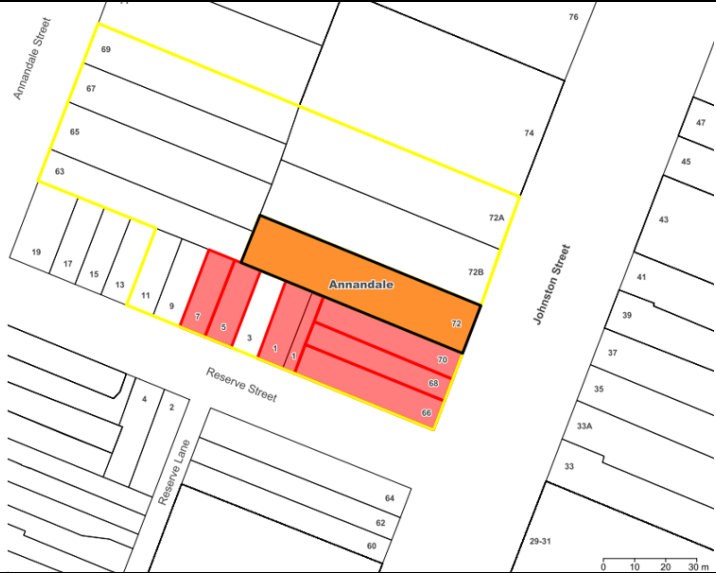




 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2023/0046
Address	72 Johnston Street ANNANDALE
Proposal	Proposed demolition of existing buildings, construction of two detached dwellings, rear studios, inground swimming pools, associated boundary fencing, new vehicle crossing, tree removal and Torrens Title subdivision into 2 lots.
Date of Lodgement	01 February 2023
Applicant	Metric Interiors & Projects Pty Ltd
Owner	Met Plus Group Pty Ltd
Number of Submissions	Initial: Nine (9)
Value of works	\$1,244,650.00
Reason for determination at Planning Panel	<ul style="list-style-type: none"> Departure with development standards variation exceeds 10%
Main Issues	<ul style="list-style-type: none"> Departure from FSR, Landscaped Area and Site Coverage Development standards Heritage conservation Johnston Street distinctive neighbourhood character Building siting and location (building envelope, building location zone, side setbacks) Tree management and protection Stormwater management Front gardens, dwelling entries and safety by design Materials and finishes Parking and vehicle access from Johnston Street Inadequate information (Clause 4.6, detailed survey, shadow diagrams, elevation plans)
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Conditions in the event of approval
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
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 the proposed demolition of existing buildings, construction of two (2) detached dwellings, rear studios, swimming pools and Torrens Title subdivision into two (2) lots at 72 Johnston Street Annandale.

The application was notified to surrounding properties and nine (9) submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Departure from FSR, Landscaped Area and Site Coverage Development standards
- Non-compliance with Heritage conservation area, Distinctive neighbourhood character and Materials and finishes objectives and requirements
- Departure from building siting and location controls (building envelope, building location zone, side setbacks)
- Loss and potential impact to significant canopy trees inconsistent with the objectives and requirements of tree management and protection controls
- Insufficient stormwater management
- Inadequate design of front gardens and dwelling entries and poor safety by design
- Car parking and vehicle access from Johnston Street (design and manoeuvrability)
- Inadequate supporting DA documentation and plans (Clause 4.6, detailed survey, shadow diagrams, north-eastern elevation of the dwelling on Lot A and the south-western elevation of the dwelling on Lot B).

The inadequacy of the supporting documentation and non-compliances with a suite of LEP and DCP objectives and controls are not acceptable on merit and therefore the application is recommended for refusal.

2. Proposal

A detailed description of the proposal is provided as follows:

- Demolition of existing dwelling, detached garage and structures
- Construction of two (2) detached two storey dwellings
- Three (3) off-street parking spaces per dwelling, including basement car parking with car lift accommodating two cars and one car at ground level within a garage,
- Basement cellar and storage
- A single (Lot B) and two storey (Lot A) detached studio with WC located at the rear
- Construction of two (2) inground swimming pools
- New shared centrally located single vehicle crossing servicing the proposed dwellings
- Associated boundary fencing
- Torrens Title Subdivision into two (2) lots.
- Excavation up to 3m to accommodate basement parking and 2m for the proposed swimming pools
- Removal of three trees, including a mature 25m Norfolk Pine in rear garden
- Subterranean rainwater tanks

3. Site Description

The subject site is located at 72 Johnston Street Annandale, located on the western side of Johnston Street and is legally described as Lot 42 in DP 1251014.

The site is regular (rectangular) in shape, falls gently towards the rear and has a primary frontage of 12.36m to Johnston Street and 57.935m side boundaries achieving a total allotment area of 719.10m².

The site supports a single storey brick dwelling with tile roof, detached brick garage at the rear with vehicular access along the southern side boundary and detached outbuilding along the rear boundary.

The adjoining properties consist of predominately a mix of single and two storey dwellings of varying architectural style including single-storey Federation dwellings, two storey Victorian era mansions and terraces and later Post-War detached houses, civic and commercial structures. There is a relatively narrow width subdivision pattern prevailing in the surrounding neighbourhood.

The subject site is not heritage listed however is located within the Annandale Heritage Conservation Area (HCA). The site is adjacent to heritage listed items on the eastern side of Johnston Street and within the adjacent streetscape as follows:

- “Norton House”, including interiors, at 33 Johnston Street, Annandale (I36)
- House, including interiors, at 35 Johnston Street, Annandale (I37)
- House, including interiors, at 39 Johnston Street, Annandale (I38)
- House, including interiors, at 41 Johnston Street, Annandale (I39)
- Street trees—Brush Box, Johnston Street (I66).

The following trees are located on the site and within the vicinity:

- *Lophostemon confertus* (T1-Brush Box) within the street frontage (heritage listed)
- *Citrus* (T2 – Citrus Tree) located in the rear garden
- *Toona australis* (T3 – Red Cedar) – located on the southern neighbouring property
- A mature *Araucaria heterophylla* (T4 – Norfolk Island Pine) located at the rear of the site
- *Laurus nobilis* (T5 – Bay Tree) located in the rear garden
- Two (2) x *Camellia Sasanqua* (T6 and T7 – Camellia) located in the rear garden
- *Viburnum* sp. (T8 – Viburnum) located in the front setback of the northern adjoining property

The subject is not identified as flood affected. The site falls within the ANEF 20-25 contours.



Figure 2 – Aerial map of subject and surrounding properties (subject site outlined in yellow)



Figure 3 – Streetscape view of subject site

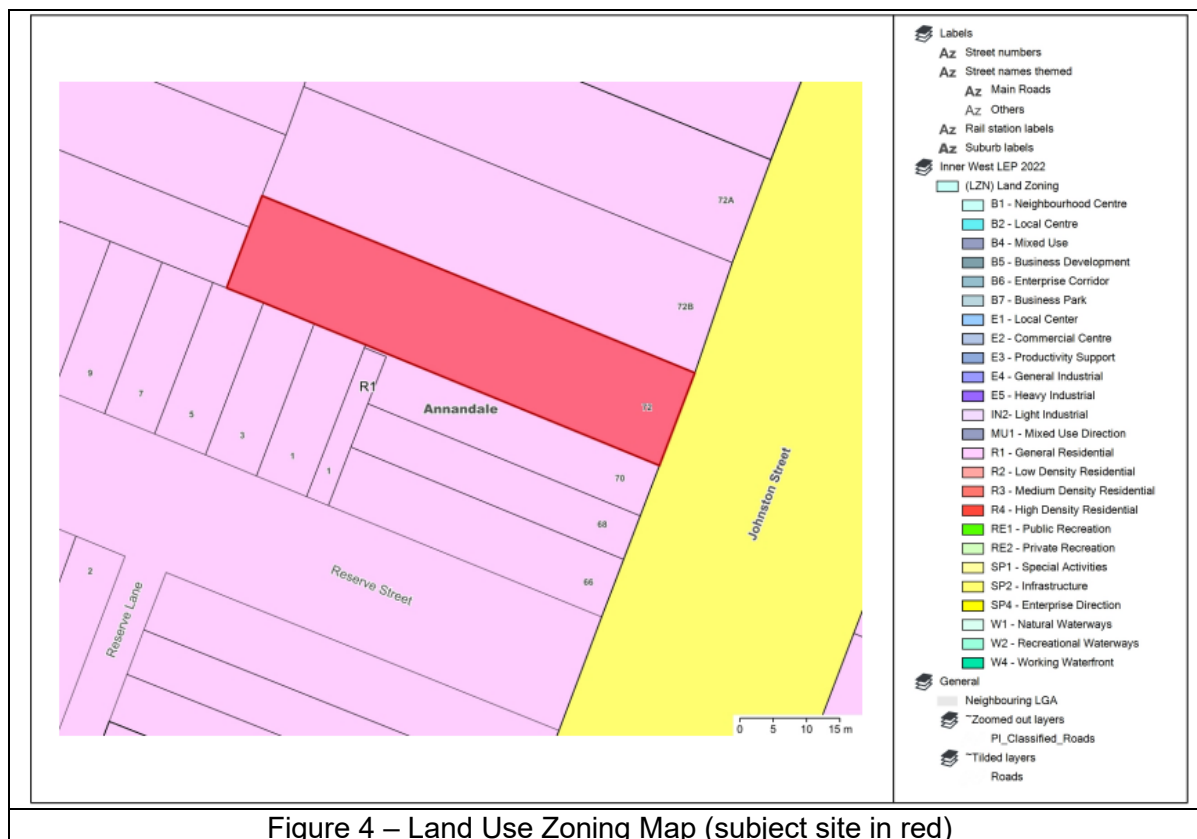


Figure 4 – Land Use Zoning Map (subject site in red)

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
PDA/2021/0324	Demolition of dwelling and existing structures	Advice Issued – 19/10/2021

Surrounding properties

70 Johnston Street

Application	Proposal	Decision & Date
D/2006/556	Alterations and additions to existing dwelling	Approved – 22/11/2006

72B Johnston Street

Application	Proposal	Decision & Date
D/2014/613	Change of use of existing studio (ancillary to existing dwelling) to be a Secondary Dwelling / Granny Flat.	Approved – 06/01/215
M/2012/63	Modify D/2010/353 which approved	Approved – 07/05/2012

	alterations and additions to existing dwelling including alterations and additions to the rear studio. Modifications entail adjust internal layout of studio, modify external window and doors, modification to footprint.	
D/2010/353	Alterations and additions to existing dwelling including alterations and additions to the rear studio building.	Approved – 17/12/2010

4(b) Application history

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

Date	Discussion / Letter / Additional Information
5 April 2023	<p>Council wrote to the Applicant requesting to withdraw application within a 21 day period due to a number of issues warranting significant re-design, summarised as follows:</p> <p><u>Non-compliance with FSR, Landscaped area and Site Coverage development standards.</u></p> <ul style="list-style-type: none"> • As the proposal is for a complete demolition and new infill development, and the resultant lots will be unconstrained following demolition of existing structures and improvements, it is considered that there is no impediment to achieving compliance with all development standards. • Concern is raised regarding the extent of variations proposed to the development standards, which is indicative of a design that represents an overdevelopment of the subject site. <p><u>Heritage conservation area</u></p> <ul style="list-style-type: none"> • The proposed development is not compatible with its setting within the HCA. The proposed development results in unacceptable streetscape impacts and does not satisfactorily conserve the heritage significance HCA. • Although demolition is supported in theory, the proposed infill development is not considered to be sympathetic in scale, form, architectural detail, fenestration and siting to the HCA and prevailing neighbourhood character. <p><u>Re-design of infill dwellings</u></p> <p>Significant redesign of the proposed infill dwellings is required to warrant support, including the following:</p> <ul style="list-style-type: none"> • The massing of the infill dwellings must be redesigned so that the main building massing is located towards the front of the proposed lots. • The front setback must be complementary to the established setback within the street, e.g. the average of the front facades at Nos. 70 and 72B Johnston Street. • The following must be deleted form the proposal: <ul style="list-style-type: none"> - The cantilevers to the south-eastern (front) first floor elevations and to the rear of the dwelling on Lot B. The first floor facades

- must align with the ground floor facades below
- The proposed basement level car parking
- Garages within the front building form of the dwellings, including the garage stackers and basement garages;
- The fin details surrounding the gable ends to the south-eastern elevation to both dwellings;
- The numerous voids proposed between bedrooms and adjacent to stair cases and the void adjacent to the media room to the structure to the rear of the dwelling on Lot A;
- The masonry walls proposed in front of the front door entries to both dwellings, so that the entries are visible from the street;
- The angled window boxes proposed to the north-eastern elevations to the first floor;
- White powder coated aluminium horizontal louvres must be deleted where visible from the public domain; and
- The modern interpretation of a palisade front fence.
- A front balcony and first floor verandah must be added to the street. South-eastern) elevation of both dwellings. The first floor balcony must be a traditional form with a separate skillion roof pitched at approximately 25 degrees sitting 300mm below the eave and gutter of the roof form above. Glazed balustrades are not supported for balconies. Balustrades must be vertical timber or steel balustrades.
- Large expanses of glass are not to be used in areas visible from the public domain. The south-eastern elevation shows large doors to the car lift areas, large glazed entry doors (D01 and D32), and large window fenestration, including triangular windows to the gables and angled window boxes to north-eastern elevations to the first floor (W14, W15, W16, W49, W50 and W51) must be redesigned so that the openings are vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame).
- The roof form above the media room on Lot A must be redesigned to either a hipped or gable roof form.
- If off-street car parking is proposed, the existing driveway adjacent to the southern boundary must be retained and incorporated into the design.
- Any proposed garages must be at ground level and will only be considered where they are located to the rear of the site behind the proposed dwellings.
- The existing iron palisade fence to the front must be retained. The orange brick base and piers must either be demolished and replaced with a sandstone plinth and piers. Alternatively, the existing base and piers may be rendered and painted in a colour sympathetic to complementary fences in the streetscape.
- The applicant is encouraged to redesign the form of the dwelling on proposed Lot B to present as single storey to ensure it complements the single storey form of the neighbouring dwelling at No. 70B to the north. A first floor concealed behind the roof space above the single storey component may be considered.

Overshadowing

- Based on the information submitted, the shadow diagrams indicate avoidable and excessive overshadowing of surrounding properties.
- Council can deduce that the overshadowing impact is a

consequence of the proposed non-compliant building siting and setbacks.

Building Siting, Setbacks and Building Envelope

- The proposal results in non-compliances with the front and rear BLZ at the ground and first floor levels and side boundary setback control graph at both side boundaries.
- Concerns are raised that the proposed building setbacks are incompatible with the pattern of surrounding development and results in adverse streetscape and adverse amenity impacts to surrounding properties.
- The dwelling on proposed Lot B does not complement the single storey form of the neighbouring dwelling at No. 70B to the north.

Community safety

- The proposal has not demonstrated the application of Crime Prevention Through Environmental Design (CPTED) principles where the ground floor dwelling entries and windows are not oriented to overlook the street.
- The front garden/dwelling entries are not clearly visible and easily identifiable from the street and does not achieve a high level of functional and visual engagement with the public realm; does not enable casual surveillance of the street and provide a high level of safety and security; is not legible and easily identified.
- The pedestrian entry is provided via the shared driveway, which is considered suboptimal.

Inadequate supporting documentation

- No Clause 4.6 has been provided to support the departures with the FSR, Landscaped area and Site Coverage development standards.
- An updated survey is required which includes:
 - Alignment & height of existing & adjoining buildings including ridge height, eaves, roof lines, windows & sill heights by survey
 - Shows spot levels across the site & relevant adjoining properties
 - Includes the location of the property boundaries, rock outcrops, driveways, fences, retaining walls, mean high water mark (where applicable).
 - Due to inadequacy of detail on the survey, the Shadow diagrams do not enable Council to undertake a comprehensive assessment of the overshadowing impact on properties where new shadows are shown to fall.
- No plans depicting the north-eastern elevation of the dwelling on Lot A and the south-western elevation of the dwelling on Lot B has been provided.

Tree Protection and Management

- The proposed development does not protect the biodiversity values of trees nor preserves the amenity of the area. In this regard, the *Araucaria heterophylla* (T4 – Norfolk Island Pine) located in the rear yard contributes significantly to the amenity of the surrounding properties and its removal is not supported.
- The application has not demonstrated the design of the proposed buildings are located sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS4970

	“Protection of trees on development sites”, to ensure the tree/s’ practical retention.
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The Application was not withdrawn within the prescribed 21 day period as requested by Council and therefore the proposal is assessed in its current form with a recommendation for refusal.

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 (EPA 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*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

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

Chapter 2 Coastal management

The SEPP aims to ensure that future coastal development is appropriate and sensitive to its coastal location and category.

The proposed development will not adversely affect any coastal processes or values.

Chapter 4 Remediation of land

Section 4.16 (1) of the 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.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council’s records. The land will be suitable for the proposed use as there is no indication of contamination.

The application involves does not involve category 1 remediation under *SEPP (Resilience and Hazards) 2021*.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5(a)(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development seeks to relocate a street light pole and meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and was referred to Ausgrid for comment for 21 days on the 2nd February 2023. Ausgrid has raised no objections and their recommendations would be included in the event of an approval. Notwithstanding the application is recommended for refusal with regard to other concerns as raised elsewhere in this assessment report.

Development with frontage to classified road

In considering Section 2.118(2) of *SEPP (Transport and Infrastructure) 2021*:

Vehicular access to the two new dwellings is provided by Johnston Street (classified road) and is not considered practical or safe in its current form. The design may adversely impact the safety, efficiency, and ongoing operation of the classified road. Vehicles are to enter and exit the site in a forward direction and be wholly contained on site before being required to stop.

A referral has been made to TfNSW and their recommendations would be included in the event of an approval. Notwithstanding the application is recommended for refusal with regards to other concerns as raised elsewhere in this assessment report.

The impacts of traffic noise or vehicle emissions have not been considered in the submitted Acoustic Report (which addresses aircraft noise only). Notwithstanding, measures to ameliorate potential traffic noise or vehicle emissions have been included within the development, including providing sufficient spatial separation from the street to noise sensitive rooms such as bedrooms.

