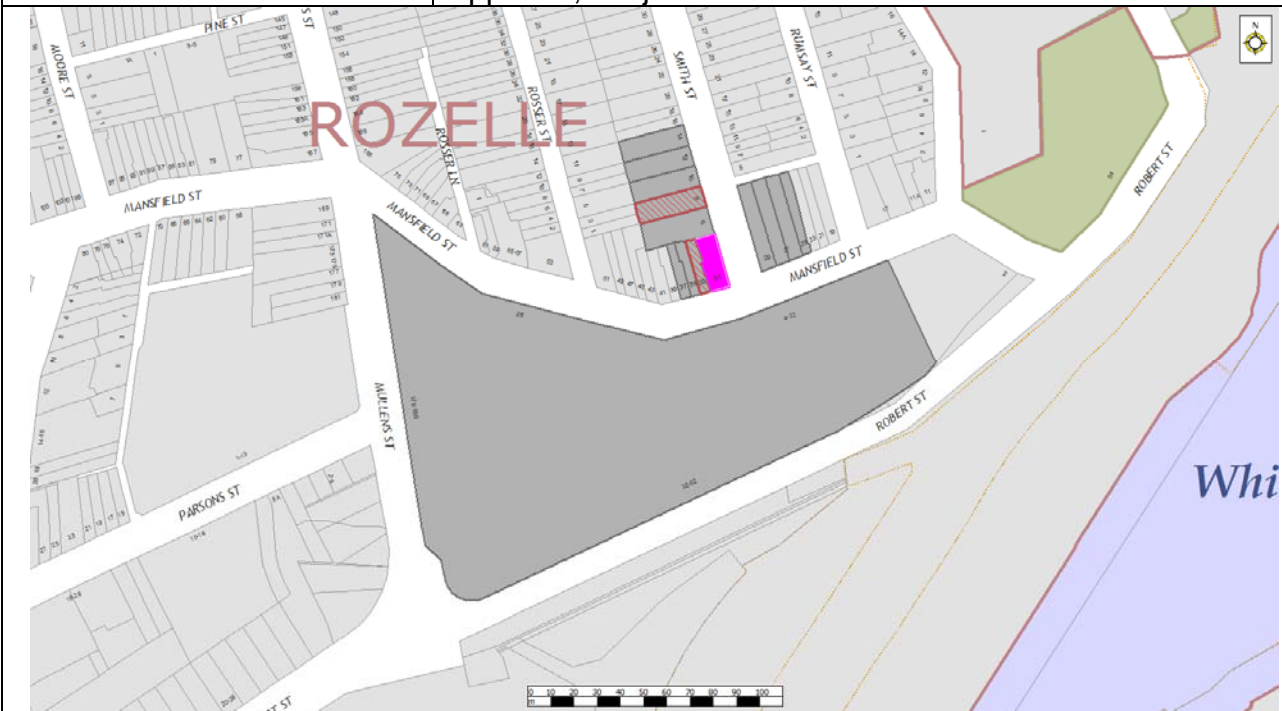








# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2016/388
<b>Address</b>	31 Mansfield Street, ROZELLE NSW 2039
<b>Proposal</b>	Alterations and additions to dwelling including new roof terrace and additional upper floor bedroom.
<b>Date of Lodgement</b>	8 August 2016
<b>Applicant</b>	Oikos Architects
<b>Owner</b>	Mrs T J Wills and Mr D C Landers
<b>Number of Submissions</b>	2 objections
<b>Value of works</b>	\$105,000
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation
<b>Main Issues</b>	Heritage, Streetscape, Acoustic and Visual Privacy, Bulk and scale, undesirable precedence
<b>Recommendation</b>	Approval, subject to conditions



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to dwelling including new roof terrace and additional upper floor bedroom at 31 Mansfield Street, Rozelle. The application was notified to surrounding properties and two submissions were received.

The main issues that have arisen from the application include:

- Heritage Conservation
- Streetscape impacts
- Visual bulk and scale
- Visual and acoustic privacy to neighbours
- Removal of the existing fabric
- Non-compliance with FSR

The proposed roof terrace, stair access, and associated works are not supported given the amenity impacts on the surrounding properties, streetscape, and Conservation Area. However, the proposed study/ bedroom is generally supported as it is located away from the street frontage, is not readily 'read' as part of the building when viewed from the street, and does not result in adverse amenity impacts on the adjoining properties. Therefore the application is recommended for approval subject to the deletion of the roof terrace, stair access, and associated works, as well as setting back the northern elevation of the study to align with the northern face of the existing chimney.

## 2. Proposal

The proposal involves the provision of a first floor rear addition (study/bedroom), as well as removal of the existing roof to provide for a roof top terrace, a covered external access stair, and associated works.

## 3. Site Description

The subject site is located on the north-western side of Mansfield Street, with a second street frontage to Smith Street. The site consists of one allotment and is generally rectangular with a total area of 193.6m<sup>2</sup> and is legally described as Lot 20, DP 651219.

The site supports a 3 storey building built to both street frontages with a large wrap around veranda. The existing building was originally constructed as the Beach Hotel. The adjoining properties support single and 2 storey dwelling houses.

The subject site is listed as a heritage item and is located within a conservation area. The site contains a landscaped planter bed within the rear yard.



