



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

|   |   |
|---|---|
| <b>Application No.</b>                            | D/2016/348  |
| <b>Address</b>                                    | 95 Hubert Street, LILYFIELD NSW 2040  |
| <b>Proposal</b>                                   | Demolition of existing dwelling house and construction of two (2) new attached dwellings and associated works, including strata subdivision, fencing and retaining wall works, landscaping and tree removal on the street frontage and at both Nos. 93 and 95 Hubert Street |
| <b>Date of Lodgement</b>                          | 21 July 2016  |
| <b>Applicant</b>                                  | Mrs M M Bishop  |
| <b>Owner</b>                                      | Mr A W Bishop and Mrs M M Bishop  |
| <b>Number of Submissions</b>                      | <u>First Round:</u> Four (4) in opposition<br><u>Second Round:</u> Two (2) in opposition  |
| <b>Value of works</b>                             | \$504,790.00  |
| <b>Reason for determination at Planning Panel</b> | Clause 4.6 variation to Floor Space Ratio exceeds Officer delegation  |
| <b>Main Issues</b>                                | Streetscape<br>Scale and density<br>Amenity impacts – scale, overshadowing and privacy<br>Loss of vegetation<br>On-site drainage and stormwater control   |
| <b>Recommendation</b>                             | 'Deferred Commencement' Approval  |



LOCALITY MAP

|               |  |            |  |     |
|---------------|--|------------|--|-----|
| Subject Site  |  | Objectors  |  | ↑ N |
| Notified Area |  | Supporters |  |     |

## 1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing dwelling house and construction of two (2) new dwellings and associated works, including strata subdivision, fencing and retaining wall works, landscaping and tree removal on the street frontage and at both Nos. 93 and 95 Hubert Street. The application was notified to surrounding properties and submissions on behalf of four (4) adjoining properties were received.

The main issues that have arisen during the assessment of the application include:

- Achieving acceptable impacts on the streetscape;
- Achieving acceptable scale impacts on the streetscape and adjoining properties;
- Providing further shadow analysis to confirm the proposal's compliance with applicable solar access controls;
- Addressing potential privacy impacts on neighbouring properties;
- Addressing matters raised by Engineers relating to on-site car parking provision and on-site drainage and stormwater control;
- Addressing impacts on existing vegetation; and
- Addressing the site's location in the ANEF20-25 aircraft noise exposure corridor.

Subject to recommended conditions to ensure acceptable streetscape outcomes, satisfactory amenity outcomes on the site and adjoining properties, the retention of the two trees at Nos. 93 and 95 Hubert Street (sought for removal) and addressing outstanding engineering issues relating to parking and on-site drainage and stormwater control, the proposal is acceptable, including its density and breach of the applicable floor space ratio control, and is recommended for 'Deferred Commencement' Consent.

## 2. Proposal

The proposal involves the following works at the site:

- Demolition of existing dwelling house;
- Construction of two (2) new attached dwellings / Townhouses as follows:
  - Townhouse 1 will comprise garage, entry, dining room, laundry and open plan kitchen and living area on the ground floor and three bedrooms (one with ensuite), a study, a bathroom and front and rear balconies ('Juliet style at the rear) on the first floor; and
  - Townhouse 2 would comprise living room, entry and family area, a laundry and an open plan kitchen / dining area on the ground floor and three(3) bedrooms (one with ensuite), a study, a bathroom and front and rear balconies ('Juliet style at the rear) on the first floor;
  - The townhouses will be two storeys in form and scale with stepped main gable roof forms and comprise external finishes that include face brick, fibre cement, corrugated colourbond zinaclume, anodised aluminium, steel and timber;
- Works associated with the construction of the dwellings, including:
  - Excavation across the site up to around 1m;

- New fencing and retaining walls to front and side boundaries, including new timber slat fencing and above a sandstone base wall, and timber slat gates to the Hubert Street frontage;
- Landscaping works across the site;
- Removal of three trees, one located at the rear of the site, one located at the rear of No. 93 Hubert Street and one located on the street verge; and
- Strata subdivision into two lots.

### 3. Site Description

The site consists of one allotment and is legally described as Lot 87 Sec 5 DP 1162. The subject site is located on the eastern side of Hubert Street, between its intersections of Lilyfield Road (to the north) and Fairlight Street (to the south). The site is rectangular in shape with a frontage to Hubert Street of 10.06m and a depth of 30.425m and a total area of 306.1sqm.

