






INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600291
Address	134 Lennox Street, Newtown
Proposal	To torrens title subdivide the land into 4 allotments; carry out alterations and additions to convert the substation on the allotment fronting Lennox Street into a multi-dwelling housing development containing 4 dwellings; and construct a 2 part 3 storey dwelling house on each of the 3 allotments fronting Probert Street
Date of Lodgement	10 June 2016
Applicant	AT Architecture
Owner	Yu & Sons Pty Limited P & Z Investment Pty Limited
Number of Submissions	24 submissions
Value of works	\$1,618,105
Reason for determination at Planning Panel	Number of submissions
Main Issues	Car parking
Recommendation	Approval subject to conditions



Subject Site: 	Objectors: 
Notified Area: 	

Note: Some submissions were received from properties outside of the map area.

1. Executive Summary

This report relates to an application to torrens title subdivide the land into 4 allotments; carry out alterations and additions to convert the substation on the allotment fronting Lennox Street into a multi-dwelling housing development containing 4 dwellings; and construct a 2 part 3 storey dwelling house on each of the 3 allotments fronting Probert Street at 134 Lennox Street, Newtown. The application was notified to surrounding properties and 24 submissions received.

The main issues that have arisen from the application include:

- A shortfall of 7 car parking spaces on the site

During the assessment of the application, amended documentation was submitted to address comments raised by Council officers. The amended plans did not require re-notification in accordance with Council's notification policy.

The omission of car parking is justified given that it will support the retention of existing heritage items on the site and results in a built form which is architecturally compatible with the character of the streetscape. It is considered that the non-provision of car parking is acceptable for the development given the site's close proximity to Newtown Station and bus stops servicing King Street and Enmore Road.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the amended development are considered to be acceptable given the context of the site and the desired future character of the precinct. The application is suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

Approval is sought to Torrens title subdivide the land into 4 allotments; carry out alterations and additions to convert the substation on the allotment fronting Lennox Street into a multi-dwelling housing development containing 4 dwellings; and construct a 2 part 3 storey dwelling house on each of the 3 allotments fronting Probert Street at 134 Lennox Street, Newtown.

The table below demonstrates the following arrangement of the site with regard to subdivision:

Proposed Lot	Site Area (sqm)	Frontage (metres)	Depth (metres)
Lot 1 (Probert Street)	103.6sqm	5.15 metres	20.115 metres
Lot 2 (Probert Street)	98.6sqm	4.9 metres	20.115 metres
Lot 3 (Probert Street)	101.6sqm	5.05 metres	20.115 metres
Lot 134 (residual lot containing the former electricity substation building fronting Lennox Street)	204.6sqm	20.115 metres	10.17 metres
TOTAL SITE AREA	508.4sqm		

The following residential development is proposed on the site:

- The provision of a 1 x 3 bedroom (2 part 3 storey) attached dwelling house on each lot fronting Probert Street (Lots 1 – 3); and
- Adaptive reuse of a former Electricity Substation fronting Lennox Street into 4 x 2 storey multi-dwelling units (1 x 2 bedrooms and 3 x 1 bedroom) with a roof top terrace on the third level of each unit.

3. Site Description

The site is located on the southern side of Lennox Street, Newtown. The site is located on a corner lot, within the intersection of Lennox Street and Probert Street. The rear (southern) boundary of the site adjoins Hoffman Lane. The site consists of 1 allotment and is generally regular shaped with a legal description being Lot 1 in Deposited Plan 82162 with a total area of 508.3m². The site is listed as a local heritage item (Item No. I163- Former Electricity Substation) and is located within a heritage conservation area (HCA 11- North Kingston Estate) under MLEP 2011.

The following characteristics relate to the site:

- The site contains 2 primary frontages to Lennox Street and Probert Street;
- The site contains a 20.115 metre frontage to Lennox Street;
- The site contains a 25.27 metre frontage to Probert Street; and
- The site generally slopes toward the south ranging from AHD 37.39 to AHD 36.08.

The wider local context comprises of varying built forms predominantly ranging from single and 2 storey period attached/semi-detached dwelling houses. To the immediate north of the site on No. 95- 103 Lennox Street is a local heritage item, currently utilised as a community hall (Item No. I162- Coronation Hall- Federation Arts & Crafts Style Hall) and to the immediate west of the site is a 3 storey residential flat building at No. 140 Lennox Street.

4. Background

4(a) Site history

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

Site

Application	Proposal	Date
PDA201500128 for the subject site	To carry out a Torrens title subdivision of the land into 4 allotments, carry out alterations to convert the substation on the allotment fronting Lennox Street into 4 multi dwellings and construct 2 part 3 storey dwelling house on each allotment fronting Probert Street	16 February 2016

In the Pre-DA plans, the applicant proposed the conversion of the heritage item into 4 multi-dwelling housing units and a 4 lot subdivision, with 3 lots fronting Probert Street with an attached dwelling on each allotment. The plans indicated the retention of the substation and demolition of the perimeter fencing around the site. The application proposed the construction of 3 vehicular crossings and car parking spaces within the front setback of the 3 proposed allotments fronting Probert Street.

Council's feedback to the applicant was:

- Council is supportive of the conversion of the heritage item;

- While small scale, subordinate additions above the existing ridge line of the substation are supported, large scale additions which dominates the heritage building are not supported;
- Demolition of the boundary fencing around the property is not supported, being an integral heritage feature of the substation site;
- The 3 lot subdivision is consistent with the prevailing subdivision pattern of the street and is supported;
- The provision of car parking within the front setback of the proposed 3 lots fronting Probert Street is not supported. This would require the demolition of the Heritage street wall fronting Probert Street which is not supported by Council's Heritage and Urban Design Advisor. Parking within the front setback of these allotments would be detrimental to the streetscape and out of character with the existing front setbacks along Probert Street which are generally smaller setbacks with front gardens and pedestrian entries to the residences with no car parking. It was also noted that the existing vehicular crossing at the corner of Probert Street and Hoffman Lane is in a prohibited location (i.e. within 6 metres of the intersection) and not supported by Council's Development Engineer.

4(b) Application history

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

Date	Additional Information
30 August 2016	Council requested the following additional information and amended plans: <ul style="list-style-type: none"> • Reduce the visual bulk and scale of the stair canopies and roof structure over the laundry area, dividing walls between the terrace areas of the multi-dwelling units and increase the setback of the planter boxes on the terrace level; • Delete bedroom 2 in dwelling 4 as it has poor solar access and natural ventilation; • Provide a Structural Adequacy Certificate; and • Provide further clarification of materials and finishes of the development.
24 October 2016	The applicant submitted amended architectural plans to address Council Officer's comments. This assessment report is based on the amended plans submitted to Council on 24 October 2016.
16 November 2016	The applicant submitted a Structural Adequacy Certificate for the development.

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 (Building Sustainability Index: BASIX) 2004

The following provides further discussion of the relevant issues:

5(a)(i) 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 been used in the past for both residential purposes and electricity infrastructure, which could have potentially contaminated the site.

A preliminary Site Investigation (PSI) was submitted with the application (completed by Parsons Brinkerhoff, dated 9 October 2014), where a site history search and review of aerial photographs was conducted. Six boreholes were dug across the site with laboratory analysis.

The following conclusion was made of the site with regard to site contamination:

- Contaminant concentrations in the soil were not identified above the health based assessment criteria for residential land use with access to soils. Based on the analytical results and within the usual limitations of environmental investigations, the site is considered to be suitable for ongoing residential land use or divestment for residential land use;
- With the exception of lead flashing to brickwork on the external walls and in the toilet, there were no hazardous materials found during the survey that would require special management. There was nothing found that would compromise the site's use as a residential property;
- Soil samples however, returned contaminant concentrations in exceedance of the adopted ecological screening criteria (including elevated copper, zinc and nickel), which are likely contributed to the historical levelling of the site. While this may negatively impact on plant growth, it will not negatively impact on human health;
- If the site was landscaped, it would likely require the importation of suitable topsoil for plants as the sandy fill material is structurally unsuitable for plant growth regardless of contaminant concentration;
- The site and surrounding areas were free of statutory notices issued by the EPA under the *Contaminated Land Management Act 1997* and the *Protection of the Environment Operations Act 1997*;
- There is no evidence of underground storage tanks; and
- In view of the above, no DSI is required.

The application was referred to Council's Senior Environment Officer who was satisfied with the recommendations of PSI. The report is referenced in the schedule of recommendations. Further, conditions are included in the recommendation regarding suitable disposal of soil from the site and requiring a site investigation and remediation works (if required) by a suitably qualified professional if there are unexpected occurrences during construction works. A condition is also included requiring suitable discharge of water into Council's sewage system and/or ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems.

A condition is included in the recommendation requiring the importation of suitable top fill for landscaping on the site as per the recommendation of the PSI before the issue of an Occupation Certificate.

Subject to compliance with the above conditions, the application is satisfactory having regard to site contamination and the requirements of SEPP 55.

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

5(a)(iii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011 (MLEP 2011):

- 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 4.3 – Height
- Clause 4.4 – Floor Space Ratio
- Clause 5.10 – Heritage Conservation
- Clause 6.5 – Development in areas subject to Aircraft Noise
- Clause 6.9 – Conversion of Industrial Buildings and Warehouse Buildings to Residential Flat Buildings

Pursuant to Clause 6.9(4) of MLEP 2011, the height and FSR development standards are not applicable to the multi-dwelling housing component of the development as it is an adaptive reuse of an industrial building (under Clauses 4.3 and 4.4 of MLEP 2011).

The 3 lot subdivision and construction of an attached dwelling on each lot fronting Probert Street is subject to the Height and FSR development standards under MLEP 2011. The following table provides an assessment of the application against the development standards for the attached dwelling houses:

Standard (maximum)	Proposal	Compliances
Height Required: Lot 1: 9.5m Lot 2: 9.5m Lot 3: 9.5m	Lot 1: 9m Lot 2: 9.03m Lot 3: 9.07m	Yes
Floor Space Ratio Required: Lot 1: 1.1:1 Lot 2: 1.1:1 Lot 3: 1.1:1	Lot 1: 1.08:1 Lot 2: 1.09:1 Lot 3: 1.05:1	Yes

The following provides further discussion of the relevant issues:

(i) Aims of the Plan (Clause 1.2)

The development is consistent with the aims of Clause 1.2 of MLEP 2011 in that the application supports the efficient use of land by increasing residential density near public transport. The residential development is located within close proximity (approximately 350 metres) to Newtown Station and bus stops servicing King Street and Enmore Road and the Newtown/Enmore commercial precinct.

The development conserves the cultural heritage of Marrickville and promotes a high standard of design. The development provides a sympathetic restoration and alterations and additions to the heritage listed former Electricity Substation building and conserves the predominant architectural features and foot print of the building. The contemporary attached dwellings fronting Probert Street complement the industrial/heritage building and heritage conservation area.

The development meets BASIX requirements and is oriented to maximise natural solar access and air ventilation for the private open spaces and living areas of the development and therefore meets the principles of ecologically sustainable development.

The application is satisfactory having regard to the Aims of the Plan under Clause 1.2 of MLEP 2011.

(ii) Land Use Table and Zone Objectives (Clause 2.3)

The site is zoned R2 – Low Density Residential under the provisions of MLEP 2011.

Multi-dwelling housing is permissible with Council's consent under the zoning provisions applying to the land but only as part of the conversion of existing industrial and warehouse buildings. This matter is discussed further in this Section of the report under the heading "Conversion of Industrial Buildings and Warehouse Buildings to Residential Flat Buildings (Clause 6.9)".

Subdivision and attached dwelling houses are permissible with Council's consent under the zoning provisions of the land.

The development is acceptable having regard to the objectives of the R2 – Low Density Residential zone.

(iii) Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent. The application proposes to subdivide the land into 4 lots; with 3 lots fronting Probert Street, and 1 residual lot (containing the former electricity substation) fronting Lennox Street. A condition of consent requiring the subdivision of the land before the issue of an Occupation Certificate has been included as a condition of consent in the recommendation. This matter is discussed in more detail in Section 5(c) of this report.

(iv) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(v) Height (Clause 4.3)

A maximum building height of 9.5 metres applies to the property as indicated on the Height of Buildings Map that accompanies MLEP 2011.

Multi-dwelling Units

Part of the development proposes a conversion of the former electricity substation into 4 multi dwelling units. The maximum height of the multi-dwelling units is 9.1 metres, which

complies with the maximum building height standard of 9.5 metres under Clause 4.3 of MLEP 2011.

Despite the above, Clause 6.9(4) of MLEP 2011 specifies that a development which converts industrial buildings into multi-dwelling units is not subject to any height limit under MLEP 2011. Therefore, a maximum building height limit is not applicable to the multi-dwelling portion of the development.

Attached Dwellings

The remaining portion of the development proposes to subdivide a portion of the land into 3 lots fronting Probert Street and the provision of an attached dwelling on each lot. This component of the development application is subject to the maximum building height limit under MLEP 2011.

The following table provides a breakdown of the building height of the dwelling houses, in relation to the prescribed height control, on their respective lots:

Proposed Lot	Maximum Height (metres)	Maximum Height Proposed (metres)	Complies?
Lot 1	9.5 metres	9 metres	Yes
Lot 2	9.5 metres	9.03 metres	Yes
Lot 3	9.5 metres	9.07 metres	Yes

The proposal complies with the maximum height for dwelling houses under MLEP 2011.

(vi) Floor Space Ratio (Clause 4.4)

Multi-unit dwellings

Part of the development proposes a conversion of the former electricity substation into 4 multi dwelling units.

The proposed residual lot (Lot 134) contains a site area of 204.6sqm and an FSR of 0.9:1 pursuant to Clause 4.4(2A) of MLEP 2011. The gross floor area of the multi-unit dwellings is approximately 331.5sqm and the development results in an FSR of 1.62:1, which does not comply with the FSR development standard.

Despite the above, Clause 6.9(4) of MLEP 2011 specifies that a development which converts industrial buildings into multi-dwelling units is not subject to any FSR limit under MLEP 2011. Therefore, a maximum FSR is not applicable to the multi-dwelling portion of the development.

Attached Dwellings

The remaining portion of the development subdivides a portion of the land into 3 lots fronting Probert Street and provides an attached dwelling on each lot. This component of the development application is subject to the maximum FSR development standard under MLEP 2011.

The following table provides a breakdown of the floor space ratio of the dwelling houses, in relation to the prescribed FSR control, on their respective lots:

Proposed Lot	Site Area (sqm)	Maximum FSR Permitted	Maximum GFA Proposed (sqm)	FSR Proposed	Complies?
Lot 1	103.6sqm	1.1:1	111.79sqm	1.08:1	Yes
Lot 2	98.6sqm	1.1:1	107.54sqm	1.09:1	Yes
Lot 3	101.6sqm	1.1:1	106.6sqm	1.05:1	Yes

The proposal complies with the maximum FSR for dwelling houses under MLEP 2011.

(vii) Heritage Conservation (Clause 5.10)

The site contains a local heritage item, being a former Electricity Substation (Item No. 163- Local Significance). The site is also located in the North Kingston Estate Conservation Area-C11. To the immediate north west of the site on No. 95- 103 Lennox Street is a local heritage item (Item No. 1162- Coronation Hall- Federation Arts & Crafts Style Hall)

The original plans submitted with the application on 10 June 2016 were referred to Council's Heritage Advisor and Urban Designer who identified the following issues to be addressed:

- **Internal Layout-** the rear bedroom on the ground floor of Dwelling 4 has poor access to natural light and ventilation and is not supported;
- **Bulk-** The additions and alterations to the former Electricity Substation building are excessive and add unnecessary visual bulk to the building. The following recommendations were made to reduce the visual bulk of the development:
 - The canopy stairs to the third level terrace of Dwelling 4 should be relocated as far away from the outer western elevation of the building as possible to reduce visual bulk of the building when viewed from Lennox Street;
 - A minimum of 2.0m setback (rather than 1.0m) should be provided for the planter box to the Probert Street elevation of the former Electricity Substation building at the terrace level (Dwelling 1);
 - The floor-to-ceiling height to the stairwell at the terrace level of the multi-dwelling units should be reduced to 2.1 metres, rather than 2.4 metres;
 - A small/simpler canopy on top of the laundry area of the terrace levels of the multi dwelling units may be considered;
 - The dividing walls between the terraces of Dwellings 1 to 4 should be reduced in height to a maximum of 1.8m high in total, rather than 2.1m.
 - The east-facing canopies to the balconies of Terraces 1 to 3 at Level 2 should be deleted. A simpler lightweight metal-framed sunshade could be provided instead, if required; and
- **Materials and Finishes-** Clarification regarding the materials and finishes to be used for the development

Amended plans were submitted 24 October 2016 which provided the following amendments:

- Deletion of the rear bedroom in dwelling 4;
- Reduction in bulk of the additions to the former Electricity Substation building which include the following amendments:
 - Relocation of the terrace stairs of Dwelling 4 away from the western elevation;
 - Increased setback of the planter box to the Probert Street elevation of the former Electricity Substation building from 1 metre to 1.6 metres. This is to maintain ample private open space for Dwelling 1;
 - Increase in the setback of the third level roof canopy to the Probert Street elevation of the former Electricity Substation building from 1.1 metres to 2.2

- metres and reduction in floor to ceiling height of the roof canopy from 2.4 metres to 2.1 metres;
- Reduction in the height of the dividing walls between the multi-unit dwelling terraces from 2.1 metres to 1.8 metres; and
- Reduction in length of the north east facing canopies of the attached dwellings 1 – 3.
- An amended material and finishes schedule.