Excavation in or immediately adjacent to corridors

The development involves excavation to a depth of at least 3m below ground level (existing) and is located within an area subject to which Section 2.121 of *SEPP (Transport Infrastructure) 2021* applies. A referral has been made to TfNSW who raise no objection in this regard subject to the imposition of conditions. Notwithstanding the application is recommended for refusal with regard to other concerns as raised elsewhere in this assessment report.

5(a)(iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of vegetation from within the site and may impact on trees located on neighbouring properties and within the street reserve (heritage listed Brush Box). The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

- The removal of the mature *Araucaria heterophylla* (T4 – Norfolk Island Pine) tree located at the rear of the site is not supported. This tree provides approx. 120 m² of canopy cover and contributes to the amenity of the surrounding area.
- The Arboricultural Impact Assessment report prepared by L&Co and dated 1 December 2022 has been reviewed. In the report it is incorrectly stated that 'Tree 4 is located within 2m of an existing garage/dwelling and is therefore exempt from the Council's tree management controls under Clause 5.2 of the Tree Management DCP (2020)'. The tree is not located with 2 metres of a dwelling or garage (the criteria in the DCP) rather it is located within 2 metres of a secondary dwelling/shed at the rear of the site.
- Notwithstanding the fact that the tree is not within the nominated setback for 'automatic approval', the notion that automatic approval can be granted is not consistent with the *Environmental Planning & Assessment Act 1979* in that it removes Council's ability to consider an application and then determine it in any way other than to approve it. This anomaly has been rectified in the current Draft DCP.
- The removal of a mature canopy tree that contributes significantly to the amenity of the surrounding properties is contrary to several Objectives and Controls in the Inner West Tree Management DCP.
- The proposal must be redesigned to ensure the viable retention of the Norfolk Island Pine tree. Any future development must also be designed to ensure the viable retention of trees on adjacent sites and must include an Arboricultural Impact Assessment (AIA) report prepared by an AQF Level 5 Arborist in accordance with AS4970 'Protection of trees on development sites' and Inner West Council's Development Fact Sheets for Trees on Development Sites and Arborist Reports.
- Should any trees to be retained require pruning the AIA must include a detailed pruning specification with images marked up of each limb to be removed and a schedule with the diameter of each limb and also a summary of the overall impact to the trees.

In accordance with the above matters, the proposal fails to protect the biodiversity values of trees, nor preserves the amenity of the area and is not considered acceptable with regard to the SEPP and C1.14 – Tree Management of the Leichhardt DCP and is therefore recommended for refusal.

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is generally consistent with these aims.

5(a)(v) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *IWLEP 2022*:

- Section 1.2 – Aims of Plan
- Section 2.3 – Land Use Table and Zone Objectives
- Section 2.6 – Subdivision
- Section 2.7 – Demolition requires development consent
- Section 4.1 – Minimum subdivision lot size
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.4A – Exception to maximum floor space ratio for active street frontages
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.4 – Terrestrial biodiversity
- Section 6.8 – Development in areas subject to aircraft noise

Section 1.2 – Aims of Plan

The proposal does not meet aims 1.2 (b), (g), (h) & (i) of the *IWLEP 2022* as follows:

- The proposal does not conserve and maintain the natural, built and cultural heritage and the proposed development is not compatible with the surrounding HCA.
- The proposal does not create a high-quality urban place through the application of design excellence in all elements of the built form.
- The proposal will result in adverse impacts to neighbouring properties (overshadowing, bulk and scale) and the local character of the Johnston Street Distinctive neighbourhood.
- The proposal will result in the loss of a significant canopy tree and other vegetation on the site which contributes to the amenity of the area and landscape setting.

Section 2.3 Land Use Table and Zone Objectives

The site is zoned LR1 – General Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as follows:

“dwelling house means a building containing only one dwelling.”

The development, including ancillary structures and Torrens title subdivision, is permitted with consent within the land use table.

Whilst a permissible form of development in the zone, the proposal is not consistent with the objectives of the R1 zone as it fails to provide residential development that maintains the character of built and natural features in the surrounding area.

As the proposal does not meet the zone objectives, the application cannot be supported and is recommended for refusal.

Section 4 Principal Development Standards

The following table provides an assessment of the application against the development standards:

Standard	Proposal	Non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200 sqm	Lot A – 358 sqm	N/A	Yes
	Lot B – 361 sqm	N/A	Yes
Floor Space Ratio Maximum permissible: 0.7:1 or 250.7 sqm (Lot A), 252 sqm (Lot B)	Lot A – 0.84:1 or 300 sqm	49.7 sqm or 19.8%	No
	Lot B – 0.89:1 or 321.9 sqm	69 sqm or 27.32%	No
Landscape Area Minimum permissible: 20% or 71.6 sqm (Lot A), 72.2 sqm (Lot B)	Lot A – 17.28% or 61.9 sqm	9.7sqm or 13.6%	No
	Lot B – 13.48% or 48.7 sqm	23.5 sqm or 32.6%	No
Site Coverage Maximum permissible: 60% or 215 sqm (Lot A), 216.7 sqm (Lot B)	Lot A – 70.16% or 251.3 sqm	36.4 sqm or 16.94%	No
	Lot B – 61.6% or 222.5 sqm	5.8 sqm or 2.68%	No

Section 4.6 Exceptions to Development Standards

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

- Cl.4.3C – Landscape areas for residential accommodation in Zone R1
 - Cl.4.3C (3)(a) – Landscaped Area
 - Cl.4.3C (3)(b) – Site Coverage
- Cl.4.4 – Floor Space Ratio

Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has not been submitted to Council in accordance with Section 4.6(4)(a)(i) of the IWLEP 2022 justifying the proposed contravention of the development standards.

In the absence of a formal Section 4.6 variation request, an assessment in order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance has not been able to be undertaken against the objectives and provisions of Section 4.6 of the *IWLEP 2022*.

Council is unable to approve an application without such formal request and thus the proposal is recommended for refusal.

Notwithstanding the above, as the land will be unconstrained following demolition of existing dwellings and structures, there is no impediment to achieving compliance with all applicable development standards.

Furthermore, the excessive gross floor area (GFA) and site coverage is directly contributing to other non-compliances under the LDCP 2013. These include unreasonable overshadowing and bulk and scale impacts.

The extent of variations proposed to the development standards is indicative of a design that represents an overdevelopment of the subject site.

Accordingly, Council does not support a Section 4.6 request to vary the FSR, Landscaped Area and Site Coverage development standards for the proposed development in its current form.

Section 5.10 – Heritage conservation

The subject property is a neutral dwelling located within the Annandale Heritage Conservation Area (HCA) (C1 in Schedule 5 of the *IWLEP 2022*). The subject site is located within the vicinity of the following heritage items:

- “Norton House”, including interiors, at 33 Johnston Street, Annandale (I36)
- House, including interiors, at 35 Johnston Street, Annandale (I37)
- House, including interiors, at 39 Johnston Street, Annandale (I38)
- House, including interiors, at 41 Johnston Street, Annandale (I39)
- Street trees—Brush Box, Johnston Street (I66).

Demolition

The proposed demolition is generally acceptable from a heritage perspective as the demolition of the neutral building will not detract from the heritage significance of the HCA or the heritage items in the vicinity of the subject site. Notwithstanding, in the event of an approval, it is recommended that an archival photographic record be undertaken prior to the demolition of the existing dwelling.

Subdivision

The proposal seeks to Torrens title subdivide the existing allotment. The proposed subdivision is consistent with the prevailing narrower width subdivision pattern in the streetscape. The proposed Torrens title subdivision is acceptable, in principle, in this instance, however the proposed infill development must respond appropriately to the site’s setting within the HCA.

Infill dwellings

The proposed infill dwellings are not acceptable from a heritage perspective as it will detract from the heritage significance of the HCA for the reasons (in-summary) below:

- The massing of the dwellings, with the small, segregated building form to front of the site comprising the car lift at the ground floor and master bedroom, ensuite and WIR at the first floor with a “link” to the main building form behind is unsympathetic of dwellings in the streetscape and HCA.

- The proposed garages to the front, ground floor of both dwellings is not supported as garages to the front of building forms is not sympathetic to characteristic detail in the HCA.
- The proposal includes numerous voids between bedrooms and adjacent to stair cases and the void adjacent to the media room to the structure to the rear of the dwelling on Lot A. These are not supported as they unnecessarily add to the excessive bulk of the infill dwellings.
- The fin detail surrounding the gable ends to the south-eastern elevation to both dwellings is not supported as this is not a complementary detail to characteristic dwellings in the streetscape or the HCA.
- The proposed infill dwellings include cantilevers to first floors to front elevation and to the rear. Cantilevered and recessed floor levels are not complementary to the character of the HCA.
- Excessive excavation is proposed to accommodate the basement parking, wine cellars and storage and swimming pools. This is not supported as it is not characteristic of the construction of contributory dwellings in the HCA.
- The dwellings should be redesigned so they contain a front balcony and first floor verandah to the street south-eastern) elevation to ensure the front elevations include a verandah and balcony form which is characteristic to the street.
- The front setback of the infill dwellings is proposed to be the same as the two-storey terrace to the south at No. 70. This is not supported as it is well forward of the front setback of the adjoining dwelling at No. 70B.
- The roof form above the media room on Lot A must be redesigned to either a hipped or gable roof form.
- The south-eastern elevation shows large doors to the car lift areas, large, glazed entry doors (D01 and D32), and large window fenestration, including triangular windows to the gables and angled window boxes to north-eastern elevations to the first floor (W14, W15, W16, W49, W50 and W51). The proposed window forms, dimensions are not supported as they are not characteristic of complementary windows in the HCA.

With consideration of the above, the proposal will not meet the objectives and controls of 5.10 (1)(b) of the *IWLEP 2022* where the proposed development results in unacceptable streetscape impacts and does not satisfactorily conserve the heritage significance HCA.

Section 6.2 – Earthworks

The proposal seeks to undertake excavation up to 3m to accommodate the basement parking and storage and up to 2m to accommodate the proposed swimming pools. The application is supported by a Geotechnical Report which provides recommendations illustrating it is capable of achieving the objectives of Section 6.2.

Section 6.8 – Development in areas subject to aircraft noise

The site falls within the ANEF 20-25 contour. The proposal has been supported by an Acoustic Report addressing aircraft noise with recommendations for mitigation.

5(b) Draft Environmental Planning Instruments

There are no relevant draft EPIs pertaining to the proposal.

5(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	No – see discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
C1.6 Subdivision	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	No – see discussion
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No – see discussion
C1.12 Landscaping	No – see discussion
C1.14 Tree Management	No – see discussion
C1.21 Green Roofs and Green Living Walls	Yes
Part C: Place – Section 2 Urban Character	
C2.2.1.2 Johnston Street distinctive neighbourhood	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.5 Front Gardens and Dwelling Entries	No – see discussion
C3.6 Fences	No – see discussion
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
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	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	

E1.1 Approvals Process and Reports Required with Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	No – see discussion
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	No – see discussion

The following provides discussion of the relevant issues:

C1.0 General Provisions

As discussed elsewhere in this report, the proposal is considered to be incompatible with the streetscape with impacts exacerbated by non-compliant landscaping, site coverage, FSR, setbacks and building location zones which result in bulk and scale and overshadowing impacts to neighbouring properties.

The proposed infill development does not comply with control C9 which requires new development to make a positive contribution to the character, scale, form, siting, materials, colour and detailing within the streetscape. Subsequently, the proposal is inconsistent with objectives O3, O4 and O6 pertaining to this Part.

C1.4 Heritage Conservation Areas and Heritage Items, C2.2.1.2 Johnston Street Distinctive Neighbourhood and C3.3 Elevation and Materials

C1.4 Heritage Conservation Areas and Heritage Items

The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the Johnston Street Heritage Conservation Area.

The proposed infill building is inconsistent with the objectives and controls of C1.4 of the DCP as follows:

- O1 (i): The proposed development is not considered to be sympathetic in scale, form, architectural detail, fenestration and siting to the HCA.
- C8: The proposed development has not demonstrated the infill development respects the form, scale and sitting of the immediate area.

Refer also to Part 5(a)(v) Clause 5.10 – Heritage Conservation for detailed assessment with respect to heritage considerations pursuant to the LEP.

C2.2.1.2 Johnston Street Distinctive Neighbourhood

The development does not satisfy Objective O1 of C2.2.1.2, as it is inconsistent with the Desired Future Character and Controls for the Johnston Street Distinctive Neighbourhood as follows:

- O1 – the proposed infill development is not considered to facilitate a development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.
- C1 – The proposed development does not enhance the character and identity of the neighbourhood, whilst protecting the Heritage Conservation Area.

- C2 – The development does not maintain and enhance the scale and character of existing dwellings, which consists of mostly single storey Federation-style dwellings and two storey Victorian terraces.
- C8 – The infill development does not maintain the harmony or character of the neighbourhood by ensuring development is complementary in form and materials and does not reflect the cohesiveness of the streetscape.

C3.3 Elevation and Materials

The proposed Materials Schedule includes Natural timber battens (A) to front façade of garages, White Colorbond roofing (D), White painted FC sheeting (E) and White powder coated aluminium horizontal louvres (B). These are not acceptable on heritage grounds as they are not sympathetic to the HCA or prevailing neighbourhood character. Furthermore, white powder coated aluminium horizontal louvres are not supported where visible from the public domain.

Openings are not vertically proportioned, nor do they employ traditional design (timber sash or French doors) and materials (timber frame), and are thereby unsympathetic to the HCA.

The south-eastern elevation shows large doors to the car lift areas, large, glazed entry doors (D01 and D32), and large window fenestration, including triangular windows to the gables and angled window boxes to north-eastern elevations to the first floor (W14, W15, W16, W49, W50 and W51). The proposed window forms and their dimensions are not supported as they are not characteristic or complementary windows in the HCA.

C1.6 Subdivision

The proposal seeks to Torrens title subdivide the existing allotment. It is considered that the proposed subdivision will be generally consistent with the prevailing narrower width subdivision pattern in the neighbourhood. Although the proposed Torrens title subdivision is acceptable, the proposed new infill dwellings do not respond appropriately to the development standards in the LEP and the suite of controls in the DCP as discussed throughout this report.

C1.9 Safety by Design and C3.5 – Front Gardens and Dwelling Entries

Parts C1.9 – Safety by Design and C3.5 – Front Gardens and Dwelling Entries include objectives and controls to ensure buildings are designed, in part, to achieve a high level of functional and visual engagement with the public realm. An assessment of the proposal against the abovementioned provisions has identified the following:

- O4 – Part C1.9: The proposal has not demonstrated the application of Crime Prevention Through Environmental Design (CPTED) principles.
- C1 (a), (b) and (c) – Part C1.9: The proposed development has not been designed with regard to the surveillance, legibility and territoriality of the site.
- O1 (a), (c) and (e) – Part C3.5: The front garden/dwelling entry does not achieve a high level of functional and visual engagement with the public realm; does not enable casual surveillance of the street and provide a high level of safety and security; is not legible and easily identified.
- C1 – Part C3.5: The ground floor dwelling entries and windows are not oriented to overlook the street.
- C5 – Part C3.5: Dwelling entries are not clearly visible and easily identifiable from the street.

- C7 – Part C3.5: The proposal has not been designed with a front fence that has direct access to a safe pedestrian footpath. The pedestrian entry is provided via the shared driveway, which is considered unsafe and suboptimal.

C1.11 Parking

The suitability of the central vehicle crossing has not been demonstrated due to a lack of swept path diagrams which demonstrate the vehicles can enter the site and manoeuvre safely into the garages from the proposed central vehicle crossing and leave in a forward direction.

Furthermore, the potential loss of "on street" parking on Johnston Street as result of the new driveway has not been demonstrated due to a lack of analysis.

The proposal relies on a shared driveway to facilitate carparking access to each new dwelling. A subdivision plan showing the creation of an easement demonstrating reciprocal rights to use the shared driveway access on the sites has not been provided.

Notwithstanding the above, the proposed garages dominate the streetscape presentation where they accommodate over 70% of the frontage and due to HCA and streetscape impacts discussed elsewhere in this assessment, the proposed off-street carparking is not supported.

C1.12 Landscaping and C1.14 Tree Management

The removal of a mature canopy tree (Norfolk Pine) that contributes significantly to the amenity of the surrounding properties is contrary to several Objectives and Controls pursuant to C1.12 and C1.14 of the DCP as follows:

C12 Landscaping

- Objective 1(b) – does not contribute to the distinct landscape character within the neighbourhood and does not preserve, retain and encourage vegetation where it seeks to remove a number of trees on the site including a significant Norfolk Pine
- Objective 1(e) – does not comply with the minimum landscaped area development standard and does not maximise vegetation to regulate and increase rainwater infiltration, thereby increasing nutrient recycling and reducing surface runoff

C1.14 Tree Management

- Objective 3 - To protect trees within and adjacent to development sites and to ensure that all new development provides an opportunity for existing and new trees to grow.
- Objective 4 - To manage the urban landscape so trees continue to make a significant contribution to its quality, character and amenity.
- Objective 5 - To maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.
- Control 12 - All development proposals must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting compensatory tree/s for tree/s that are proposed for removal.
- Control 13 - The design of buildings or alterations and additions to buildings must provide sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS4970 "Protection of trees on development sites", to ensure the trees' practical retention.

C3.2 Site Layout and Building Design

Part C3.2 prescribes building location zone (BLZ), side setback and building envelope controls.

Building location zone (BLZ)

The proposal results in non-compliances with the front and rear BLZ at the ground and first floor levels and sliding side boundary setback control requirements at both side boundaries.

The proposal does not meet the preconditions of this Part in the event of a non-compliance as follows:

- The front setback is not complementary to the established setback within the street i.e. the average of the front facades at Nos. 70 and 72B Johnston Street.
- The proposed development will not be compatible with the existing streetscape, desired future character and scale of surrounding development, as discussed elsewhere in this assessment.
- The rear BLZ breach contributes to bulk and scale and overshadowing impacts to neighbouring properties and is not supported.

Side setbacks

The proposal results in non-compliances the sliding side boundary setback control requirements at both side boundaries.

