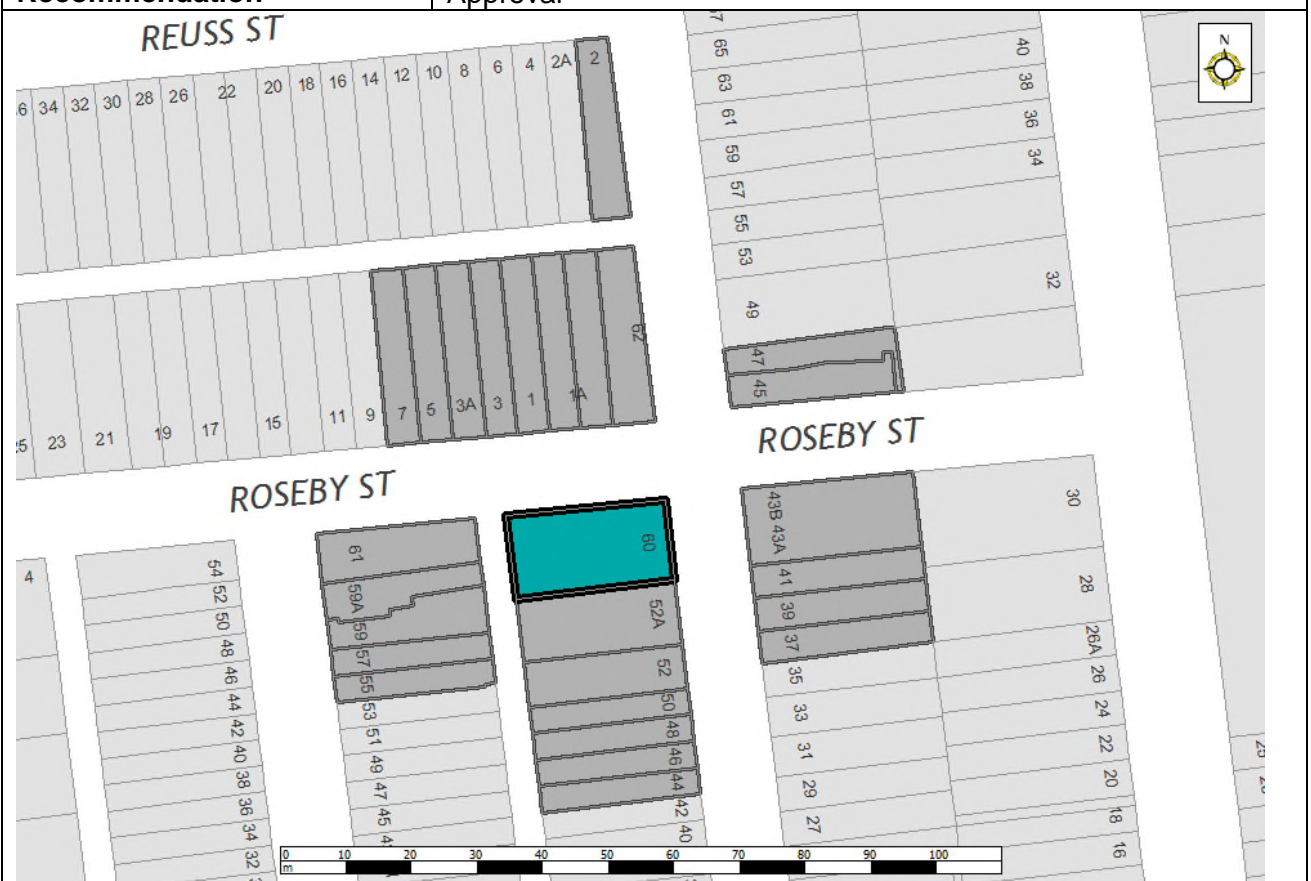




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2016/698
Address	60 Rofe Street, LEICHHARDT NSW 2040
Proposal	Alterations and additions to the existing attached dual occupancy, provision of two on site parking spaces. Torrens Title subdivision of the site into two lots.
Date of Lodgement	19 December 2016
Applicant	Mr S O Sulfaro
Owner	Mr S O Sulfaro
Number of Submissions	Nil
Value of works	\$560,000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	Nil
Recommendation	Approval



Locality Map

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to the existing attached dual occupancy, provision of two on site parking spaces. Torrens Title subdivision of the site into two lots at 60 Rofe Street, Leichhardt.

The application was notified to surrounding properties and no submissions were received.

There are no issues that have arisen from the application. The non-compliances with the Minimum Lot Size and Floor Space Ratio are acceptable and therefore the application is recommended for approval.

2. Proposal

The proposal is for alterations and additions to the existing attached dual occupancy, provision of two on site parking spaces. Torrens Title subdivision of the site into two lots. Specifically the proposal involves -

- Alterations to the existing Rofe and Roseby elevations, including alteration to windows and removal of existing garage doors to Roseby Street, provision of roller door to Roseby Street to service parking space at 60A Rofe Street.
- Internal demolition at ground and first floor
- Ground and first floor additions to result in amended dwelling layouts to comprise -
 - 60A Rofe Street (northern dwelling) –
 - Ground Floor – Study, Living, Kitchen/Dining rooms, Bathroom and laundry
 - First Floor – 2 x bedrooms, bathroom, ensuite, walk-in-robe and small media room
 - Roof – Terrace
 - External (rear) – Landscaping, deck and parking space accessed from Roseby Street
 - 60B Rofe Street (southern dwelling) –
 - Ground Floor – Study, Living, Kitchen/Dining rooms, Bathroom and laundry
 - First Floor – 2 x bedrooms, bathroom, ensuite, walk-in-robe and small media room
 - External (rear) – Landscaping, deck and parking space accessed from rear lane
- Removal of the Weeping Bottle Brush at the rear of the site
- Subdivision of the existing lot into two (2) Torrens Title lots of 159sqm (60A Rofe Street) and 147sqm (60B Rofe Street) respectively.