The site supports a single storey fibro clad dwelling with gabled and skillion metal clad main roof forms and characterised by a bullnose roofed front verandah, setback from and elevated above, the street. A large Fiddlewood tree is located at the rear in the north-eastern corner of the site.

The subject site is:

- Not listed as a heritage item nor located in the vicinity of a heritage item;
- Not located within a conservation area; and
- Not identified as a flood prone lot.

The adjoining properties support:

- At No. 93 Hubert Street located upslope of the site: a single storey masonry dwelling with tiled hipped roof form upslope of the site with front verandah, the dwelling being setback from, and elevated above, the street. This site also supports a large Eucalypt tree located at the rear adjacent to its northern boundary which it shares with the subject site; and
- At No. 97 Hubert Street located downslope of the site: a single storey masonry dwelling with tiled hipped roof forms, with first floor timber clad addition with hipped roof sited predominantly over the front portion of the dwelling, the dwelling being setback from, and elevated above, the street, plus a partially attached garage sited forward of the main building line and erected to the street alignment (in the site's south-western corner).

The surrounding area is characterised by predominantly one to two form and scale dwellings setback from the street, some benefiting from on-site parking provision erected to the street alignment. Buildings are predominantly of face brick and rendered masonry to walls, timber and aluminium to openings and tile and metal roof forms. Hipped, pitched, and gabled roof forms predominate.

### 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**

| <b>Application</b>    | <b>Proposal</b>  | <b>Decision &amp; Date</b>              |
|-----------------------|--|---|
| <b>PREDA/2015/138</b> | Demolition of existing structures, removal of one street tree and construction of two, three-storey attached dwellings and Strata subdivision.   | <b>Advice Letter Issued<br/>20/8/15</b> |
| <b>D/2015/705</b>     | Demolition of existing house. Construction of two dwellings, one with garage and associated landscaping works. Strata subdivision of the site into two Strata Lots.  | <b>Withdrawn<br/>23/2/16</b>            |
| <b>T/2016/13</b>      | Removal of one <i>Syagrus romanzoffianum</i> (Cocos Palm) and one <i>Bauhinia variegata</i> (Variegated Orchid Tree) at the rear of the property on northern side boundary and pruning of one <i>Citharexylum spinosum</i> (Fiddlewood) at the rear of the property. | <b>Part Approval<br/>11/4/16</b>        |

PREDA/2015/138

Council's PREDA advice letter raised the following key issues with regard to this proposal:

- The proposal is of an unsatisfactory and inappropriate siting, form, height, scale, design, landscaping and detail and will be a poor response to its context;
- The proposal has not demonstrated that it will result in satisfactory amenity impacts on neighbours in terms of visual scale, overshadowing and privacy;
- The proposal does not provide dwellings on the site with a direct connection between the main internal living area and the rear yard in accordance with Council's private open space controls;
- The proposal results in adverse and / or avoidable impacts on existing vegetation, including Council street trees fronting the site; and
- The effective Torrens title subdivision of the site which was not supported.

Council's PREDA advice recommended that a proposal for a single dwelling that adequately responds to the suite of controls of the LLEP2013 and LDCP2013 be pursued.

D/2015/705

Council wrote to the applicant raising a number of concerns with regard to this proposal, including with respect to:

- The new dwellings are of a siting (front walls extending too far back into the site), form (three storeys in a predominantly single storey streetscape and where a single storey envelope control applies), height, bulk, massing (significantly higher and bulkier than neighbours and the general built context in the street) and design and detail (e.g. garaging extending forward of building line, metal wall cladding, blank walling to street to Dwelling 2, excessive extent of glazing to street; hipped roof with clerestory element, and lack of visible front entries) that are inappropriate and out of context with the streetscape and that are an unsatisfactory response to applicable desired future character controls;

- The dwellings do not comply with applicable building envelope, side setback and building location zone controls, resulting in intrusive visual scale impacts on the locality and adjoining properties;
- The submitted shadow diagrams have not demonstrated solar access controls due to:
  - Lack of shadow diagrams in elevation;
  - Shadow diagrams in plan that do not identify shadow impacts in full;
- The proposal involves providing living areas at first floor with detrimental and avoidable privacy impacts on neighbours;
- The internal length of the garage is deficient and does not comply with Council's car parking controls and / or AS2890.1-2004;
- Proposed tree removal and the potential impacts of the proposed construction on existing and adjoining trees to be retained have not been justified by way of Aboricultural advice;
- The proposal results in a significant breach of the floor space ratio development standard applicable to the site, and the Clause 4.6 Exceptions to Development Standards request seeking to vary this standard is not well founded or supportable.