The proposal does not meet the preconditions of this Part in the event of a non-compliance as follows:

- Analysis of the rear and side setbacks of buildings in the vicinity of the site indicates that the building setbacks are not commensurate to those prevailing in the streetscape.
- The bulk and scale of development has not been minimised by reduced floor to ceiling heights.
- The proposed building setbacks are incompatible with the pattern of surrounding development and contributes to adverse streetscape and adverse amenity impacts to a number of surrounding properties, including overshadowing and bulk and scale.

The proposal has not demonstrated the preconditions for departures with BLZ and minimum side setbacks and under C6 and C8 (respectively) have been met. Therefore, the proposed non-compliances are not justified.

Subsequently, the proposed development, in its current form, does not satisfy the objectives of this part, specifically:

- O2 – The proposal has not demonstrated that the proposed development is consistent with and maintains the established pattern of development.
- O3 – The proposal has not demonstrated that the new infill development has been designed with an appropriate BLZ from the front and rear boundary to protect neighbourhood features such as streetscape, private open space and solar access.
- O4 – The proposal has not demonstrated the new infill development:

- reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and Leichhardt.
- is congruent with the siting, scale and form of adjoining development
- creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of solar access, daylight, and outlook.

Building envelope

The building envelope of a building defines the maximum potential volume of a development above ground level. The subject site is located within the Johnston Street Distinctive Neighbourhood (C2.2.1.2 of the DCP) which gives an indication of the general height, form and roof form of buildings in the area. A maximum building wall height of 6m applies. The building envelope controls under Part C3.2 of the DCP provides guidance when determining an appropriate building envelope for new development.

Although compliant with the maximum 6m wall height pursuant to the Johnston Street Distinctive Neighbourhood, the dwelling on proposed Lot B does not complement the single storey form of the neighbouring dwelling at No. 70B to the north.

The building located on allotment B should be lowered to correspond with the roof height of the new building on proposed Lot A and existing building located at no. 72B Johnston Street, making allowance for topographical variation in the elevation of those buildings. A first floor concealed behind the roof space above the single storey component would be considered.

C3.6 Fences

The south-eastern (front) elevation and 3D perspectives show a modern interpretation of a palisade front fence. This is not supported in respect to the front palisade fences of the adjoining properties. The proposed front fence is not compatible or sympathetic to fences in the streetscape. Accordingly, the removal of the existing iron palisade fence to the front is not supported.

C3.9 Solar Access

Nos. 1, 3 and 5 Reserve Street are oriented perpendicular to the subject site (north/south), therefore the following solar access provisions apply:

- *C13 – Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.*
- *C15 – Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*
- *C17 – Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.*
- *C19 – Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Nos. 63 and 65 Annandale Street, and Nos. 68 and 70 Johnston Street have east west orientations, therefore the following solar access provisions apply:

- C12 – Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.
- C15 – Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.
- C18 – Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 – Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

The shadow diagrams provided do not enable Council to undertake a comprehensive assessment of the overshadowing impact on properties where new shadows are shown to fall. This is partly due to the survey provided with the application which has not provided spot levels on adjoining sites relative to AHD that are indicative of the overall site and/or that identify topographical features.

Notwithstanding, based on the solar access diagrams submitted, the proposed development has not demonstrated compliance with controls above, where it will result in additional shadows to the rear private open spaces of the southern neighbouring properties located at Nos. 5, 3 and 1 Reserve Street and No. 70 Johnston Street and potential impacts to north facing living room windows of no. 70 Johnston Street, all of which currently receive less than the required amount of solar access between 9am and 3pm during the winter solstice.

It is noted that the additional overshadowing is a result of the departures with the FSR, side setback and BLZ controls.

Accordingly, objectives O1(d) & (f) of this Part are not achieved and the proposal is recommended for refusal.

C3.10 Views

Submissions have been raised over concerns of loss of a vista to views, specifically “*district views and sky views from both the ground floor and first floor of the property [No. 70 Johnston Street]*”.

Council defers to the Planning Principle relating to view sharing established by the New South Wales Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (“*Tenacity*”) for further assessment against view loss.

The *Tenacity* principle is summarised and applied to the proposal below (photographs also appear further below):

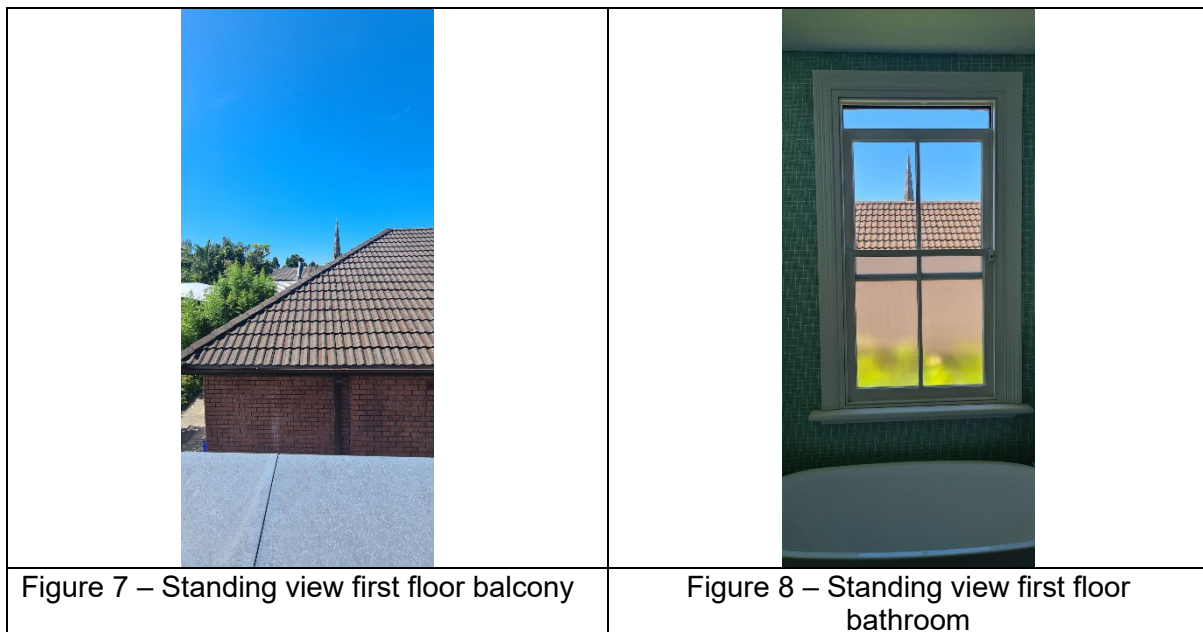
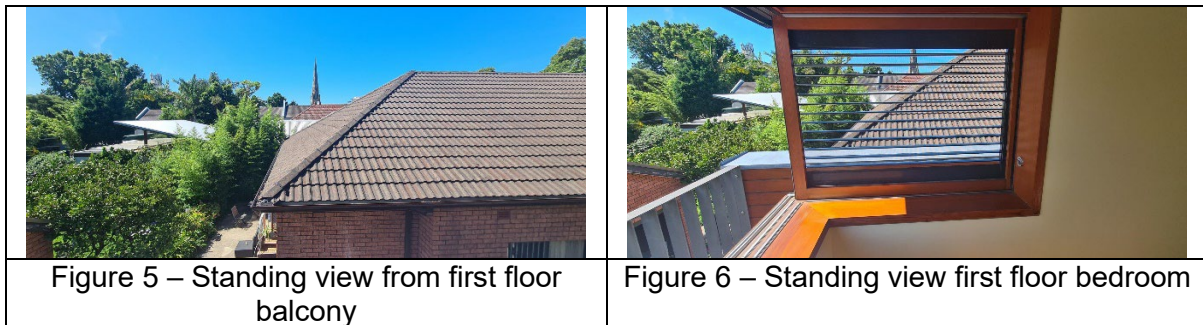
Step One – Assessment of the views to be affected. *Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

In accordance with the hierarchy of views developed under *Tenacity* the objectives and controls of Part C3.10 of the LDCP 2013 do not have consideration of vistas to views of neighbourhood features, such as a view of the sky or trees, and Council does not ordinarily consider this aspect in the assessment of view loss.

Notwithstanding, a site visit was conducted to No. 70 Johnston Street, and it was found that No. 70 Johnston Street currently has filtered/obscured views of the following building/s identified as a heritage item under the *IWLEP 2022*:

- Johnston Street, Hunter Baillie Memorial Presbyterian Church
- 35 Johnston Street, House

When considering the value of these views, it is considered the views are not highly valuable as the views are not water views and are not whole views of these buildings. The existing dwelling house at No. 72 Johnston Street obstructs most of the view of the Hunter Baillie with the steeple being the only visible building element (figure 5, 6, 7 & 8) and the view of No. 35 Johnston Street is obtained via outlook from the side passage and courtyard (figure 9 and 10).



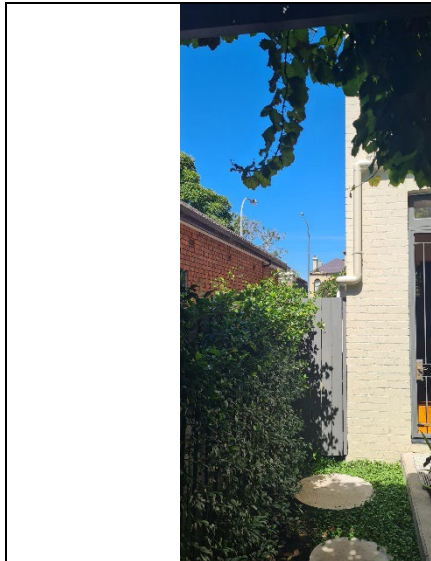


Figure 9 – Standing view from rear yard



Figure 10 – Standing view from rear yard

Step Two – Consideration from what part of the property the views are obtained. *For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from No 70 Johnston Street rely on an aspect looking primarily across the side boundary of No. 72 Johnston Street (see figure 11). The views are generally enjoyed from a standing position. Views can also be seen from a seated position at the first floor level.



Figure 11 – Views from all floors and all areas are primarily rely on a vista across a side boundary of the site.

Step Three – Assessment of the extent of the impact. *This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Factors taken into consideration in assessing the extent of the impact include the siting of the development, setbacks, proposed building heights and design of the infill buildings.

Firstly, the extent of the impact from the first floor is considered. The highest point of the finished roof ridge of the proposed infill development on both lots is RL 36.78, which is approximately 1.16m higher than the ridge of the existing dwelling of approximately RL 35.62 (using the RLs from the site survey). The primary loss of views to occur are those existing partial views of the Hunter Baillie Memorial Presbyterian Church steeple obtained from the first floor looking across the roof of the existing dwelling at No. 72 Johnston Street. For the most part, the proposed building height is interrupting the view at the first floor areas. View impacts from the first floor areas considered to be minor as existing views are obtained directly across the side boundary and are largely obstructed by the existing building.

Secondly, the extent of impact from the ground floor private open space and side courtyard is considered. The new infill development is proposed with a nil side boundary setback along the southernmost boundary. The proposed setback will partially obscure the vista looking towards the heritage listed building located at No. 35 Johnston Street. View impacts from the rear private open space and side courtyard are considered to be minor.

Step Four – Assessment of the reasonableness of the proposal that is causing the impact. *A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The Development Application proposes several non-compliances to the development controls including variations to the FSR development standard under the *IWLEP 2022* and the front and rear building setbacks and side wall height controls under the *LDCP 2013*. Even so, as has been found in the assessment under step three above, the impacts on view sharing are overall found to be minor. Importantly, the views impacted from the ground floor and first floor rely on Council protecting direct cross and side views. The expectation to retain cross and side views is unrealistic in this case and Council's DCP states that while the equitable sharing of views is desired, existing dwellings will not always be able to retain existing views across neighbouring allotments. Moreover, it is considered that a fully compliant proposal would not be enough ameliorate the view loss impacts and when posing the question whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours, the answer is considered to be no.

Following an assessment of the development against the planning principle, the overall impacts on the view of the adjoining property (No. 70 Johnston Street) is found to be minor and reasonable.

Notwithstanding the proposal is recommended for refusal on other grounds.

C3.11 Visual Privacy

Ground Floor

The ground floor rear (west) facing glazing (SD11, SD47) is orientated towards the rear private open space and any overlooking opportunities will be obscured by boundary fencing.

Openings (LV37, LV38, LV39, LV40) proposed along the south-western elevation (Lot A) and openings (D02, LV04, LV05, LV06, LV07, LV08, LV09) proposed along the north-eastern elevation (Lot B) at the ground floor level are not considered to result in adverse privacy impacts as any overlooking opportunities will be obscured by existing boundary fencing.

Overlooking opportunities from the ground floor east facing glazing (SD12, W13, SD48) servicing the detached studios on each lot will be obscured by boundary fencing.

First Floor

The rear (west) facing first floor glazing (SD30, W31, SD63, W64) serve bedrooms only and will not be used to a high volume during the day.

The proposed infill dwelling (Lot A) has been designed without windows along the south-western side elevation to prevent overlooking impacts to No. 70 Johnston Street side facing windows. New openings (W16, W17, W18, W19, W20, W21, W22, W23, W24, W25, LV26, LV27, W28, W29) proposed to the north-eastern elevation at the first floor level (Lot B) service low-use rooms (voids, bedrooms, ensuite and stairwell) and are not located opposite windows on the adjoining property at the same level. Therefore, the proposal is not considered to result in adverse visual privacy impacts and privacy mitigation measures to address overlooking are not warranted.

Concern is raised, however, regarding the new glazing (W65, LV66, LV67) to the first floor rear studio (Lot A) will provide additional overlooking opportunities to the rear private open spaces of the adjoining properties.

E1.1.3 Stormwater Drainage Concept Plan and E1.2.5 Water Disposal

The submitted Stormwater Plans are deficient with regard to demonstrating adequate drainage of the site.

Council's Engineer has reviewed the proposal and has made the following comments:

- As the site falls to the rear it is difficult to see how gravity drainage can be achieved with 1% fall to Johnston Street.
- Water disposal in must be in accordance with Section E1.2.5 (C2(d) and C4(a)).
- Stormwater runoff from as much roof area as practicable (minimum 80%) must be drained by gravity to the kerb and gutter in Johnston Street. Charged or pump out drainage systems are not permitted. The drainage of any roof and surface areas that cannot drain to the street must be designed to cause no concentration of flows or

nuisance to downstream properties. Where the above requirements cannot be met, a drainage easement over a downstream property to the street below should be sought.

- The stormwater plans do not detail existing overland flows from upstream properties and how they will be maintained or catered for in the proposed development.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in terms of impact on the streetscape, broader HCA and amenity of adjoining properties (specifically bulk and scale and overshadowing). Accordingly, the proposal is recommended for refusal.

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 (specifically bulk and scale and overshadowing). These impacts are largely contributed to the non-compliances with the principal development standards (FSR, Landscaped area and Site coverage) and suite of controls pursuant to the DCP (including BLZ and side setbacks). Therefore it is considered that the proposal constitutes an overdevelopment and the site is unsuitable to accommodate the proposal.

5(g) Any submissions

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

Nine (9) submissions were received in response to the initial notification.

The following (summarised) issues raised in submissions have been discussed in this report:

- Removal of Norfolk Pine – Discussed in Section 5(a)(iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021 and Section 5(d) C1.12 Landscaping and C1.14 Tree Management
- Overshadowing - Discussed in Part 5(c), C3.9 Solar Access
- Demolition of existing dwelling in HCA – Discussed under 5(a)(iv) Section 5.10 – Heritage Conservation
- Impact on HCA and streetscape – Discussed in Part 5(a)(iv), C5.10 Heritage Conservation
- Setbacks – Discussed in Part 5(c), C3.2 Site Layout and Building Design
- Building Location Zone – Discussed in Part 5(c), C3.2 Site Layout and Building Design
- Removal of on-street parking and driveway access – Discussed in Part 5(c) C1.11 Parking
- Breach of maximum FSR and minimum landscaped area – Discussed in Part 5(a)(iv), Section 4.6 Exceptions to Development Standards
- Bulk and scale – Discussed in Part 5(c), C3.2 Site Layout and Building Design
- Impact on streetscape – Discussed in Part 5(a)(iv), C5.10 Heritage Conservation and Part 5(d) C1.4 Heritage Conservation Areas and Heritage Items.
- View loss – Discussed in Part 5(d) C3.10 Views
- Visual privacy – Discussed in Part 5(d) C3.11 Visual Privacy

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Acoustic privacy

Comment: The proposal is residential in nature and unlikely to result in adverse acoustic privacy issues. Any equipment associated with the proposed swimming pools would be required to be located in acoustic housing and located away from noise sensitive rooms of neighbouring properties. Notwithstanding, the proposal is recommended for refusal on other grounds.

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 does not comply with a suite of LEP and DCP controls and thus is contrary to the public interest as outlined throughout this report.

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.

Referral	Comment
Engineering	Recommended refusal for the reasons outlined under Section 5(d) C1.11 Parking and E1.1.3 - Stormwater Drainage Concept Plan.
Heritage	Recommended refusal for the reasons outlined under Section 5(a)(v), Clause 5.10 – Heritage Conservation and Section 5(d) C1.4 Heritage Conservation Areas and Heritage Items.
Urban Forest	Recommended refusal for the reasons outlined under Section 5(a)(iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021, Section 5(d) C1.12 Landscaping and C1.14 Tree Management

6(b) External

The application was referred to the following external bodies:

Referral	Comment
Ausgrid	A referral to Ausgrid was issued on the 2 February 2023. Ausgrid has raised no objections and their recommendations would be included in the event of an approval.
TfNSW	Raised no objections for the proposed development and provided concurrence under section 138 of the <i>Roads Act 1993</i> and in accordance with clauses 2.119 and 2.121 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , subject to general and specific terms of approval.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area.

8. Conclusion

The proposal does not comply with the aims, objectives and development standards contained in the *Inner West Local Environmental Plan 2022* and suite of controls provided in the Leichhardt Development Control Plan 2013.