3. Site Description

The subject site is located on the western side of Rofe Street and southern side of Roseby Street. The site consists of one allotment and is generally rectangular with a total area of 303 sqm and is legally described as Lot 11, Sec 6, DP 612.

The site has a frontage to 12.19m to Rofe Street, a secondary frontage of approximate 24.4m to Roseby Street and a frontage to the rear lane of 12.88 metres.

The site supports a part single/part two storey building that is used as a dual occupancy. The adjoining and surrounding properties along both Rofe and Roseby Streets support residential uses of varying scales, including single and two storey dwellings.

The subject site is not listed as a heritage item, not located within a conservation area and not in the vicinity of a heritage item or conservation area.

The following trees are located on the site -

- Callistemon viminalis (Weeping Bottle Brush) at the rear of the property.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2015/45	Alterations and Additions to existing dual occupancy over 2 levels and torrens title subdivision and parking for 2 cars.	Advice Issued - 08/05/2015
PREDA/2015/13	Alterations and Additions to existing dual occupancy over 2 levels and Torrens Title Subdivision and parking for 2 cars to each lot.	Advice Issued – 20/03/2015
DA.3602	Convert premises into two (2) flats	Approved – 03/09/1969
BA/9388	Extension to kitchen, erection of a new laundry and garage “domestic class”	05/09/1969

The 1960's applications confirmed that the site has approval as a dual occupancy.

The PREDA raised the following issues –

- Parking/Infrastructure
- Bulk and Scale
- Elevation treatment
- Roof Terrace

It is considered that the additional information and amended plans lodged as part of this application has resolved those issues raised at the PREDA.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
01/03/2017	Meeting with Applicant to discuss outstanding issues
06/03/2017	Request for Information <ul style="list-style-type: none"> • Stormwater • Parking • Coloured Plans
31/03/2017	Additional information received

The additional information included –

- Hydraulic plans
- Revised plans to provide an alternate rear layout and revised parking layout

- Reduction in height of side wall heights.

The amended plans and additional information form the basis of this report.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(ii) State Environmental Planning Policy No 55—Remediation of Land—

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

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

A BASIX Certificate was submitted with the application.

5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.6 – Subdivision Requirements
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.1 – Minimum subdivision Lot size
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.9 – Preservation of trees or vegetation
- Clause 5.9AA – Trees or vegetation not prescribed by development control plan
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management
- Clause 6.8 – Development in areas subject to aircraft noise

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

Standard	Proposal	% of non compliance	Compliances
Subdivision (min. 200sqm)			
60A Rofe Street	159sqm	20.5%	No
60B Rofe Street	147sqm	26.50%	No
Floor Space Ratio (0.5:1)			
Total	0.92:1	84%	No
60A Rofe Street	0.92:1	84%	No
60B Rofe Street	0.91:1	82%	No
Landscaped Area			
Total (20%)	61sqm	20.10%	Yes
60A Rofe Street (15%)	31.5sqm	19.81%	Yes
60B Rofe Street (15%)	29.5sqm	20.07%	Yes
Site Coverage (60%)			
Total	178.3sqm	58.75%	Yes
60A Rofe Street	90.3sqm	56.79%	Yes
60B Rofe Street	88sqm	59.86%	Yes

The following provides further discussion of the relevant issues:

Clause 2.6 – Subdivision Requirements

This Clause prescribes that development consent must be sought if certain type of subdivision is proposed. The proposed subdivision does require a development application and as a result, the proposal satisfies this Clause.

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.1 – Minimum subdivision Lot size
- Clause 4.4 – Floor Space Ratio

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

Comment: As discussed below in subclauses (3) and (4), it is considered that the contravention to the development standards are acceptable in this instance.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The 'key' reasons submitted by the applicant as justification to the contravention of the standard/s are:

Clause 4.1 – Minimum subdivision Lot size

- The proposed Subdivision will add to the range of housing within the residential zone.
- Consideration has been given to the existing amenity and character of the area and it is considered that the proposed Lot Sizes are sympathetic and harmonious with adjoining development and will complement the existing character of the locality.
- The proposed Lot Sizes will enhance the amenity of the residential area by the provision of improvement to the housing stock and landscaping, and add to the fine grain character of Leichhardt.
- The subject site falls within the Leichhardt Suburb Profile, which is made up of a number of distinct neighbourhoods that include, the "Excelsior Estate Distinctive Neighbourhood", which comprises lots of 4-5m in width and 25-30m (150sqm).

Clause 4.4 – Floor Space Ratio

- The proposed alterations and additions to create the additional GFA to the dwelling is well integrated in a single building form to maintain a continuous attached streetscape rhythm. The front façade wall will be retained and the roof parapet of existing dwelling is retained for a distance of 7m. As such, the appearance of the development when viewed from Rofe Street will not be significantly altered. This approach results in an efficient/orderly site layout and minimises the bulk and scale of the building.
- The streetscape comprises a variety of building forms, including two storey dwellings and Developments which appear far bulkier than the proposed dwellings.
- The skilful design incorporates traditional and modern architectural features, wall heights and roof pitches to visually reduce the bulk and scale of the building and produce an aesthetically pleasing presentation to the street.
- For all intents and purposes the variation will not be interpreted as a noncompliance given that the design sits comfortably into the surrounding developed area already displaying bulkier building forms.
- The proposed 3 bedroom dwellings are not considered to be excessive in size, being only 147sqm and 131sqm respectively. It comprises of an open floor plan with functional rooms common to most contemporary style dwellings.