The amended plans were reviewed by Council's Urban Designer and Heritage Advisor who was supportive of the proposal. The proposal is acceptable having regard to Heritage Conservation in that:

- The reduction in the length and floor-to-ceiling height of the cantilevered roof and increased setbacks of the planter boxes from the Probert Street elevation of the industrial building results in a reduction to the perceived bulk and scale of the alterations and additions to the former Electricity Substation building;
- The additions such as the roof canopy over the terraces of dwellings 1 – 4, planter boxes and dividing walls add a complementary and contemporary contrast to the period building without architecturally dominating it;
- The 3.3 metre setback of Terraces 1 – 3 from the heritage street wall adjacent to Probert Street provides substantial visual relief and prominence to the heritage feature without dominating it;
- The external elevation of Terrace 1 is attached to the heritage street wall fronting Hoffman Lane. While there are no setbacks, the visual prominence to the wall from the laneway is less significant than from Probert Street. As such, the nil setback to the heritage wall is acceptable;
- The development demolishes the existing gable roof form of the industrial building to enable enough floor-to-ceiling height clearance for the first level of the multi-dwelling unit development and accommodate private open spaces on the roof terraces of the multi-unit dwellings. Given the gable roof form is of a low pitch and not visible from the street, this architectural element is not a significant heritage feature of the building. It is considered that its removal is acceptable;
- The art deco detailing of the building, including the pattern brick work on the Lennox Street and Probert Street elevations, are to be retained, and the windows of the building are to be reinstated in a sympathetic manner consistent with the architectural character of the building;
- Given that the alterations and additions to the former Electricity Substation building are visually subordinate and substantially maintains the original building footprint of the industrial building, there will be no adverse impacts to the heritage value of the Coronation Hall heritage item to the north of the site on No. 95- 103 Lennox Street; and
- It is considered that the contemporary attached dwellings fronting Probert Street complement the heritage industrial building and heritage conservation area and interpret positive architectural characteristics of the locality.

In view of the above, the development is satisfactory having regard to Heritage Conservation under Clause 5.10 of MLEP 2011.

(viii) Clause 6.5 – Development in areas subject to Aircraft Noise

The land is located within the 20- 25 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise and the carrying out of development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could

be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts.

Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

(ix) Conversion of Industrial Buildings and Warehouse Buildings to Residential Flat Buildings (Clause 6.9)

Clause 6.9 of MLEP 2011 provides development objectives and standards for the adaptive reuse of existing industrial/warehouse buildings to multi dwelling housing.

The site contains a former Electricity Substation building, constructed prior to the commencement of MLEP 2011, and the development proposes to carry out alterations and additions to the premises to convert the building into multi dwelling housing containing 4 units. Objective 1 permits multi dwelling housing where they are part of an adaptive reuse of the existing industrial building.

Clause 6.9 of MLEP 2011 and Part 6.4.3 of MDCP 2011 prescribe matters of consideration for converting warehouse buildings to multi dwelling housing. The matters of consideration are generally associated with the impact of the development on the scale and streetscape of the surrounding locality, suitability of the building for adaptive reuse and the degree of modification to the footprint and façade of the building.

It is considered that the development generally maintains the existing streetscape presentation and industrial form of the building within the Lennox Street and Probert Street streetscape with the exception of minor alterations and additions to the external façade of the building to accommodate dwellings, dwelling openings, roof level terraces and decorative features such as planter boxes. A light-weight roof canopy on the terrace level of the building is provided to accommodate a laundry area for each unit and allow natural ventilation for clothes drying. The modifications and additions are essential as it improves dwelling layouts and amenity.

Notwithstanding the above, the degree of modification is limited as the development proposes to predominantly maintain the existing building face-brick walls, ground and first floor concrete slabs and perimeter wall surrounding the site.

The building is suitable for adaptive reuse as a structural adequacy certificate was provided by Dennis Bunt Consulting Engineers dated 16 November 2016 which confirms that the building is structurally feasible to accommodate the development. The development also upholds the amenity standards in Council's planning controls relating to solar access, private open space, internal layout and privacy and is located within close proximity to public transport as discussed later in the report.

The matters regarding the scale and streetscape impact of the development within the locality are acceptable and are discussed in more detail in Part 4.2 of MDCP 2011 below.

In view of the above, the development is acceptable under Clause 6.9 of MLEP 2011.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011).

Part of MDCP 2011	Compliance
Part 2.6 - Acoustic and Visual Privacy	Conditioned to comply
Part 2.7 - Solar Access and Overshadowing	No but acceptable – see below
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No but acceptable – see below
Part 2.11 – Fencing	Yes
Part 2.18 – Landscaping and Open Spaces	No but acceptable- see below
Part 2.21 – Site Facilities and Waste Management	Yes
Part 3 – Subdivision, Amalgamation and Movement Networks	Yes
Part 4.1 – Low Density Residential Development	Yes
Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings	No (Setbacks) but acceptable- see below
Part 4.2.9 – Conversion of Existing Industrial and Warehouse Buildings in residential Zones	Yes
Part 6.4.3 – Conversion of Existing Industrial and Warehouse Buildings in Residential Zones	Yes
Part 9 – Strategic Context (Newtown North and Camperdown Planning Precinct)	Yes

The following section provides discussion of the relevant issues:

(i) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. The development complies with the objectives and controls relating to acoustic and visual privacy as contained in Part 2.6 of MDCP 2011 for the following reasons:

- No windows are located on the side boundaries, with the exception of Terrace 1 (lot 1, south west elevation) which contains 2 stair windows (south west elevation), which potentially overlook the courtyard of the dwelling house on No. 137 Probert Street. A condition is included in the schedule of recommendations requiring amended plans to be submitted to the Principal Certifying Authority's satisfaction demonstrating the following amendment to the windows:
 - Fixed and translucent glazing.
- The first floor kitchen window of Dwelling 4 overlooks the private open spaces of the attached dwellings on proposed Lots 1 – 3. A condition is included in the schedule of recommendations requiring amended plans to be submitted to the Principal Certifying Authority's satisfaction demonstrating one of the following amendments to the window:
 - A minimum sill height of 1.6 metres above the floor level;
 - Fixed and translucent glazing to a minimum level of 1.6 metres above the floor level;
 - Suitable externally fixed screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level.

- All 4 terraces of the multi-dwelling units are oriented to overlook Lennox and Probert Streets. Privacy screens 1.8 metres high are provided between the balconies to prevent overlooking onto neighbouring terraces.
- The 3 attached dwellings have 3 Juliet balconies (1 for each dwelling) at the rear (east elevations) that potentially overlook the rear of the neighbouring site at No. 120 Chelmsford Street. The privacy impacts are considered to be reasonable for the following reasons:
 - The balconies are only 450mm in width which reduces the usability of the space
 - No. 120 Chelmsford Street utilises the rear portion of the land as a hard stand car park which is not considered to be a sensitive use with regard to privacy; and
 - Bedrooms are generally low activity rooms; and
 - Given the dense urban environment of Newtown, the visual overlooking impacts of the development are not considered to be unreasonable.
- The applicant submitted amended plans on 24 October 2016 which removed a 2.4 metre high privacy screen and relocated the stair canopy away from the north east elevation of the terrace on Dwelling 4 to address heritage issues relating to bulk/scale of the development (discussed in further detail under Clause 5.10 of MLEP 2011). A 700 millimetre high planter box remains adjacent to a 1.1 metre high metal-cladding balustrade. While the amended plans address visual bulk issues, visual privacy impacts to the neighbouring residential flat building remain. To address the overlooking issue (whilst minimising visual bulk of the development), a condition is included in the schedule of recommendations for amended plans to be submitted to the Principal Certifying Authority before the issue of a Construction Certificate for the provision of a 1 metre high planter box and shrubs with a minimum height of 1 metre to be planted on top of the planter box adjacent to the north east elevation of the terrace to offset overlooking impacts to the neighbouring residential flat building;
- With regard to acoustic privacy, the development is located within the 20-25 ANEF. Appropriate noise attenuation measures have been incorporated into the development and the application was accompanied by an acoustic report demonstrating the proposal would provide for adequate acoustic amenity for future occupants; and
- As the development is for residential dwellings within a residential area, noise emanating from the roof top terraces is not expected to be unreasonably excessive.

Subject to compliance with the condition of consent above, the application is acceptable regarding visual and acoustic privacy under Part 2.6 of MDCP 2011.

(ii) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties.

The development casts additional shadows to the side windows on the northern elevation of the dwelling house on No. 137 Probert Street (facing Hoffman Lane) and the private open space of the neighbouring site between 9:00am and 3:00pm on 21 June. However, Control C2(ii)(d), Part 2.7.3 of MDCP 2011 requires Council to consider whether sunlight is available in March to September and whether the overshadowing is adverse for the majority of the year. Given that these windows and private open space will maintain at least 2 hours of solar access between 9:00am and 3:00pm during the March/September period, overshadowing from the development is not adverse for the majority of the year.

The shadow diagrams illustrate that no additional overshadowing will be cast to the rear yard of No. 120 Chelmsford Street (to the rear-east of the site) between 9:00am and 3:00pm on 21 June. The site is already over shadowed during this period by the existing industrial building on the site and the 3 storey residential flat building on No. 140 Lennox Street.

In view of the above, the development is acceptable having regard to overshadowing under Part 2.7 of MDCP 2011.

Solar Access

Multi-dwelling housing

The multi-dwelling housing component of the development complies with the solar access objectives and controls under MDCP 2011 with 100% of the dwellings containing windows and balconies positioned within 30 degrees east and 20 degrees west of true north to allow for direct sunlight for 2 hours between 9am and 3pm on 21 June.

Attached Dwelling Houses

The east/west orientation of the proposed lots and attached dwellings fronting Probert Street limits the provision of north facing windows. The private open space of each dwelling receives less than 2 hours of solar access between 9:00am and 3:00pm on 21 June, which is a non-compliance with the solar access controls of MDCP 2011.

The overshadowing over the private open spaces between 9:00am and 3:00pm on 21 June is predominantly a result of the existing built forms to the north of the proposed lots, being the existing 3 storey residential flat building at No. 140 Lennox Street and the former electricity substation building on the site itself. Given the existing constraints of the lot's orientation and the built environment surrounding the site, the non-compliance with the solar access controls is reasonable.

The non-compliance with the solar access controls is not substantial enough to warrant refusal given the development potential of the site, including opportunities to provide residential accommodation within an accessible area as discussed under *Clause 1.2- Aims of the Plan above*.

In view of the above discussion, the development is acceptable having regard to the objectives and controls relating to overshadowing and solar access under MDCP 2011.

(iii) Community Safety (Part 2.9)

The development is considered reasonable having regard to community safety as the proposal provides clear and visible residential entrances to the multi-dwelling units and attached dwellings from Lennox Street and Probert Street. The development contains second and third storey bedroom/living area windows and balconies/terraces to allow for active and passive surveillance to the Lennox and Probert Streets below.

Given the above, the development satisfies Part 2.9 of MDCP 2011.

(iv) Parking (Part 2.10)

Part 2.10 of MDCP 2011 requires the provision of 1 car parking space for each dwelling house and multi-unit dwelling. The provision of 4 multi-unit dwellings and 3 dwelling houses therefore generates the demand for 7 car parking spaces.

The development provides no car parking spaces which does not comply with the car parking controls under MDCP 2011. The non-compliance with the car parking controls is acceptable for the following reasons discussed below:

- Any provision of car parking on the site would require substantial demolition of the heritage street wall surrounding the site and/or the heritage building itself. This is an unacceptable outcome as the heritage street wall and heritage building is required to be retained under Clause 5.10 of MLEP 2011. While minor pedestrian openings are proposed to the heritage street wall fronting Probert Street and Hoffman Lane and the former electricity substation building, the provision of car parking would require a more substantial demolition of these heritage structures which is considered to be an unacceptable outcome. The omission of car parking on the site will enable a predominant retention of the heritage structures of the site, which will satisfy the heritage conservation objectives under Clause 5.10 of MLEP 2011;
- Objectives O4 and O8 require Council to ensure that the provision of any car parking is compatible with the particular development proposed and achieve a positive visual and sustainable transport outcome. The period dwelling houses on Lennox Street and Probert Street are predominantly characterised by front facades with minimal front setbacks (approximately 1 metre) with a small garden setting and no car parking within the front setback. The non-provision of car parking allows the attached dwellings fronting Probert Street to provide a small garden setting and maintain a similar setback character as adjoining dwellings which will enable the development to better visually integrate with the streetscape;
- Objective O1, Part 2.10.1 of MDCP 2011 requires Council to balance the need to meet car parking demand on-site to avoid excessive spill over on to streets, with the need to constrain parking to maintain the Marrickville LGA's compact urban form and promote sustainable transport. The site is located within close proximity to public transport and shops and services on King Street and Enmore Road. It is located approximately 350 metres walking distance (approximately 5 minutes) to Newtown Station and bus stops servicing King Street and Enmore Road. The site's proximity to public transport and services will satisfy the additional demand for transport within the area and encourage sustainable transport through transit oriented development.
- It is considered that the non-provision of car parking on the site will maximise the development potential of the site and satisfy the objectives of the Local Environmental Plan under Clause 1.2 of MLEP 2011 as discussed previously. Given the heritage significance of the industrial building and the opportunity to provide an adaptive reuse of an underutilised site and encourage more transit oriented and sustainable development, the non-provision of car parking is justifiable. An alternative development scenario, such as the use of the vacant portion of the site for car parking, is not considered to be the highest and best use of the land given the site's close proximity to services and public transport and the visual significance of the local heritage item and heritage conservation area. It would be considered a better built form outcome by utilising vacant land in the heritage conservation area for high quality residential accommodation than leaving it open for hardstand car parking. The development visually complements the architectural character of the industrial building and heritage conservation area and is assessed to be a better planning outcome than to accommodate any car parking on the site.

In view of the above discussion, it is determined that the non-provision of car parking will be the highest and best outcome for the site having regard to heritage, streetscape presentation and sustainable development. The development satisfies the parking objectives of Part 2.10 of MDCP 2011.

(v) Fencing (Part 2.11)

The development retains the existing boundary fencing aligning Probert Street, Hoffman Lane and the site's north western boundary. The brick fencing forms part of the heritage significance of the site and ranges in height from approximately 2.4 metres to 3.2 metres. Minor demolition works to sections of the wall are required to fronting Probert Street and Hoffman Lane to accommodate pedestrian entry to the proposed attached dwellings on Lots 1 – 3. Given the fencing forms part of the heritage significance of the industrial building and is required to be retained under MLEP 2011, the fencing is acceptable under Part 2.11 of MDCP 2011.

(vi) Landscaping and Open Spaces (Part 2.18)

Part 2.18 of MDCP 2011 prescribes landscaped area and private open space controls for multi-dwelling housing and dwelling houses.

An assessment of the landscaping and private open space of the development is provided below.

Multi Dwelling Housing

Part 2.18.11.5 of MDCP 2011 requires the entire front setback to be of pervious landscaping and 45% of the total site area to be landscaped at ground level. Given that the development is an adaptive reuse of a heritage listed industrial building, and is located within a relatively built-up and dense urban environment and built to the zero lot line of its front setback, there are limited practical means to provide landscaping at ground level.