The development will result in significant impacts on the amenity of the adjoining properties, the streetscape and HCA and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

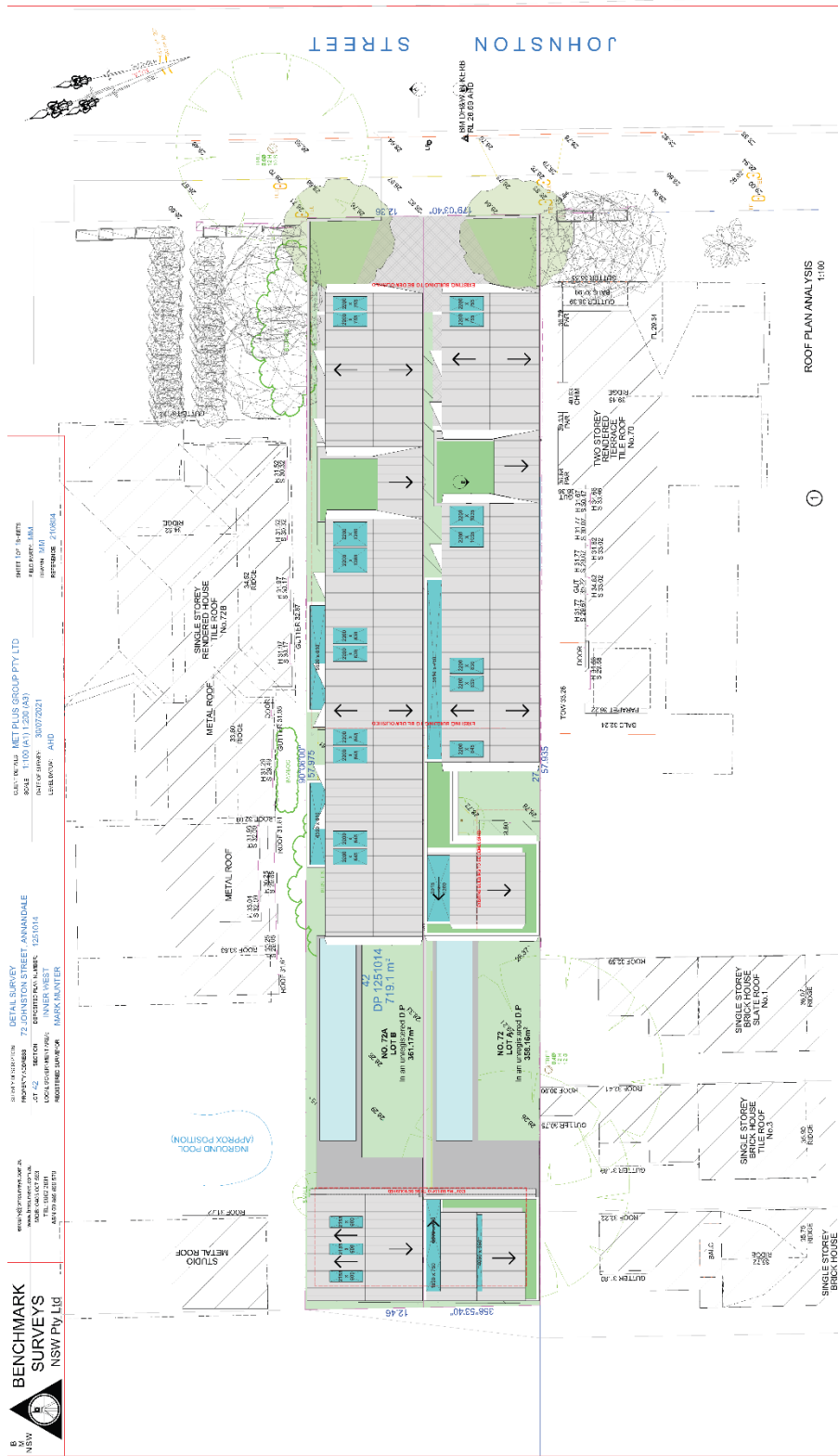
That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2023/0046 for proposed demolition of existing buildings, construction of two detached dwellings, outbuildings, inground swimming pools and Torrens Title subdivision into 2 lots at 72 Johnston Street, Annandale, for the reasons outlined in Attachment A.

Attachment A – Reasons for refusal

1. The proposed development has not demonstrated compliance with the State *Environmental Planning Policy (Biodiversity and Conservation) 2021* where Council does not support the removal of the mature *Araucaria heterophylla* (Norfolk Island Pine) located at the rear of the site.
2. The proposed development is inconsistent with and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a) Section 1.2(2)(b)(g)(h)(i) - Aims of Plan
 - b) Section 2.1- Zone objectives and Land use table
 - c) Section 4.3C - Landscaped areas for residential accommodation in Zone R1
 - d) Section 4.4 - Floor Space Ratio
 - e) Section 4.6 Exceptions to development standards
 - f) Section 5.10 – Heritage Conservation
3. The applicant has failed to provide a formal request under Section 4.6 of the *Inner West Local Environmental Plan 2022* to demonstrate sufficient environmental planning grounds to justify contravening the FSR and Landscaped Area development standards and the development is considered contrary to the objectives of the standards in its proposed form. In the absence of a valid and well-founded Clause 4.6 objection, the consent authority cannot consider the proposed variation.
4. The proposed development is inconsistent with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
 - a) Part C1.0 General Provisions and objectives O3, O4 and O6
 - b) Part C1.4 Heritage Conservation Areas and Heritage Items
 - c) C1.9 Safety by Design
 - d) Part C1.11 Parking
 - e) C1.12 Landscaping
 - f) C1.14 Tree Management
 - g) Part C2.2.1.2 Johnston Distinctive Neighbourhood
 - h) Part C3.1 Residential General Provisions
 - i) Part C3.2 Site Layout and Building Design
 - j) Part C3.3 Elevation and Materials
 - k) Part C3.5 Front Gardens and Dwelling Entries
 - l) C3.6 Fences
 - m) C3.9 Solar Access
 - n) E1.1.3 Stormwater Drainage Concept Plan
 - o) E1.2.5 Water Disposal
5. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

6. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
7. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment At 1979*.

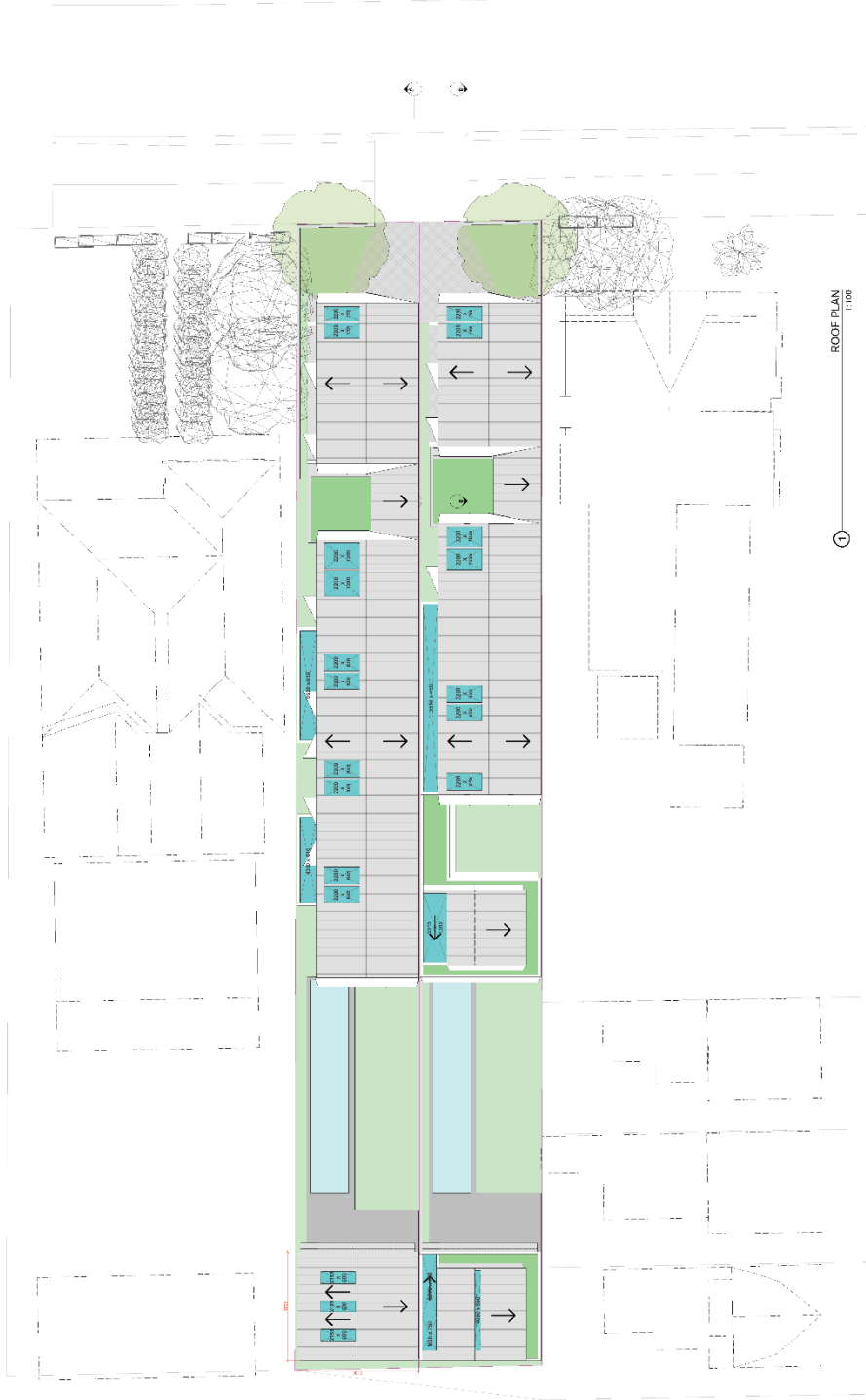
Attachment B – Plans of proposed development



BENCHMARK SURVEYS NSW Pty Ltd
 18/01/2025
 72 JOHNSTON STREET ANNANDALE
 ANNANDALE NSW 151014
 PROJECT: METAL PLUS RESCUP PTY LTD
 DATE: 18/01/2025
 REFERENCE: 2108014

DEVELOPMENT DESIGN PTY LTD
 18/01/2025
 34/38 RILEY STREET SURRY HILLS NSW 2010
 PROJECT: METAL PLUS RESCUP PTY LTD
 DATE: 18/01/2025
 REFERENCE: 2108014

DEVELOPMENT DESIGN PTY LTD		ROOF PLAN ANALYSIS	
DATE	18/01/2025	PROJECT	METAL PLUS RESCUP PTY LTD
CLIENT	DEVELOPMENT DESIGN PTY LTD	DRAWING	ROOF PLAN ANALYSIS
DATE	18/01/2025	ISSUE	A
CLIENT	DEVELOPMENT DESIGN PTY LTD	ISSUE	DA
DATE	18/01/2025	ISSUE	2.01
CLIENT	DEVELOPMENT DESIGN PTY LTD	ISSUE	2.01



ISSUE:		SCALE:		PROJECT:	
A	DA	1:100 @ A1	DRAWN	D.R.	PROJECT NAME: UN. COMMERCIAL OFFICE
A	DA	DRAWN	CHECKED	D.R.	PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010
SHEET No:		DRAWING:		DRAWING:	
2.02		ROOF PLAN		ROOF PLAN	

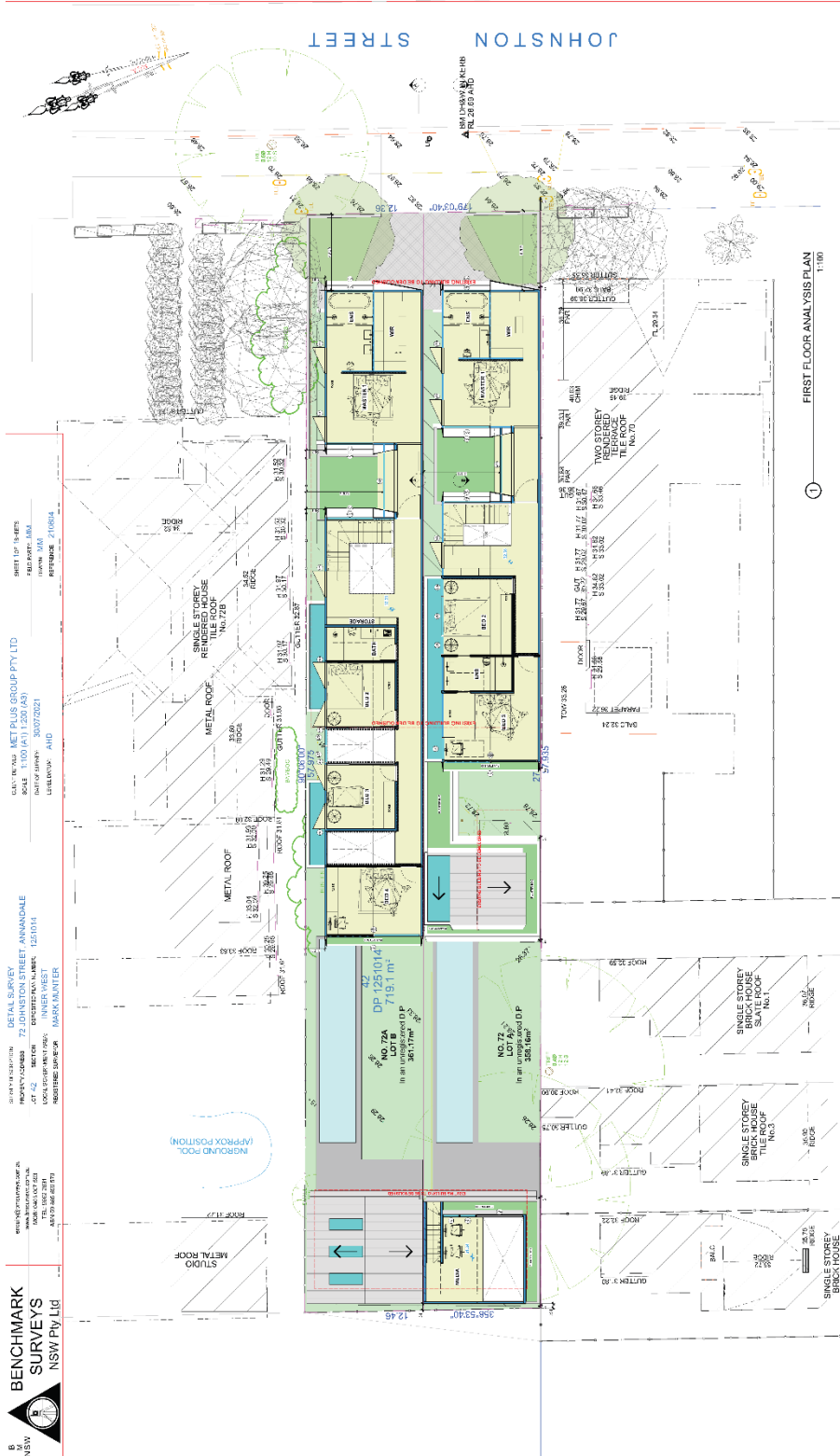
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DATE:	16/01/2025	ADDRESS:	LOT 2 SEC 4 in DP 251974
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PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	

DATE:	23/11/2024	CLIENT:	SPURITE MANAGEMENT PTY LTD
DATE:	16/01/2025	ADDRESS:	LOT 2 SEC 4 in DP 251974
PROJECT NAME: UN. COMMERCIAL OFFICE		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	

DATE:	23/11/2024	CLIENT:	SPURITE MANAGEMENT PTY LTD
DATE:	16/01/2025	ADDRESS:	LOT 2 SEC 4 in DP 251974
PROJECT NAME: UN. COMMERCIAL OFFICE		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	

DATE:	23/11/2024	CLIENT:	SPURITE MANAGEMENT PTY LTD
DATE:	16/01/2025	ADDRESS:	LOT 2 SEC 4 in DP 251974
PROJECT NAME: UN. COMMERCIAL OFFICE		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	

DATE:	23/11/2024	CLIENT:	SPURITE MANAGEMENT PTY LTD
DATE:	16/01/2025	ADDRESS:	LOT 2 SEC 4 in DP 251974
PROJECT NAME: UN. COMMERCIAL OFFICE		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	
PROJECT ADDRESS: 340/3 RILEY STREET, SURRY HILLS NSW 2010		ADDRESS:	



FIRST FLOOR ANALYSIS PLAN
1:100

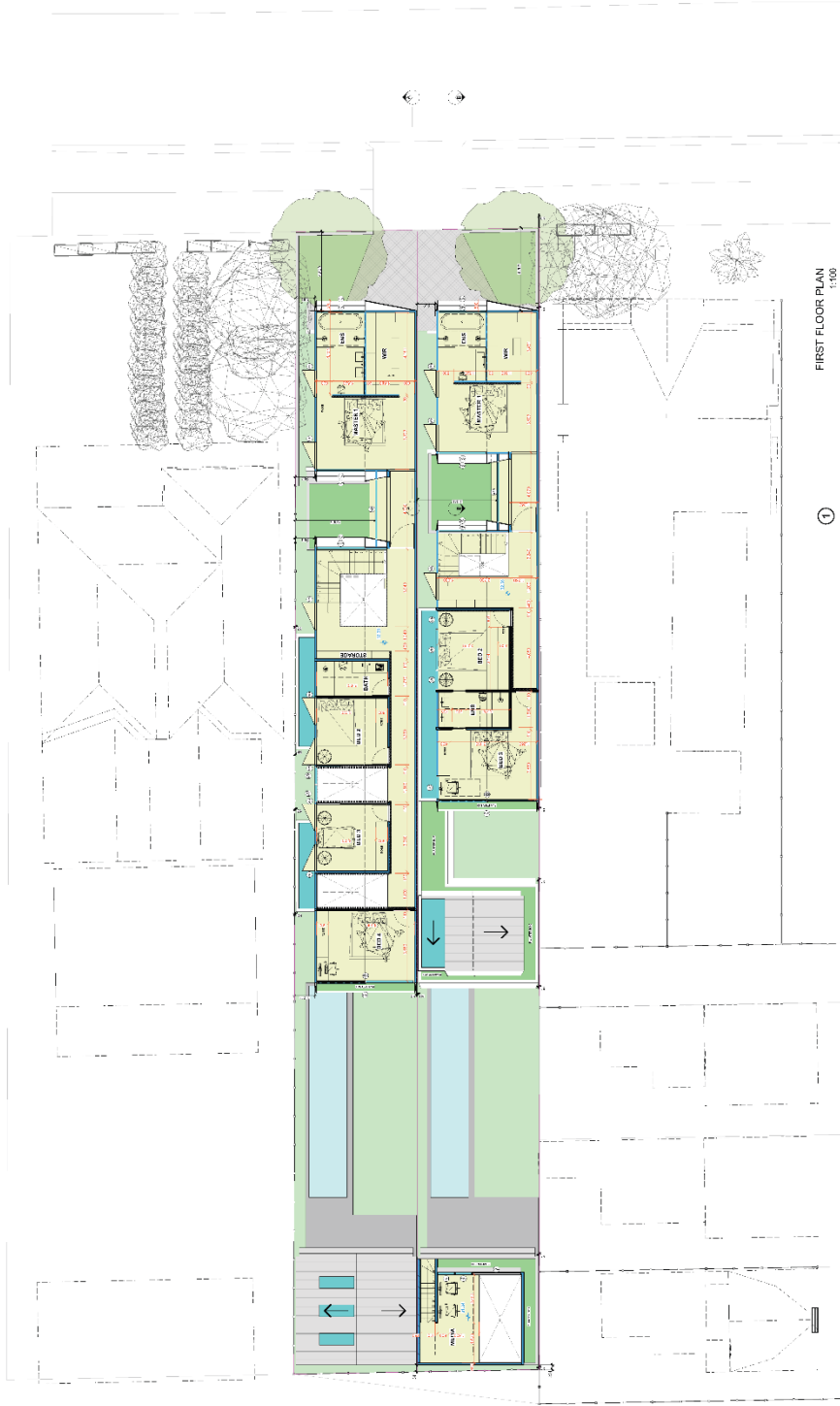
CLIENT: MET RUI GROUP PTY LTD
 DATE: 23/11/2024
 PROJECT NO: 13001431
 LOCATION: 300/72021
 REFERENCE: 718634