*Photo 1: View of subject site as viewed from Mansfield Street.*



*Photo 2: View of adjoining dwellings as viewed from Mansfield Street.*

#### 4. Background

##### 4(a) Site history

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

##### Subject Site

Application	Proposal	Decision & Date
D/2003/580	Restoration works and alterations to the existing building, formerly the Beach Hotel for residential use.	Approved 27 Nov, 2003
D/2003/676	Alterations and additions to an existing building and change of use to commercial offices.	Approved 21 Apr, 2004
M/2004/140	Modification to development consent D/2003/676 for alterations and additions to an existing building and	Refused 24 Sep, 2004

	changes of use to commercial offices. Modification to delete conditions 4(a) and (b) relating to provision of carparking at the rear of the site.	
M/2005/13	S96(2) Modification to development consent D/2003/676 for alterations and additions to an existing building and change of use to commercial offices. Modification to delete conditions 4(a) and (b) relating to the provision of car parking at the rear of the site.	Approved 10 May, 2005
M/2005/175	S96(2) Modification to development consent D/2003/676 for alterations and additions to an existing building and change of use to commercial offices. Modification to delete conditions 4(a) and (b) relating to the provision of car parking at the rear of the site.	Approved 26 Aug, 2005
D/2012/100	Alterations to existing heritage listed building and change of use to residence.	Approved 18 Apr, 2012

#### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
27 September, 2016	<p>Council wrote to the Applicant raising the following issues –</p> <ul style="list-style-type: none"> <li>• <i>Proposed roof terrace and associated loss of existing roof fabric not supported, tower form and height of stair addition not supported.</i></li> <li>• <i>Council's Engineers identified that the proposed roof terrace and stair access would result in water ingress into the building. In addition, penetrations into the front parapet would be required in order to provide for an overland flow path, which would not be supported from a Heritage perspective.</i></li> <li>• <i>Whilst it is acknowledged that the site is located opposite a light industrial development, there are residential dwellings adjoining the site to the side and rear, which maybe adversely impacted in regards to amenity.</i></li> </ul> <p><i>Accordingly, based on the above issues the proposed roof terrace and associated access is not supported and is to be deleted from the plans.</i></p> <ul style="list-style-type: none"> <li>• <i>Further details are required as to the required ducting/ exhaust for the proposed fireplaces. Please note that any vent or ducting beyond the boundaries of the property will not be supported.</i></li> </ul>

17 October, 2016	The applicant provided a written response to Council's letter and provided further information in regards to the fire places. Note: plans were not amended to address the issues raised by Council, in particular regard to the roof terrace.
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The original plans and additional information lodged form the basis of this report. The additional information lodged was not accompanied by amended plans and therefore the application did not require re-notification, as it was considered to fall within *Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013*, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lessor development have been proposed in order to address the concerns raised by Council or objectors.

## 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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following provides further discussion of the relevant issues:

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

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

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

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

A BASIX Certificate was submitted with the application, the commitments are detailed on the architectural plans and as such the requirements of the SEPP have been met.

**5(a)(xviii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

**5(a)(xix) Leichhardt Local Environment Plan 2013 (LLEP 2013)**

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.3 – Development Near Zone Boundaries
- Clause 5.9 - Preservation of trees or vegetation
- Clause 5.9AA – Trees or vegetation not prescribed by development control plan
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

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

<b>Standard (maximum)</b>	<b>Proposal</b>	<b>% of non compliance</b>	<b>Compliances</b>
<b>Floor Space Ratio</b> Required: 0.7:1 (135.5m <sup>2</sup> )	1.44:1 (278.2m <sup>2</sup> )	105.28%	No
<b>Landscape Area</b> Min 15% (29m <sup>2</sup> )	3.8m <sup>2</sup> (2%)	87%	No - No change to existing
<b>Site Coverage</b> Max. 60% (116.2m <sup>2</sup> )	63% (123.8m <sup>2</sup> )	6.6%	No – No change to existing

The following provides further discussion of the relevant issues:

Clause 4.3A – Landscaped Areas for residential accommodation in Zone R1

The site currently provides approximately 3.8m<sup>2</sup> (2%) of landscaped area, which does not comply with Council's minimum control of 29m<sup>2</sup> (15%) for the site. As the proposal is for a first floor addition and roof terrace, the existing situation is not altered. In any case, a Clause 4.6 Exception has been provided by the applicant and is discussed below.

Clause 4.3B – Site Coverage for residential development in Zone R1

The site currently provides a site coverage of approximately 123.8m<sup>2</sup> (63%), which does not comply with Council's maximum control of 116.2m<sup>2</sup> (60%) for the site. As the proposal is for a first floor addition and roof terrace, the existing situation is not altered. In any case, a Clause 4.6 Exception has been provided by the applicant and is discussed below.

Clause 4.4 – Floor Space Ratio

The existing dwelling provides an FSR of 1.37:1 (265.2m<sup>2</sup>), which exceeds the maximum FSR of 0.7:1 for the site. The proposal provides an additional floor area of 13m<sup>2</sup>, providing a total floor area of 278.2m<sup>2</sup> and FSR of 1.44:1. Accordingly, the proposal does not comply with Council's maximum FSR control for the site. A Clause 4.6 Exception to the Standard was provided by the applicant and is discussed below.

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A – Landscaped Areas for residential accommodation in Zone R1
- Clause 4.3B – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio

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

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

The proposal provides an additional floor area of 13m<sup>2</sup>, resulting in a total floor area of 278.2m<sup>2</sup> and FSR of 1.44:1, which exceeds Council's maximum control of 0.7:1 for the site. The proposal provides a landscaped area of 3.8m<sup>2</sup> (2%) and site coverage of 123.8m<sup>2</sup> (63%), which do not comply with Council's controls. The proposed first floor rear addition and roof terrace do not alter the existing non-compliances in regard to landscaped area and site coverage. The application requests that development consent be granted for the development even though the proposal will contravene the maximum floor space ratio development standard.