The application was subsequently withdrawn.

#### T/2016/13

Approval was granted to:

- Removal of *Bauhinia variegata* (Variegated Orchid Tree); and
- Pruning of the *Citharexylum spinosum* (Fiddlewood).

The consent noted that the Cocos Palms on the site were exempt species and did not require consent to remove.

### **Adjoining Properties**

#### 93 Hubert Street

| <b>Application</b> | <b>Proposal</b>  | <b>Decision &amp; Date</b>   |
|--------------------|--|------------------------------|
| <b>T/2015/130</b>  | Removal of 1 dead <i>Eucalyptus scoparia</i> (Wallangarra White Gum) Tree and pruning of one <i>Eucalyptus sideroxylon</i> (Mugga) | <b>Approved<br/>26/11/15</b> |

### **Nearby Properties**

#### 83-85 Hubert Street

| <b>Application</b> | <b>Proposal</b>   | <b>Decision &amp; Date</b>                     |
|--------------------|---|--|
| <b>D/2015/266</b>  | Demolition of all existing structures, consolidation of 4 lots and construction of 3 two-storey attached dual occupancies with parking on 3 individual lots, associated site works and strata subdivision | <b>Approved L&amp;E<br/>Court<br/>18/12/15</b> |

This application is of a similar form, scale, design and appearance and form of subdivision to the proposal currently lodged. Below are stamped approved plans relating to this approval:



4(b) Application history

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

| Date    | Discussion / Letter/ Additional Information   |
|---------|---|
| 31/8/16 | <p>Council forwards letter to applicant raising concerns regarding, and requesting amended plans and further information, addressing:</p> <ul style="list-style-type: none"> <li>• Building siting;</li> <li>• Form and design;</li> <li>• Scale at rear and lack of demonstrated compliance with Council's solar access controls;</li> <li>• Adverse privacy impacts on adjoining properties;</li> <li>• Provision of adequate overland flow paths to the side boundaries;</li> <li>• Lack of an Acoustic Report addressing aircraft noise exposure;</li> <li>• Lack of information regarding proposed access between the lower and upper level rear garden areas; and</li> <li>• Potential impacts on trees on the subject and adjoining sites and lack of Arboricultural advice addressing these impacts; and</li> <li>• Proposed floor space ratio breach (which is unable to be supported based on the submitted proposal).</li> </ul> |
| 9/9/16  | <p>Met with applicant and architect to discuss matters raised in Council's letter. Matters discussed and agreed position at the meeting was as follows:</p> <ul style="list-style-type: none"> <li>• Front façade is to be all brickwork (rather than a combination of brick and fibre cement cladding);</li> <li>• Delete the front porches to Townhouse 2. Brick piers also deleted;</li> <li>• Amend front façade opening proportions to reduce the extent of glazing and provide greater verticality;</li> <li>• Amend the first floor front balconies of both Townhouses to provide a simple design and smaller width;</li> </ul>  |