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

Comment: Council being the consent authority in this instance, is satisfied that the applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and it is considered they are well founded in this instance.

The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the respective Clauses and R1 - General Residential zoning for the following reasons:

Clause 4.1 - Minimum Subdivision Lot Size

- The proposed lots are able to accommodate dwellings that are of scale compatible with the residential context.
- The proposed lots are able to provide a satisfactory amenity for the future occupants
- The lots are able to provide for a variety of residential accommodation, if desired.
- In terms of the lot pattern the surrounding lots along Rofe and Roseby Streets are narrow and the proposed lot is more consistent with that pattern than the existing lot.

Clause 4.4 – Floor Space Ratio

- The proposal complies with the minimum Landscaped Area (20%) and Site Coverage (60%), providing a good balance between built form and open space.
- The proposal is not of character in its two storey scale and with the prevailing pattern of development at the intersection of Rofe and Roseby Street, or along Roseby Street;
- The retention of the Rofe Street façade is considered to be positive in retaining the character of the area.
- The demolition of the rear buildings and 're-siting' of the built form is considered to be more aligned with the prevailing pattern of development and within Building Location Zones when it can be reasonably assumed development can occur; and
- The proposal does not result in any undue and adverse amenity impacts to the surrounding properties that can reasonably be protected.

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

Comment: The granting of concurrence to the proposed variation of the development standards will not raise any issues of state or regional planning significance.

- (b) *the public benefit of maintaining the development standard, and*

Comment: The proposed variation to the development standards will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is not a material public benefit to enforcement of the development standards.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment: Not applicable in this instance as concurrence is not required by the Secretary.

5(b) Draft Environmental Planning Instruments

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

- Review of FSR’s – Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

Review of Floor Space Ratio – Leichhardt Local Environmental Plan 2013

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio			
Total (0.6:1)	0.92:1	54%	No
60A Rofe Street (0.8:1)	0.92:1	53%	No
60B Rofe Street (0.7:1)	0.91:1	52%	No

Whilst the proposal will not satisfy the proposed review standards, it is considered that the proposal is not out of scale with the existing building, its context and does not have any adverse amenity impacts to surrounding properties.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	Yes
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes - Refer below
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	Yes - Refer below
C1.6 Subdivision	Yes - Refer below
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes – Refer below
C1.12 Landscaping	Yes – Refer below
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A

C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
Excelsior Estate, Leichhardt; Sub Area 'The Core'	Yes - Refer below
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – Refer Below
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Basix applies
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes - Refer below
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	YES
Part E: Water	YES – Refer below
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and additions, C1.5 Corner Sites & C2.2.3.1 Excelsior Estate, Leichhardt; Sub Area 'The Core'

The site is located on the corner of Rofe and Roseby Streets and has its primary presentation to Rofe Street. At the intersection of these Streets all of the buildings are two-storey with three out of the four being 'true' two-storey with No. 43B Rofe Street being a dwelling with rooms in the roof. Along the northern side of Roseby Street there are also a number of two storey dwellings. Therefore it is considered that the first floor addition is suitable and compatible with the surrounding two-storey built form.

The proposal retains its existing 'unique' Rofe Street presentation which is considered positive and provides the contemporary development at the rear clearly delineating between the existing and proposed forms.

The proposal does not have any adverse impact on the surrounding properties and whilst the lot is to be subdivided it is considered that its subdivision will not be inconsistent with lot pattern in the area.

It is considered that in the context of the site and the character of the existing building the proposal is a suitable response.

C1.6 Subdivision

As discussed above, it is considered that whilst the proposed lots do not satisfy the Minimum Subdivision Lot Size, the lots are capable of providing dwellings with an acceptable level of amenity without adversely impacting the neighbouring properties. In terms of the lot pattern

the surrounding lots along Rofe and Roseby Streets are narrow and the proposed lot is more consistent with that pattern than the existing lot.

C1.11 – Parking

The proposal seeks to provide two (2) parking spaces on the site, one (1) for each lot/dwelling. Whilst there is no minimum parking requirement, the proposal does not exceed the maximum two (2) spaces. The parking spaces are appropriately located being at the rear of the site, one accessed from the rear lane, which positively improves the Roseby streetscape through the net removal of one of the garage doors.

C1.12 – Landscaping & C1.14 – Tree Management

The proposal complies with both the entire site required Landscaped Area (20%) and each individual lot complies with their required 15%. The site does contain a mature Weeping Bottle Brush at the rear of the property, however the tree was noted to have been poorly pruned in the past rendering its form as poor with one single main stem extending to the west. As a result, it is considered that its amenity is low and that it does not make a significant contribution to the surrounding landscape. In accordance with C1.14.7 (parts f and g) of Council’s Tree Management Controls, removal and replacement with two more suitable species is supported. This tree planting is imposed by way of condition.

C3.2 Site Layout and Building Design

Building Location Zone (BLZ)

The subject lot is a corner site and is a part one/part two storey building, with the first floor to the Rofe Street boundary. The immediately adjoining property to the south at No. 52A Rofe Street is single-storey and there is no real benchmark along Rofe Street as to a rear first floor BLZ. The image below indicates the site (highlighted in pink).



In consideration of the BLZ tests held in C6 of this part the following is commented –

The proposal does not adversely affect sunlight, privacy or views of surrounding properties and as discussed elsewhere in this report, it retains positively retains the character of the existing building and in a two-storey form is compatible with surrounding development. The proposal complies with controls relating to Private Open Space, Site Coverage and Landscaped Area and subject to conditions will provide adequate plantings in the gardens. The height of the building is not considered to be excessive with the side walls being 6m at their boundary setbacks and its length does not extend beyond that of the windows at No. 52A Rofe Street.