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

The applicant provided a written request to vary the FSR, Site coverage, and Landscaped Area development standards as follows:

Floor Space Ratio (FSR):

- Satisfies the R1 zone objectives
- Proposal is unique as it was originally built as a Hotel
- Complies with solar access and BLZ

Site Coverage:

- Satisfies the R1 zone objectives
- No increase in building footprint

Landscaped Area:

- Satisfies the R1 zone objectives
- No increase in building footprint

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

The applicant provided the below justification in regards to the FSR non-compliance:



*“The development is a contemporary addition to an existing heritage building that meets the objectives of the DCP and is suited to the conservation area. It is also an existing non-residential building in a residential area and does not conform to the typical residential norms of FSR, external scale, bulk, size nor residential building forms. It is also at the interface with an industrial zone that has large two and three storey high industrial forms.”*

Comment: The existing building has been converted into a residential dwelling house and was previously a commercial building. The proposed study addition is setback from the street and located behind the rear BLZ of the existing first floor wing. Council’s Heritage Officer has recommended the study be further setback to reduce impacts on the Heritage Item as well as the streetscape and Conservation Area. The proposal does not alter the existing building footprint and therefore the existing non-compliances with regard to site coverage and landscaping remain unchanged.

The Secretary has provided concurrence.

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

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

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

The proposed variation to the development standard, as a result of the proposed study, will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards, subject to the recommended conditions.

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

No other matters are required to be considered before granting concurrence.

### 5.3 – Development near zone boundaries:

The site is located opposite Nos. 4-22 Mansfield Street, which is zoned IN2 – Light Industrial. As the site is located within 10m of another zone, consideration is to be given to the objectives of that zone. The proposal is considered acceptable as it retains the current residential use and is not in conflict with the objectives of the adjoining zone, which relates to industrial and waterfront activities.

5.10 – Heritage Conservation:

The proposed roof top terrace and associated alterations are not supported as it results in removal of the original roof form/ style, which is sympathetic to the existing building. The proposed extension of the stair access to the roof terrace is not considered a sympathetic contribution to the item nor the Conservation Area. The site is a corner site and the roof top alterations and associated works would be highly visible and obtrusive. Accordingly, a condition is included for the deletion of these works.

The site currently provides for 3 air conditioning units located on the rear roof form, above the existing kitchen area. Due to the proposed study these air conditioning units are to be relocated. The proposal indicates these units are to be relocated to the roof. Given the building is a heritage item, coupled with the location on a corner site at the lower end of the Smith Street, the location of air conditioning units on either the lower roof form or main roof form would result in unsightly / detracting elements within the streetscape. Accordingly, a condition is included requiring the air conditioning units to be installed within the rear yard of the site.

In addition, as required by BASIX, any proposed skylight (S1) is to be a maximum of 1.5m<sup>2</sup>. In addition, given the highly visible nature of the building and roof form, any proposed skylight is to be flush with the existing roof. A condition is included.

The proposal also involves the addition of a new study/ 7th bedroom at the rear first floor level. This room is located away from the street frontage and will be barely visible when viewed from the street and unlikely to detract from the contribution of the building to the Conservation Area. The proposed study addition is located below the parapet/ roof line of the original rear wing and is of a modest scale. Council’s Heritage Officer has recommended that the northern elevation of the study be setback to be in line with the chimney to further reduce visual bulk. Accordingly, the proposed study addition and internal works are supported, subject to conditions.

5(b) Draft Environmental Planning Instruments

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

- Draft Leichhardt Local Environment Plan 2013 (Housekeeping amendment)

The application satisfies the provisions of the above Draft Leichhardt Local Environment Plan 2013 (Housekeeping amendment).

5(c) Development Control Plans

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

Part	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	

B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	No
C1.4 Heritage Conservation Areas and Heritage Items	No
C1.5 Corner Sites	No
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
	N/A
<b>Part C: Place – Section 2 Urban Character</b>	
Suburb Profile	
C2.2.5.1 – The Valley ‘Rozelle Distinctive Neighbourhood’ C2.2.5.1(b) – Smith Street Hill Sub Area	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	N/A
C3.11 Visual Privacy	No

C3.12 Acoustic Privacy	No
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
<b>Part F: Food</b>	
<b>Part G: Site Specific Controls</b>	
	N/A

The following provides discussion of the relevant issues:

#### C1.3 Alterations and additions

The proposed roof terrace, access stair extension, and associated works extend beyond the height of the existing main roof form and are not considered to be subordinate to the main building. In addition, given the building is on a corner, these works will be highly visible. The proposed roof terrace and associated works are inconsistent with subclause C14, C15, C16, C17, C18, and C19 which states additions to the rear are to be of minimum visibility from the street, and the original roof form be retained.

The proposed study addition and internal fireplaces are supported as the study is sited to the rear and side furthest from the street. The study addition has been designed to be a light weight and an obvious addition to the existing building. Furthermore, the study is located below the roof line of the existing rear wing. As a result, the proposed study meets the relevant criteria mentioned above in regards to presenting as a sub-ordinate addition with minimal impacts on the streetscape.