|                            |   |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>• Increase the front wall setback of Townhouse 2 from the street to be more compatible with the front wall alignment (behind the front verandah) of No. 93 Hubert Street, and ensure the front alignment of Townhouse 1 is sited behind Townhouse 2;</li> <li>• Re-pitch roof to steeper 30 degrees to ensure roof pitches are more compatible with adjoining buildings and the predominant built context in the street - it was accepted that the maximum roof ridge heights of the building would be greater, but requested any height and bulk increase be minimised (e.g. through reducing side wall roof springing points). Subject to demonstrating the above, and providing additional shadow diagrams demonstrating solar access compliance to the southern neighbour, Council could re-visit the request in its letter dated 31/8/16 to cutback the first floors by 1.7m;</li> <li>• Provide a 150mm step down to the rear yard for both dwellings, locate all (treated timber) retaining walls within the side property boundaries of the site and provide a 300mm setback from the side boundaries (taking into account any new side boundary retaining walls) in response to Council Engineer’s requirements;</li> <li>• Amend front fence design to have solid base consistent with neighbours and open slat fence on top, and reduce fence height fronting Townhouse 2;</li> <li>• Nominate / provide privacy mitigation measures to first floor side facing windows;</li> <li>• Impacts on existing vegetation (tree removal on the subject site and at No. 93 Hubert Street may be requested, subject to consent of the owners of No. 93);</li> <li>• Landscape Architect to revise landscape plan to show two (2) new trees at the rear;</li> <li>• Depict steps providing access between the lower and upper level rear garden areas.</li> </ul> <p>The aim of the required and agreed amendments was to provide a proposal of a form, scale and design that was more compatible with that of the approved (by the Land and Environment Court) development at No. 83-85 Hubert Street (D/2015/266). It is noted that also approved as part of this application was a similar Strata subdivision to that of the proposed development.</p> |
| <p>15/9/16</p>             | <p>Amended sketch plans lodged in response to Council’s letter and meeting. Council responds via e-mail later that day requesting that any amended plans address siting concerns previously raised, and ensure that the applicant demonstrate that the height and bulk of the building has been minimised.</p>  |
| <p>30/9/16 to 20/10/16</p> | <p>Amended plans and supporting documentation lodged. The amendments carried out involved largely involved:</p> <ul style="list-style-type: none"> <li>• The amendments outlined in discussions with the applicant dated 9/9/16, noting that this has resulted in an increase in the roof ridge height to the front portion of the building and an increase in side wall and maximum heights to the rear portion of the townhouses;</li> <li>• Windows added in the northern wall of the garage;</li> <li>• Provision of obscured glazing to north facing study opening; and</li> </ul>   |

|                   |  |
|-------------------|--|
|                   | <ul style="list-style-type: none"> <li>Removal of the Fiddlewood tree at the rear of the site and the Eucalypt at rear of No. 93 Hubert Street (with the written consent of the owners of that adjoining land subject to Council approval).</li> </ul> |
| 21/10/16-4/11/16  | Amended plans notified / advertised by Council   |
| 10/11/16          | Additional Arborist report and updated Finishes, Materials and Colours Schedule lodged in response to Council requests.  |
| 10/11/16          | Council's Landscape Assessment Officer undertakes further site inspection of the site.   |
| 24/11/16-25/11/16 | Additional plans lodged and information (updated Stata Plan, Site Analysis Plan, shadow diagrams) lodged in response to Council requests.  |

The Council Officer has also spoken to the applicant by phone throughout November advising that amendments to the proposal will be requested by condition to address outstanding matters, including inter-alia, scale, required retention of vegetation at Nos. 93 and 95 Hubert Street and on-site drainage and stormwater control. These matters are addressed later in Section 5 of this report.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP2005)

In summary:

- 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;
- A BASIX Certificate was submitted with the application and the commitments are detailed on the architectural plans and as such the requirements of SEPP BASIX 2004 have been met; and
- Given the site's location in excess of 250m from the foreshores and waterways of Iron Cove, and the nature and scale of surrounding development, the proposal will not be discernible from Iron Cove and / or will not adversely impact on its scenic qualities, and hence, will raise no issues that will be contrary to the provisions and objections of SREP 2005.