In view of the setback character of the area where most period dwellings have minimal front setbacks with no gardens or a small garden setting, (as discussed previously), the non-provision of landscaping on the ground level is acceptable.

Each multi-dwelling housing unit is required to provide a minimum of 4m x 4m private open space on the ground level. Each multi-unit dwelling contains a private open space within the terrace area (third level) of the building meeting the abovementioned minimum dimensions and therefore satisfies this requirement. While the private open space is provided on the roof level, it is considered that these spaces will be of good amenity, having generous solar access in mid-winter, natural ventilation and adequate privacy.

The private open spaces of the multi-dwelling units are therefore consistent with the private open space objectives prescribed in part 2.18 of MDCP 2011.

Attached Dwelling Houses

In accordance with Part 2.18 of MDCP 2011, each dwelling is required to be provided with an area of private open space with a minimum area of 45sqm (50% of which is to be pervious) and a dimension of no less than 3 metres. The proposed area of private open space for each lot is summarised in the table below:

Proposed Lot	Private Open Space (sqm)	Permeable Area (%)
Lot 1	39sqm	50%
Lot 2	39sqm	50%
Lot 3	40sqm	56%

The private open space calculations above include the front courtyard of each dwelling. Given the requirement to retain the heritage wall fronting Probert Street with a generous

height (approximately 2.4 metres to 3.2 metres), the front yards of Lots 1 – 3 will be secluded from the street and will maintain privacy.

As demonstrated above, the development does not comply with the minimum required area of private open space for each dwelling. Notwithstanding the above, the non-compliance is acceptable for the following reasons:

- Given the site is an infill development within a relatively built-up/dense area and the variations with the private open spaces controls are relatively minor, the non-compliances are reasonable;
- The private open space provisions generally exceed the private open spaces of surrounding residential development on Probert Street; and
- It is considered that the private open space provisions are sufficient to accommodate outdoor recreation, deep soil planting, clothes drying and stormwater management.

In view of the above, the development is acceptable having regard to the landscaping and private open space objectives and controls under Part 2.18 of MDCP 2011.

(vii) Site Facilities and Waste Management (Part 2.21)

2.21.7 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

2.21.11 Residential Waste

Multi Dwelling Housing

A minimum of 72 litres per dwelling for recycling and waste in 240 Litre bins (total of 2 x 240 litre recycling bins and 2 x 240 litre waste bins) are required for the development. The development exceeds the required capacity for rubbish and recycling bins.

Dwellings 1 and 4 have exclusive access to 2 x 140 litres waste bins and 2 x 240 Litre recycling bins (per dwelling) within their own separate ground floor bin storage areas with direct access from Probert and Lennox Streets (respectively). Dwellings 2 and 3 have shared access to 2 x 240 litres waste and recycling bins within a common ground floor bin storage area located in a shared ground floor entryway from Lennox Street.

Attached Dwelling Houses

A minimum of 1 x 240 Litre recycling bin and 1 x 140 Litre rubbish bins are required for each dwelling house. Each dwelling house contains the required waste and recycling bins which are stored within the front yard (behind the heritage street wall adjacent to Probert Street) of each lot.

2.21.5 Building identification numbers

The application was referred to Council's GIS Officer who provided a numbering schedule of each dwelling. A condition to such effect is included in the recommendation.

Part 3- Subdivision, Amalgamation and Movement Networks(viii) Subdivision, Amalgamation and Movement Networks (Part 3)

Part 3.2.2 of MDCP 2011 does not contain minimum lot width or area requirements for subdivisions, but relies on performance based controls that aim to ensure that new lots facilitate development that is compatible with the immediate area.

The application proposes to subdivide the property into 4 lots; with 3 lots fronting Probert Street, and 1 residual lot (containing the former electricity substation) fronting Lennox Street. The streetscape and immediate locality is generally characterised by a mix of single and two storey dwellings and a number of residential flat buildings on a mix of narrow and wide lots. The following table illustrates the proposed lot dimensions and the approximate dimensions of lots within the street:

Lennox Street			Probert Street		
Number	Site Area	Frontage	Number	Site Area	Frontage
Lot 134	204.6sqm	20.115 metres	Lot 3	101.6sqm	5.05 metres
95- 103 (Lot 1 DP799247)	234.82sqm	9.6 metres	Lot 2	98.6sqm	4.9 metres
95-103 (Lot 140, Sec. 4, DP7)	248.76sqm	9.69 metres	Lot 1	103.6sqm	5.15 metres
93	378.12sqm	15.28 metres	137	122.12sqm	2.37 metres
91	117.46sqm	4.64 metres	137A	128.14sqm	5.12 metres
89	162.60sqm	6.69 metres	139	181.23sqm	7.21 metres
124	199.10sqm	7.56 metres	141	73.72sqm	3.18 metres
126	131.62sqm	5.43 metres	143	147.45sqm	5.45 metres
128	131.69sqm	5.00 metres	134	120.85sqm	4.75 metres
130	120.55sqm	4.74 metres	132	122.58sqm	4.65 metres
132	122.44sqm	4.90 metres	130	121.24sqm	4.79 metres
			128	124.93sqm	5.00 metres

The frontages of adjoining properties on Probert Street and Lennox Street predominantly range between 4.64 metres at the lower end of the range up to 5.43 metres at the higher end of the range and the lots range in area from 117.46sqm at the lower end of the range to 199.10sqm at the higher end of the range.

The table above demonstrates that there are anomalies from the abovementioned predominant subdivision characteristics, having regard to site width and area, namely Nos. 89, 93, 95-103 and No. 124 Lennox Street and No. 141 Probert Street, however, these characteristics do not represent the predominant cadastral pattern of the street.

Lot No. 134 Lennox Street contains a frontage to Lennox Street with a width of 20.115 metres and a site area of 204.6sqm, which does not reflect the predominant allotment frontage and area found in Lennox Street. However, the size and dimensions of the residual

lot are dictated by the existence of the heritage listed former Electricity Substation which contains almost 100% site coverage. As Lot 134 contains a heritage listed building which is required to be retained under MLEP 2011, the variation of the lot's subdivision characteristics to the predominant subdivision pattern in the streetscape is acceptable as it results in the retention of the heritage building.

The subdivision would result in three (3) new lots fronting Probert Street which are considered to be consistent with the adjoining and prevailing subdivision pattern in this part of the streetscape.

The subdivision of the lots fronting Probert Street would allow for continuation of the dominant built form of development in the street. Solar access, open space, parking and other amenity impacts of the proposal have been discussed elsewhere in the report and the proposed allotments are considered to allow for built forms which generally comply with Council's requirements with respect to those issues.

A condition is included in the recommendation requiring the subdivision of the site into 4 lots before the issue of an Occupation Certificate.

Part 4.1 – Low Density Residential Development

The following section assesses the proposed attached dwelling houses fronting Probert Street against the low density residential controls under Part 4.1 of MDCP 2011.

(xix) Good Urban Design Practice (Part 4.1.4)

The height, bulk and scale of the attached dwelling houses complement existing developments in the street and the contemporary architectural style of the proposal interprets and translates positive characteristics of the streetscape, such as the provision of contemporary dormers.

The attached dwellings fronting Probert Street are appropriate for the streetscape in relation to bulk and scale. The third storey is mostly contained within the roof form with a dormer window which reduces the bulk at the third level and results in the buildings appearing as 2 and a half stories. The contemporary attached dwellings provide a complementary street wall which visually complements the heritage industrial building and heritage conservation area.

Given the above the development is reasonable having regard to the objectives and controls relating to good urban design contained in MDCP 2011.

(xx) Streetscape and Design (Part 4.1.5)

The development satisfies the streetscape and design controls outlined in MDCP 2011 in that:

- The development complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape;
- The proposal is a contemporary design that complements and embellishes the character of the area;
- Each dwelling house addresses the principal street frontage and is orientated to complement the existing pattern of development found in the street;
- The architectural treatment of the façade of each dwelling house interprets and translates positive characteristics in the locality; and
- The front façade of each dwelling house has been divided into bays of an appropriate size that complements the scale of the building and surrounding dwelling houses.

(xxi) Building Setbacks (Part 4.1.6.2)

Front setback

The attached dwellings are set back approximately 3.6 metres to their respective front boundaries adjacent to Probert Street. The increased setbacks will preserve the sight line of the industrial building from certain view points on Probert Street. While the adjacent period dwelling houses on Probert Street are built approximately 1 metre from their respective front boundaries, it is considered that the front setbacks of the attached dwellings are necessary to provide visual relief between the attached dwelling houses and the heritage street wall aligning Probert Street and will result in more private open space and landscaping for each dwelling house as discussed under Part 2.18 of MDCP 2011.

In view of the above, the development is acceptable having regard to the front setback objectives and controls under Part 4.1.6.2 of MDCP 2011.

Side setbacks

For lots containing a frontage of 8 metres or less, side setbacks are merit based considering the setback character of the street, acoustic and visual privacy, solar access, visual bulk and the street context. As lots 1-3 contain frontages to Probert Street ranging from 4.9 metres to 5.15 metres, the side setback controls are merit based. Each attached dwelling on Lots 1 – 3 are built to the zero lot line of each of their respective side boundaries.

The development satisfies the side setback control outlined in MDCP 2011 in that:

- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation;
- The proposal integrates new development with the established setback character of the street and accommodates gardens, trees and vegetation networks;
- The proposal does not create an unreasonable impact upon adjoining properties in relation to overshadowing and visual bulk; and
- The proposal is satisfactory in relation to the street context.

Rear setback

Each attached dwelling house on Lots 1 – 3 is set back to the rear boundary of their respective lots by approximately 5.3 metres from the ground floor, 4.75 metres from the first floor and 9 metres from the third storey.

The rear boundary setback is reasonable for the following reasons:

- The proposal will not create adverse impacts on the amenity of adjoining properties in relation to overshadowing and visual bulk;
- The proposal maintains adequate open space;
- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation; and
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

(xxii) Site Coverage (Part 4.1.6.3)

The proposal:

- Results in a site coverage that is consistent with the existing character of neighbouring dwellings; and

- Allows adequate provision for uses such as outdoor recreation, footpaths, deep soil tree planting, other landscaping, waste management, clothes drying and stormwater management.

The development is reasonable having regard to the objectives and controls relating to site coverage contained in MDCP 2011.

Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings

The following section assesses the proposed multi dwelling housing portion of the application within the existing industrial building fronting Lennox and Probert Streets against the Multi Dwelling Housing controls under Part 4.1 of MDCP 2011.

(xix) Building Setbacks (Part 4.2.4.3)

The multi-dwelling component of the development requires the following setbacks:

- 6 metres from the front boundary and 4.5 metres from the secondary boundary on corner lots; and
- 4 metres for the side/rear boundaries.

Notwithstanding the above, under Part 4.2.4.3, Council may consider a variation to the above setback requirements where it is considered that a reduced setback will result in an improved streetscape and visual relationship with adjoining development.

The industrial building is built up to the zero lot line of the front, side and rear boundaries which does not comply with the setback controls under MDCP 2011.

Given that the development is an adaptive reuse of an existing industrial building which is required to be retained as a heritage item, and the already existing non-compliances with the setbacks of the industrial building, the non-compliance with the setback controls is acceptable.

(xx) Façade and streetscape design (Part 4.2.5.1)

The development retains the majority of the existing industrial building foot print and structure, with exception of minor additions and alterations to the front, rear and side facades to accommodate additional dwellings, dwelling openings and terraces.

The development proposes lightweight additions for the upper floors, which includes roof/stair canopies on the terrace level of the multi dwelling housing units, private open space and planter boxes. The façade modifications and lightweight additions to the building are essential to ensure a suitable adaptive reuse of the building.

The development maintains the industrial integrity of the building by retaining the front, side and rear facades and a predominant portion of the ground floor slab, and the lightweight additions provide a contemporary architectural contrast that compliments the existing built form. The adaptive reuse of the industrial building will enhance the Lennox Street and Probert Street streetscape.

(xxi) Bulk and scale relationship (Part 4.2.5.2)

The site is surrounded by single and 2 storey dwelling houses to the south and east of the site. To the immediate north west of the site on No. 140 Lennox Street is a 3 storey residential flat building and to the north is a heritage listed 2 storey community hall.

The development provides a sympathetic transition in scale between the industrial building and surrounding period dwelling houses in the following manner:

- The development predominantly maintains the existing height of the front façade of the building facing Lennox and Probert Streets and will not add excessive visual bulk. The development proposes minor roof/stair canopy additions which are set back approximately 6 metres from the front façade of the building's elevation to Lennox Street and 2.2 metres from the front façade of the building's elevation to Probert Street. The application proposes planter boxes to the terrace level and sunshades for the second floor living area windows. All the above additions will appear subordinate to the building;
- The contrast of the contemporary materials for the windows, roof canopies, planter boxes and sunshades balconies provides visual articulation and adds architectural interest to the overall built form; and
- MLEP 2011 prescribes a building height development standard of 9.5 metres for the site. Whilst the development standard does not apply to the multi-dwelling proposal of the development as it is an adaptive re-use of an existing industrial building it is worth noting that the proposal has a maximum height of approximately 9.1 metres which complies with maximum building height development standard; and

(xxii) Materials, finishes, textures and colours (Part 4.2.5.3)

The applicant submitted a Schedule of Materials and Finishes with the application. The Schedule of Materials and Finishes indicates that the building would consist of retaining existing brick work on the front, side and rear elevations and restoring windows on the ground level façade facing Probert and Lennox Streets to enable natural light and ventilation for the multi-dwelling units. The proposal also constructs pedestrian doorways to the ground level façade on Lennox and Probert Streets.

Other materials include light weight timber boards for the privacy screens on the terrace level and metal cladding for the planter boxes which adds a contemporary and complementary contrast to the industrial building and is considered appropriate having regard to the general appearance of the development and the context of the site.

The materials and finishes of the development are of a high quality that respect the surrounding context and enhances the aesthetical appearance of the development within the area. The proposal is therefore considered to satisfy the requirements of Part 4.2.5 of MDCP 2011.

(xxiii) Conversion of Existing Industrial and Warehouse Buildings in residential Zones (Part 4.2.9)

The purpose of Part 4.2.9 of MDCP 2011 is to provide for the adaptive reuse of existing industrial/warehouse buildings to residential flat buildings.

The site contains an industrial building, being a former Electricity Substation, constructed prior to the commencement of MLEP 2011, and the development proposes to carry out alterations and additions to the building to convert the premises into multi-unit dwellings.

Part 6.4.3 of MDCP 2011 prescribes matters of consideration for converting warehouse buildings to multi-dwelling housing. The matters of consideration are generally associated with the impact of the development on the scale and streetscape of the surrounding locality, suitability of the building for adaptive reuse and the degree of modification to the footprint and façade of the building.

The matters regarding the scale and streetscape impact of the development within the locality, suitability of the building for adaptive reuse and the degree of modification is discussed under the heading “Conversion of Existing Industrial and Warehouse Buildings in Residential Zones (Part 6.4.3)”.

PART 6 – INDUSTRIAL DEVELOPMENT

(xxiv) Conversion of Existing Industrial and Warehouse Buildings in Residential Zones (Part 6.4.3)

Part 6.4.3 of MDCP 2011 provides controls relating to the conversion of existing industrial buildings in residential zones. The site contains a warehouse building, constructed prior to the commencement of MLEP 2011, and the development proposes to carry out alterations and additions to the premises to convert the premises into multi dwelling housing. An assessment of the proposed development having regard to the relevant provisions of Part 6.4.3 of MDCP 2011 is provided below.

i. The impact of the proposal on the scale and streetscape of the surrounding locality.

The site is surrounded by single and 2 storey dwelling houses to the south and east of the site. To the immediate west of the site on No. 140 Lennox Street is a 3 storey Residential Flat Building and to the north is a heritage listed 2 storey community hall.

The development retains the majority of the existing building footprint, being the predominant ground floor concrete slab and external facades, with the exception of minor additions and modifications to accommodate dwellings and dwelling openings.

The development proposes lightweight additions for the upper floors, which includes light weight roof/stair canopies on the third level terraces of the multi dwelling housing units, balconies, windows and planter boxes. The façade modifications and lightweight additions to the building are essential to ensure a suitable adaptive reuse of the building and will appear subordinate to the industrial building façade.