In consideration of the above, a first floor is compatible with the general two storey form and is considerate to No. 52A Rofe Street in its length. As a result it is considered that the siting of the first floor BLZ is acceptable in this instance.

Side Boundary Setbacks

The following table indicates compliance with the Side Boundary Setback Graph –

Elevation	Proposed Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern	6	1.84	0	1.84
Southern	6	1.84	0	1.84

As indicated the wall heights do not comply with the required setbacks, requiring greater setbacks than proposed. As discussed a two-storey wall height is not uncommon in the immediate area. The zero setbacks are for half the length of the lot, and in terms of the southern boundary has been designed to not extend over and/or beyond the central window at No. 52A Rofe Street, which as a result will continue to provide visual relief between the properties. In terms of the wall height to the northern boundary to Roseby Street, the height is considered to be compatible with the general two-storey theme of the buildings at the intersection and surrounding area, particularly Roseby Street.

The wall heights are not considered to result in any amenity impacts to surrounding properties, in particular No. 52A Rofe Street.

As a result a variation to the Side Setback control is considered acceptable in this instance.

Building Envelope

The Desired Future Character for the area prescribes a maximum 3.6m building envelope. However, in its instance the Building Envelope is not technically altered as the Rofe Street façade remains and positively the character of the building is retained.

Given the above, the proposed siting and scale of dwellings are considered acceptable in this instance.

C3.9 – Solar Access

Neighbouring Properties

The following solar access controls apply:

Neighbouring Living Room Glazing

- 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 9.00am and 3.00pm during the winter solstice, no further reduction of solar access is permitted.

The nature of the rooms that the north-facing windows service at No. 52A Rofe Street are not conclusively known (no historical plans, no access available and no submission lodged from that property), however a 2010 real estate brochure indicates that the central window services a hallway from the master bedroom to the kitchen and that the more western window services the master bedroom. The living rooms were located on the southern side of the dwelling. As a result, the proposal based on this floor plan would not affect any 'main living' room glazing.

Notwithstanding this, the windows are highly vulnerable to a loss of solar access as they are due south of the subject site; close to the boundary; and centrally located on the site, where it is likely that any form of addition at 60 Rofe Street would affect their solar access. Positively, the first floor addition extends to approximately only halfway into the lot, not beyond the 'hallway' window. In doing so, this window is not considered to be impacted but also retains solar access for approximately 1.5 hours in the afternoon, with the 'master bedroom' most window retaining at least 2 hours.

It is considered that the retention of solar access is positive given the location of the affected windows and the affected sites' condition.

Neighbouring Private Open Space

- C18 – Where surrounding have east/west facing private open space, ensure solar access is retained for two and a half hours between 9.00am and 3.00pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 – Where surrounding *dwelling*s currently receive less than the required amount of solar access to their *private open space* between 9.00am and 3.00pm during the winter solstice, no further reduction of solar access is permitted.

The only time that the private open space of No. 52A Rofe Street could be affected is in the morning. However due to the height of the existing building at No. 52A Rofe Street all shadows cast by the proposal fall within those existing shadows and as a result the proposal does not affect that private open space.

C3.11- Visual Privacy

The proposal includes a roof terrace for the northern dwelling (60A) focused to the front corner of the dwelling. This part considers roof terraces as follows -

C4 Roof terraces will be considered where they do not result in adverse privacy impacts to surrounding properties. This will largely depend on the:

- a. design of the terrace;*
- b. the existing privacy of the surrounding residential properties;*
- c. pre-existing pattern of development in the vicinity; and*
- d. the overlooking opportunities from the roof terrace.*

In response to the control, the terrace is sited away from the neighbouring dwelling (60B) and focussed toward the intersection of Rofe and Roseby Streets with the nearest residents across those streets. The terrace has not resulted in any design additional elements, for example balustrading and as a result does not alter the streetscape character of the building and affect the existing pattern of development. The parapet height (1.65m) provides adequate protection for a loss of privacy across the streets. Given the above, it is considered that the roof terrace is acceptable in this instance. It is considered that to avoid potential visual impacts on the streetscape that any furniture be limited to the parapet height and an ongoing condition is included to that effect.

Part E: Water

Roof Terrace

The Roof Terrace does not have access to an overland flowpath. In the event the site drainage system becomes blocked or its capacity is exceeded, this may lead to inundation to the dwelling via the door to the Terrace. To address this issue, the landing at the entry to the Roof Terrace must be raised to RL 32.20m AHD and slotted openings provided on the front wall to the Rofe Street frontage.

Rear Yard of Lot B

The rear yard of proposed Lot B is significantly lower than existing levels and would require retaining walls adjacent to the laneway and southern boundaries. Retaining walls are not

shown on the architectural plans. In addition, the proposed parking space is too low relative to the laneway.

These issues need to be addressed by conditions, noting also that the architectural elevations do not accurately depict existing ground levels and the architectural plans are inconsistent with the landscape plan in relation to proposed levels. There is also a distinct lack of survey points in this area on the submitted survey.

The rear elevation and floor plans are also inconsistent in relation to the floor level of the proposed Living Rooms, being RL 25.85m AHD and 25.70m AHD respectively.

To address the above issues in relation to the rear yard and to ensure the levels allow for adequate drainage and surface flow paths, the floor level of the Living Room on Lot B should be set at RL 25.85m AHD and the rear yard should be set at no lower than RL 25.60m AHD. No objections would be raised to the rear deck being raised to RL 25.70m AHD.