### 5(a)(xx) Leichhardt Local Environment Plan 2013 (LLEP 2013)



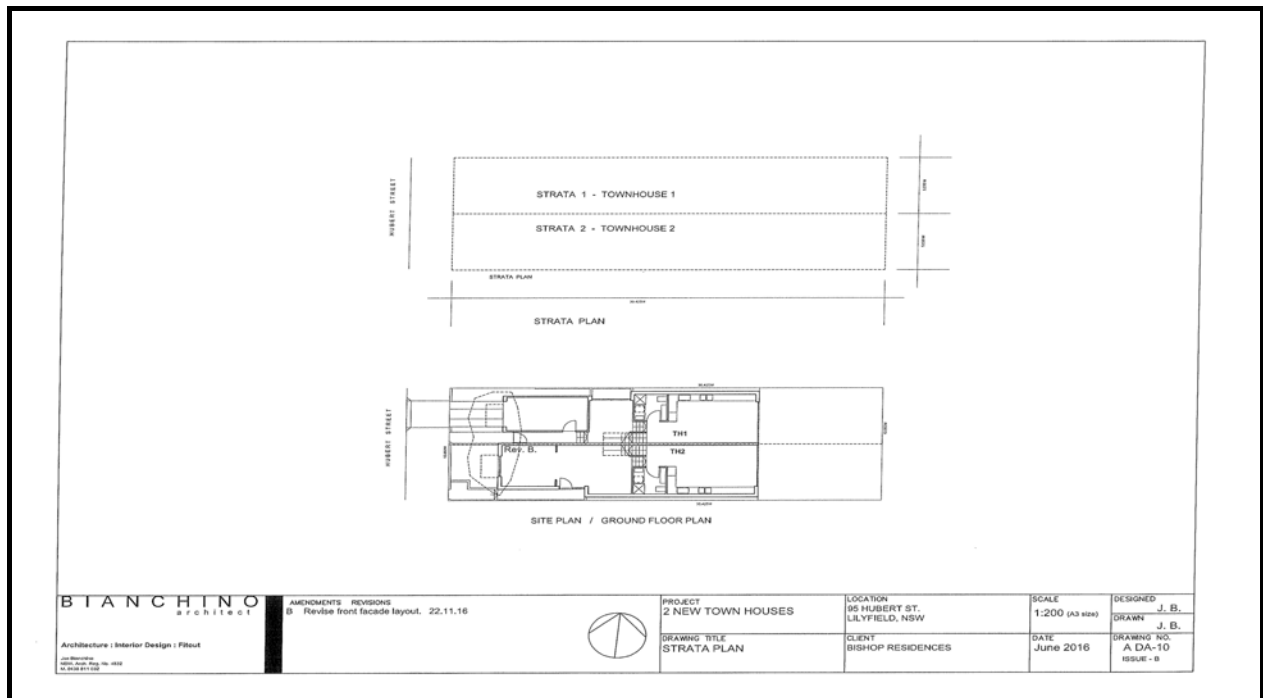
The site is zoned R1 General Residential under the LLEP2013 and the proposal is permissible in the zone and subject to recommended conditions, will be consistent with the planning objectives for the area in the LLEP2013.

The following summarises the assessment of the proposal against the development standards (see table below) and lists the other relevant clauses of the LLEP2013.

| Standard (maximum)         | Proposal                        | % of non compliance | Compliances |
|----------------------------|---------------------------------|---------------------|-------------|
| Landscape Area<br>20%      | 27%                             | Nil                 | Yes         |
| Site Coverage<br>60%       | 53%                             | Nil                 | Yes         |
| Floor Space Ratio<br>0.5:1 | <u>As proposed:</u><br>0.84:1   | 68%                 | No          |
|                            | <u>As conditioned:</u><br>0.8:1 | 60%                 | No          |

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.6 – Subdivision Requirements
- Clause 4.1 – Minimum Subdivision Lot Size \*
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of Floor Space Ratio and Site Area
- Clause 4.6 - Exceptions to Development Standards
- Clause 5.9 - Preservation of Trees or Vegetation
- Clause 5.9AA – Trees or Vegetation Not Prescribed by Development Control Plan
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 – Stormwater Management
- Clause 6.8 - Development in Areas Subject to Aircraft Noise

\* *Note 1:* The proposal seeks the strata subdivision of the site into two (2) lots that will be 153sqm in area. The diagram below indicates the proposed subdivision:



Clause 4.1 - Minimum Lot Size requires a lot to be a minimum of 200sqm, however that clause makes provision that strata subdivision does not apply to the Clause, stating that:

*(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme. As a result, Clause 4.1 does not strictly apply in this instance. Notwithstanding this, as discussed throughout the report, the proposed built form, open space and amenity to both the dwellings and neighbouring properties as conditioned is considered acceptable when assessed against the controls.*

Conditions will be imposed on any consent granted:

- To ensure the new dwellings will achieve acceptable levels of amenity, including in terms of solar access and required compliance with a submitted Acoustic Report to mitigate aircraft noise exposure;
- Relating to the design and detail of the development to ensure that the proposal achieves acceptable streetscape implications;
- To ensure the retention and protection of existing Fiddlewood tree at the rear of the site and the Eucalypt tree at rear of No. 93 Hubert Street;
- To ensure an adequate overland flow path is provided between the side walls of the dwellings and any required retaining walls to the site boundaries; and
- To reduce or mitigate any adverse scale and privacy impacts on immediate neighbours, as well as ensure that adjoining dwellings and structures are protected from damage during construction (including conditions relating to excavation support and the requirement that pre-construction and post-construction dilapidation reports for adjoining properties be prepared).