PROJECT: 72, JOHNSTON STREET, ANNANDALE
 LOCAL GOVERNMENT: INNER WEST
 PROJECT NO: 1231014
 PROJECT NAME: BENCHMARK

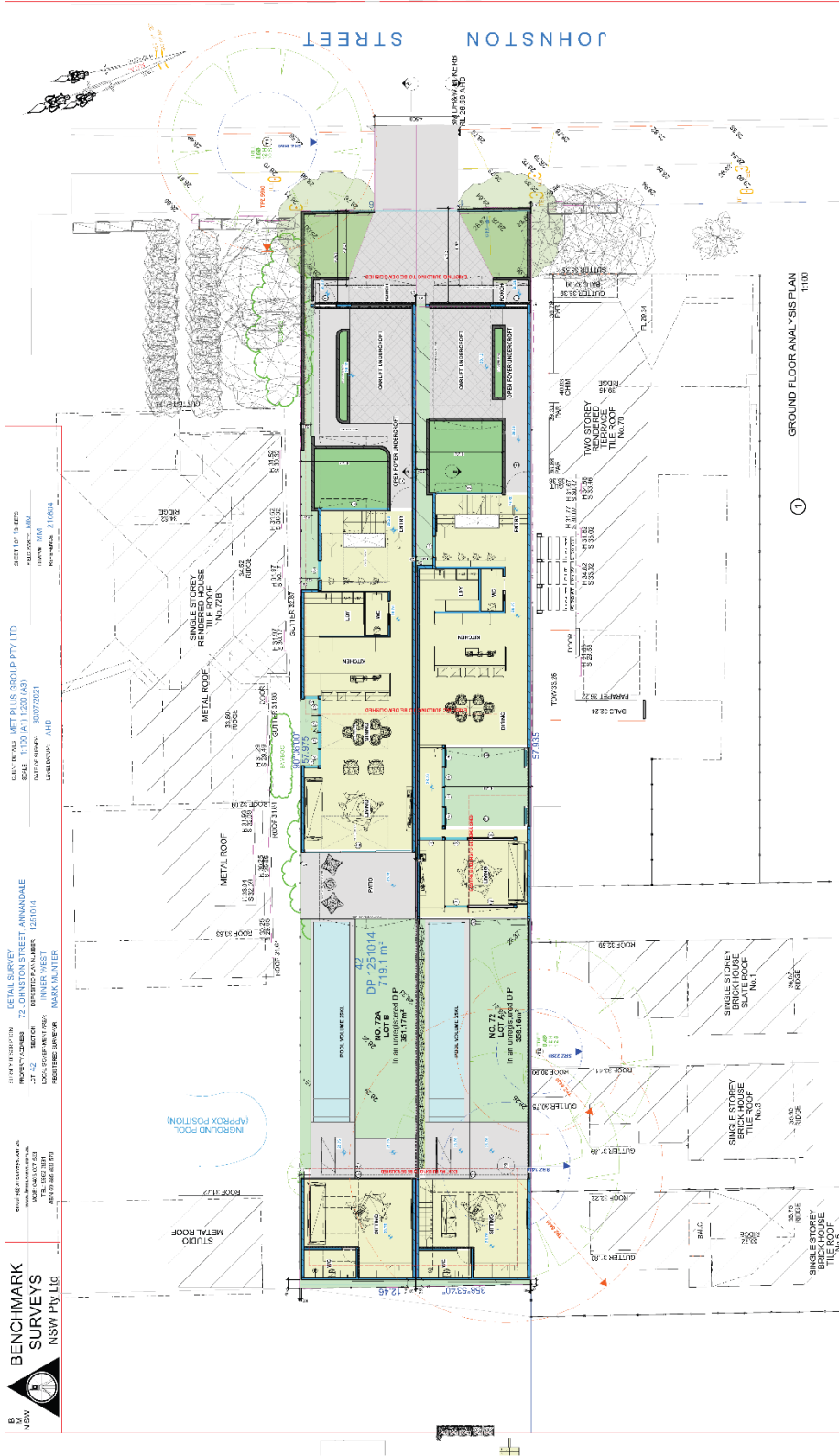
DESIGNER: BENCHMARK SURVEYS
 NSW Pty Ltd



FIRST FLOOR ANALYSIS PLAN	
DATE: 23/11/2024	SCALE: 1:100 @ A1
CLIENT: Development Design Pty Ltd 100/1200 340/2 Riley Street, Surry Hills NSW 2010 02 923 2251 1866@developmentdesign.com.au www.developmentdesign.com.au	PROJECT: PROJECT NO. 13001431 DRAWING: FIRST FLOOR ANALYSIS PLAN
ISSUE: A	ISSUE: A
DA: 1	DA: 1
SCALE: 1:100 @ A1	SCALE: 1:100 @ A1
DRAWN: D.R.	CHECKED: S.G.
SHEET NO: 2.03	DATE SCALE: 2.03



D/A PLANS DEVELOPMENT DESIGN PVTY LTD 340/3 RILEY STREET, SURRY HILLS NSW 2010 02 923 22 22 1866 developmentdesign.com.au WWW.DEVELOPMENTDESIGN.COM.AU	DATE: 23/11/2024 1/01/2025	CLIENT: SPURTELL MANAGEMENT PTY LTD ADDRESS: LOT 2 SEC 2 in DP 251974 ANNANDALE NSW 2058	PROJECT: SPURTELL MANAGEMENT PTY LTD DRAWING: FIRST FLOOR PLAN	SCALE: 1:100 @ A1 DRAWN: D/R CHECKED: S/O	ISSUE: A DA SHEET NO: 2.04
	ALL DIMENSIONS TO BE BUILT TO. ACCORDANCE WITH ALL APPLICABLE CODES OF PRACTICE AND REGULATIONS. THE DRAWING IS MADE FOR THE PURPOSES OF THE PROJECT ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF DEVELOPMENT DESIGN PVTY LTD.				

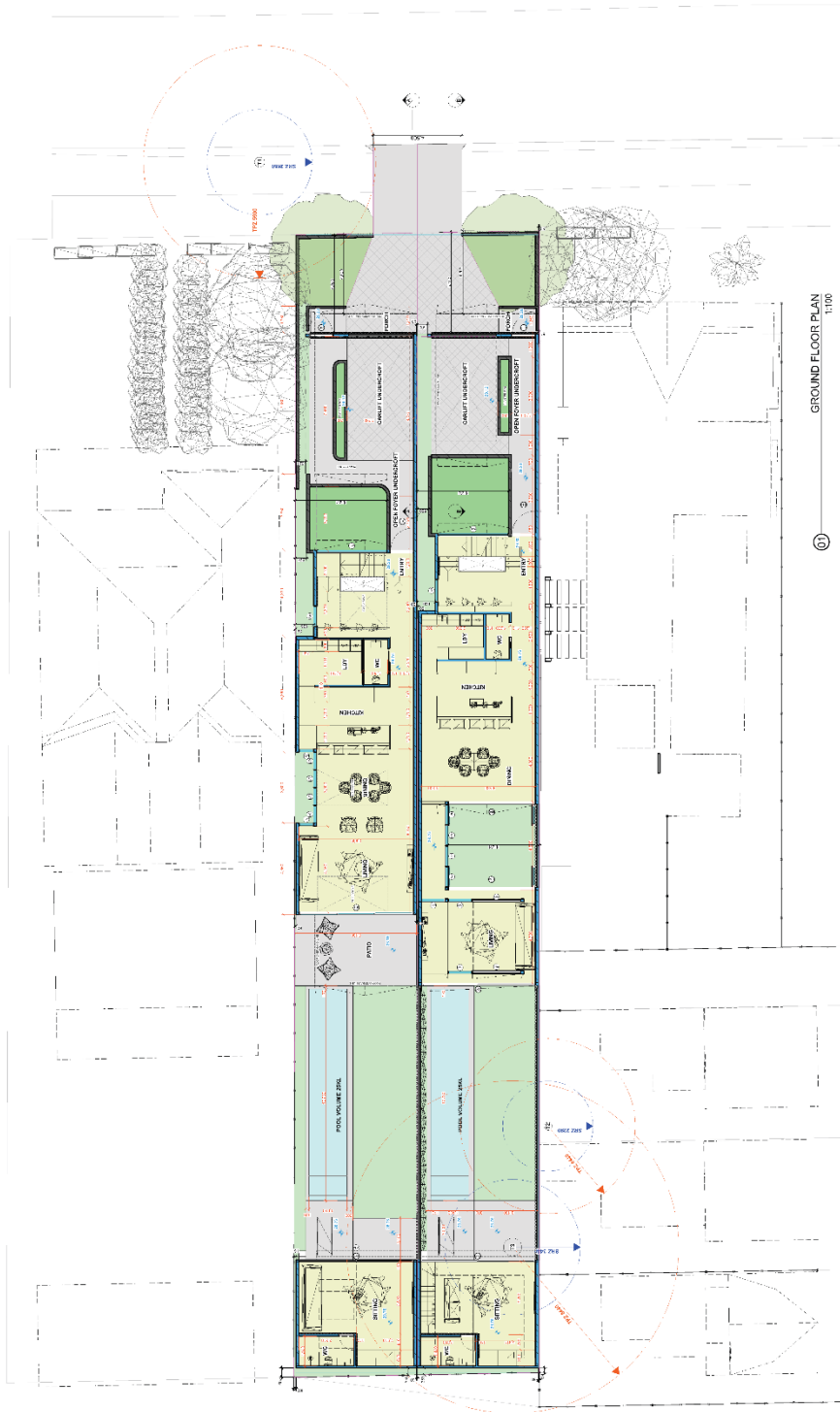


BENCHMARK SURVEYS NSW Pty Ltd
 180 Victoria Road, Sydney NSW 1580
 Ph: (02) 9550 6200
 www.benchmark-surveys.com.au

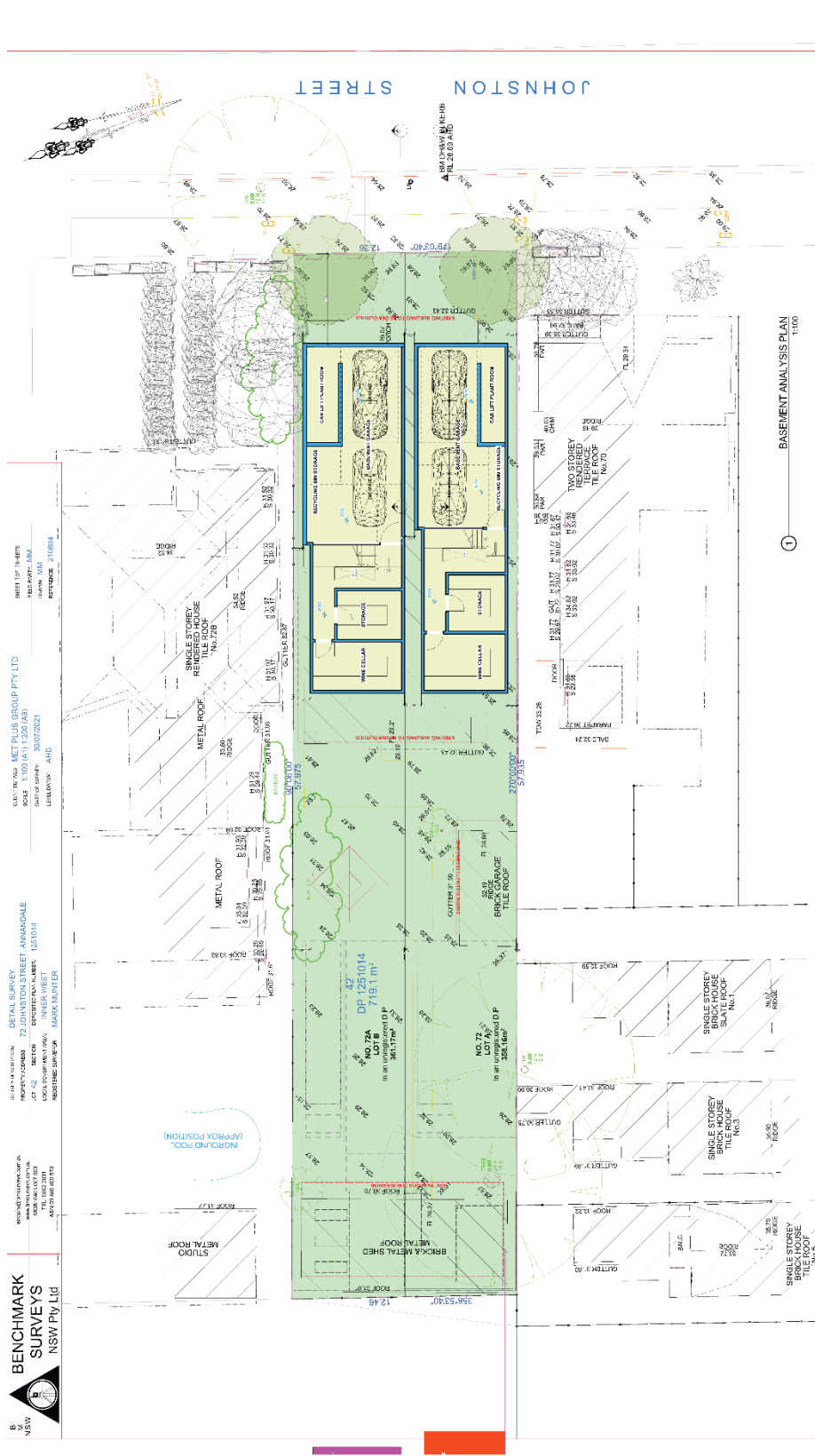
DEVELOPMENT DESIGN Pty Ltd
 3402 Rilly Street, Surry Hills NSW 2010
 Ph: (02) 221 5251
 www.developmentdesign.com.au

PROJECT INFORMATION
 PROJECT NAME: 72 JOHNSTON STREET ANNANDALE
 LOCAL GOVERNMENT: INNER WEST
 PROJECT NO: 2019/001
 DATE: 23/11/2024
 DRAWING NO: 1/01/2024