Easements

The roof design includes a shared box gutter along the common boundary between the proposed lots. Consequently, reciprocal easements will be required over the box gutter in favour of both lots.

Conditions are included in the recommendation to address the above.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

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

The site is zoned R1 – General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

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.

- Development Engineer

- Landscape

6(b) External

The application was not required to be referred any external bodies

7. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The variation to Clause 4.1. – Minimum Subdivision Lot Size and 4.4 Floor Space Ratio of Leichhardt Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2016/698 for alterations and additions to the existing attached dual occupancy, provision of two on site parking spaces. Torrens Title subdivision of the site into two lots at 60 Rofe Street, Leichhardt subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

1. Development must be carried out in accordance with Development Application No. D/2016/698 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
06E Issue E – Ground Floor	Habitation Design	02/03/2017
07E Issue E – First Floor	Habitation Design	02/03/2017
08E Issue E – Roof Plan	Habitation Design	02/03/2017
09E Issue E - Elevations	Habitation Design	02/03/2017
10E Issue E – Elevations	Habitation Design	02/03/2017
11E Issue E – Sections	Habitation Design	02/03/2017
Landscaped Plan???		
15D Issue D - Subdivision Plan	Habitation Design	15/12/2016
Schedule of Finishes Issue D	Habitation Design	15/12/2016
ST01 No. A – Site Stormwater Drainage Plan	Danmor Consulting Engineers	29/03/2017
Document Title	Prepared By	Dated
BASIX Certificate No. A269074 (60A Rofe Street)	Habitation Design	15/12/2016
BASIX Certificate No. A269152 (60B Rofe Street)	Habitation Design	15/12/2016
Acoustic Assessment V2	Koikas Acosutics Pty Ltd	16/12/2016

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

2. Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Callistemon viminalis</i> (Weeping Bottle Brush) located at the rear of the property.	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

3. Consent is granted for the demolition on the property, subject to strict compliance with the following conditions:
- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.

- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.

- iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

4. Amended plans are to be submitted incorporating the following amendments:
- a) The internal landing at the top of the stairs at the entry to the Roof Terrace must be raised to RL 32.20m AHD to provide for a minimum 150mm step.
 - b) Slotted openings must be provided in the western wall of the Roof Terrace to cater for overflows from the drainage system within the terrace in accordance with the stormwater drainage design.
 - c) The door opening to the parking space on proposed Lot B must be widened to 3500mm.
 - d) The floor level of the Living Room of the dwelling on proposed Lot B must be raised to RL 25.85m AHD.
 - e) The finished surface level of the entire rear yard to proposed Lot B must be raised to be no lower than RL 25.60m AHD. The parking space must be raised such that it is at least 170mm above the adjacent road gutter level in the rear laneway, across the width of the vehicle crossing.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

5. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

6. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:

- i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

7. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
8. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

9. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

10. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

11. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (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.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

12. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:
 - The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

13. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

14. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

15. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

16. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.

- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

17. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

18. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Clause 5.9 of Leichhardt Local Environmental Plan 2013, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the Local Environment Plan 2013 shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

The following replacement trees must be planted:

19. A minimum of 1 x 75 litre size additional tree is to be provided per lot. The trees will attain a minimum mature height of 6 metres, shall be planted in a more suitable location within the property. The trees are to conform to AS2303—*Tree stock for landscape use*.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

20. The applicant must bear the cost of construction of the following works:
- a) The existing Council stormwater drainage pit at the rear Laneway frontage must be converted to a grate-only pit and a new pit must be installed over the existing pipeline within the frontage of proposed Lot A. The new pit must have a lintel with a kerb opening to match the length of the lintel of the existing pit.
 - b) Reconstruction of the existing concrete vehicle crossing at the rear laneway frontage of the site to align with the parking space on proposed Lot B.
 - c) Construction of a concrete vehicle crossing at the Roseby Street frontage of the site, together with reconstruction of the kerb ramp and footpath between the vehicle crossing and the laneway intersection.
 - d) Closure of the redundant vehicle crossing and replacement with concrete kerb and gutter and footpath at the Roseby Street frontage of the site

Development Consent does NOT give approval to undertake any works on Council property. **An application must be made to Council and a Roadworks Application issued under Section 138 of the *Roads Act 1993* prior to the construction of these works.**

The application must be accompanied by an engineering design of the above. The Roadworks Permit will only be issued when the design has been approved by Council. A copy of the Roadworks Permit must be obtained from Council prior to the issue of a Construction Certificate.

The design may need to be submitted to and approved by Council's Local Traffic Committee prior to Council issuing an approval.

The applicant must bear the cost of construction of all works, including the cost of any required adjustment or relocation of any public utility service. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an Occupation Certificate.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

21. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:

a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. ST01 prepared by Danny Morched and dated 29 March 2017, subject to the drainage systems for each proposed lot discharging separately to the existing/ proposed Council stormwater drainage pits in the rear laneway.

In addition, slotted openings must be provided in the western wall of the Roof Terrace to cater for overflows from the drainage system within the terrace.

b) Comply with Council's Stormwater Drainage Code.

c) Charged or pump-out stormwater drainage systems are not permitted.

d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

e) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.

f) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.

g) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.

h) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.

i) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

22. 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*. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate. The following specific issues must be addressed in the design:
- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary are:
 - i) 110mm above the adjacent road gutter invert at the rear Laneway frontage of proposed Lot B; and
 - ii) match the existing footpath levels at the Roseby Street frontage for proposed Lot A.