The façade modifications will not have an adverse visual impact as the development incorporates the following design measures to reduce the visual bulk and scale of the new building elements:

- The development predominantly maintains the existing height of the front façade of the building facing Lennox and Probert Streets and will not add excessive visual bulk. The roof/stair canopies have adequate setbacks on the terrace level and will only be partially visible from the surrounding streetscape; and
- The contrast of the contemporary materials for the windows, roof canopies, planter boxes and sunshades provides visual articulation and adds architectural interest to the overall built form.

The development maintains the industrial integrity of the existing building and the lightweight additions and modifications provides a contemporary contrast the existing built form. The adaptive reuse would improve the appearance of the existing building within the streetscape and as such it is considered that the proposal would complement the surrounding scale and built forms within the visual catchment of the site on Probert and Lennox Streets.

ii. The impact on surrounding properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion.

The development would not result in any adverse or unreasonable amenity impacts on surrounding properties in terms of visual intrusion as the proposal retains the majority of the

existing façades and built form of the building, with the exception of the minor additions and modifications to the external facades to accommodate dwellings and dwelling openings. As discussed previously, a condition is included in the schedule of recommendations requiring a 1 metre high planter box and minimum 1 metre high vegetation for the north east elevation of the terrace level of dwelling 4 to offset direct overlooking impacts onto the third level living area windows of the residential flat building at No. 140 Lennox Street. The visual impacts of the roof top additions are discussed in greater detail under Part 2.6 of MDCP 2011.

iii. The impact on the future residents of the building, caused by surrounding properties, from dust, odour and noise.

Although it is anticipated that there would be some potential dust, odour and/or noise impacts on the surrounding properties during construction of the development, the ongoing use of the site as residential development is not anticipated to cause any unacceptable or significant impacts on surrounding residents by way of dust, odours and noise. Appropriate conditions are included in the recommendation to minimise the impact of dust, odours and noise during the construction phase of the development.

The majority of the surrounding development is residential. The surrounding residential uses are considered to be generally non-offensive in nature and accordingly is not considered to pose any unacceptable impacts on the site itself in terms of dust, odours or noise.

As previously mentioned, the site is currently occupied by a vacant industrial building. The existing potential for continued industrial uses of the site in a residential area is considered to present a higher potential for dust, odours and noise impacts on surrounding residential properties. Therefore, the proposed adaptive reuse of the building for residential purposes is considered to present an opportunity to reduce that existing potential for impact.

The noise attenuation measures required for aircraft noise would provide for adequate levels of acoustic privacy between the proposed dwellings within the development as well as for adjoining properties.

iv. Noise attenuation of the building to comply with the relevant Australian Standards.

This matter has been discussed in 'Development in areas subject to Aircraft Noise' under Clause 6.5.

v. The appropriateness of requiring, as a condition of any consent, provision of landscaping or a private recreation area in the form of balconies and terraces.

The matter of landscaping and open space areas is discussed in this section of the report under the heading "Landscaping and Open Spaces (Part 2.18)".

vi. The heritage aspects of the existing building.

The matter of heritage was discussed under 'Heritage Conservation Clause 5.10 above. No further consideration or action is required regarding the matters of heritage.

vii. Sources of potential contamination.

The matter of contamination has been discussed in Section 3 of this report.

viii. The building's suitability for conversion.

The site is immediately surrounded by residential development and is located in close proximity to public transport. In this regard, the residential conversion of the premises is considered to be a suitable use for the site.

The development maintains the industrial integrity of the existing building and the lightweight additions and alterations provides a contemporary contrast that complements the existing built form. The adaptive reuse will improve the appearance of the existing building within the streetscape.

A structural adequacy certificate completed by Dennis Bunt Consulting Engineers (dated 16 November 2016) was submitted with the application which confirms that it is structurally feasible to convert the existing industrial building for residential buildings in accordance with the BCA, relevant Australian Standards and accepted engineering practice and principles.

ix. *The proximity and accessibility of the building to public transport.*

The site is well serviced by public transport. The site is located within an approximate 350 metre walking distance (approximately 5 minutes) of Newtown Station and bus stops servicing King Street and Enmore Road and within close proximity to shops and services on King Street and Enmore Road.

x. *The degree of modification of the footprint, facade and height of the building.*

The development predominantly retains the existing concrete slab and majority of the existing façades, with the exception of minor additions and modifications to accommodate dwellings, dwelling openings. The development proposes lightweight additions for the upper floors, which includes balconies, privacy screens, planter boxes and roof/stair canopies. The façade modifications and lightweight additions to the building are essential to ensure a suitable adaptive reuse of the building. This is discussed in greater detail above.

xi. *The impact on employment opportunities in the area.*

The existing building is not significant in size or scale and as such the conversion of the building into a multi dwelling housing is not considered to have a significant impact on employment opportunities in the area. It is noted that the conversion of the existing building would present some short-term construction related employment opportunities in the area.

xii. *The size and mix of dwellings.*

The development is not subject to minimum size requirements under MLEP 2011 or MDCP 2011. Notwithstanding this, it is assessed that the attached dwelling houses and multi-dwelling units contain generous living, bedroom, storage and utility areas for the occupants of the site to allow for adequate usability and functionality of the residential spaces.

Part 4.2.3 of MDCP 2011 prescribes unit mix bedroom controls for multi-dwelling developments with 6 or more dwellings. Given that the development proposes 4 multi-unit dwellings, the development is not subject to minimum unit mix requirements. Attached dwelling houses are not subject to minimum unit mix controls.

Notwithstanding the above, the development proposes 3 x 3 bedroom attached dwelling houses, 3 x 1 bedroom multi-dwelling units and a 1 x 2 bedroom multi-dwelling unit. The development is considered to provide a good variety of bedroom mixes to meet the demand for different family sizes and individuals in the vicinity.

xiii. *The impact on traffic and parking and the nature of the surrounding streets.*

The development accommodates 3 attached dwelling houses and 4 multi dwelling units. The site is located within walking distance of public transport such as Newtown Train Station, bus stops along King Street and Enmore Road and shops and services on King Street and Enmore Road. Given the opportunity to increase accommodate residential development close to public transport and services, development potential of the site and the opportunity

to provide an adaptive reuse of a heritage listed industrial building, and the setback character of the streetscape (predominantly dwelling houses with a small garden setting and no parking within the front setback), it is considered the non-provision of car parking is reasonable. This matter has been discussed in greater detail under Part 5(c) of this report (Part 2.10 of MDCP 2011).

PART 9 – STRATEGIC CONTEXT

(xxv) Strategic Context

The land is located in the Newtown North and Camperdown Planning Precinct (Precinct 4) under Marrickville Development Control Plan 2011. The site is not located within a master plan site.

The development is acceptable having regard to the desired future character of the area in that the proposal:

- Protects the heritage items within the streetscape including their predominant built form;
- Complements the public domain elements within the streetscape;
- Preserves the predominantly medium density character residential character of the streetscape; and
- Protects the identified values of the North Kingston Estate Heritage Conservation Area.

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 R2- Low Density 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 Council's Notification policy for a period of 14 days to surrounding properties finishing on 5 July 2016. A total of 24 submissions were received. The following issues raised in submissions have been discussed in this report:

- The lack of off street car parking proposed will likely impact on the parking availability in the local surrounding streets – see Section 5(c) of this report (Part 2.10 of MDCP 2011);
- Visual privacy impacts from the stair windows of Terrace 1 to the roof top courtyard of No. 137 Probert Street, potential overlooking from the bedroom windows of Terraces 1 to 3 to the rear windows at No. 120 Chelmsford Street and potential acoustic impacts from the roof top terraces of the multi-dwelling units – see Section 5(c) of this report (Part 2.6 of MDCP 2011);
- Unacceptable overshadowing impacts on the rear private open space of No. 120 Chelmsford Street – see Section 5(c) of this report (Part 2.7 of MDCP 2011);
- The development's impacts to the heritage value of the building including; the setbacks of the new terraces from the heritage street wall adjacent to Hoffman Lane, the retention of the art deco features of the building, the height and length of the

cantilevered roof over the terrace level of the industrial building and the visual impact of the development to the Coronation Hall Heritage Item on No. 95 – No. 103 Lennox Street – see Section 5(a)(iii) of this report (Clause 5.10 of MLEP 2011);

- The attached dwellings are of an inappropriate height and bulk/scale for the area – see Section 5(a)(iii) of this report (Clause 4.3 of MLEP 2011) and Section 5(c) of this report (Part 4.2.5.2 of MDCP 2011); and
- Potential site contamination issues which will need to be addressed during the demolition and construction process (see Section 5(a)(i) – State Environmental Planning Policy No 55—Remediation of Land);
- Appropriateness of FSR for the site given the adverse heritage and amenity impacts of the development (see section 5(a)(iii) of this report (Clause 4.4 of MLEP 2011) and see Section 5(c) of this report (Part 2.6, Part 2.7 and Part 2.10 of MDCP 2011);
- The proposed subdivision is out of character with the subdivision pattern of the streetscape and contravenes the historical subdivision pattern of the area (see Section 5(c) of this report (Part 3 of MDCP 2011));

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

- (i) The gate at the rear of the property of Lot 1, Terrace 1 that opens to Hoffman Lane will reduce off street car parking in the laneway.

Comment:

The private open space of Lot 1 (Terrace 1) contains a pedestrian gate which will not impact on any car parking space on the laneway.

- (ii) There was no public information signage regarding the development application.

Comment:

The application was notified in accordance with Council's Notification policy for a period of 14 days to surrounding properties finishing on 5 July 2016. An on-site public notification sign of the development was also installed on the building frontage. No report was made to Council that the signage was removed during this period. If the signage was removed, Council does not have the resources to monitor the placement of the signage during the notification period.

- (iii) The development is too high density for the site.

Comment:

The development proposes 3 attached dwellings and 4 multi-unit (attached) dwellings. The surrounding streetscape consists of a mix of attached dwellings and residential flat buildings on Lennox and Probert Streets. It is considered that the low-medium density residential character of the development is consistent with the existing low-medium density residential character of the surrounding streetscape.

- (iv) The development will result in increased air pollution.

Comment:

Given the residential nature of the development with a non-provision of on-site car parking and the site's close proximity to public transport, it is not envisaged that the development would be detrimental to the air quality of the surrounding area.

- (v) Inadequate information has been submitted to assess the acoustic/visual privacy and shadow impacts of the development.

Comment:

The applicant submitted the following information with the development application with regard to visual/acoustic privacy impacts and overshadowing impacts:

- Floor and elevational architectural plans;
- Shadow diagrams at 9:00am, 12:00pm and 3:00pm during June, March/September and December in plan view;
- Statement of Environmental Effects; and
- An Acoustic Report for Aircraft Noise.

It is considered that Council has been able to undertake a complete and proper assessment of the development application having considered the above information, and a site visit. The information submitted with the application is sufficient to enable a well-informed assessment of the application.

- (vi) A traffic and parking impact study should have been submitted with the application.

Comment:

Council assessed that a traffic study was not required to be submitted with the application for the following reasons:

- A traffic and transport management plan is only required to be submitted for larger developments as required in Part 2.10.6 of MDCP 2011. Given the relatively small size and scale of the proposed development (7 dwellings), a traffic and transport management plan or study is not required.
- The development meets Council's parking and transport objectives under Part 2.10 of MDCP 2011 which is to encourage more transit-oriented development. It is considered that the non-provision of car parking on the site is acceptable due to the site's proximity to high frequency public transport and services on King Street and Enmore; and
- The development is not categorised a 'traffic generating development' under the related definition of Roads and Maritimes Services pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. Therefore as a non-traffic generating development, a traffic and parking impact study is not required for the development.

- (vii) The proposal does not fit in to the overall character of the area.

Comment:

Council considers that the development fits into the character of the area having regard to:

- The development's impact to the heritage value of the building and surrounding streetscape;
- Height and bulk/scale of the development and surrounding streetscape context;
- Setback character of the streetscape; and
- Streetscape/Urban design impacts and materials/finishes.

Together, these elements of the proposed development positively contribute to the character of Lennox Street.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

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.

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.

- Heritage Officer and Urban Design Advisor
- Development Engineer
- Environmental Services

6(b) External

The application was referred to the following external body:

Marrickville Heritage Society

The main comments made by the heritage society are summarised below:

- Then general tenor of the design is respectful of the heritage values of the building;
- There are some 'jarring' elements to the proposal including:
 - The projected awning over the roof of Dwelling 1;
 - Lack of private open space and car parking for the residents of the site; and
 - Clothes drying on the roof terrace is inappropriate for the calibre of the proposed dwellings

Comment:

The following section is a response to the comments made by the Marrickville Heritage Society:

- The projection awning over the roof of Dwelling 1 has been reduced in length and floor-to-ceiling height – see Section 5(a)(iii) of this report (Clause 5.10 of MLEP 2011) and was considered to be acceptable by the Council's Heritage and Urban Design Advisor;
- The non-provision of parking is considered to be acceptable as discussed elsewhere in this report;
- The issue of private open space has been addressed in the report – see Section 5(c) of this report (Part 2.18 of MDCP 2011); and
- With regard to clothes drying on the roof terraces of Dwellings 1 - 4, it is assessed that given the exposure of these private open spaces to northern sunlight and natural air ventilation, the provision of a clothes drying area within the terrace level of the multi-unit dwellings is an environmentally sustainable outcome and efficient use of the space which is supported by Council.

7. Section 94 Contributions

Section 94 contributions are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$127,340.38 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. 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

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 201600291 to Torrens title subdivide the land into 4 allotments; carry out alterations and additions to convert the substation on the allotment fronting Lennox Street into a multi-dwelling housing development containing 4 dwellings; and construct a 2 part 3 storey dwelling house on each of the 3 allotments fronting Probert Street at 134 Lennox Street subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- A. **THAT** the development application to torrens title subdivide the land into 4 allotments; carry out alterations and additions to convert the substation on the allotment fronting Lennox Street into a multi-dwelling housing development containing 4 dwellings; and construct a 2 part 3 storey dwelling house on each of the 3 allotments fronting Probert Street be **APPROVED** subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Ref. 2582 Issue 2	Proposed subdivision of Lot 1 DP 82162		David C. Jackson	10 June 2016
Ref. 2582 Issue 2	Proposed subdivision of Lot 135 DP XXXX	-	David C. Jackson	10 June 2016
DA01 Rev. 7	Coversheet	24 October 2016	Atarchitecture.com.au	24 October 2016
DA05 Rev. 6	Site Plan and Site Demolition Plan	24 October 2016	Atarchitecture.com.au	24 October 2016
DA10 Rev. 7	Ground Floor Plan	24 October 2016	Atarchitecture.com.au	24 October 2016
DA11 Rev. 7	Level 1 Floor Plan	24 October 2016	Atarchitecture.com.au	24 October 2016
DA12 Rev. 6	Level 2 Floor Plan	24 October 2016	Atarchitecture.com.au	24 October 2016
DA13 Rev. 5	Roof Plan	24 October 2016	Atarchitecture.com.au	24 October 2016
DA20 Rev. 7	Elevations 1	24 October 2016	Atarchitecture.com.au	24 October 2016
DA21 Rev. 7	Elevations 2	24 October 2016	Atarchitecture.com.au	24 October 2016
DA22 Rev. 7	Elevations 3	24 October 2016	Atarchitecture.com.au	24 October 2016
DA30 Rev. 7	Sections 1	24 October 2016	Atarchitecture.com.au	24 October 2016
DA31 Rev. 6	Sections 2	24 October 2016	Atarchitecture.com.au	24 October 2016
LS01 Issue C	Landscape Plan Ground Floor	30 May 2016	Atarchitecture.com.au	10 June 2016
LS02 Issue C	Landscape Plan Level 1 and 2	30 May 2016	Atarchitecture.com.au	10 June 2016
HDA01/P3	Site Plan and Legend	2 May 2016	InLine Hydraulic Services	10 June 2016

HDA02/P3	Ground Floor Plan	2 May 2016	InLine Services Hydraulic	10 June 2016
HDA03/P3	Level 1 Floor Plan	2 May 2016	InLine Services Hydraulic	10 June 2016
HDA04/P3	Level 2 Floor Plan	2 May 2016	InLine Services Hydraulic	10 June 2016
HDA05/P3	Roof Plan	2 May 2016	InLine Services Hydraulic	10 June 2016
HDA06/P3	Detail Sheet #1	2 May 2016	InLine Services Hydraulic	10 June 2016
734947M	BASIX Certificate	10 June 2016	Building & Energy Consultants Australia	10 June 2016
734915S	BASIX Certificate	10 June 2016	Building & Energy Consultants Australia	10 June 2016
734936S	BASIX Certificate	10 June 2016	Building & Energy Consultants Australia	10 June 2016
734941S	BASIX Certificate	10 June 2016	Building & Energy Consultants Australia	10 June 2016
2016-176	Acoustic Report-Aircraft Noise	23 May 2016	Acoustic Noise & Vibration Solutions P/L	10 June 2016
2204055A-CLM-REP-001 Rev. A	Environmental Site Assessment (Preliminary Site Investigation): Ausgrid Newtown Records Repository - 134 Lennox Street	9 October 2014	Parsons Brinckerhoff	10 June 2016
16314	Structural Adequacy Certification	16 November 2016	Dennis Bunt Consulting Engineers Pty Ltd	16 November 2016

and details submitted to Council on 10 June 2016, 24 October and 16 November 2016 with the application for development consent and as amended by the following conditions.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

3. In order to ensure the architectural and urban design excellence of the development is retained:
 - i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
 - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate.
 - iv) The design architect of the project is not to be changed without prior notice and approval of Council.