#### C1.4 Heritage Conservation Areas and Heritage Items

The site is listed as a Heritage Item within a Conservation Area. The proposed roof terrace and associated works do not satisfy the objectives of Part C1.4 of Council's DCP for the reasons discussed previously within this report. The relevant objectives are quoted below:

- a. *“does not represent an unsympathetic alteration or addition to a building;*
- b. *encourages the protection, restoration, continued use and viability of buildings for their original purpose;*
- c. *encourages the removal of unsympathetic elements;*
- d. *is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter (Refer to: <http://australia.icomos.org/publications/charters/>;*
- e. *conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;*
- f. *maintains the visual unity of groups of buildings, in particular semi-detached and attached terraces;*
- g. *makes an appropriate visual and physical distinction between the existing building and new parts of the building;*
- h. *protects and enhances views of the existing building from the public domain; and*
- i. *new buildings are sympathetic in scale, form, architectural detail, fenestration and siting to the Heritage Conservation Area or Heritage Item and conforms with the Burra Charter.”*

In addition, subclause C3 of Part C1.4 states that development within Conservation Areas must:

- a. *“not include the demolition of the internal walls and roof form, including any existing chimneys, of the front two rooms of the dwelling;*
- b. *retain the major form, scale and materials of the existing structure as described in (a);*
- c. *be for a rear addition which does not dominate the existing building or substantially change the relationship of the building to the street when viewed from the street; and...”*

The proposed roof terrace and associated works do not satisfy the above requirements as the original roof form is removed, the major form and scale of the existing building is altered, and the proposed roof addition dominates the existing building, as well as changes the relationship of the building with the streetscape and conservation area.

The proposal study addition is generally supported for the reasons outlined within this report. However, Council's Heritage Officer has recommended the north elevation of the study/ bedroom be set back to align with the north face of the existing external chimney. This is so that the proposed addition is subservient to the existing original rear wing and to further reduce views to the study, when viewed from the street. This will also reduce the level of non-compliance with the maximum FSR for the site. Accordingly, a condition is included.

The proposed fireplaces are generally supported subject to the recommendations made by Council's Heritage Advisor which are included in the conditions of consent.

### C1.5 Corner Sites

The site is a corner site and contains a three storey building originally constructed as a pub. This building has been altered to provide for commercial offices and more recently a single residence. The existing building is built to both street frontages with a wraparound balcony at the first floor level.

The proposed roof terrace requires the original roof form to be removed and a new skillion roof form to be provided at the rear. In addition, the proposed access stair projects beyond the existing main roof, coupled with the corner location, it is considered intrusive in the Conservation Area. See Applicant's Photomontage below, which demonstrates the impacts of the roof and stair access structure on the building, streetscape, and Conservation Area. The proposed study is barely visible.



**Photo 3:** View of existing building from Smith Street.

**Photomontage:** supplied by Oikos Architects as part of this application.

The proposed roof terrace and stair access are not considered to satisfy the relevant criteria of Part C1.5 of the DCP, in particular, respecting the visual prominence of the role of the corner building, and that any new addition is not to have an adverse impact on the surrounding properties, streetscape, or public domain, as well as any addition should be comparable in scale to the streetscape.

The proposed study addition is setback from each street frontage, is lower than the existing rear wing, and has been designed to be sub-ordinate to the main building. Accordingly, the study is supported.

#### C2.2.5.1 – The Valley ‘Rozelle Distinctive Neighbourhood’

##### C2.2.5.1(b) – Smith Street Hill Sub Area

The proposed roof terrace and stair extension is not considered to satisfy the relevant objectives of the Distinctive Neighbourhood and sub-area, in particular, the proposed addition is not considered to complement the existing roof form, and does not preserve the consistency and simplicity of the existing form and style of the building.

The proposed study addition is setback from the street frontages, located to the side of the original rear wing, and has been designed to be sub-ordinate to the main building, which is considered acceptable in this regard.

#### C3.1 Residential General Provisions

The proposed roof terrace and stair access are not supported as they are not considered to satisfy the relevant objectives and controls under Part C3.1 for the reasons previously discussed. The proposed study addition is considered to be acceptable for the reasons discussed in this report.

#### C3.2 Site Layout and Building Design

The proposed roof terrace and stair access are not considered to satisfy the relevant objectives and controls under Part C3.2 for the reasons previously discussed. The proposed study addition is considered to be acceptable for the reasons discussed in this report. The proposed study complies with Council’s BLZ control for the site. The proposed side setback is considered to be acceptable given the location of the adjoining development built in close proximity to the common boundary.

#### C3.8 Private Open Space

The existing dwelling provides for a large wrap around first floor balcony and a rear courtyard. Part of the rear courtyard is utilised for off street car parking. In any case, the existing balcony, coupled with the rear courtyard is considered to satisfy Council’s requirements which state that private open space be provided at ground level, off living areas, and has a minimum area of 16m<sup>2</sup> and minimum dimension of 3m. That is, the elevated balcony is directly accessible from the living area and has a depth of 2.5m-3.4m with an area of approximately 50m<sup>2</sup>. The main portion of the deck, which has direct access from the living/ dining area provides a depth of 3.4m and an area of approximately 30m<sup>2</sup>, which easily complies with Council’s requirements. Accordingly, the balcony coupled with the rear courtyard (with or without vehicles parked), is considered to be sufficient and satisfies the relevant objectives and controls in regard to the provision of private open space.

#### C3.9 Solar Access

The application was accompanied by solar access diagrams, which indicated that due to the orientation of the site and surrounding development, the likely additional overshadowing will fall over the street, subject site, and the roof of the adjoining properties.

### C3.11 Visual Privacy

Subclause C1 of Part C3.11 relates to sightlines and protecting the privacy of adjoining private open space and living areas, and states:

*“C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway. Measures for screening or obscuring will include one or more of the following:*

- a. screening of opposing windows, balconies and private open space with fixed louvered screens, window hoods, shutters;*
- b. consistent orientation of buildings;*
- c. using floor level in design to minimise direct views; and*
- d. erection of screens and fencing to limit sightlines including dividing fences, privacy screens, projecting blade screens.*

The proposed roof terrace provides sightlines from the western end into the rear yards of several residential properties. Council would not support the erection of screening or planter boxes to mitigate privacy impacts, as these structures are considered to detract from the existing Heritage Item.