The longitudinal profile across the width of the vehicle crossings must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

- b) The parking space on proposed Lot B must be raised such that it is at least 170mm above the adjacent road gutter level in the rear laneway, across the width of the parking space.
- c) The door opening to the parking space on proposed Lot B must be widened to 3500mm.
- d) 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.
- e) 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.

The design must be certified by a suitably qualified Civil Engineer as complying with the above requirements.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate and provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

23. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit as set out below must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Works	Security Deposit
Roadworks (ROADWB)	\$13,900
Total	\$13,900

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 amount nominated is only current for the financial year in which the 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.

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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 24. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
No. 52A Rofe Street	Dwelling

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition has been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

25. A Boundary Survey plan shows the location and relative levels of the natural and built features of the site and adjoining properties.

The survey plan must be prepared by a registered surveyor and give levels to the Australian Height Datum (AHD). The plan must be at a scale of 1:100. The survey must include the following information:

- a) Location of boundaries, paths, driveways, fences, retaining walls and other structures
- b) Roof ridge heights, setbacks of major structures, and window/door openings on the subject and adjoining sites
- c) Spot levels on the site and adjoining sites relative to AHD that are indicative of the overall site and/or that identify topographical features
- d) Levels in the frontage roadway, footpath and kerb and gutter
- e) Location of all rock outcrops and other natural features, including trees on the site and on adjacent properties
- f) Location, spot height at the base of each tree (to AHD), canopy spread, height and trunk diameter (measured 1.0 metres from the base of the trunk) of all trees on site.
- g) Documentary evidence of any easements or rights of carriageway which are to be relied upon
- h) Location and type of all easements burdening and / or benefiting the site
- i) Boundary offset measurements are required to be provided for all existing or proposed buildings within 1 metre of the boundary.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

26. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be 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.

Security Deposit (FOOT)	\$3,364.00
Inspection fee (FOOTI)	\$219.00

Payment will be accepted in the form of cash, bank cheque or 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 Council to determine the condition of the adjacent road reserve & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

27. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

28. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site

29. The site must be 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 property 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. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

30. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
b) reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

31. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.
32. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
33. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
34. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

35. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

36. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

37. The site must be appropriately secured and fenced at all times during works.
38. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

39. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

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

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

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

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

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

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

40. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
41. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
42. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
43. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
44. Sedimentation controls, tree protection measures and safety fencing (where

relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

45. 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 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.

46. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

47. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.

48. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.

49. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

50. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:

- the approved plans;
- BASIX certificate (where relevant),
- approved documentation (as referenced in this consent); and
- conditions of this consent.

51. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.
52. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

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 Principle Certifying Authority stamped Construction Certificate plans.

53. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on site detention facilities. 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.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

54. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

55. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council Roadworks Permit approval.

Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

56. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities (“OSD”).
- b) The Proprietor shall have the OSD inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate / Subdivision Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate

57. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,

- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

58. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus three (3) copies for Council's endorsement and administration sheet. The following details shall also be submitted:

- a) Evidence that all conditions of Development Consent D/2016/698 have been satisfied.
- b) Evidence of payment of all relevant fees and contributions.
- c) The 88B instrument plus six (6) copies.
- d) A copy of the final Occupation Certificate issued for the development.
- e) All surveyor's or engineer's certification required by the Development Consent.
- f) A copy of the Section 73 Compliance Certificate issued by Sydney Water.

All parking spaces and common property, including visitor car parking spaces and on-site detention facilities must be included on the final plans of subdivision and allocated in accordance with the approved plans.

59. Easements for drainage must be created over the box gutter on the common boundary between the proposed lots, giving reciprocal rights to both lots.

The easement must be registered on the title of the relevant lot(s) with the NSW Department of Lands. The easement plan must be approved by Council prior to lodgement at Lands and Property Information NSW.

Proof of registration of the easement with NSW Land and Property Information must be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

ONGOING CONDITIONS OF CONSENT

60. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.

61. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of*

Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

62. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.
63. No shade structure, umbrella, furniture or the like shall be erected anywhere on the roof terrace that exceeds the height of the parapet.
64. The Operation and Management Plan for the on site detention facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
65. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. semi-detached dwellings without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a semi-detached dwelling, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