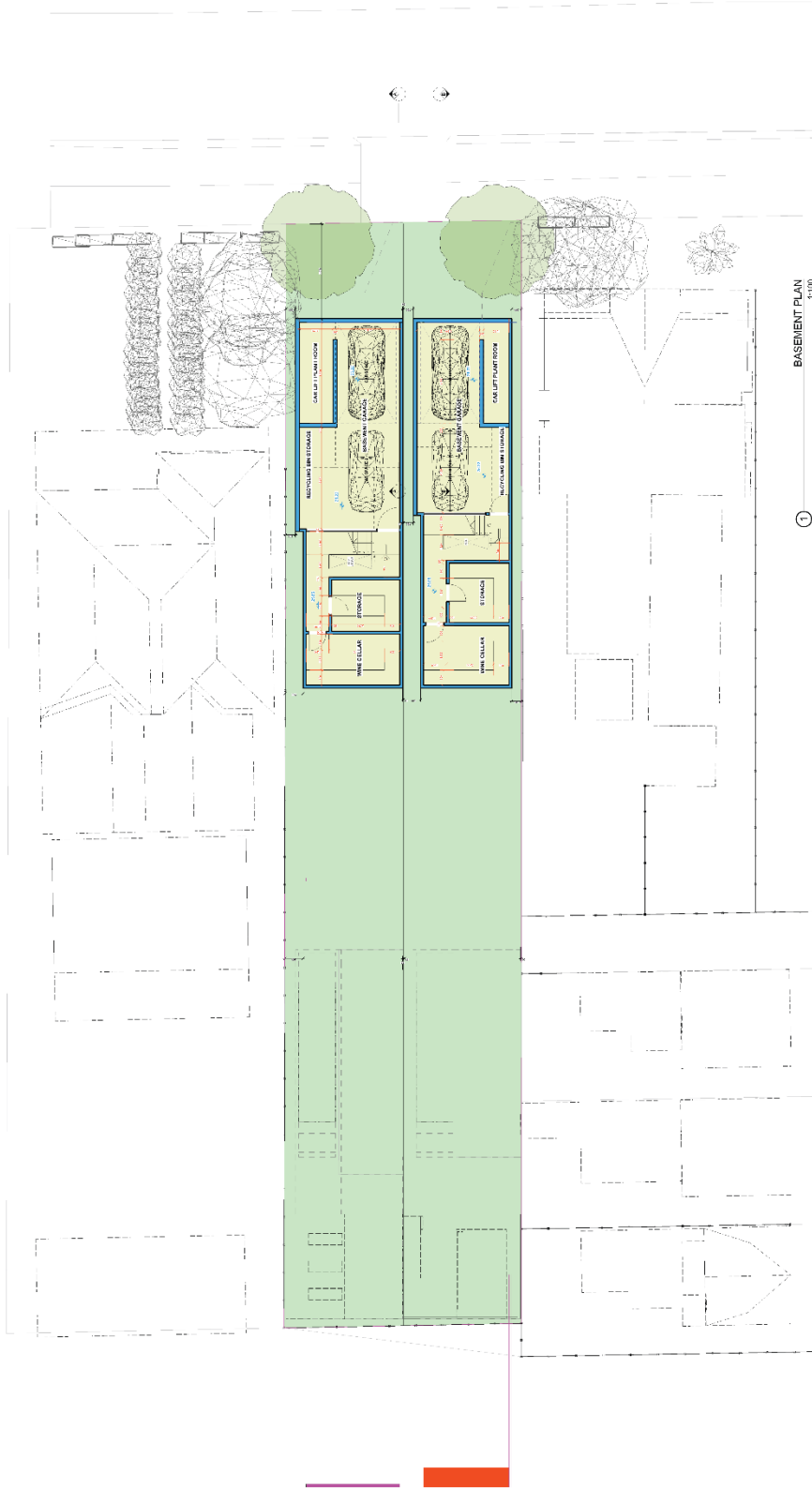
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DATE	23/11/2024	Development Design Pty Ltd	3402 Rilly Street, Surry Hills NSW 2010	PROJECT	72 JOHNSTON STREET ANNANDALE	SCALE	1:100 @ A1	ISSUE	A
DATE	16/01/2024	72 JOHNSTON STREET ANNANDALE	ANNANDALE NSW 2038	DRAWING	GROUND FLOOR ANALYSIS PLAN	DRAWN	D.R.	DA	
				ADDRESS	72 JOHNSTON STREET ANNANDALE NSW 2038	CHECKED	S.G.	SHEET NO.	2.05
				LOT & BLOCK	LOT 77 & 78 BLOCK 1			GROUND SCALE	
				WWW	WWW.DEVELOPMENTDESIGN.COM.AU			FRAME	



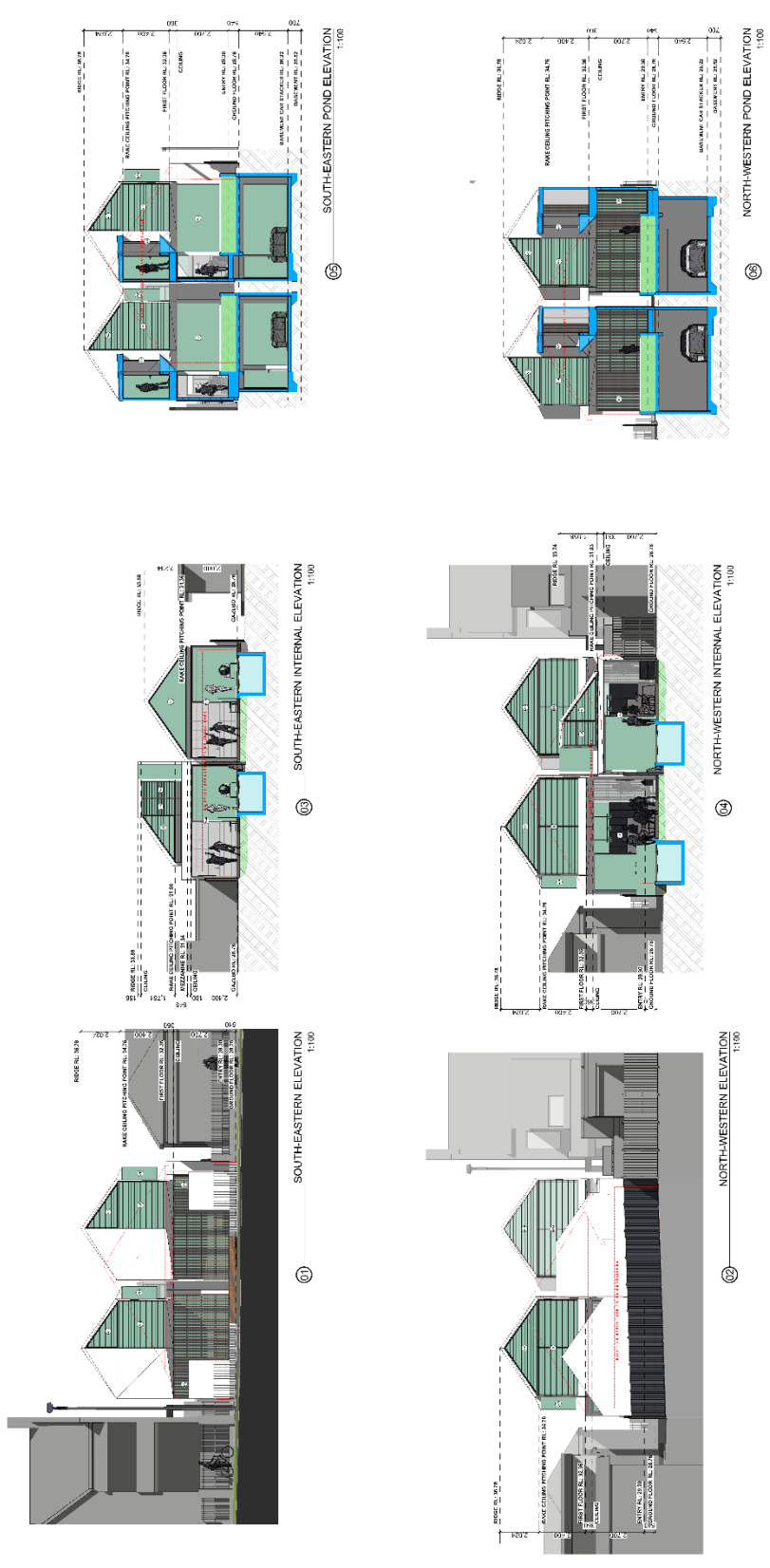
<p>DA PLANS</p> <p>ISSUE: A DATE: 25/11/2024 1:00 2:00</p>		<p>Development Design Pty Ltd 340 Pittwater Street, Surry Hills NSW 2010 02 9221 2021 1866 666 666 www.developmentdesign.com.au</p>		<p>CLIENT: SPURITE MANAGEMENT PTY LTD ADDRESS: LOT 2 SEC 4 in DP 2519/4 ANNANDALE NSW 2058</p>		<p>PROJECT: 1/100 PITTWATER ROAD ANNANDALE NSW 2058 DRAWING: GROUND FLOOR PLAN</p>		<p>SCALE: 1:100 @ A1 DRAWN: D.R. CHECKED: S.G. ISSUE: A DATE: DA SHEET NO: 2.06</p>	
<p>ALL DIMENSIONS TO BE SET TO ACCORDANCE WITH THE BUILDING REGULATIONS. THE PLANNING PANEL HAS REVIEWED THIS PLAN AND HAS GIVEN APPROVAL FOR THE PROPOSED DEVELOPMENT. THIS PLAN IS VALID FOR THE PERIOD OF 12 MONTHS FROM THE DATE OF APPROVAL. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE PLANNING PANEL BEFORE CONSTRUCTION BEGINS. THE PLANNING PANEL HAS REVIEWED THIS PLAN AND HAS GIVEN APPROVAL FOR THE PROPOSED DEVELOPMENT. THIS PLAN IS VALID FOR THE PERIOD OF 12 MONTHS FROM THE DATE OF APPROVAL. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE PLANNING PANEL BEFORE CONSTRUCTION BEGINS.</p>									



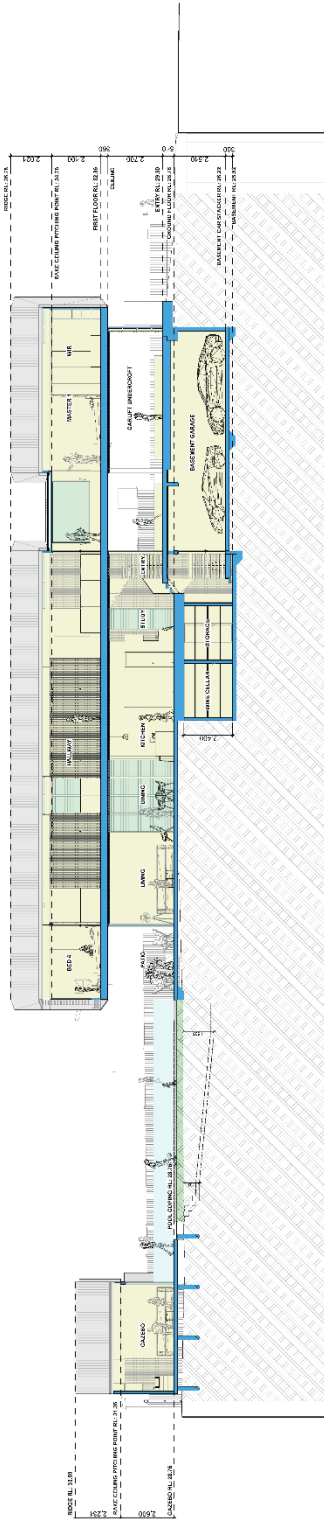
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DATE	23/11/2024	Development Design Pty Ltd	400 Pitt Street, Surry Hills NSW 2010	PROJECT	1:100	PROJECT	1:100 @ A1	ISSUE	A
DATE	16/01/2025	400 Pitt Street, Surry Hills NSW 2010	02 223 225 1866@developmentdesign.com.au	CLIENT	1:100 @ A1	DRAWING	D.R	DA	
DATE	04/12/24	www.developmentdesign.com.au	www.developmentdesign.com.au	ADDRESS	1:100 @ A1	CHECKED	S.G	SHEET No.	2.07
DATE	03/07/2021			REFERENCE	1:100 @ A1			DRAWING SCALE	2.07
DATE	03/07/2021				1:100 @ A1			ISSUE	2.07



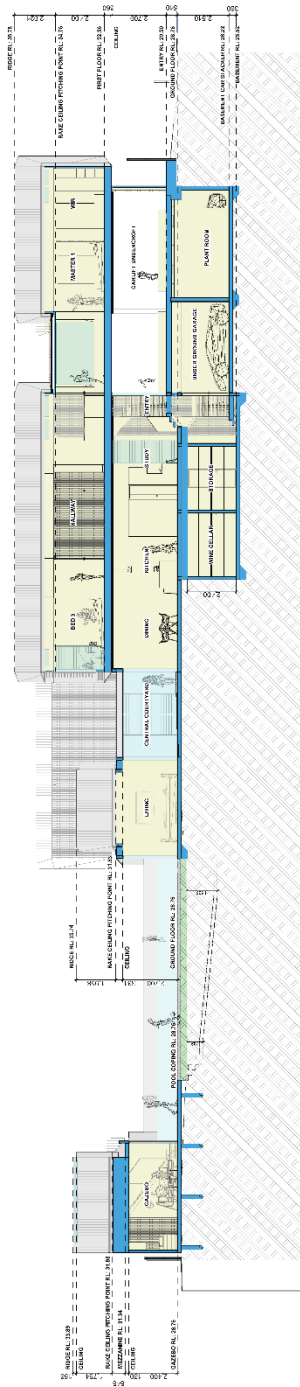
D/A PLANS ISSUE: A DATE: 23/11/2024 1/01/2025		PROJECT: 1/10/2024 1/10/2024 1/10/2024 1/10/2024		SCALE: 1:100 @ A1 DRAWN: D/R CHECKED: S/O		ISSUE: A DA SHEET No: 2.08 DRAWING SCALE: AS SHOWN	
CLIENT: Development Design Pty Ltd ADDRESS: 3402 Rilly Street, Surry Hills NSW 2010 LOT 2 SEC 2 in DP 2519/4 ANNANDALE NSW 2058 WWW.DEVELOPMENTDESIGN.COM.AU		PROJECT: 1/10/2024 1/10/2024 1/10/2024 1/10/2024		SCALE: 1:100 @ A1 DRAWN: D/R CHECKED: S/O		ISSUE: A DA SHEET No: 2.08 DRAWING SCALE: AS SHOWN	
DATE: 23/11/2024 1/01/2025		CLIENT: Development Design Pty Ltd ADDRESS: 3402 Rilly Street, Surry Hills NSW 2010 LOT 2 SEC 2 in DP 2519/4 ANNANDALE NSW 2058 WWW.DEVELOPMENTDESIGN.COM.AU		SCALE: 1:100 @ A1 DRAWN: D/R CHECKED: S/O		ISSUE: A DA SHEET No: 2.08 DRAWING SCALE: AS SHOWN	



NORTH-WESTERN & SOUTH-EASTERN ELEVATIONS	
<p>DATE: 23/11/2024 1:00 2:00</p> <p>CLIENT: Development Design Pty Ltd 14/01/2024 340/2 Riley Street, Surry Hills NSW 2010 02 9221 2021 1866666666666666 www.developmentdesign.com.au</p>	<p>PROJECT: 1/100 2/100 3/100 4/100 5/100 6/100 7/100 8/100 9/100 10/100 11/100 12/100 13/100 14/100 15/100 16/100 17/100 18/100 19/100 20/100 21/100 22/100 23/100 24/100 25/100 26/100 27/100 28/100 29/100 30/100 31/100 32/100 33/100 34/100 35/100 36/100 37/100 38/100 39/100 40/100 41/100 42/100 43/100 44/100 45/100 46/100 47/100 48/100 49/100 50/100 51/100 52/100 53/100 54/100 55/100 56/100 57/100 58/100 59/100 60/100 61/100 62/100 63/100 64/100 65/100 66/100 67/100 68/100 69/100 70/100 71/100 72/100 73/100 74/100 75/100 76/100 77/100 78/100 79/100 80/100 81/100 82/100 83/100 84/100 85/100 86/100 87/100 88/100 89/100 90/100 91/100 92/100 93/100 94/100 95/100 96/100 97/100 98/100 99/100 100/100</p>
<p>ISSUE: A DATE: DA SHEET NO: 2.09</p>	<p>SCALE: 1:100 @ A1 DRAWN: D.R. CHECKED: S.G.</p>
<p>PROJECT: 1/100 2/100 3/100 4/100 5/100 6/100 7/100 8/100 9/100 10/100 11/100 12/100 13/100 14/100 15/100 16/100 17/100 18/100 19/100 20/100 21/100 22/100 23/100 24/100 25/100 26/100 27/100 28/100 29/100 30/100 31/100 32/100 33/100 34/100 35/100 36/100 37/100 38/100 39/100 40/100 41/100 42/100 43/100 44/100 45/100 46/100 47/100 48/100 49/100 50/100 51/100 52/100 53/100 54/100 55/100 56/100 57/100 58/100 59/100 60/100 61/100 62/100 63/100 64/100 65/100 66/100 67/100 68/100 69/100 70/100 71/100 72/100 73/100 74/100 75/100 76/100 77/100 78/100 79/100 80/100 81/100 82/100 83/100 84/100 85/100 86/100 87/100 88/100 89/100 90/100 91/100 92/100 93/100 94/100 95/100 96/100 97/100 98/100 99/100 100/100</p>	<p>DRAWING: NORTH-WESTERN & SOUTH-EASTERN ELEVATIONS</p>



① NORTHERN DWELLING LONG SECTION
1:100

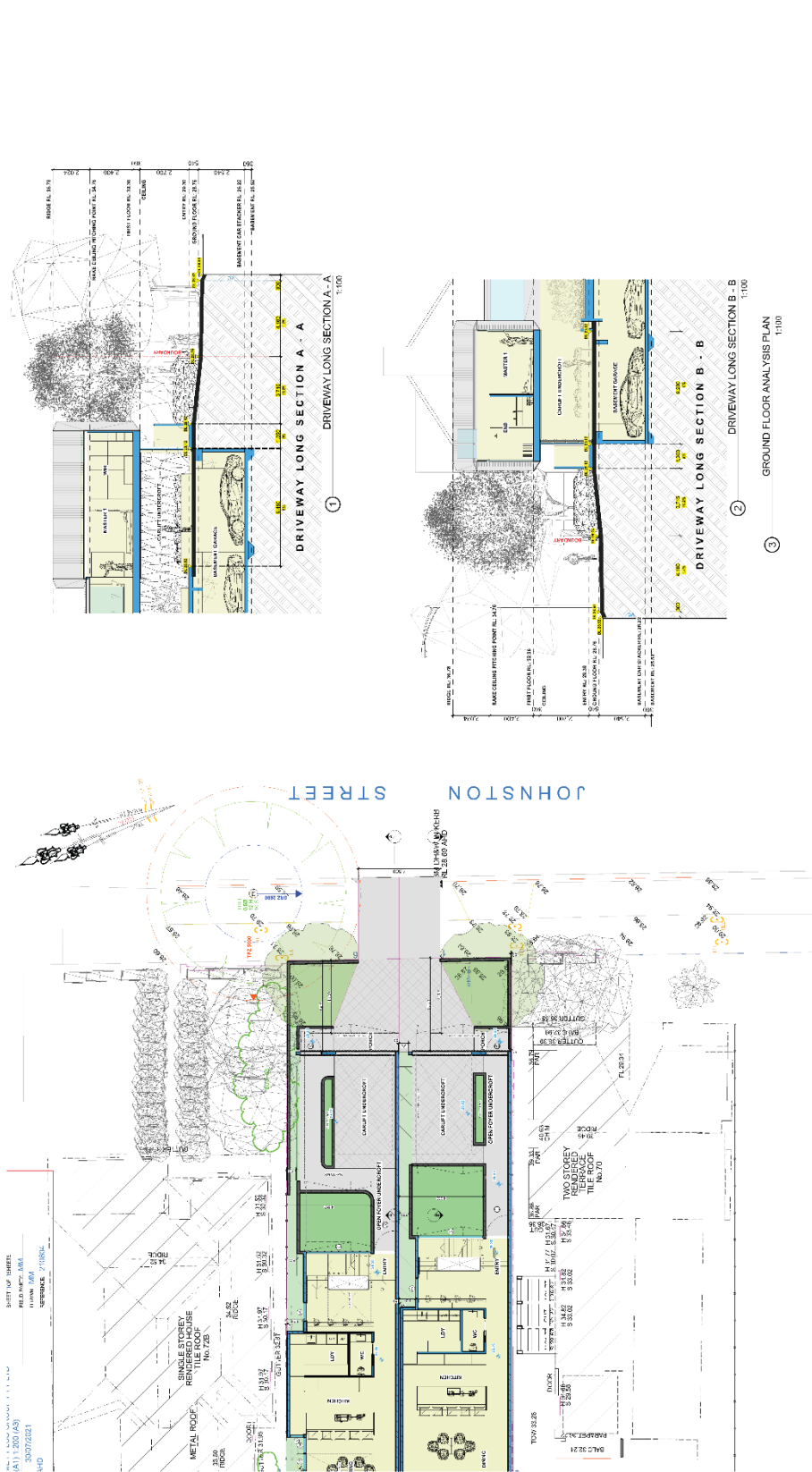


② SOUTHERN DWELLING LONG SECTION
1:100

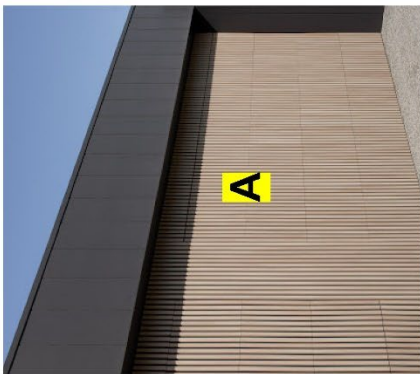
DA PLANS	
ISSUE:	REVISIONS:
A	1
A	2

SECTION A-A	
ISSUE:	SCALE:
A	1:100 @ A1
DA	DRAWN:
SHEET No:	CHECKED:
2.11	DWG SCALE
	1:100

DATE:	CLIENT:	PROJECT:	SCALE:	ISSUE:
23/11/2024	Development Design Pty Ltd	1402 Rilly Street, Surry Hills NSW 2010	1:100 @ A1	A
16/01/2025	1402 Rilly Street, Surry Hills NSW 2010	LOT 4 SEC 6 in DP 251974	DRAWN:	DA
	032 221 021 1866@developmentdesign.com.au	ANNANDALE NSW 2058	CHECKED:	SHEET No:
	WWW.DEVELOPMENTDESIGN.COM.AU			2.11
				DWG SCALE
				1:100