Subclause C5 and C9 provides controls in regards to landscape screening and maximum size of balconies.

*C5 The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure.*

*C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.*

While the roof terrace is not a balcony and Council provides details in Subclause C4 in regards to the consideration of roof terraces, sub clause C9 is relevant in this instance in so far as to demonstrate that balconies are limited to 1.2m x 2m and are to provide screening when located off living areas, as it is assumed that larger balconies create amenity impacts to neighbouring properties. Therefore, it can be assumed that a roof terrace of approximately 5.4m x 8m (43.9m<sup>2</sup>) and elevated 3 storeys above surrounding properties would have greater amenity impacts than a balcony of size referred to above.

Sub-clause C4 refers to roof terraces and states:

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

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



The proposed roof terrace extends to the west, east, and southern parapet on the main dwelling, coupled with is located above the third storey. Surrounding development is predominantly 1-2 storeys. The proposal provides for a new skillion roof form along the northern end of the proposed roof terrace to act as a balustrade for the terrace. The roof terrace measures approximately 5.49m x 8m, providing an area of approximately 43.9m<sup>2</sup>.

In regard to the proposed new study/ bedroom windows, Council's DCP does not require privacy measures for these windows. In addition, the western side study window is likely to overlook the rear skillion roof of the adjoining property at No. 33 Mansfield Street.

### C3.12 Acoustic Privacy

The proposed roof terrace is not considered to satisfy the relevant objectives and controls due to the excessive size (43.9m<sup>2</sup>) and the elevated nature of the terrace on the roof of a 3 storey building in a residential area. In addition, the subject building is located at the lower end of Smith Street and any noise from the roof terrace would likely be transmitted up the hill to the surrounding residential properties. Furthermore, given the site is a residential property Council is unable to impose restrictions on when the terrace is used. While the premises is subject to standard residential noise restrictions under the EPA/ Protection of the Environment Act 1997 (POEO Act), even a 'compliant' level of noise is likely to cause nuisance to neighbouring residential property due the 3 storey elevated nature of the terrace; location of the site at the lower end of the street; and excessive size of the terrace.

While the subject site is not a commercial premises in order to estimate the capacity of the roof terrace, a reasonable calculation of people per meter square can be assumed as 0.5-1 people per meter square. Given the terrace measures 43.9m<sup>2</sup> this would permit up to approximately 20-30 people capable of being accommodated on the roof terrace. As mentioned previously, Council is unable to restrict the use of the terrace allowing the resident to utilise the roof terrace anytime subject to compliance with the relevant residential noise requirements. While it could be assumed that most roof terraces are not used everyday, once a roof terrace is approved, an occupant is permitted to use it everyday/ evening. In addition, even a gathering that does not technically breach the noise levels for residential use, is likely to cause amenity impacts on the neighbours due to its elevated position, location of the site, and size.

As the site provides access to private open space in the form of a large wrap around balcony off the main living area, as well as a rear courtyard, the provision of the roof terrace is considered unnecessary and at the expense of the amenity of the surrounding residential properties. In addition, the physical works in order to provide the roof terrace are considered to alter the presentation of the building within the streetscape and its contribution to the Conservation Area as a whole.

It is noted that the applicant uses part of the rear courtyard as a multi purposes area, being car parking/ private open space. As Council does not require off street car parking for dwelling houses this area is considered part of the open space area for the dwelling. In any case, when the rear yard is used to accommodate car parking, the building provides for a large balcony directly off the living area, which is considered sufficient.

Accordingly, the roof terrace which is not located off a living area is not supported and is likely to result in an undesirable precedent, adverse amenity impacts, detracts from the existing building and Conservation Area, and is not required in regard to the provision of private open space. The roof terrace, stair, and associated works are to be deleted from the proposal.

*In summary:* The proposed roof top terrace is not supported as it is considered unnecessary in regards to the provision of adequate private open space to the dwelling; is likely to result in unacceptable amenity impacts on the adjoining properties; and is likely to set an undesirable precedent in the residential locality. Council will not support a roof terrace of a reduced size or that provides privacy mitigation measures such as screening, as the terrace would require the removal of the existing roof form to provide a terrace of any size, as well as the external stair addition, which is considered to detract from the existing building and Conservation Area. Even if the stair was internalised, it would still require a pop-up structure on top of the roof as well as removal of the existing roof form. Therefore, a roof terrace is not supported.

#### 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, subject to deletion of the roof terrace, stair access and associated works.

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

The site is zoned R1 Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed study/bedroom, and this has been demonstrated in the assessment of the application. As discussed within this report, the proposed roof terrace is not supported and is not considered suitable for the subject site.

#### 5(f) Any submissions

The application was notified in accordance with DCP2013 for a period of 14 days to surrounding properties. A total of two submissions were received.

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

- Inconsistent with surrounding development– see Section 5(c)
- Visual and Acoustic Privacy implications from the proposed roof terrace – see Section 5(c).

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

Issue: Roof terrace – Amenity impacts of the roof terrace on neighbouring properties

Comment: This objection is considered to be well founded and is further discussed within the main body of this report.

Issue: Roof terrace – inconsistent with surrounding development as well as Architectural style

Comment: This objection is considered to be well founded and is further discussed within the main body of this report.

Issue: Proposed new side window (W02) results in fire rating and privacy impacts

Comment: This is further discussed within the main body of this report.