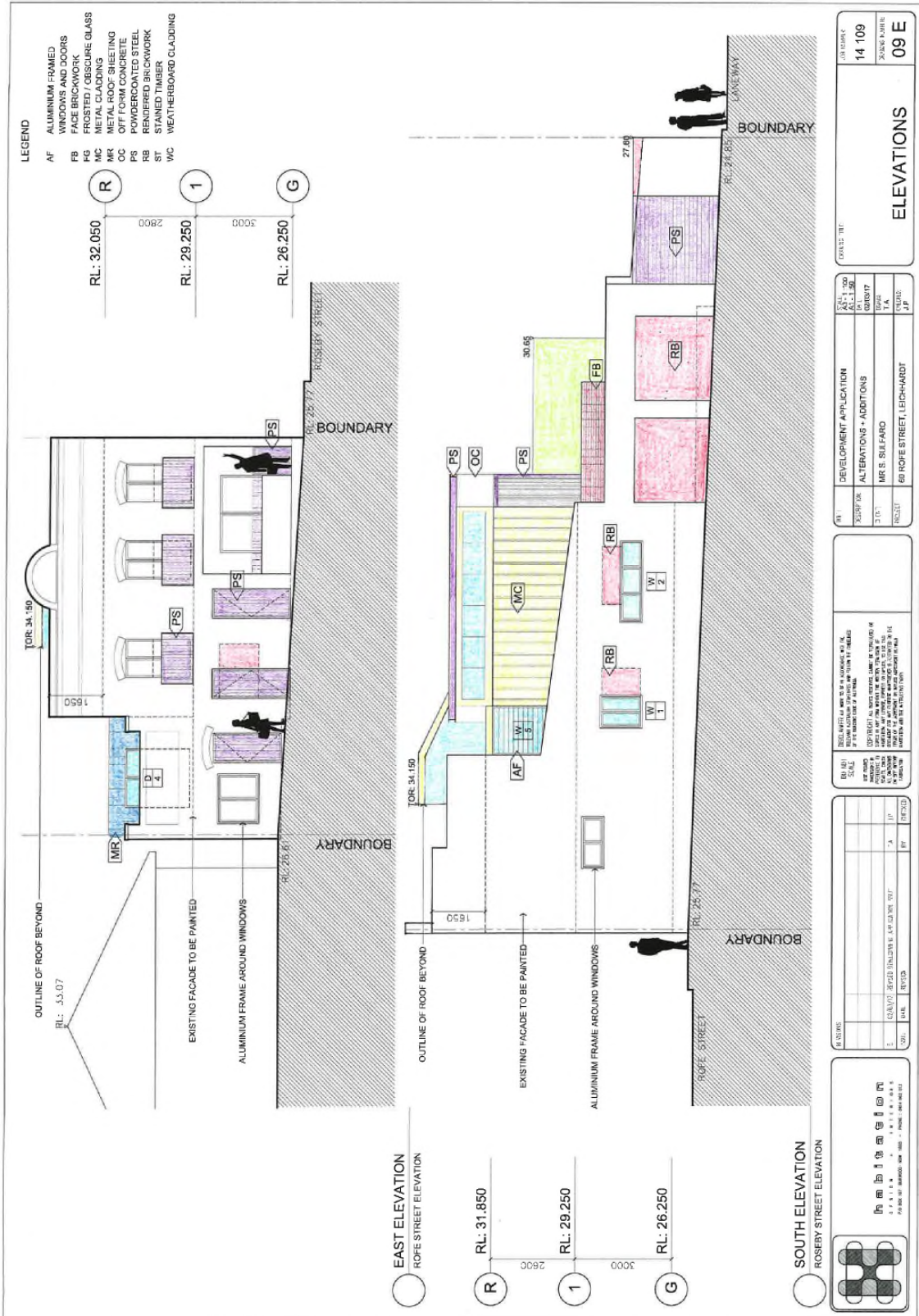
- (1) For the purposes of [section 80A](#) (11) of [the Act](#), it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