<p>DATE: 23/11/2024 1:601 (2024)</p>		<p>CLIENT: Development Design Pty Ltd 1/611 BENTLEY RD, BENTLEY NSW 2155</p>		<p>PROJECT: 340/2 Riley Street, Surry Hills NSW 2010 DRAWING: DRIVEWAY LONG SECTIONS</p>		<p>SCALE: 1:100 @ A1 DRAWN: D.R. CHECKED: S.G.</p>		<p>ISSUE: A DA SHEET NO: 2.12</p>	
<p>PROJECT: 340/2 RILEY STREET, SURRY HILLS NSW 2010 DRAWING: DRIVEWAY LONG SECTIONS</p>		<p>CLIENT: DEVELOPMENT DESIGN PTY LTD ADDRESS: 1/611 BENTLEY RD, BENTLEY NSW 2155 WWW.DEVELOPMENTDESIGN.COM.AU</p>		<p>PROJECT: 340/2 RILEY STREET, SURRY HILLS NSW 2010 DRAWING: DRIVEWAY LONG SECTIONS</p>		<p>SCALE: 1:100 @ A1 DRAWN: D.R. CHECKED: S.G.</p>		<p>ISSUE: A DA SHEET NO: 2.12</p>	
<p>ALL DIMENSIONS TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING ACT 1993 AND THE BUILDING REGULATIONS 2006. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.</p>									



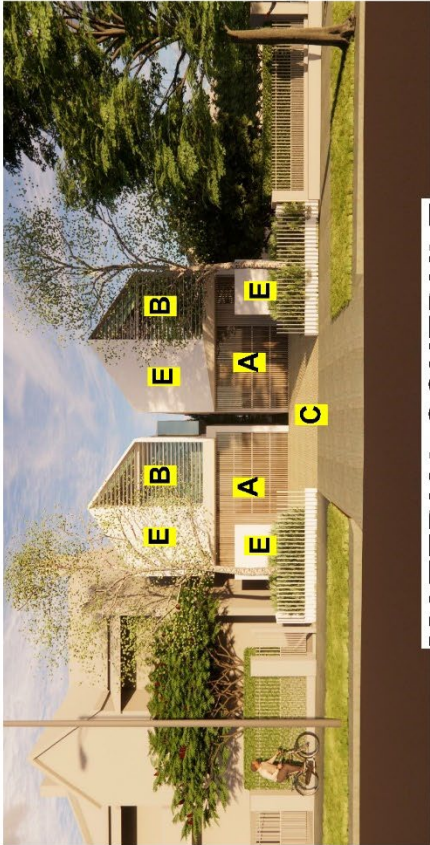
NATURAL TIMBER BATTEN SCREENING



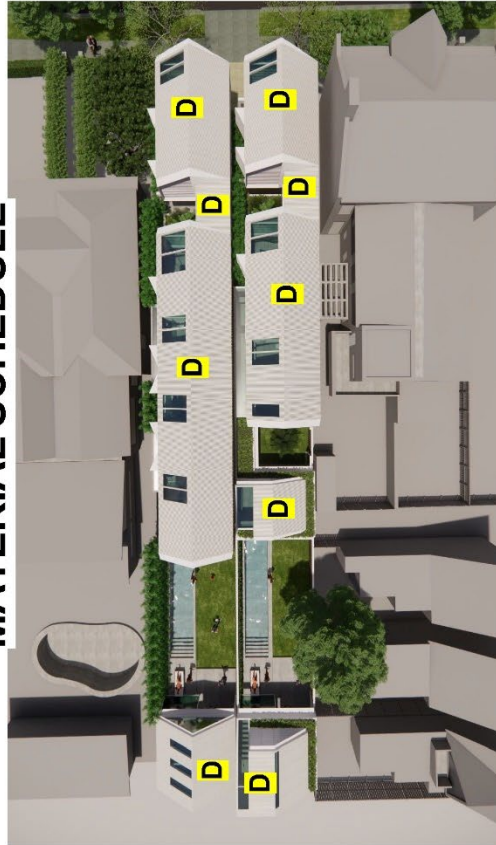
WHITE POWDER COATED ALLUMINIUM HORIZONTAL LOUVERS



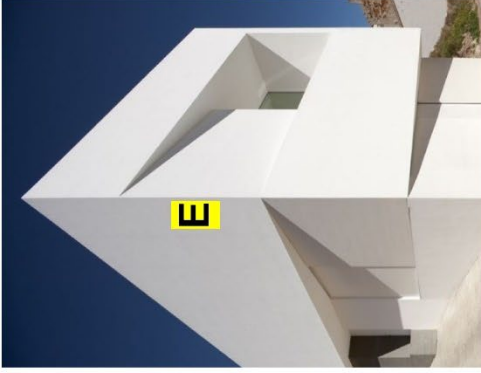
PERVIOUS CONCRETE PAVERS



MATERIAL SCHEDULE



WHITE COLOURBOND METAL ROOF SHEETING



WHITE PAINTED FC SHEETING

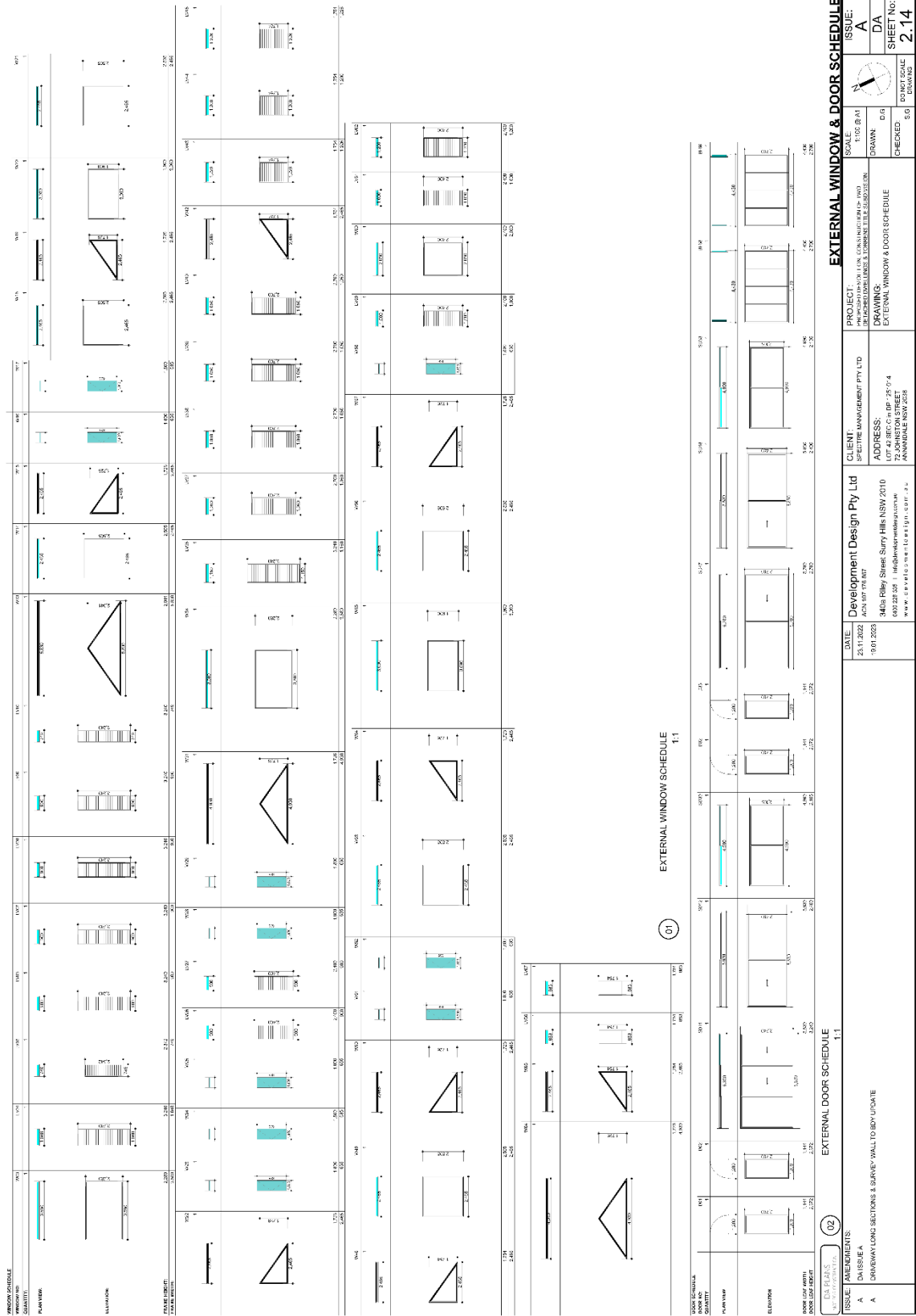
DA PLANS
NO. 22/2024

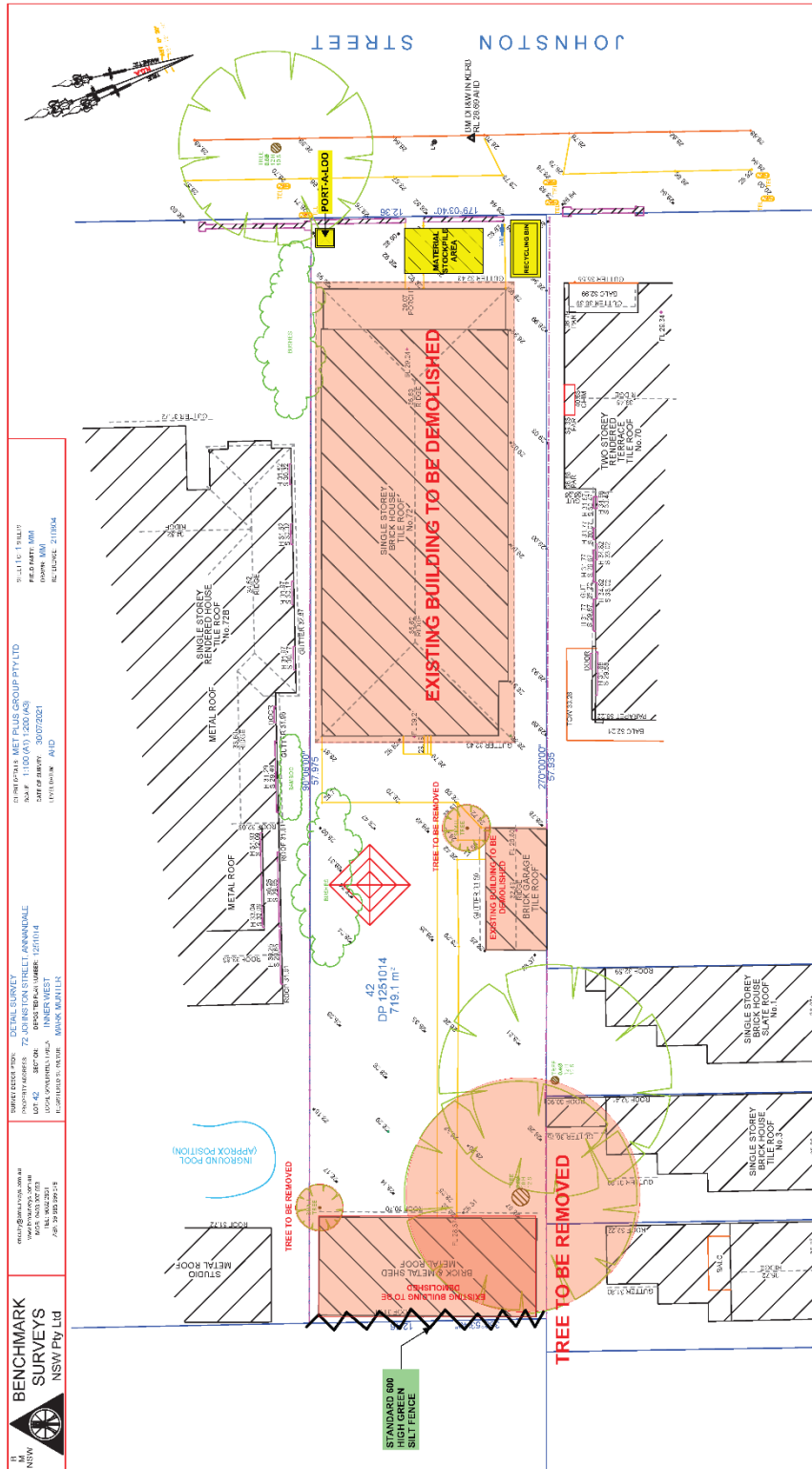
ISSUE / REVISIONS:
A - FOR ISSUE & PERMIT APPLICATIONS
A - FOR SHAW CONSULTANTS & SHAWRY HALL TO REV UP DATE

PROJECT: PROPOSED 10 UNIT APARTMENT BUILDING WITH COMMERCIAL USE		SCALE: 1:100 @ A1	ISSUE: A
CLIENT: SPRING MANAGEMENT PTY LTD		DRAWN: D.D	DA
ADDRESS: 3400 RILEY STREET SURRY HILLS NSW 2010		CHECKED: S.G	SHEET NO: 2.13
DRAWING: MATERIAL SCHEDULE		DATE OF ISSUE: 15/01/2024	

DATE: 28/11/2023 16/12/2023	CLIENT: SPRING MANAGEMENT PTY LTD	PROJECT: PROPOSED 10 UNIT APARTMENT BUILDING WITH COMMERCIAL USE	SCALE: 1:100 @ A1
DATE OF ISSUE: 16/12/2023	ADDRESS: 3400 RILEY STREET SURRY HILLS NSW 2010	DRAWING: MATERIAL SCHEDULE	ISSUE: A
DATE OF PERMIT: 16/12/2023	CLIENT: SPRING MANAGEMENT PTY LTD	CHECKED: S.G	DA
DATE OF PERMIT: 16/12/2023	ADDRESS: 3400 RILEY STREET SURRY HILLS NSW 2010	SHEET NO: 2.13	

ALL MATERIALS TO BE SUPPLIED TO THE PROJECT BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.