Issue: The existing windows on the western side elevation are on the boundary and should be removed.

Comment: As these windows are existing, Council is unable to modify or remove these windows unless they were unlawfully installed.

### 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest, subject to deletion of the root terrace, stair access and associated works.

## 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
- Development Engineer

### 6(b) External

The application was not required to be referred to any external bodies.

## 7. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013, subject to deletion of the root terrace and associated works. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape, subject to deletion of the roof terrace and associated works. The proposed study and internal works are considered acceptable given the minimal impacts on the existing building, streetscape, Conservation Area, and amenity of the surrounding properties. As outlined within this report, the proposed roof terrace, stair access, and associated works are not supported as it is considered likely to result in adverse amenity impacts on neighbouring properties, the streetscape, contribution of the building to the Conservation Area, as well as set an undesirable precedent in the locality.

## 9. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2016/388 for Alterations and additions to dwelling including an additional upper floor bedroom at 31 Mansfield Street, Rozelle subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

**CONDITIONS OF CONSENT**

1. Development must be carried out in accordance with Development Application No. D/2016/388 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
2012/02/DA02- Ground and First floor	Oikos Architects	14/05/2016
2012/02/DA03- second and roof plan	Oikos Architects	14/05/2016
2012/02/DA04- Section A-A and B-B	Oikos Architects	14/05/2016
2012/02/DA05- Elevations North and South	Oikos Architects	14/05/2016
2012/02/DA06- Elevations East and West	Oikos Architects	14/05/2016
Document Title	Prepared By	Dated
BASIX Certificate A250041	Oikos Architects	19 May, 2016
2012/02/DA08- Finishes Schedule	Oikos Architects	14 May, 2016
Waste Management Plan	Oikos Architects	17/5/2016

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

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

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

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

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

2. Consent is granted for the demolition of the following currently existing on the property, subject to strict compliance with the following conditions:

Elements	Location
Part wall to provide doorway to new study/room	First floor level

Excluding the following elements which must be retained:

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

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

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

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

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

**PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE**

3. Amended plans are to be submitted incorporating the following amendments:
- a) Air conditioning units are not to be installed on the roof of the existing building. Any air conditioning unit is to be installed within the rear yard of the property and not to be visible from the public domain.
  - b) The skylight within the main roof form is to be flush with the existing roof.
  - c) The proposed roof terrace, access stair, and associated works are to be deleted. The existing roof and roof structure are to be retained in full.
  - d) All new internal fireplaces and chimneypiece joinery to appear as modern on close inspection.
  - e) Flue to first floor Lounge room fireplace to exhaust through roof and Ground Floor Family Room flue to be taken through kitchen joinery up through roof behind parapet. Dimension and height of flue to be min. cross section size and height required for domestic application.
  - f) North façade of new first floor Study addition to be set back to align with the north face of the existing external chimney.

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

4. An experienced suitably qualified & experienced Heritage Architect must be commissioned to assist and to provide advice on the following elements of the approved development, and to oversee the construction works for the duration of the project:

New internal fireplaces, chimneypieces and flues to roof including through first floor cabinetry where necessary
Modifications to existing window to provide new doorway access to new first floor Study addition

Details of the engagement of the experienced Heritage Architect in accordance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to the issue of an Occupation Certificate the Heritage Architect is to certify that the works have been carried out in accordance with these requirements.

Details of the engagement of the experienced Heritage Architect & copy of the certification in accordance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.



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

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

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

The system/s shall be operated as follows:

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

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

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

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

7. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
8. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
  - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifying Authority.”

- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

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

9. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.
  - b) The following energy reduction measures are to be incorporated:
    - i) installation of low energy light bulbs;
    - ii) ensure windows, doors and seals within the building are in working order and any repairs are carried out accordingly.

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

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

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

11. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

12. The existing unpainted brick surfaces are not to be painted, bagged or rendered but to remain as original brick work. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.

13. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- a) Must preserve and protect the adjoining building from damage
  - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

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

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

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

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

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

16. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004) available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
  - b) Conservation of top soil.
  - c) Identify and protect proposed stockpile locations.
  - d) Preserve existing vegetation. Identify revegetation technique and materials.
  - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
  - f) Control surface water flows through the site in a manner that:
    - i) Diverts clean run-off around disturbed areas;
    - ii) Minimises slope gradient and flow distance within disturbed areas;
    - iii) Ensures surface run-off occurs at non erodable velocities;
    - iv) Ensures disturbed areas are promptly rehabilitated.
  - g) Sediment and erosion control measures in place before work commences.
  - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
  - i) Details of drainage to protect and drain the site during works.

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

17. The approved plans must be checked online with Sydney Water Tap In to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

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

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

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

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

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

19. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
  - a) Estimated volume (m<sup>3</sup>) or weight (t) of materials that are reused, recycled or removed from site.
  - b) On site material storage areas during construction.
  - c) Material and methods used during construction to minimise waste.
  - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
  - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

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

20. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Security Deposit	\$2,075.50
Inspection fee	\$219.00

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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

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

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

21. Prior to the commencement of demolition or any works or issue of a Construction Certificate (whichever occurs first), the Principal Certifying Authority shall be satisfied that an Archival Record has been completed and 3 copies have been submitted to Council for the following properties:

**Address/Building**

31 Mansfield Street Rozelle

The report must be prepared by a suitably qualified and experienced heritage consultant, be consistent with the Heritage Office 'Photographic Recording Of Heritage Items Using Film Or Digital Capture' and must contain the following minimum requirements:

- a) Title page with subject, author, client, date, copyright etc.
- b) Statement of why the record was made
- c) Outline history of the item and associated sites, structures and people.
- d) Statement of heritage significance of the items in accordance with the Burra Charter and the Heritage Inventory.
- e) Inventory of archival documents related to the item and their location (eg company records, original drawings, photography), when available.
- f) Location plan showing relationship to surrounding geographical features, structures, roads etc. Include a north point.