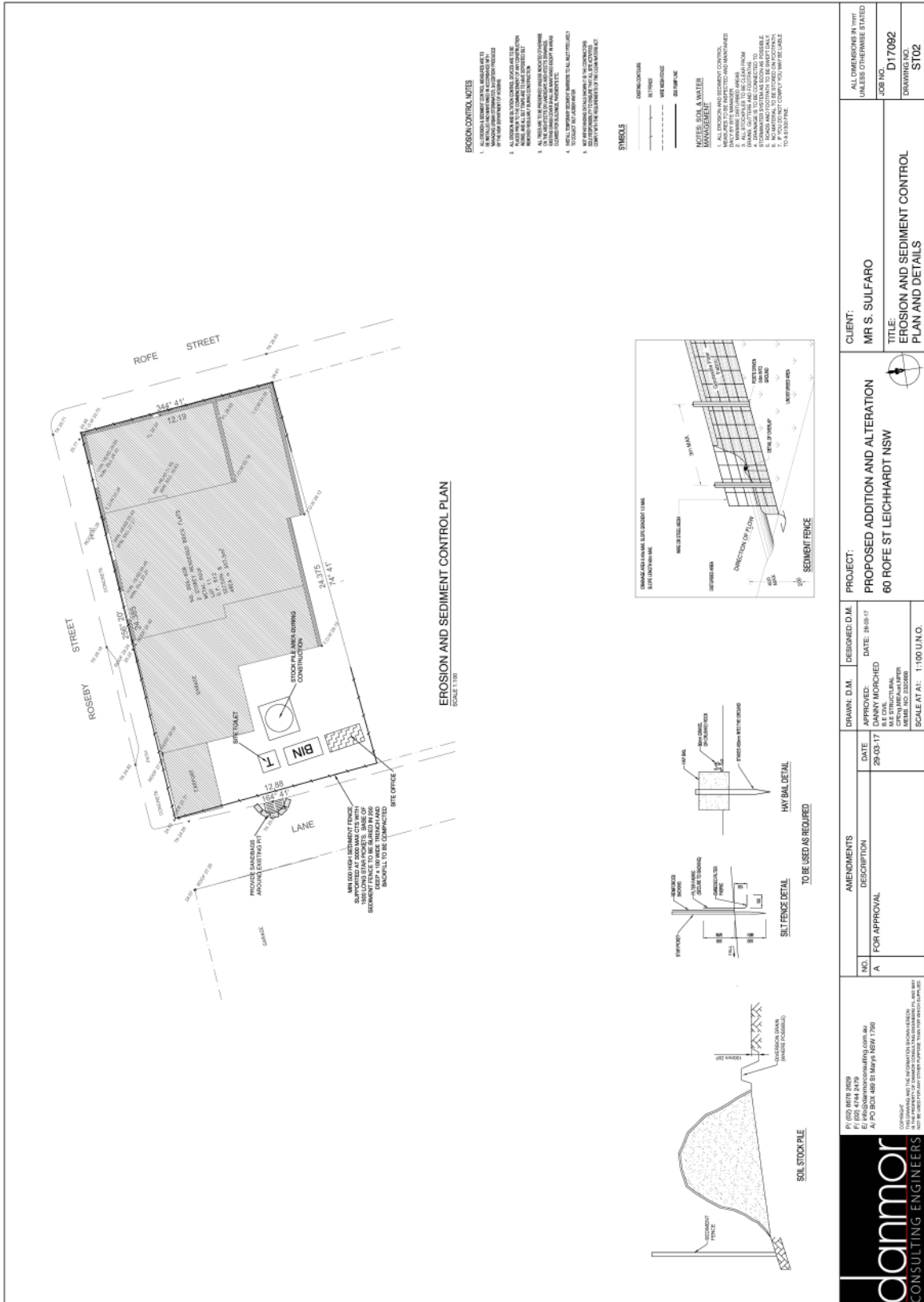
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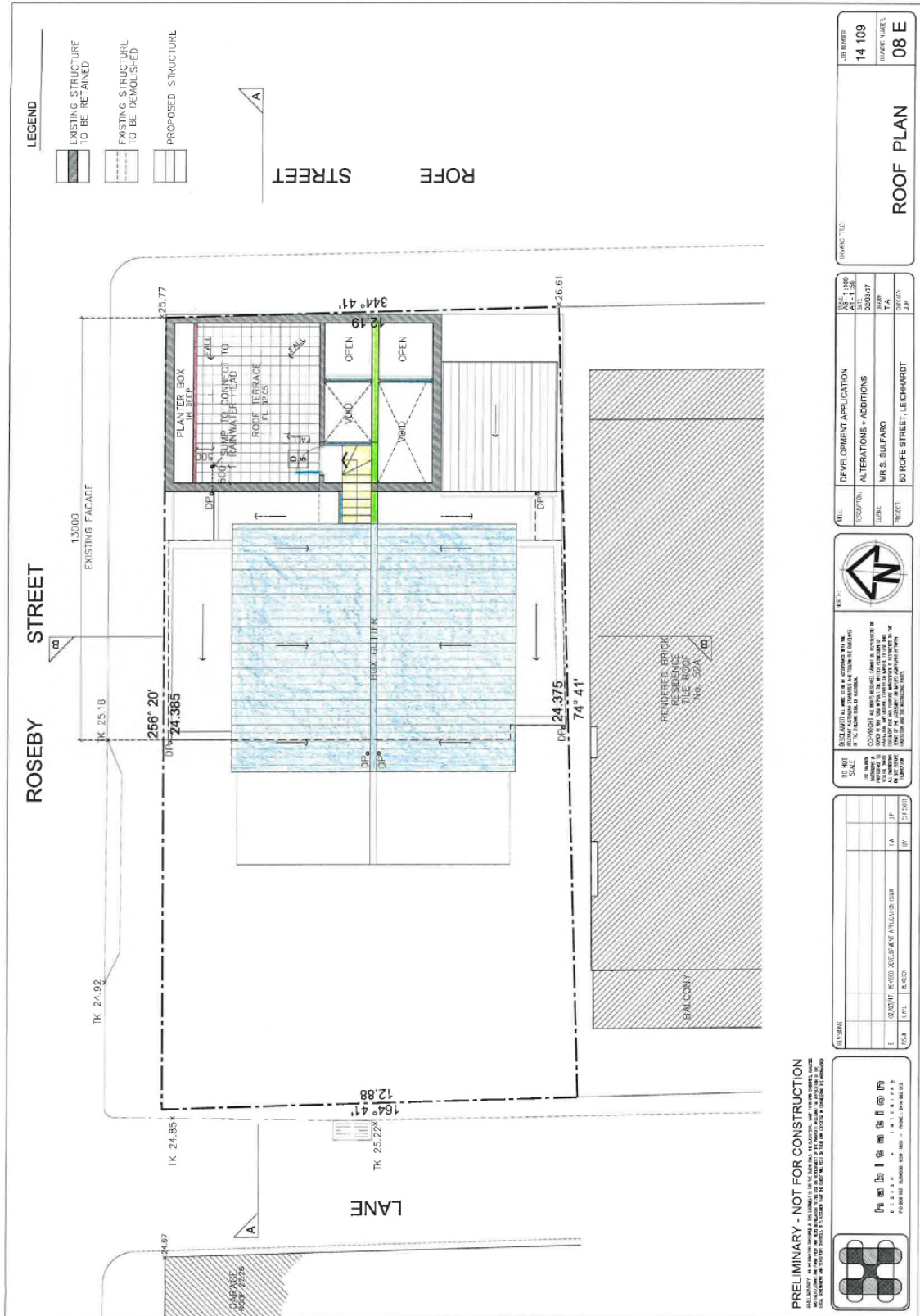
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.
5. 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 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. 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.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.









PRELIMINARY - NOT FOR CONSTRUCTION
 FOLLOWING: ALL DIMENSIONS ARE SHOWN IN METERS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

PROJECT NO: 14109
 DRAWING NO: 08 E
 DATE: 14/10/2023
 DRAWN BY: MRS S. BULFARO
 CHECKED BY: MRS S. BULFARO
 APPROVED BY: MRS S. BULFARO

NO.	REVISION	DATE
1	ISSUE FOR PERMIT APPLICATION	14/10/2023

DEVELOPMENT APPLICATION
 ALTERATIONS + ADDITIONS
 CLIENT: MRS S. BULFARO
 PROJECT: 60 ROBEY STREET, LEICHHARDT

NO.	REVISION	DATE
1	ISSUE FOR PERMIT APPLICATION	14/10/2023

JOB NUMBER: 14 109
 DRAWING NUMBER: 08 E
 DRAWN BY: MRS S. BULFARO
 CHECKED BY: MRS S. BULFARO
 APPROVED BY: MRS S. BULFARO