Reason: To ensure design excellence is maintained.

4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Drawing No. DA01 Revision 7, dated 24 October 2016, prepared by Atarchitecture. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.
5. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
6. The premises must be used exclusively as dwelling houses and multi dwelling housing and not be adapted for use as a backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.
7. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
Reason: To ensure that the development is adequately serviced.
8. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
9. The use of any plant and equipment must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

10. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure its operation does not adversely impact on the amenity of the surrounding neighbourhood.
11. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the one hundred (100) year A.R.I. storm.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

12. No work must commence until:
 - a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice given to Council of the intention to commence work.
13. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
14. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.
15. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
16. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign must include:
 - a) The name, address and telephone number of the PCA;

- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
17. Sediment control devices must be installed before the commencement of any work and must be maintained in proper working order to prevent sediment discharge from the construction site.
18. The person acting on this consent must apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
19. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
20. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.
21. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc.
22. The person acting on this consent must submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

23. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

24. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

b) Before the issue of a Construction Certificate or before the issue of Subdivision Certificate, whichever occurs first, the Council must be paid a monetary contribution of \$127,340.38 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 20 December 2016.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001733)

c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities:	\$14,285.68
Plan Administration:	\$2,496.83
Recreation Facilities:	\$107,787.65
Traffic Facilities:	\$2,770.22

d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.

e) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

***NB** A 1% credit card transaction fee applies to all credit card transactions.

25. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate issued no earlier than 3 months before the date of lodgement of the application for the Construction Certificate. (Refer to Clause 6A of Schedule 1 to the Regulation).

26. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating:

a) The first floor kitchen window of Dwelling 4 being amended as per one of the following options:

- A minimum sill height of 1.6 metres above the floor level;
 - Fixed and translucent glazing to a minimum level of 1.6 metres above the floor level;
 - Suitable externally fixed screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level.
- b) The 2 stair windows of Terrace 1 (south west elevation) being amended as per the following option:
- Fixed and translucent glazing for the entire area of both windows.
- c) The provision of a 1 metre high planter box traversing the entire length of the north east elevation of the terrace on Dwelling 4 provided with a densely spaced row of plants with a minimum height of 1 metre for the entire length of the planter box.
27. Sediment control devices must be constructed and maintained in proper working order to prevent sediment discharge from the construction site. Sediment control plans and specifications complying with the 'Urban Erosion and Sediment Control' Handbook, published by the NSW Department of Conservation and Land Management (CALM) must be submitted to the Principal Certifying Authority before the issue of a Construction Certificate.
28. Noise attenuation measures must be incorporated into the development in accordance with the recommendations contained in the Acoustic Report- Aircraft Noise, reference No. 2016-176, dated 23 May 2016 and complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.
29. The person acting on this consent must provide to Council a bond in the amount of \$14,097.40 and pay the related Section 138 (Roads Act) inspection fee of \$206.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
30. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they must be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
31. The stormwater drainage plans shall be amended to Council's satisfaction before the issue of a Construction Certificate as follows:-
- a) Separate drainage systems shall be provided to drain each proposed lot;
 - b) Inaccessible stormwater pipes under concrete floors of buildings shall have a minimum diameter of 150mm; and
 - c) Trapped courtyards shall be provided with a 1 in 100 year overflow route or piped drainage system in case of failure\blockage of the stormwater system.
32. Any disposed soil from the site shall be classified in accordance with the NSW Environmental Protection Authority's *Waste Classification Guidelines 2014* and being carried out in accordance with the requirements of the NSW Environmental Protection Authority.

SITE WORKS

33. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
34. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
35. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.
36. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
 - a) after excavation for, and prior to the placement of, any footings;
 - b) prior to pouring any in-situ reinforced concrete building element;
 - c) prior to covering of the framework for any floor, wall, roof or other building element;
 - d) prior to covering waterproofing in any wet areas;
 - 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.
37. All demolition work must be carried out in accordance with the following:
 - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of material containing asbestos must be carried out by suitably qualified persons in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
 - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
 - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
 - e) the generation of dust and noise on the site must be controlled;
 - f) the site must be secured to prohibit unauthorised entry;
 - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
 - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
 - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;

- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
 - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
38. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation;
 - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not “exempt development”, all required consents shall be obtained prior to the required works commencing; and
 - c) at least 7 days’ notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

39. If the proposed work is likely to cause obstruction of the public place and/or is likely to endanger users of the public place, a suitable hoarding or fence approved by Council must be erected between the work site and the public place.
Reason: To provide protection to the public place.
40. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structures will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.
41. The person acting on this consent must comply with the requirements of the Dividing Fences Act in respect to the alterations and additions to the boundary fences.
Reason: To ensure that the provisions of this Act are observed.
42. Alignment levels for the site at all pedestrian locations shall match the existing back of footpath levels at the boundary. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels. Failure to comply with this condition will result in vehicular access being denied.
43. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and must be discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
44. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the NSW

Environmental Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Any unexpected occurrences and management plans to address these occurrences shall be reported to and approved by Council. Note that Council may request that a NSW EPA Accredited Site Auditor review any proposed remedial or management plans.

45. Within 30 days of completion of any remediation works undertaken (if required), the person acting on this consent shall submit to Council a Validation and Monitoring Report demonstrating evidence that the site has been remediated and is suitable for the proposed development. Should any undertaken remediation strategy result in residual contamination to remain on the site, an Environmental Management Plan, must be provided to the satisfaction of Council that outlines measures to ensure people and the environment are protected from any contamination. All reports are to be prepared in accordance with the NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Note that Council may request the applicant to engage a NSW EPA Accredited Site Auditor to provide a Site Audit Statement to certify site suitability.
46. Any water (including water from excavations) shall be discharged to sewer, with the appropriate licence to be obtained; or disposed off-site to a suitably licensed facility. Alternatively, any water to be discharged to Council's stormwater system shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for marine ecosystems).

BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE

47. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of a Subdivision Certificate.
 - a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
 - b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
48. All instruments used to create easements, rights and/or restrictions as to user must include in them provisions that such may not be revoked or modified without the prior approval of Council.
49. A common drainage easement in favour of the parcels of land to be drained, must be created over the full length of all existing and proposed inter-allotment drainage systems within the site of the proposed development, at no cost to Council.
50. Separate drainage systems must be provided to drain each proposed lot. Plans detailing the proposed system must be submitted to and accepted by Council before the issue of a Construction Certificate or before the issue of the Subdivision Certificate, whichever occurs first.
51. Should any undertaken remediation strategy result in residual contamination to remain on the site, a covenant must be registered with the title of the land binding site owners and future owners to be responsible for the compliance at all times with the requirements and responsibilities of any approved Environmental Management Plans developed.

52. For any proposed subdivision of the multi dwelling units on Lot 134, a separate subdivision development application is required.

BEFORE OCCUPATION OF THE BUILDING

53. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections;
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
54. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction. Suitable topsoil fill must be utilised for the landscaping on the site to ensure adequate growth of vegetation in accordance with the recommendation of the Environmental Site Assessment: Ausgrid Newtown Records Repository - 134 Lennox Street (dated 9 October 2014, completed by Parsons Brinckerhoff).
55. The Certifying Authority must be satisfied that each of the commitments listed in Aircraft Noise Assessment Report required by this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
56. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
57. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.
58. The subdivision of the land into 4 lots being registered at the NSW Department of Lands before the issue of an Occupation Certificate.
59. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of the Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
60. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council and undertaken before the issue of the Occupation Certificate.








61. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever must not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
62. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
63. All redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate, and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
64. The existing footpaths across all frontages of the site must be reconstructed in concrete in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
65. Before the issue of the Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans must be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, must be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
66. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways must include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
67. Before the issue of the Occupation Certificate the person acting on this consent must obtain from Council a compliance Certificates stating that all Road, Footpath and Public Domain Works required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
68. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm) being 135 Probert St (Terrace 1 Lot 1), 133 Probert St (Terrace 2 Lot 2) and 131 Probert St (Terrace 3 Lot 3), Unit 1/134 Lennox Street (Dwelling 1), Unit 2/134 Lennox Street (Dwelling 2), Unit 3/134 Lennox Street (Dwelling 3) and Unit 4/134 Lennox Street (Dwelling 4) in accordance with Subdivision Plan 2582, submitted 10 June 2016.

ADVISORY NOTES

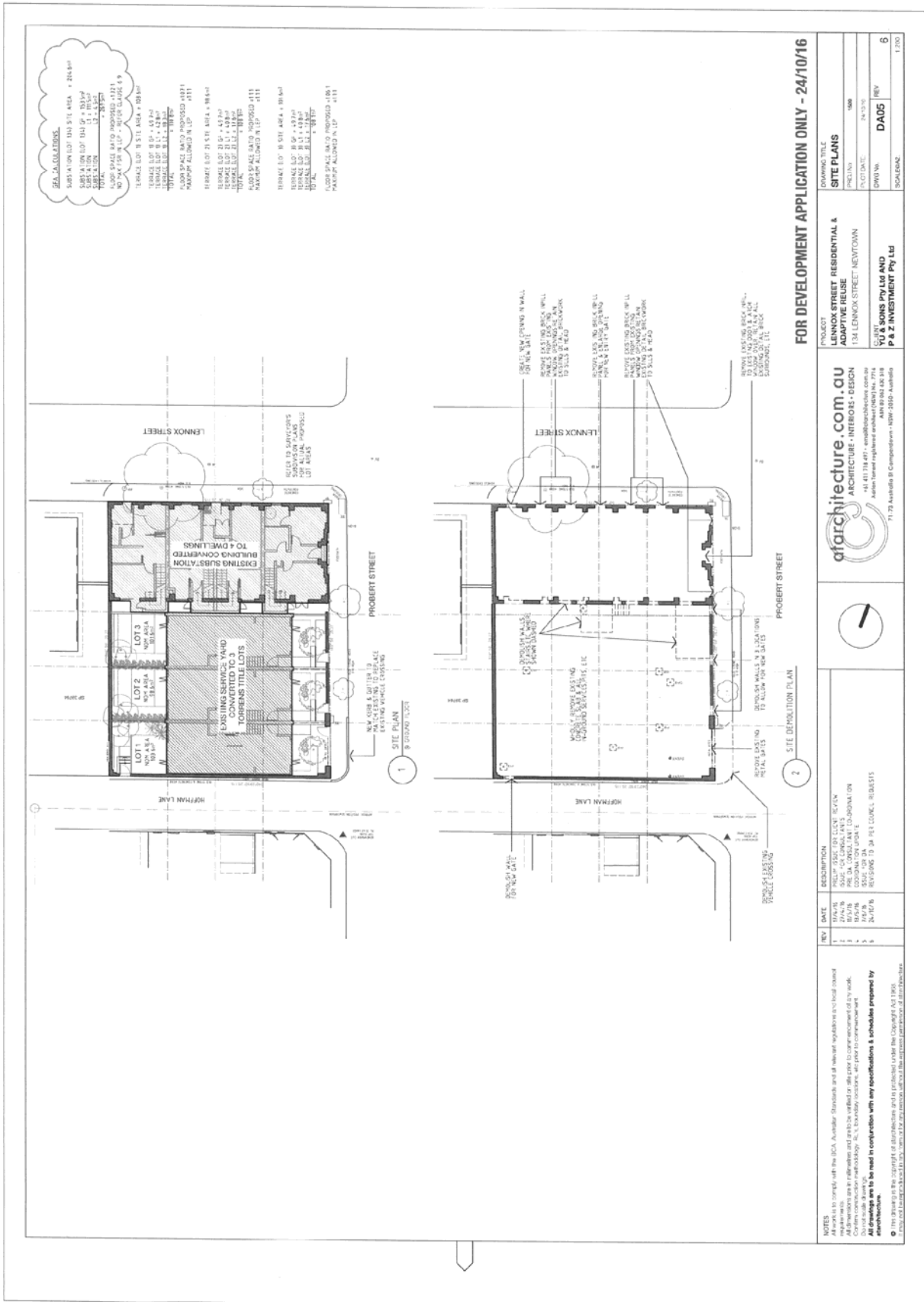
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets

the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, **before commencement of works**.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information	 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	 1100 www.dialbeforeyoudig.com.au
Landcom	 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	 131441 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diyasafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	 131 555 www.environment.nsw.gov.au
Sydney Water	 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons who lodged a submission in respect to the proposal be advised of the Council's determination of the application.



ZEA CALCULATIONS

SUBSTATION LOT 214 AREA	214.8sqm
SUBSTATION LOT 215 AREA	101.8sqm
SUBSTATION LOT 216 AREA	101.8sqm
SUBSTATION LOT 217 AREA	101.8sqm
TOTAL	520.2sqm
FLOOR SPACE RATIO PROPOSED	1:1
NO OVERSIGHT IN LOT - NOT CLASSIFIED	
DEMOLITION LOT 214 AREA	101.8sqm
DEMOLITION LOT 215 AREA	101.8sqm
DEMOLITION LOT 216 AREA	101.8sqm
DEMOLITION LOT 217 AREA	101.8sqm
FLOOR SPACE RATIO PROPOSED	1:1
NO OVERSIGHT IN LOT - NOT CLASSIFIED	
DEMOLITION LOT 214 AREA	101.8sqm
DEMOLITION LOT 215 AREA	101.8sqm
DEMOLITION LOT 216 AREA	101.8sqm
DEMOLITION LOT 217 AREA	101.8sqm
FLOOR SPACE RATIO PROPOSED	1:1
NO OVERSIGHT IN LOT - NOT CLASSIFIED	

