, used in a variety of surfaces: as plastered brick generally through the 1880s, as face brick with plaster decoration c1890s onwards and as brown or dark blue face brick into the 1930s.
- Few timber houses – Short Street is an exception.
- Roof cladding predominantly of unglazed terracotta tiles. Few slate roofs and some iron roofs.
- Simple parapeted roofs to Norton Street facades with awnings suspended over Norton Street footpaths.
- Decorative elements such as plaster mouldings, decorative glazed tiles, chimneys and Art Deco brick decoration to facades.
- Sandstone kerbs and gutters with few interruptions for access to garages.
- Fences – some original iron palisade fences and some decorative brick fences contemporary with the construction of their houses.
- Street planting of natives and deciduous trees and shrubs.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is significant for illustrating development over sixty years between 1870s-1930s and includes civic, ecclesiastical and commercial buildings and a variety of housing.
- With the adjoining Whaleyborough Estate subdivision to the west, its roads, lanes and subdivision pattern define the layout of central Leichhardt.
- It is of aesthetic significance for the landmark quality of its public buildings centred around the high land at the Marion/Norton Street corner.
- It demonstrates through its range of external finishes (first plaster, then brown face brick and blue face brick) the increasing sophistication in Sydney brick making from 1870s-1930s.
- Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.

Godden Mackay Logan

Management of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- Existing width and alignment of the streets: avoid chicanes which cut diagonally across the carriageways.
- All remaining sandstone kerbs and gutters.
- All pre-1939 buildings especially the few remaining timber houses.
- All original plaster finishes to external walls (as a rough rule of thumb this will mostly apply to pre-1890s buildings). Reconstruct where necessary.
- All original unplastered face brick external walls.
- All original external architectural detail, including verandahs, parapets and awnings, and encourage replacement of lost elements, but only where evidence is available.
- Any remaining original iron palisade or low brick fences.
- All street planting schemes. Reinstate individual trees where they have been lost.
- All existing landmark buildings in the area and their settings. Find new sympathetic uses for these buildings if the original use should be closed.

Avoid

- Demolition of any pre-1939 building especially timber buildings.
- Removal of any plaster or decorative plaster to external walls, except where it is to remove more recent plaster on face brick walls.
- Plastering and/or painting of original face brick walls.
- Alteration to the original roof form over the main part of any building, including second-storey additions to single-storey buildings.
- Additional architectural detail for which there is no evidence in the photographic record or on the building itself.
- Inappropriate fences such as high brick fences/walls, new iron palisades on high brick bases.
- Interruption of the kerb and gutter line for vehicular access.

Attachment E – Architectural Excellence Panel Minutes



**Architectural Excellence & Design Review Panel
Meeting Minutes & Recommendations**

Site Address:	143-149 Norton Street Leichhardt
Proposal:	Provide an additional storey to a DA-approved 3 storey shop top housing proposal
Application No.:	DA/2021/1067
Meeting Date:	30 November 2021
Previous Meeting Date:	-
Panel Members:	Jon Johannsen – chair, Diane Jones and Jocelyn Jackson
Apologies:	-
Council staff:	Vishal Lakhia, and Eric Wong
Guests:	-
Declarations of Interest:	None
Applicant or applicant’s representatives to address the panel:	Metropoint Group Architects – Architect for the project, and KN Planning – Urban Planner for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.
2. The Panel understands that the development application proposes to add a third storey or a fourth level above a DA that is already approved. There is an addition of approximately 190m² of new gross floor area distributed across 8 apartments provided as 'home-office' or bedroom spaces.
3. The architectural drawings provided by the applicant do not clearly explain the extent of the development application that has been previously approved through the earlier DA proposal.
4. The Panel expressed several concerns related to the spatial quality and residential amenity within the bottom three levels of the proposal. However, the Panel did not raise these concerns or offer their recommendations to the applicant at this meeting, considering the configuration within the bottom three levels was already approved as part of a former development application. Below is a high-level summary of the Panel’s concerns with the previously approved DA:
 - a. Limited activation of the ground floor;
 - b. Spatial quality of the residential entry lobby;
 - c. A lack of an accessible entry from the carpark to the ground floor retail;