- g) Floor plans/site plans cross-referenced to photographs and showing the order & orientation in which the photos were taken. Name the relevant features, structures and spaces. Show a north point.
- h) Photographic record, labelled and cross-referenced to floor / site plans and accompanied by informative catalogues and two copies of proof sheets. Images should include:
- View to and from the site (possible from four compass points)
  - Views showing relationships to other relevant structures, landscape features and movable items.
  - All external elevations.
  - Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces etc).
  - External and internal detail (e.g. joinery, construction joints, decorative features, paving types etc).

Selected prints to give an overall picture of the item may be required. They should be mounted and labelled.

- i) Colour slides/archival quality prints. One set of slides mounted in archival stable slide pockets or 10.5 x 14.8cm prints on archival quality paper and archivally stable inks, clearly labelled and cross-referenced to base plans. Images should include:
- Views to and from the site and/or the heritage item.
  - Views and details of external and internal elements and colour schemes as appropriate.

Two (2) hard copies and one (1) electronic copy (including digital copies of images – not scanned copies) of the report must be submitted to Council; one of the hard copies shall contain negatives (if using film) or DVD with digital copies of photos (if using digital). A written acknowledgment from the Consent Authority (Leichhardt Council) must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or commencement of works (whichever occurs first).

22. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
  - b) A concrete pump across the roadway/footpath. – A Standing Plant permit

- c) Mobile crane or any standing plant – A Standing Plant Permit
- d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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

### **PRIOR TO THE COMMENCEMENT OF WORKS**

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

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

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

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

24. The site must be secured with temporary fencing prior to any works commencing.

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

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

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

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

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

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

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

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

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

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

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

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

### **DURING WORKS**

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

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

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

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

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

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

32. The site must be appropriately secured and fenced at all times during works.
33. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
  - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and

- c) at no time on Sundays or public holidays.

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

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

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

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

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

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

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

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

34. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
35. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
36. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
- a) after excavation for, and prior to the placement of, any footings, and
  - b) prior to pouring any in-situ reinforced concrete building element, and
  - c) prior to covering of the framework for any floor, wall, roof or other building element, and

- d) prior to covering waterproofing in any wet areas, and
- e) prior to covering any stormwater drainage connections, and
- f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

37. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
38. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

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

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

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

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

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

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

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

41. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

42. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
43. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
44. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

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

45. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
  - the approved plans;
  - BASIX certificate (where relevant),
  - approved documentation (as referenced in this consent); and
  - conditions of this consent.

#### **ONGOING CONDITIONS OF CONSENT**

46. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
47. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
48. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

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

## **PRESCRIBED CONDITIONS**

### **A. BASIX Commitments**

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

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

### **B. Building Code of Australia**

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

### **C. Home Building Act**

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - b) in the case of work to be done by an owner-builder:
    - i) the name of the owner-builder, and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.



- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

#### **D. Site Sign**

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

#### **E. Condition relating to shoring and adequacy of adjoining property**

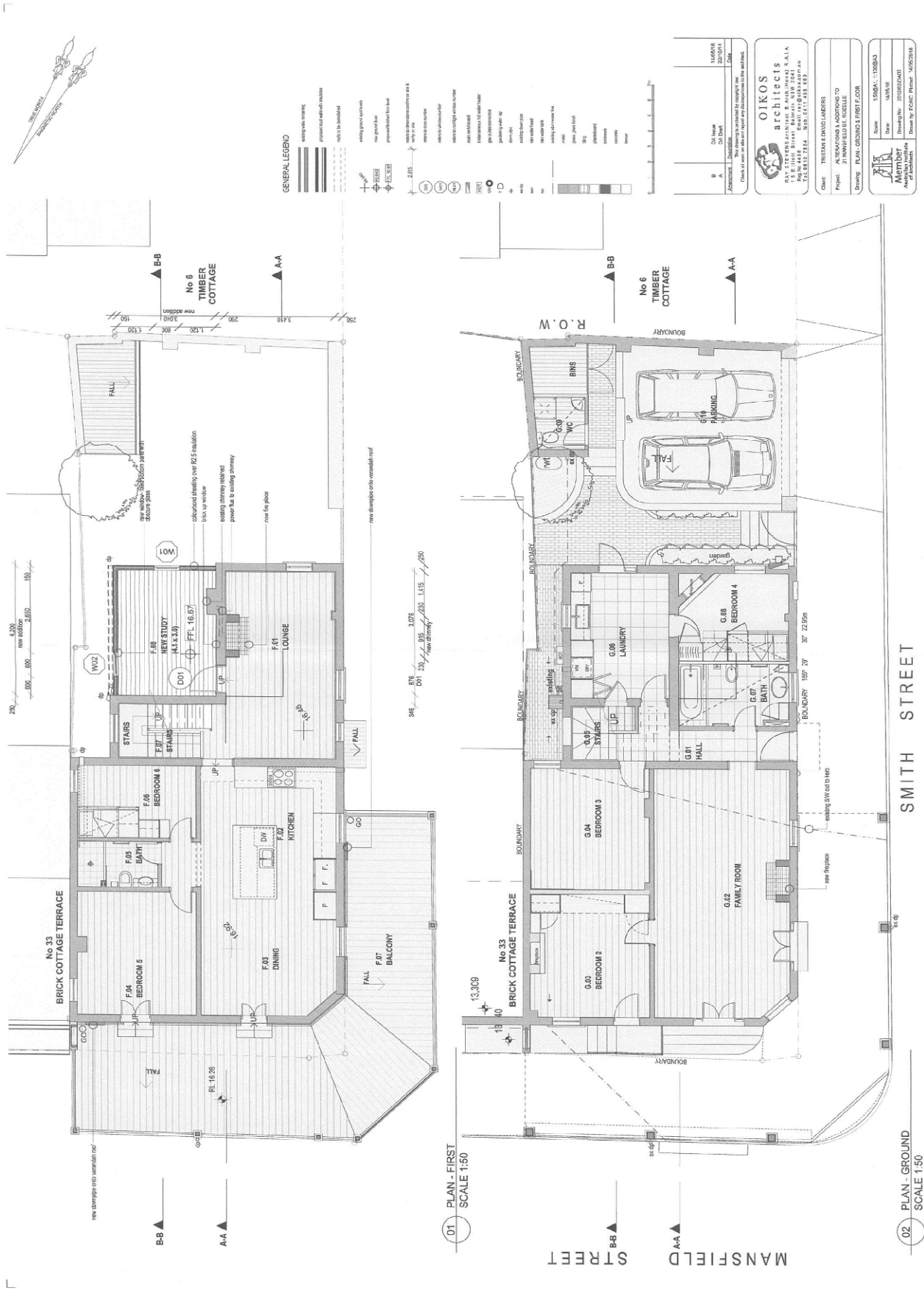
- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