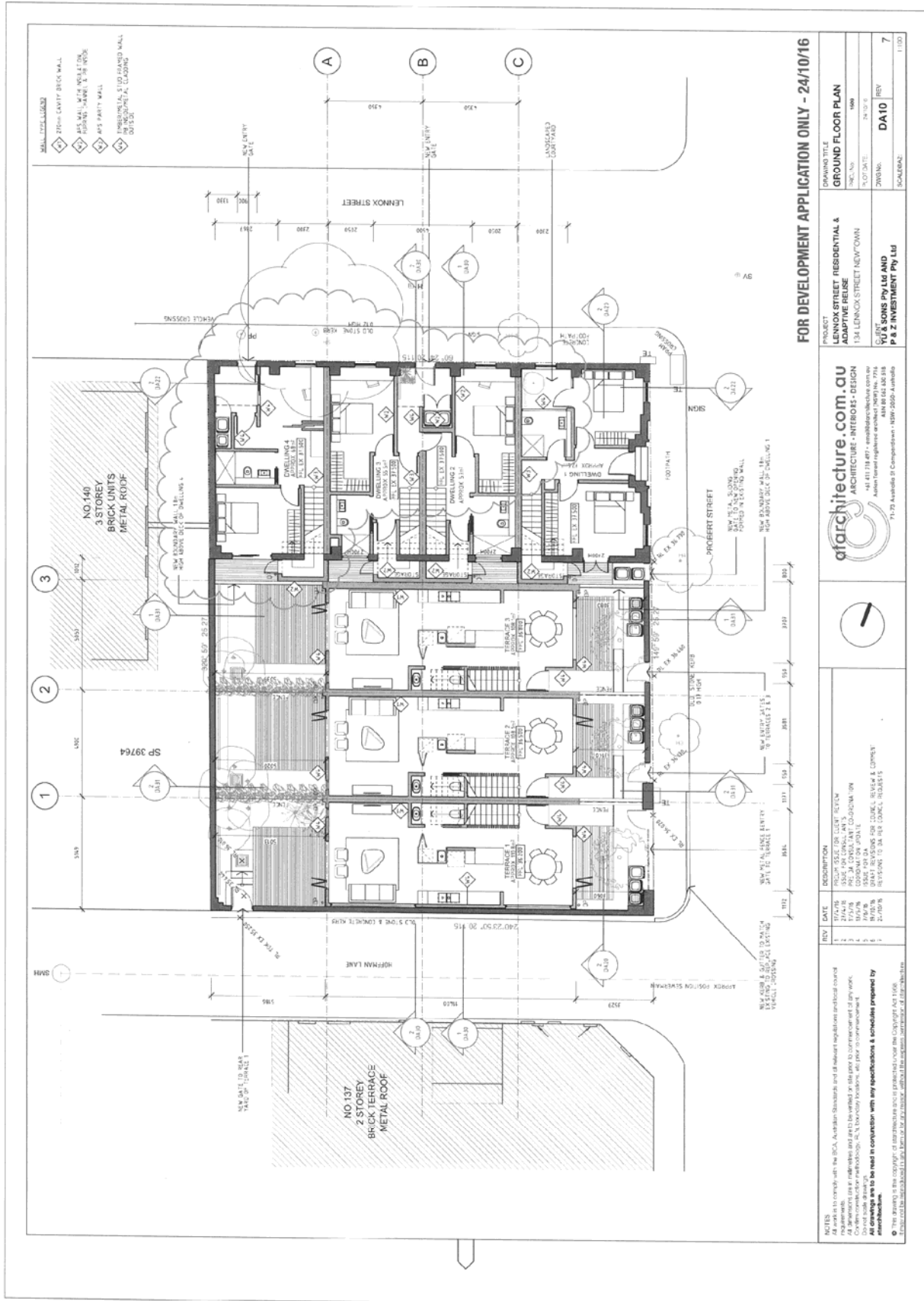
FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

DRAWING TITLE	SITE PLANS
PROJECT	LENNOX STREET RESIDENTIAL & ADAPTIVE REUSE
ADDRESS	134 LENNOX STREET, NEWTOWN
CLIENT	YU & SONS PTY LTD AND P & Z INVESTMENT PTY LTD
SCALE	1:200



REV	DATE	DESCRIPTION
1	17/10/16	PRELIMINARY SITE PLAN
2	18/10/16	REVISED SITE PLAN
3	24/10/16	REVISED TO 3M RES CONVEY RESULTS

NOTES
 All works to comply with the BCA, Australian Standards and all relevant legislative and local council requirements.
 All dimensions are for reference and should be verified on site prior to commencement of any work.
 Consider construction methodology, lift, hoisting systems, etc prior to commencement.
All drawings are to be read in conjunction with any specifications & schedules prepared by architect.
 © This drawing is the copyright of the architect and is provided under the Copyright Act 1968.
 Long and Short Architects Pty Ltd, 71-73 Australia St, Camperdown NSW 2050 Australia.



FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

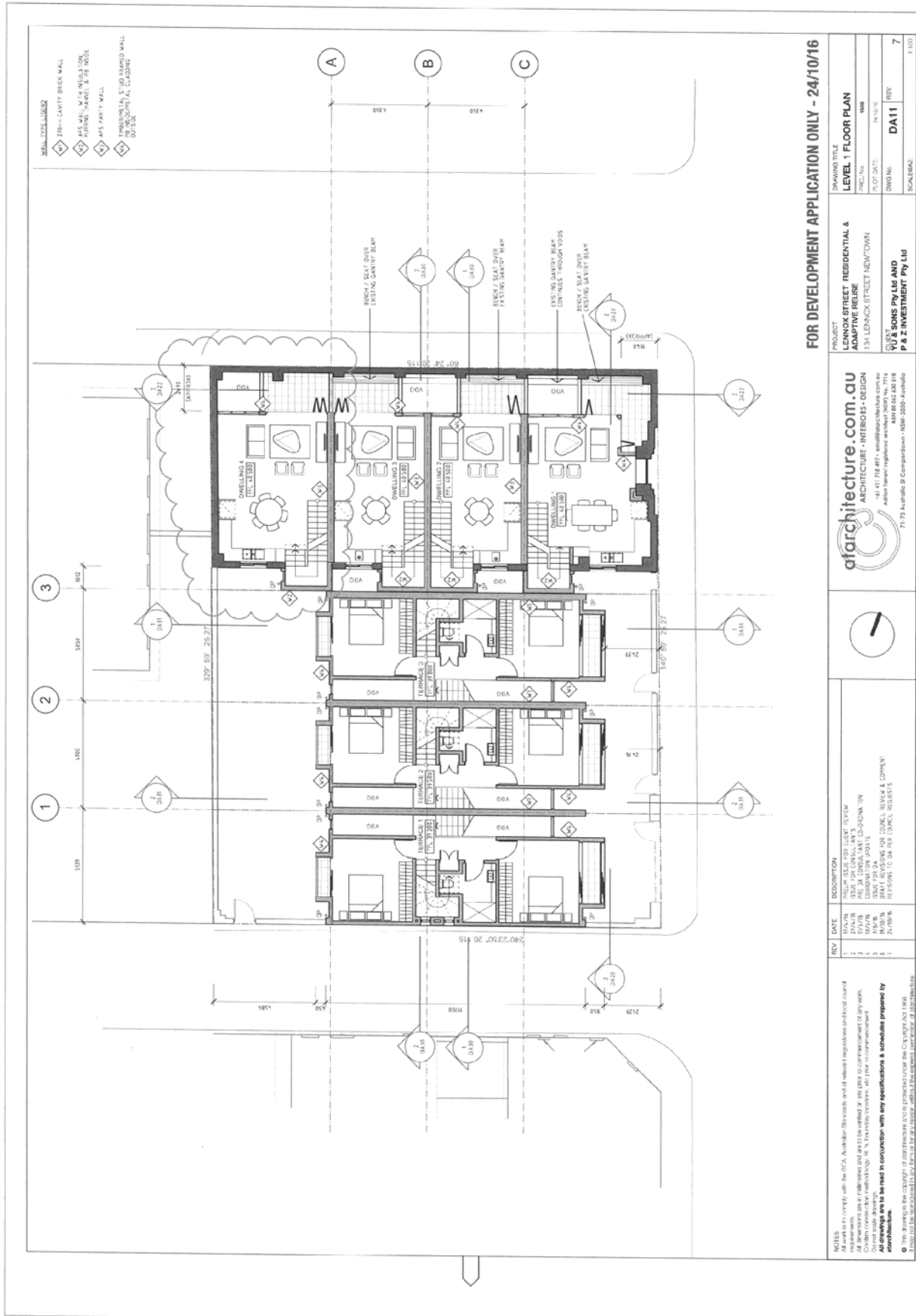
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DRAWING TITLE	GROUND FLOOR PLAN
SCALE	1:500
DATE	24/10/16
REVISION	DA10
SCALEBAR	1:100

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PROJECT	LENNOX STREET RESIDENTIAL & ADAPTIVE REUSE
DRAWING TITLE	GROUND FLOOR PLAN
SCALE	1:500
DATE	24/10/16
REVISION	DA10
SCALEBAR	1:100

NOTES:

- All works to comply with the BCA, Australian Standards and all relevant regulations and local council requirements.
- All dimensions to be indicated and all to be verified on site prior to commencement of any work.
- Confirm construction methodology, materials, and construction details with the relevant council.
- All drawings are to be read in conjunction with any specifications and schedules prepared by the architect.
- The drawing is the copyright of the architect and is protected under the Copyright Act 1968.
- For more information, please refer to the architect's website.



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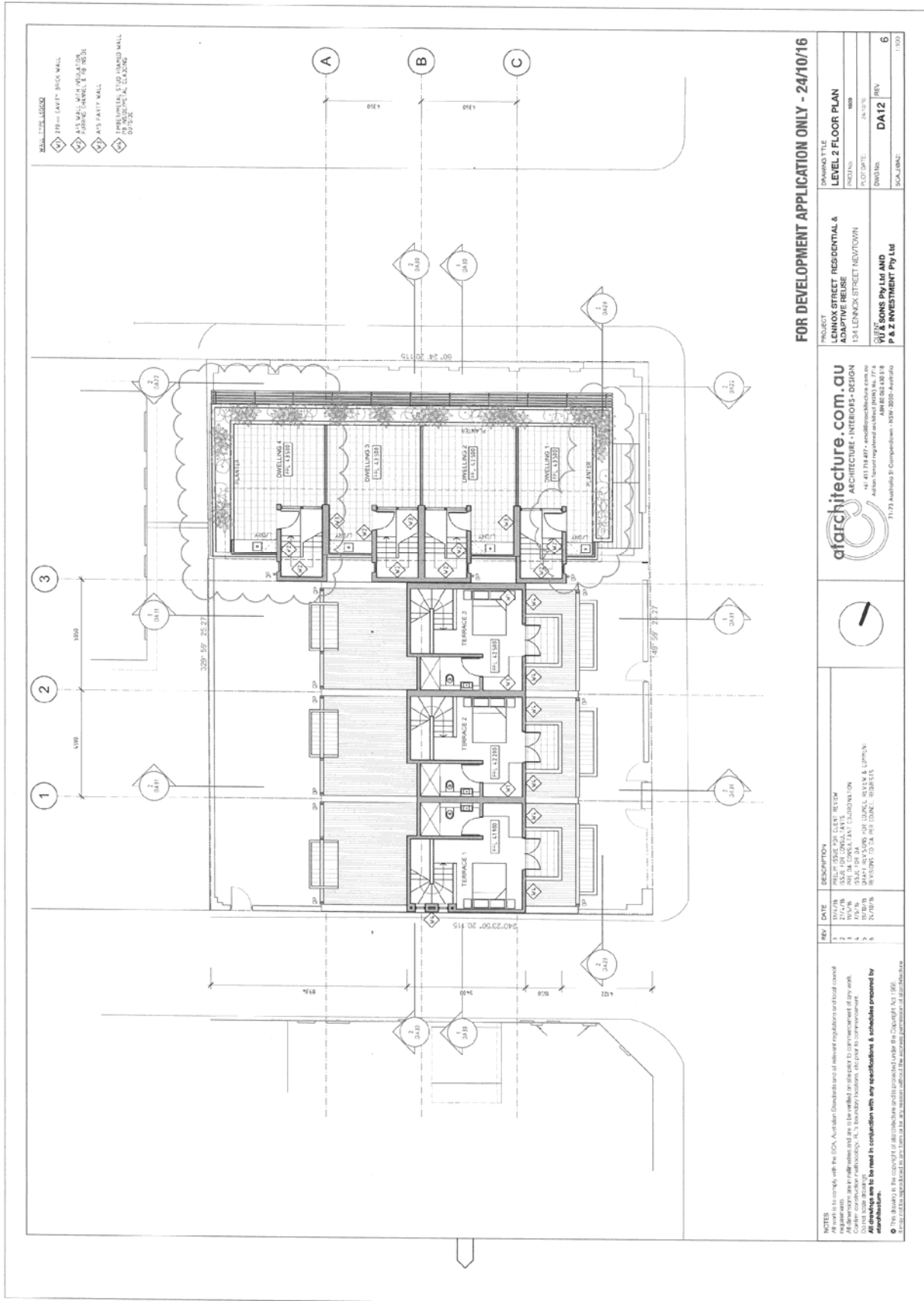
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PROJECT	136 LENNOX STREET RESIDENTIAL 4 ADAPTIVE REUSE
PROJECT NO.	1000
PLANT DATE	24/10/16
DRAWING	DA11 REV 7
SCALE	1:100

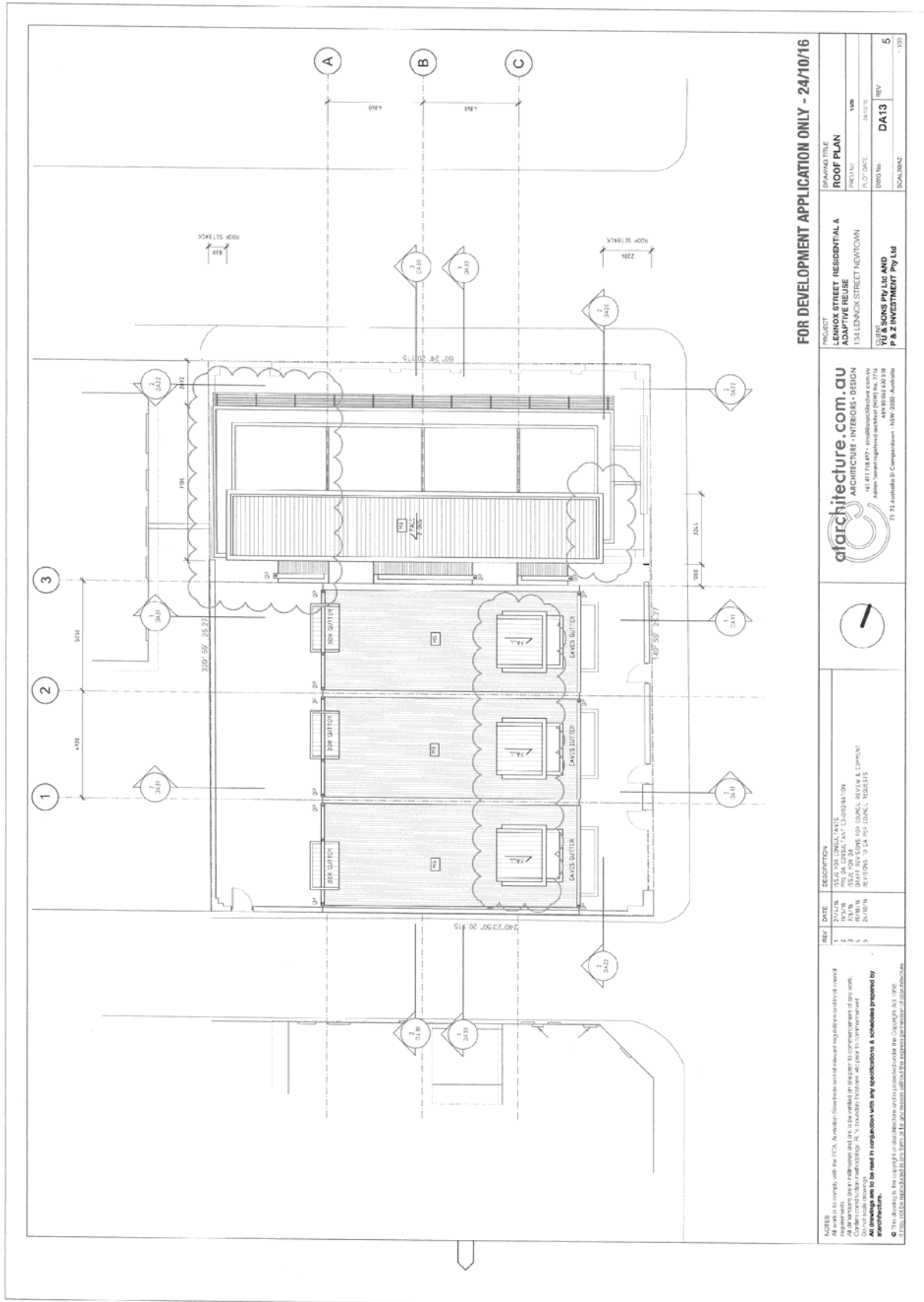
afarchitecture.com.au
 ARCHITECTURE - INTERIOR - DESIGN
 441 718 4877 - email@afarchitecture.com.au
 71-73 Avonville St Corporation - NSW 2050 - AUSTRALIA