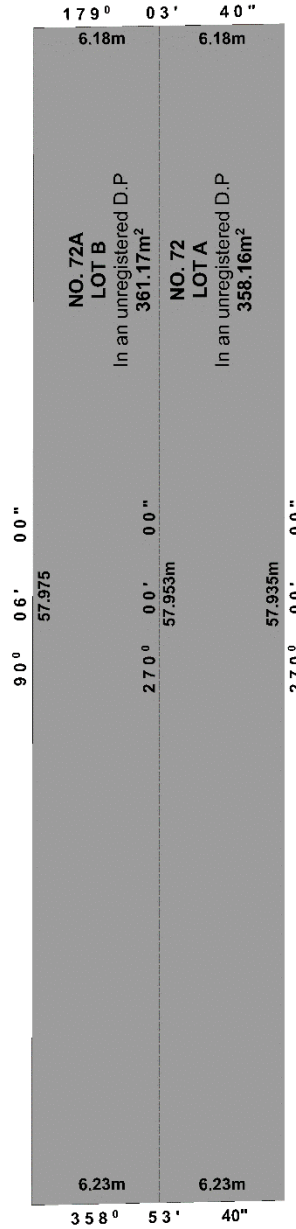
BENCHMARK SURVEYS NSW Pty Ltd

DETAILED SURVEY
72, 2010 (A) 1200 (A3)
LOCAL AUTHORITY: INNER WEST
MUNICIPALITY: INNER WEST
DRAWN BY: MARK WATKINS
CHECKED BY: MARK WATKINS
DATE: 21/11/2024

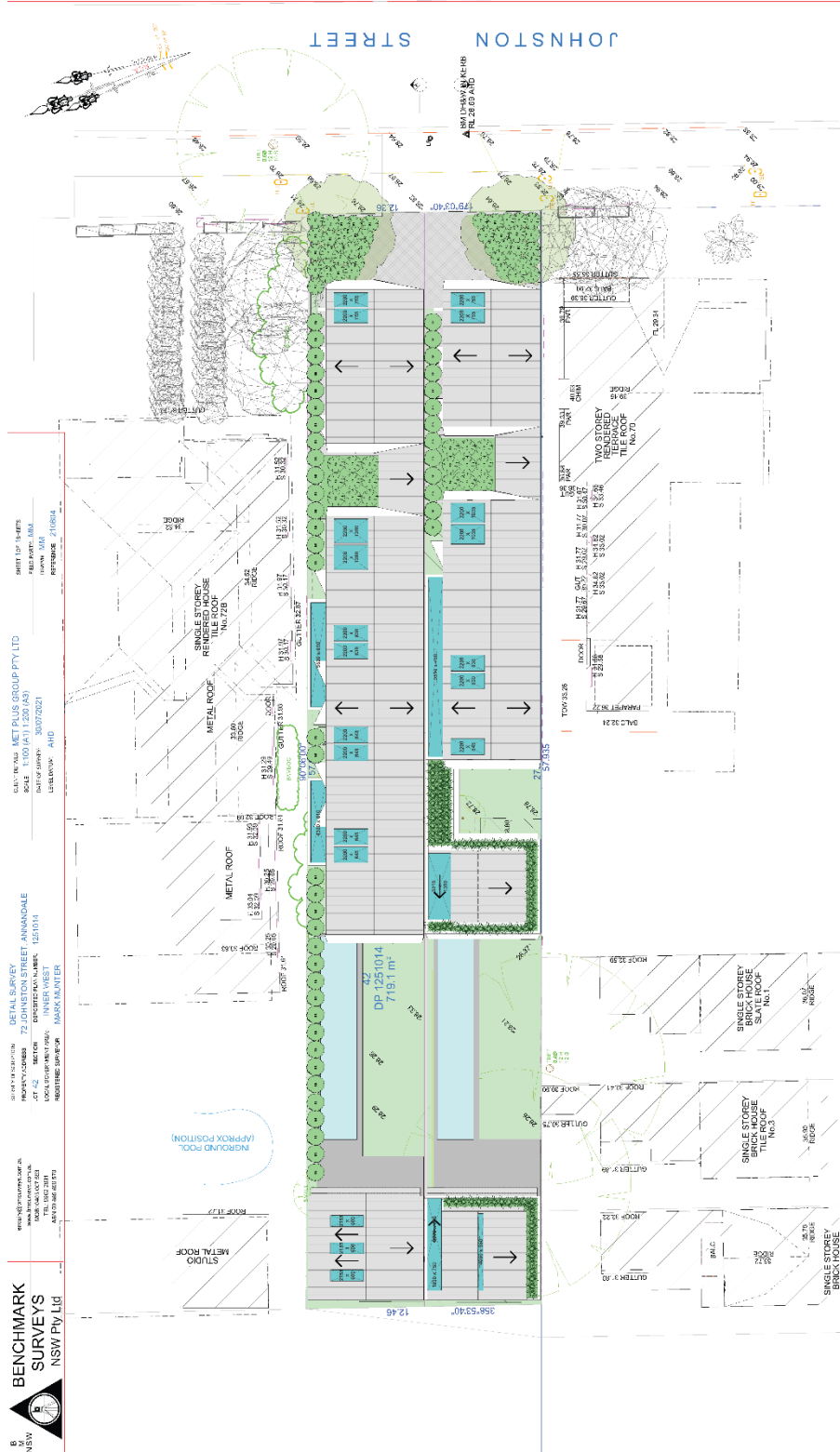
PROJECT: MET PLUS GROUP PTY LTD
SUBJECT: 178-0341 (A1) 1200 (A3)
DRAWING NO: 21012024
DATE: 21/11/2024

DATE:		DATE:		DATE:	
21/11/2024	14/01/2024	21/11/2024	14/01/2024	21/11/2024	14/01/2024
Development Design Pty Ltd ACV 67 778 867 340a Riley Street, Surry Hills NSW 2010 02 923 03 11 info@developmentdesign.com.au www.developmentdesign.com.au		CLIENT: SPECIFIC MANAGEMENT PTY LTD ADDRESS: LOT 40 REC 0-1 178-0341 ANNANDALE NSW 2038		PROJECT: DEMOLITION AND EROSION CONTROL DETAILS DRAWING: DEMOLITION & EROSION CONTROL DETAIL	
ISSUE / AMENDMENTS: A A A A		SCALE: 1:100 @ A1 DRAWN: D.G. CHECKED: G.O.		ISSUE: A DA DA SHEET NO: 4.01	

JOHNSTON STREET



DRAFTING		SUB-DIVISION PLAN	
ISSUE	DATE	SCALE	ISSUE
A	20/11/2024	1:100 @ A1	A
A	16/01/2025	DRAWN	DA
CONVEYANCE NOTATIONS & SURVEY SHALL TO BE UP DATE		CHECKED	SHEET No:
ALL DIMENSIONS SHOWN IN THIS ACCORDANCE WITH THE CODE OF PRACTICE FOR SURVEYING IN NEW SOUTH WALES, 2017, UNLESS SPECIFICALLY NOTED OTHERWISE. THE DIMENSIONS MAY VARY FROM THE DIMENSIONS SHOWN ON THE PLAN. THE DIMENSIONS SHOWN ON THE PLAN SHALL BE USED FOR CONSTRUCTION OF THE DEVELOPMENT.		PROJECT	4.02
NO. 72A LOT B In an unregistered D.P		PROJECT	CONSTRUCTION OF TWO DETACHED DWELLINGS & EXPANSE THE SUB-DIVISION.
NO. 72 LOT A In an unregistered D.P		DRAWING:	SUB-DIVISION PLAN
Development Design Pty Ltd ACN 107 775 867		CLIENT:	SPRINT MANAGEMENT PTY LTD
3434 Riley Street, Surry Hills NSW 2010		ADDRESS:	LOT 16 SEC 6 in DP 25/14
1402 291 00 info@developmentdesign.com.au		ADDRESS:	ANNINDALE NSW 2038
www.developmentdesign.com.au		ADDRESS:	ANNINDALE NSW 2038



BENCHMARK SURVEYS NSW Pty Ltd
 8/117-119/121
 180 Victoria Road
 North Sydney NSW 1585
 Phone: 02 9387 6600
 Fax: 02 9387 6601
 Email: info@benchmarksurveys.com.au
 Website: www.benchmarksurveys.com.au

CLIENT: MET RUIB GROUP PTY LTD
 PROJECT: 72 JOHNSTON STREET ANNANDALE
 DATE: 23/11/2024
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

PROJECT: 72 JOHNSTON STREET ANNANDALE
 CLIENT: MET RUIB GROUP PTY LTD
 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

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 DRAWING: LANDSCAPE PLAN
 SCALE: 1:100 @ A4

LANDSCAPE PLAN	
DATE: 23/11/2024	ISSUE: A
PROJECT: 72 JOHNSTON STREET ANNANDALE	SCALE: 1:100 @ A4
CLIENT: MET RUIB GROUP PTY LTD	DRAWN: D.R.
ADDRESS: 3402 Rilly Street, Surry Hills NSW 2010	CHECKED: S.G.
LOT & RECO ID: DP 257974	DRAWING: LANDSCAPE PLAN
ANNANDALE NSW 2068	PROJECT: 72 JOHNSTON STREET ANNANDALE
WWW.SURVEYSYSTEMS.COM.AU	SCALE: 1:100 @ A4
ISSUE: A	ISSUE: A
ISSUE: A	SHEET NO: 4.06
<p> ALL DIMENSIONS TO BE IN PLACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS TO BE IN PLACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS TO BE IN PLACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS TO BE IN PLACE UNLESS OTHERWISE SPECIFIED. </p>	

Attachment C – Conditions in the event of approval

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. Easement - Over Downstream Landholders

The site drainage must be designed to drain under gravity. As the site falls to the rear an easement for drainage over downstream properties will be required to be created and/or legal rights to utilise any existing easement for drainage demonstrated. Written documentation of the creation of or legal agreement to create an easement for drainage or legal rights to utilise any existing easement for drainage must be submitted to Council.

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
2.01, Rev. A	Roof Analysis Plan	19/01/2023	Development Design Pty Ltd
2.02, Rev. A	Roof Plan	19/01/2023	Development Design Pty Ltd
2.03, Rev. A	First Floor Analysis Plan	19/01/2023	Development Design Pty Ltd
2.04, Rev. A	First Floor Plan	19/01/2023	Development Design Pty Ltd
2.05, Rev. A	Ground Floor Analysis Plan	19/01/2023	Development Design Pty Ltd

2.06, Rev. A	Ground Floor Plan	19/01/2023	Development Design Pty Ltd
2.07, Rev. A	Basement Analysis Plan	19/01/2023	Development Design Pty Ltd
2.08, Rev. A	Basement Plan	19/01/2023	Development Design Pty Ltd
2.09, Rev. A	North-Western & South-Eastern Elevations	19/01/2023	Development Design Pty Ltd
2.10, Rev. A	North-Eastern & South-Western Elevations	19/01/2023	Development Design Pty Ltd
2.11, Rev. A	Long Sections	19/01/2023	Development Design Pty Ltd
2.12, Rev. A	Driveway Long Sections	19/01/2023	Development Design Pty Ltd
2.13, Rev. A	Material Schedule	19/01/2023	Development Design Pty Ltd
2.14, Rev. A	External Window & Door Schedule	19/01/2023	Development Design Pty Ltd
4.01, Rev. A	Demolition, Sedimentation & Erosion Control Plan	19/01/2023	Development Design Pty Ltd
4.02, Rev. A	Sub-Division Plan	19/01/2023	Development Design Pty Ltd
4.06, Rev. A	Landscape Plan	19/01/2023	Development Design Pty Ltd
4.07, Rev. A	Landscape Plan	19/01/2023	Development Design Pty Ltd
1316859M_02	BASIX Certificate	11/01/2023	BASIX Certificate
2022-130 Rev.2	Acoustic Report	20/04/2022	Acoustic Noise & Vibration Solutions P/L
SRE/846/AN/22	Geotechnical Site Investigation Report	22/02/2021	Soilsrock Engineering Pty Ltd
L&Co22069	Arboricultural Impact Assessment & Tree Protection Specification	01/12/2022	Laurence & Co Consultancy

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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

3. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$28,666.00
Community Facilities	\$5,313.00
Transport	\$3,769.00
Plan Administration	\$368.00
Drainage	\$1,976.00
TOTAL	\$40,093.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on [insert email address and phone number] to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

4. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$12,446.50
Inspection Fee:	\$350.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

GENERAL CONDITIONS

5. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
1	<i>Lophostemon confertus</i> (Brush Box)	Street tree
3	<i>Toona australis</i> (Red Cedar)	Adjacent site
8	<i>Viburnum species</i> (Viburnum)	Adjacent site

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by L&Co 1 December 2022 V1 for tree numbering and locations.

6. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

7. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
Tree 2 - <i>Citrus species</i> (Citrus) - rear	Remove
Tree 4 - <i>Araucaria heterophylla</i> (Norfolk Island Pine) - rear	Remove
Tree 5 - <i>Laurus nobilis</i> (Bay Tree) - rear	Remove
Tree 6 - <i>Camellia sasanqua</i> (Sasanqua Camellia) - rear	Remove
Tree 7 - <i>Camellia sasanqua</i> (Sasanqua Camellia) - rear	Remove

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

8. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the following windows being amended in the following manner:

- a. Suitable externally fixed to windows W65, LV66, LV67 screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level;
Note: The louvers are to individual opening more than 30mm wide and a total area of opening that is less than 30% of the surface area of the screen and made of durable materials. Louvered screens must be securely fitted and may be able to be tilted open from a closed position to an angle of 45 degrees in a downward or upward position.

9. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

10. 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.

11. 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.

12. 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.

13. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

14. Works Outside the Property Boundary

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

15. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

16. Transport for NSW Requirements

The following conditions are included as Transport for NSW (TfNSW) conditions:

1. The design and construction of the kerb and gutter crossing on Johnston Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans of the proposed gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. Vehicles are to enter and exit the site in a forward direction and be wholly contained on site before being required to stop.
5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Johnston Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

17. Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

18. Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

PRIOR TO ANY DEMOLITION

19. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

20. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

21. 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.

22. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

PRIOR TO CONSTRUCTION CERTIFICATE

23. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved dwelling utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunk/s of the following tree/s:

Tree No.	Botanical/Common Name	Radius in metres
8	<i>Viburnum sp.</i> (Viburnum)	2 m

24. 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

25. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

26. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

1. The stormwater drainage concept plan must be consistent with the approved architectural plans;
2. The site drainage must be designed to drain under gravity. As the site falls to the rear an easement for drainage over downstream properties will be required to be created and/or legal rights to utilise any existing easement for drainage demonstrated. Written documentation of the creation of or legal agreement to create an easement for drainage or legal rights to utilise any existing easement for drainage must be submitted to Council.
3. If the applicant's genuine attempts at acquiring a downstream drainage easement fails and Council is provided with written evidence, then Council recommends the drainage design to comply with the following requirements:
 - a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
 - b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
 - c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);
 - d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;

- e. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- f. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- h. Only roof water is permitted to be connected to the combined OSD/OSR, the overflow from the storage tank must be discharged by gravity to the kerb and gutter of a public road or Council's piped drainage system;
- i. Drainage pipes must be designed at a minimum grade of 1%. Pipe diameter and invert level, pits surface and invert level and finished surface ground levels must be shown on the drainage plan;
- j. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- k. As there is no overland flow/flood path available from the central courtyards to the Johnston Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
 - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- l. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor area;
- m. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- n. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- o. No nuisance or concentration of flows to other properties;

- p. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- s. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- t. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- u. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- v. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system; <F
- w. No impact to street tree(s).

27. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b. Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

28. Changes to Levels

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans incorporating the following amendments:

- a. A 150mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

29. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 2800 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- f. The external form and height of the approved structures must not be altered from the approved plans.

Additional issues:

Additional information is required to confirm the suitability of the central vehicle crossing, the off street parking arrangement and the loss of "on street" parking as follows:

1. Swept paths must be provided confirming that a B85 vehicle is able to enter the site and manoeuvre into the garages from the proposed central vehicle crossing. The swept paths must also detail the B85 vehicle leaving the site.
2. An analysis shall be provided detailing the impact the proposed central vehicle crossing will have on the "on street" parking in Johnston Street. The "on street" parking analysis shall detail the available "on street" parking pre and post development. The design of the proposed central vehicle crossing used in the analysis must comply with Council's Standard R4 design. It is noted that the length of on-street parking in obstructed and unobstructed parking spaces are 6000 mm and 5400 mm respectively.

3. Specifications and dimensions of the car lift must be submitted with the development application.

30. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

31. 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.

DURING DEMOLITION AND CONSTRUCTION

32. Tree Protection

To protect the following tree, trunk protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
1	<i>Lophostemon confertus</i> (Brush Box)

33. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
Tree 1 - <i>Lophostemon confertus</i> (Brush Box) - Street tree Tree 3 - <i>Toona australis</i> (Red Cedar) - Adjacent site rear/side Tree 8 - <i>Viburnum sp.</i> (Viburnum)	Prior to commencement of works	<ul style="list-style-type: none"> Inspection and sign off installation of tree protection measures.
	During Works	<ul style="list-style-type: none"> Supervise all site preparation and demolition works within the TPZ; Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ;

		<ul style="list-style-type: none"> Supervise all tree work.
		<p>And - In accordance with the Tree Protection Plan and work methodologies referred to in the Arboricultural Impact Assessment prepared by L&Co and dated 1/12/22 (V1) - Section 4 and Appendices 6, 7 and 8.</p>

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

34. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following trees may be severed or injured in the process of any works (including stormwater and other service lines) during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Lophostemon confertus</i> (Brush Box)	5m
3	<i>Toona australis</i> (Red Cedar)	5m

If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist and supervised by the Project Arborist.

35. Excavation Methods to Limit Impacts to Trees

Excavation for the installation of any services must be outside the Structural Root Zones of the following trees (unless approved in writing prior by the Project Arborist):

Tree No.	Botanical/Common Name	SRZ Radius in metres
1	<i>Lophostemon confertus</i> (Brush Box)	2.5m
3	<i>Toona australis</i> (Red Cedar)	2.3m
8	<i>Viburnum sp.</i> (Viburnum)	1.5m

Where the excavation is within the Tree Protection Zone it must be undertaken as directed by, and under the supervision of, the Project Arborist.

36. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

37. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE

38. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Certificate of Arboriculture that:

A minimum of 2 x 100 litre size canopy trees, which will attain a minimum mature height of nine (9) metres and minimum mature canopy spread of five (5) metres, have been planted in suitable locations within the property at a minimum of 1.2 metres from any dwelling structure and allowing for future tree growth. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms and species recognised to have a short life span will not be accepted as suitable replacements.

If the trees are found dead or dying before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced in accordance with this condition.

39. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

40. Torrens Title Subdivision to Occur before Occupation

Prior to the issue of an Occupation Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.

41. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Easement of an appropriate length and width to enable reciprocal rights to use the shared driveway access to the sites.

The wording in the Instrument must be in accordance with Councils Standard wording.

42. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and
- c. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

43. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been

removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

44. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

45. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

46. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

47. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and

footpath specifications and AUS-SPEC#2-“Roadworks Specifications” have been constructed at the vehicular access locations.

48. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications”. Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

49. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

50. 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.

PRIOR TO SUBDIVISION CERTIFICATE

51. Release of Subdivision Certificate

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.

52. Torrens Title Subdivision

Prior to the issue of a Subdivision Certificate, the Certifying Authority must verify that the physical works within this consent have been constructed.

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. [Street Numbering Application](#)

53. Separate Drainage Systems

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

ON-GOING**54. Bin Storage**

All bins are to be stored within the site.

55. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

56. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

ADVISORY NOTES**Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the

management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and *AS4970—Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

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.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

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.

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 - SITA Environmental Solutions	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 there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)

Permits

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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the

works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.