#### **NOTES**

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
  - a) Application for any activity under that Act, including any erection of a hoarding.
  - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
  - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
  - d) Development Application for demolition if demolition is not approved by this consent.
  - e) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A

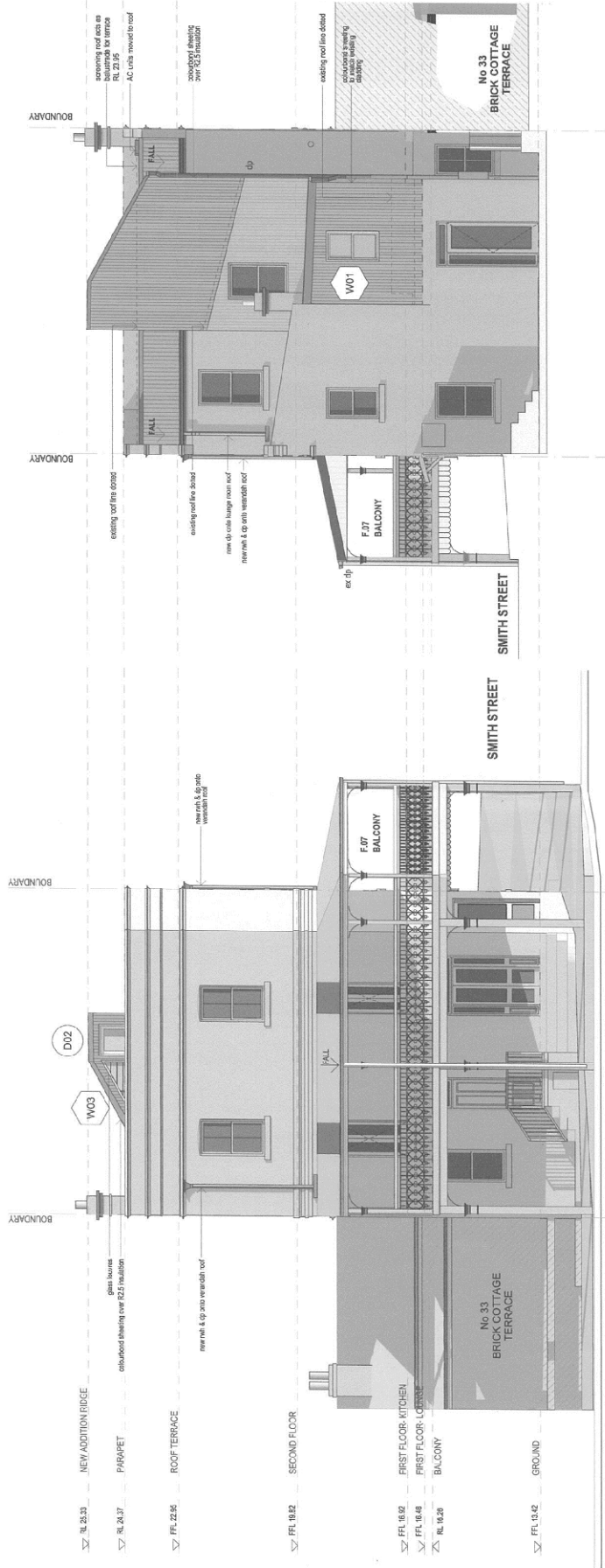
written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development









<p><b>01</b> ELEVATION - SOUTH SCALE 1:50</p>	<p><b>02</b> ELEVATION - NORTH SCALE 1:50</p>
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Date: 11/09/21  
 Drawing No: 201303/0405  
 Drawn by: EDC/DK  
 Checked by: 11/09/21

**OIKOS**  
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Client: TRISTAN & DANIEL MARRE  
 Project: 115-117/150th Street, Waverley, NSW 2024  
 Drawing: ELEVATIONS - NORTH & SOUTH

Scale: 1:50 (A1, 1:100 (A3)  
 Date: 11/09/21  
 Drawing No: 201303/0405  
 Member of the Australian Institute of Architects  
 Drawn by: EDC/DK  
 Checked by: 11/09/21