REV	DATE	DESCRIPTION
1	23/07/16	ISSUE FOR CONVEYANCE
2	23/07/16	ISSUE FOR CONVEYANCE
3	23/07/16	ISSUE FOR CONVEYANCE
4	23/07/16	ISSUE FOR CONVEYANCE
5	23/07/16	ISSUE FOR CONVEYANCE
6	23/07/16	ISSUE FOR CONVEYANCE
7	24/10/16	FOR DEVELOPMENT APPLICATION ONLY

NOTES:
 1. This drawing is to comply with the BCA, Australian Standards and all relevant legislation and local council requirements.
 2. All dimensions are in millimetres unless otherwise stated.
 3. All dimensions are to the face of the work unless otherwise stated.
 4. All dimensions are to the face of the work unless otherwise stated.
 5. All dimensions are to the face of the work unless otherwise stated.
 6. All dimensions are to the face of the work unless otherwise stated.
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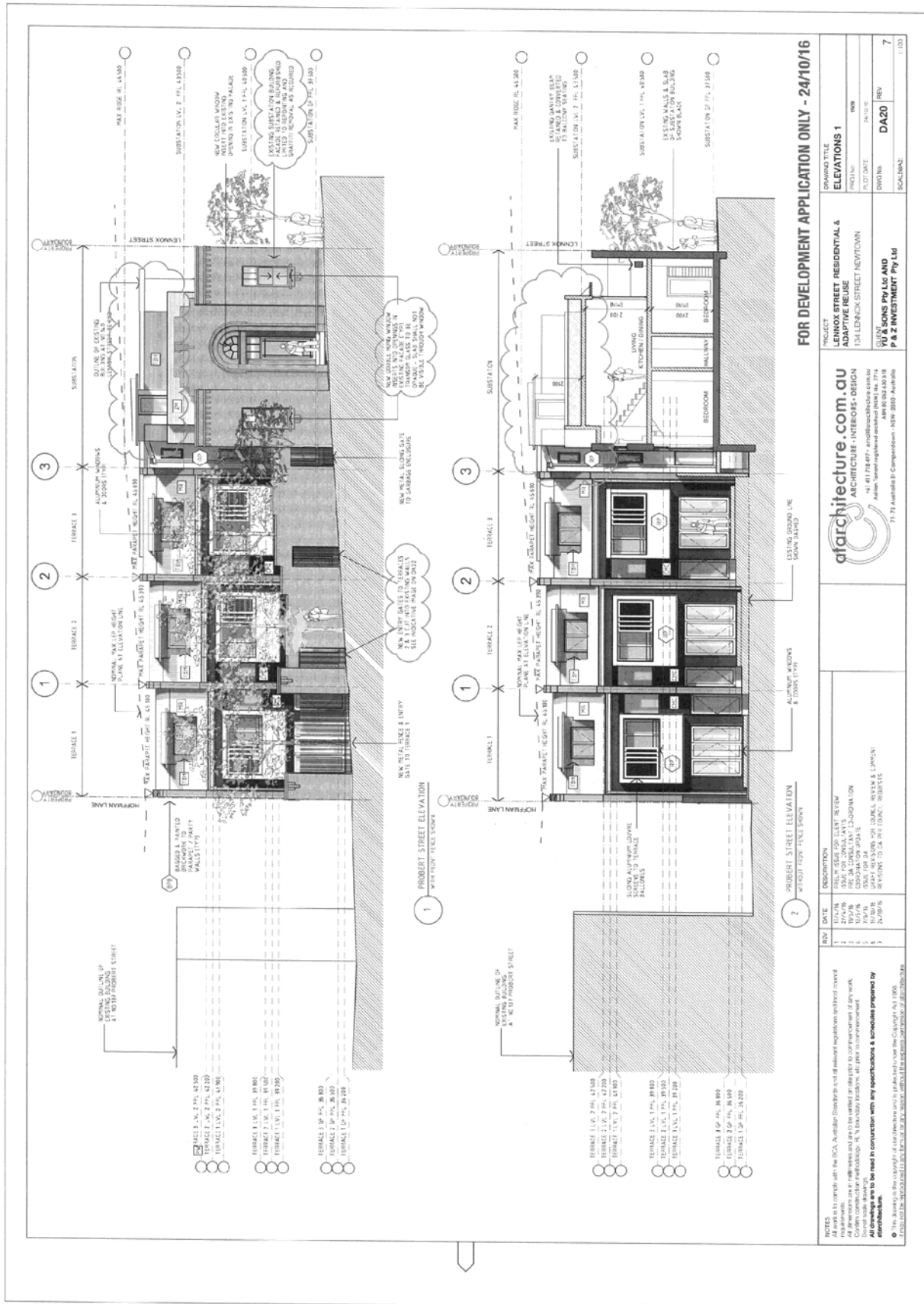
FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

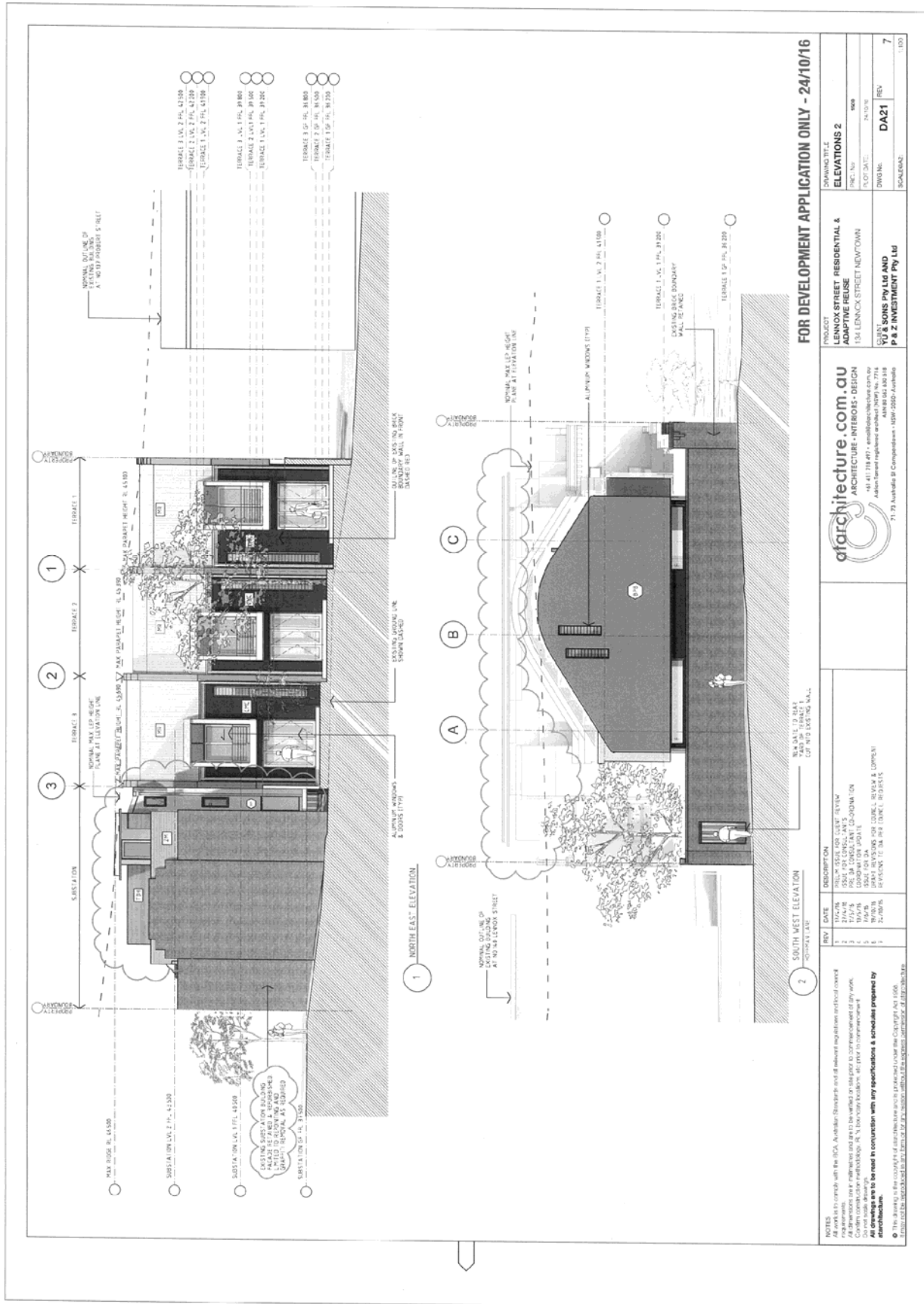
REV	DATE	DESCRIPTION
1	24/10/16	ISSUED FOR DEVELOPMENT APPLICATION
2	24/10/16	ISSUED FOR DEVELOPMENT APPLICATION
3	24/10/16	ISSUED FOR DEVELOPMENT APPLICATION
4	24/10/16	ISSUED FOR DEVELOPMENT APPLICATION
5	24/10/16	ISSUED FOR DEVELOPMENT APPLICATION

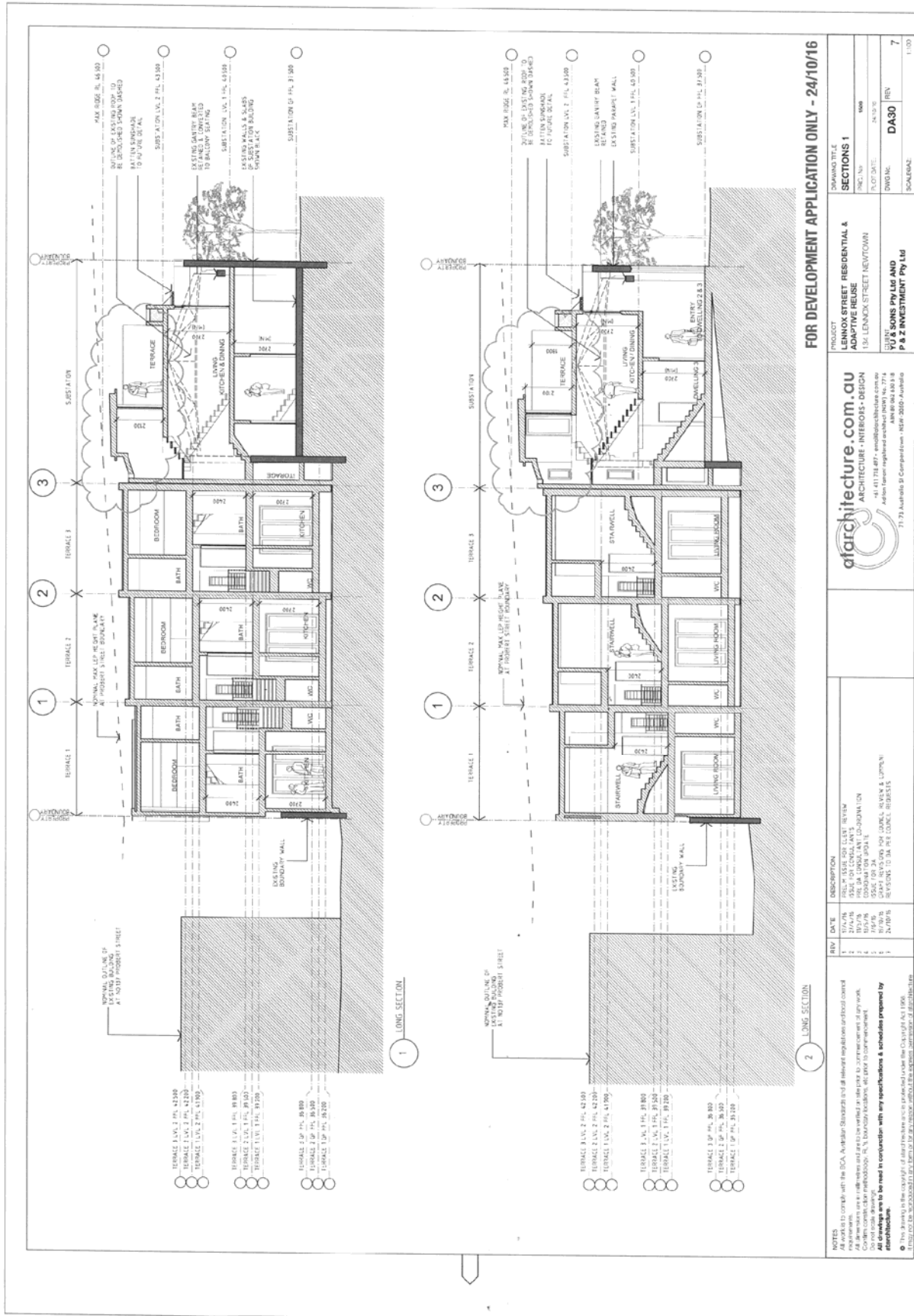
<p>NOTES</p> <p>1. This drawing is to be used in conjunction with the City of Sydney Development Application Form and the City of Sydney Development Application Guidelines.</p> <p>2. This drawing is the property of the architect and is not to be used for any other purpose without the written consent of the architect.</p> <p>3. The architect is not responsible for any errors or omissions in this drawing and is not liable for any consequences arising from the use of this drawing.</p> <p>4. The architect is not responsible for any errors or omissions in this drawing and is not liable for any consequences arising from the use of this drawing.</p>	<p>PROJECT: LENNOX STREET RESIDENTIAL & COMMERCIAL DEVELOPMENT</p> <p>124 LENNOX STREET NEWTOWN</p> <p>CLIENT: VU & SONS Pty Ltd AND P & INVESTMENT Pty Ltd</p> <p>SCALE: 1:100</p>
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<p>PROJECT: LENNOX STREET RESIDENTIAL & COMMERCIAL DEVELOPMENT</p> <p>124 LENNOX STREET NEWTOWN</p> <p>CLIENT: VU & SONS Pty Ltd AND P & INVESTMENT Pty Ltd</p> <p>SCALE: 1:100</p>	<p>PROJECT: LENNOX STREET RESIDENTIAL & COMMERCIAL DEVELOPMENT</p> <p>124 LENNOX STREET NEWTOWN</p> <p>CLIENT: VU & SONS Pty Ltd AND P & INVESTMENT Pty Ltd</p> <p>SCALE: 1:100</p>
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<p>PROJECT: LENNOX STREET RESIDENTIAL & COMMERCIAL DEVELOPMENT</p> <p>124 LENNOX STREET NEWTOWN</p> <p>CLIENT: VU & SONS Pty Ltd AND P & INVESTMENT Pty Ltd</p> <p>SCALE: 1:100</p>	<p>PROJECT: LENNOX STREET RESIDENTIAL & COMMERCIAL DEVELOPMENT</p> <p>124 LENNOX STREET NEWTOWN</p> <p>CLIENT: VU & SONS Pty Ltd AND P & INVESTMENT Pty Ltd</p> <p>SCALE: 1:100</p>
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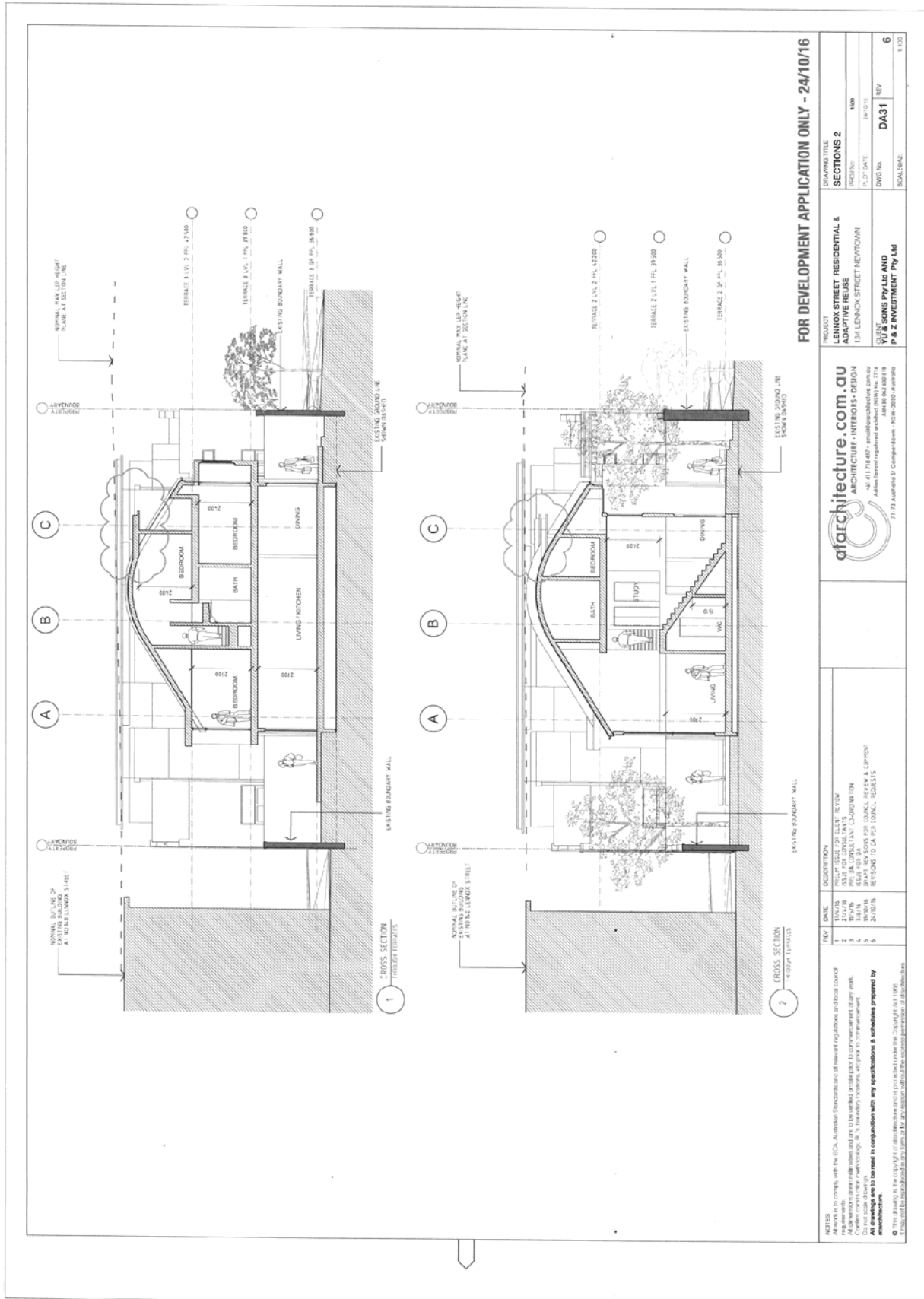
FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