- d. Constrained living and dining room widths, and constrained bedroom sizes in all apartments. The sizes are below the minimum requirements within Part 4D of the NSW Apartment Design Guide (4m for the combined living and dining area widths within 2 bedroom apartments; a minimum 3m dimension for all bedrooms);
 - e. Lack of an appropriate building separation distance between the eastern and the western buildings. The Panel notes that a constrained 9m separation is provided, despite 12m separation required by Part 2F of the NSW ADG;
 - f. Lack of a deep soil zone and amenity of communal open space;
 - g. Inadequate storage areas for all apartments. The proposal is not consistent with the Part 4G guidance within the NSW ADG;
 - h. Potential CPTED issues within the laneway, additionally potential issues for vehicular access and egress from the basement into the laneway;
 - i. Concern regarding a lack of compliance with the accessibility provisions within the entire proposal; and
 - j. Concern that none of the apartments appear to be 'visitable' (front doors to all apartments need to be provided with wheelchair access)
5. The Panel identifies that there is a compelling need for the applicant to seek independent statutory planning advice, and additionally liaise with the Council's assessment section to clarify whether the above-mentioned concerns raised by the Panel need to be addressed by this particular development application, given the applicant has proposed an entirely new development application instead of seeking a 'Modification' to the previous approval.

Discussion & Recommendations:

Principle 1 – Context and Neighbourhood Character

"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change."

1. The Panel notes that the applicant's rationale for the 3rd storey addition is heavily based on height of the recently approved shop-top housing proposal at 160 Norton Street (located opposite the subject site). However, it is the Panel's understanding that the height for the DA-approved building at 160 Norton Street was established through site-specific DCP and LEP provisions, which is not the case for this proposal.
2. Provision of the 3rd storey on both buildings on this site takes a quasi-mansard roof form that is of concern. The Panel notes that buildings with such forms are not consistent with the typical built form character of the area, and this would be visible from a range of locations.

Principle 2 – Built Form and Scale

"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."

1. The Panel considers that the 3rd storey addition over the western building addressing Norton Street is problematic, as these additions will be highly visible from the surrounding public domain, particularly within the main streetscape. In the Panel's view, the top floor additions are not of a 'recessive nature' (as described by the applicant at the meeting).

INNER WEST

2. It is also the Panel's view that the 3rd storey addition to the eastern building addressing the laneway should only be supported if the proposal establishes consistency with the guidance offered within Parts 2F – building separation and 3F.5 zone transition of the ADG. The Panel notes that there are low density dwelling houses on properties located further to the east of the laneway within the General Residential zone that have a floor space ratio of 0.5:1. Therefore, a suitable built form transition is required. It is further noted that a 9m building separation distance will be required for the proposal measured from the centre of the lane.
3. The extent of large west-facing glazed openings are problematic due to potential thermal loading issues, given the lack of sun protection for these windows.

Principle 3 – Density

"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population."

Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."

No discussion

Principle 4 – Sustainability

"Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation."

1. The Panel recommends the applicant should avoid use of 'Monument' coloured metal sheet cladding and select a material with lighter colour and a solar absorptance (SA rating) equal to or below 0.69.
2. The Panel recommends review of the use of awning windows that restrict air flow for cross ventilation.
3. The Panel was advised by the applicant that all apartments would be air-conditioned and that the condensers would be located on balconies and screened. Location of this plant and screening is not shown on the drawings and cannot be assessed in this design review.
4. To help minimize energy consumption the Panel would also recommend inclusion of ceiling fans to all living areas and bedrooms, and integration of solar p/v panels for electricity use in communal areas.

Principle 5 – Landscape

"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood"

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."

No discussion

Principle 6 – Amenity

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being."

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."

Refer comments offered within the *Background* section of this Report.

**Principle 7 – Safety**

“Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.”

No discussion

Principle 8 – Housing Diversity and Social Interaction

“Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.”

No discussion

Principle 9 – Aesthetics

“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.”

Refer comments and recommendations within *Principle 2 – Built Form and Scale*

Conclusion:

The Panel does not support the proposal and recommends that the design be amended in-line with the recommendations offered within this Report. Moreover, the proposal also needs to establish consistency with the guidance offered by the NSW Apartment Design Guide, particularly given the likelihood of this being considered as a new DA.

The Panel needs a second opportunity to review a revised DA proposal that responds to the concerns raised in this Report.