DRAWING TITLE	SECTIONS 1
PROJECT	LENNOX STREET RESIDENTIAL & ADAPTIVE RESIDE
INSTR. NO.	1600
FLAT DATE	24/10/16
DRAWN BY	DASO
SCALE	1:100

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 44-4717187 • info@architecture.com.au
 Action Center registered architect (MNO No. 2714
 ABN 8810434938
 71-73, Havelock St, Camperdown NSW 2050 Australia

REV	DATE	DESCRIPTION
1	24/10/16	ISSUE FOR PERMIT REVIEW
2	19/12/16	REV. PER. DA. LINDA ANT. CORRECTION
3	17/01/17	REV. PER. DA. LINDA ANT. CORRECTION
4	17/01/17	REV. PER. DA. LINDA ANT. CORRECTION
5	24/10/16	REV. PER. DA. LINDA ANT. CORRECTION
6	24/10/16	REV. PER. DA. LINDA ANT. CORRECTION

NOTES
 1. To comply with the BCA, a validly stamped and all relevant regulations and local council requirements must be provided.
 2. All dimensions are in millimeters and shall be rounded up to the next millimeter unless otherwise stated.
 3. Do not scale drawings.
 4. All materials and finishes to be used shall be specified in the schedule of materials and finishes.
 5. All materials and finishes to be used shall be specified in the schedule of materials and finishes.
 6. All materials and finishes to be used shall be specified in the schedule of materials and finishes.
 7. All materials and finishes to be used shall be specified in the schedule of materials and finishes.



FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

PROJECT	LENNOX STREET RESIDENTIAL 4
ADAPTIVE REUSE	134 LENNOX STREET NEWTOWN
CLIENT	UJ & SONS Pty Ltd AND P & Z INVESTMENT Pty Ltd
SCALE	1:100

DATE	DESCRIPTION
1 13/12/15	PRELIMINARY DESIGN DEVELOPMENT
2 21/1/16	FINAL DESIGN DEVELOPMENT
3 18/2/16	FINAL DESIGN DEVELOPMENT
4 18/2/16	FINAL DESIGN DEVELOPMENT
5 18/2/16	FINAL DESIGN DEVELOPMENT
6 18/2/16	FINAL DESIGN DEVELOPMENT

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 ARCHITECTURE - INTERIORS - DESIGN
 Address: 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FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

<p>NOTES</p> <p>All works to comply with the BCA, Australian Standards and all relevant regulations and local council requirements. All work to be completed and signed off by the project manager and approved by the client. Confirm contents of this specification with the architect, interior designer, and other relevant professionals. All drawings are to be read in conjunction with any specifications & schedules prepared by the architect.</p> <p>© This drawing is the copyright of the architect and is to be protected under the Copyright Act 1968. It shall not be reproduced in any form or by any means, without the express prior written consent of the architect.</p>	<p>REV DATE DESCRIPTION</p> <p>1 21/6/16 SLICE FOR LONG ANTS</p> <p>2 21/6/16 SLICE FOR 3D</p> <p>3 21/6/16 REFERENCE TO DA FOR CORNER ROISSETS</p>	<p style="text-align: center;"></p>	<p>PROJECT LENNOX STREET RESIDENTIAL & ADAPTIVE REUSE 134 LENNOX STREET NEWTOWN</p> <p>DRAWING TITLE SHADOW DIAGRAMS 1</p> <p>PROJECT NO. 1009</p> <p>DATE 24-10-16</p> <p>DWG NO. DA40</p> <p>SCALE 1:100</p>
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1 JUNE 21 - 3pm
DRAFTING

2 JUNE 21 - 3pm
PROPOSED

3 MARCH 21 - 9am
EXISTING

4 MARCH 21 - 9am
PROPOSED

FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

<p>NOTES:</p> <ul style="list-style-type: none"> To comply with the DCA, Australian Standards and all relevant regulations and local council requirements. All dimensions are in millimetres unless otherwise stated or indicated on drawings. Do not scale drawings. Do not make alterations. <p>It is the responsibility of the applicant to ensure that the drawings are in accordance with the Council Act 1996.</p>	<p>REV. DATE DESCRIPTION</p> <p>1 24/03/16 ISSUE FOR IAN'S</p> <p>2 24/03/16 REVISION TO 2A PER COUNCIL REQUESTS</p> <p>3 24/03/16</p>	<p>PROJECT</p> <p>134 LENNOX STREET RESIDENTIAL & ACCOMMODATION HOUSE</p> <p>134 LENNOX STREET NEW TOWN</p>	<p>DRAWING TITLE</p> <p>SHADOW DIAGRAMS 2</p>
	<p>71-73 AVARILLI ST COMPTONSON - NBN 2502 AVARILLI</p>	<p>ARCHITECTURE .com.au</p> <p>ARCHITECTURE - INTERIORS - DESIGN</p> <p>481 471 718 4971 - architecture@architecture.com.au</p> <p>Admin@interiors.architect@interiors.com.au</p>	<p>SCALE: 1:100</p> <p>DATE: 24/03/16</p> <p>REV: DA41</p> <p>SCALE: 1:100</p>

1 MARCH 21 - 10pm
EXISTING

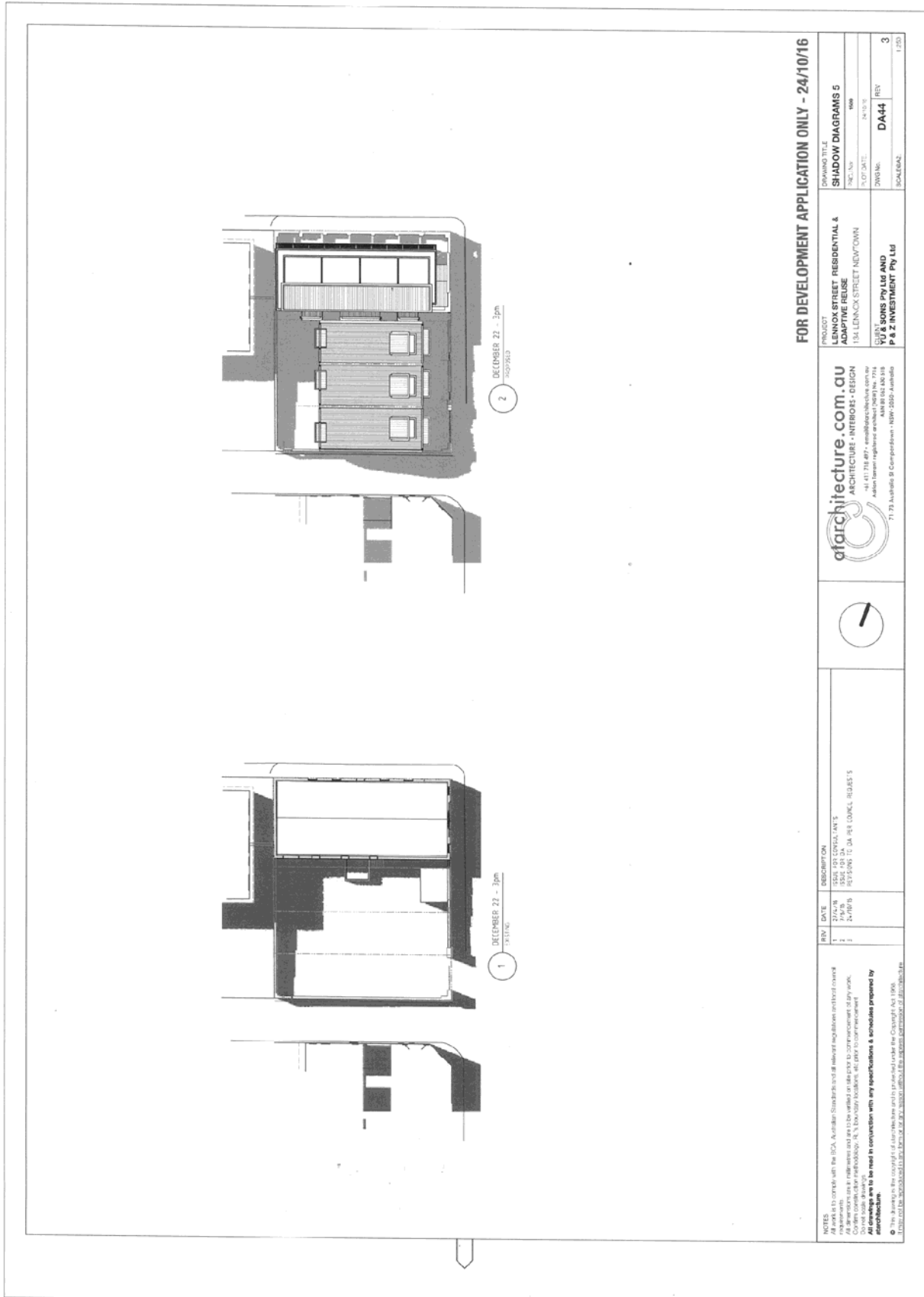
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PROPOSED

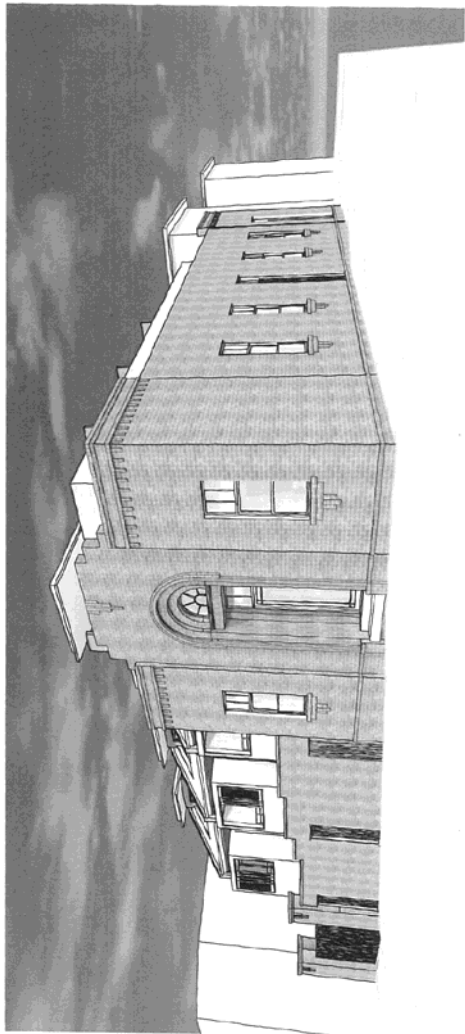
3 MARCH 21 - 3pm
EXISTING

4 MARCH 21 - 3pm
PROPOSED

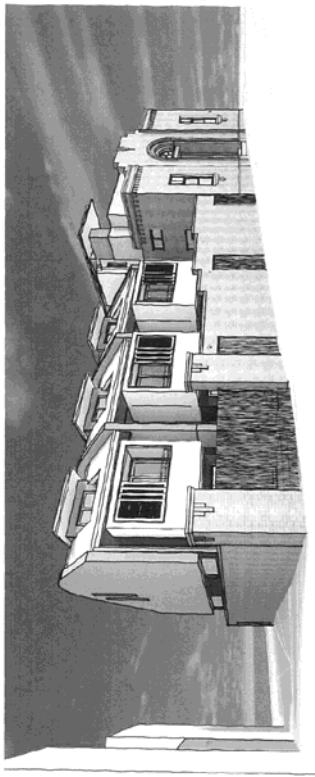
FOR DEVELOPMENT APPLICATION ONLY - 24/10/16

<p>NOTES</p> <p>1. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL CONTRACT AND THE CIVIL AND ELECTRICAL CONTRACTS.</p> <p>2. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL CONTRACT AND THE CIVIL AND ELECTRICAL CONTRACTS.</p> <p>3. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL CONTRACT AND THE CIVIL AND ELECTRICAL CONTRACTS.</p> <p>4. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL CONTRACT AND THE CIVIL AND ELECTRICAL CONTRACTS.</p>	<p>REV. DATE DESCRIPTION</p> <p>1 17/03/16 5505 700 2A</p> <p>2 24/07/16 16/5/2016 TO 24/1/16 LOCAL REDASST</p>	<p>PROJECT: LENNOX STREET RESIDENTIAL 4 ADAPTIVE REUSE 13A LENNOX STREET NEWTOWN</p> <p>PROJECT NO: 1000</p> <p>DATE: 24/10/16</p> <p>DRAWN BY: DA42</p> <p>SCALE: 1:250</p>
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1 VIEW FROM LENNOX ST / PROBERT ST



2 VIEW FROM PROBERT ST / HOFFMAN LAKE

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<p>PROJECT LENNOX STREET RESIDENTIAL & ADAPTIVE REUSE 134 LENNOX STREET NEWTOWN</p> <p>DRAWING TITLE SKETCH 3D VIEWS</p> <p>PREP'D BY 1608</p> <p>PLT'D DATE 24-10-16</p> <p>DWG NO. DA50</p> <p>SCALE NOT TO SCALE</p>	<p>afarchitecture.com.au ARCHITECTURE - INTERIORS - DESIGN</p> <p>19-431-716-897 - email@afarchitecture.com.au Admin@afarchitecture.com.au AF ARCHITECTURE PTY LTD 71-73 Avonlea P Complex - NEW 2007 - Australia</p>
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REV	DATE	DESCRIPTION
1	21/10/16	PRELIM SKETCH FOR CLIENT REVIEW
2	21/10/16	ISSUE FOR CONSULTANTS
3	21/10/16	ISSUE FOR CLIENT DISCUSSION
4	21/10/16	ISSUE FOR DA
5	21/10/16	ISSUE FOR DA
6	24/10/16	ISSUE FOR DA, FOR LOCAL, REGIONAL & CENTRAL

NOTES
All works to comply with the BCA, Australian Standards and all relevant regulations and/or council requirements, and a table with and are to be verified or subject to confirmation of any work.
Client/consultant to provide all necessary information, including but not limited to:
- All drawings are to be used in conjunction with any specifications & schedules prepared by architect.
- This drawing is the copyright of afarchitecture and is purchased under the Copyright Act 1968.
- Errors and omissions are the responsibility of the architect and not the client.