Matters relating to tree retention / protection and mitigating amenity impacts on neighbours is addressed in further detail in Section 5(c) of this report.

Given the above, the application as conditioned will satisfy the above provisions of the LLEP2013 with the exception of the proposed non-compliance with the floor

space ratio control prescribed in Clause 4.4 of the LLEP2013, which is addressed below:

#### Clause 4.6 Exceptions to Development Standards

As outlined in table above, the new dwellings result in breaches of the following development standard:

- Clause 4.4 – Floor Space Ratio (FSR)

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 has been assessed giving consideration to whether applying flexibility to the imposition of the development standard would result in a better outcome for the development. This part provides that development consent may be granted for a development despite numerical non-compliance with a 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 has provided justification to the FSR breach as required under Clause 4.6 of the LLEP 2013. The applicant provides the following in this regard:

- The proposed FSR is commensurate the FSRs characteristic of the area;
- The proposal is consistent with the objectives of the FSR, being compatible with both the character and the bulk, form and scale of existing and approved development in the street and adjoining streets;
- The complies with site coverage and landscaped area development standards, and the proposed landscaping is high quality and exceeds Council's design criteria contained in the DCP;
- The proposal does not result in a building that has a bulk and scale that has adverse amenity impacts on adjoining properties;
- The proposal will not result in acceptable amenity impacts on adjoining properties in terms of solar access and privacy and will not result in adverse view loss implications;

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

The objective of the FSR standard is to ensure that residential accommodation is compatible with the desired future character of the area in relation to building bulk, form and scale.

The variation should be granted for the following reasons:

- The development as proposed and as conditioned will be consistent with the objectives of the FSR control as it will be compatible with both the character and the bulk, form and / or scale of other similar dual occupancy and semi-detached dwellings in the locality including:
  - Nos. 83 - 85 Hubert Street (six dual occupancy dwellings, south of the site); and
  - No. 107 and 107 A Charles Street (semi-detached dwellings located westward of the site in an adjoining street); and

These examples provide a case of how the future character of the locality is changing and evolving in the surrounding streets of Lilyfield to provide a greater mix of housing typologies. The proposal has a form, bulk and /or scale that is not out of character with these approved developments and will present to the street in a similar manner and / or with an appropriate transition between the adjoining buildings. The future character of Lilyfield is increasingly made up of contemporary styled dwellings that have a larger bulk and scale than what is allowed by the FSR control in the LLEP 2013 and the proposal will not be out of character with the diverse pattern of development in this area, including in terms of forms, heights, scales and designs and details of the new residences;

- The resultant strata lots will be similar in size to those approved at No. 83-85 Hubert Street and will be capable of accommodating the (appropriate) built forms proposed and (as conditioned) will achieve acceptable amenity outcomes on the site;
- The proposed densities and (compliant) site coverages and (compliant) landscaped areas of the Townhouses will be compatible with those characteristic of neighbouring and nearby development;
- The development as proposed and as conditioned will not have any undue adverse amenity impacts on neighbours in terms of visual scale, overshadowing, privacy, views, on-site drainage and stormwater control or traffic / car parking; and
- The development as proposed and as conditioned will achieve acceptable amenity outcomes for the new residences, including with respect to solar and

daylight access, the size and shape of open space and its connection to main living areas and privacy and on-site landscaping.

The consent authority is therefore satisfied that the reasons provide by the applicant as outlined in Subclause (3) are acceptable as justification of the variation and the exception request seeking to vary the FSR standard is deemed to be well founded.

The concurrence of the Secretary is not required in this instance.

- (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 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.

- (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(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 | N/A        |

|  |                            |
|--|----------------------------|
| Events)  |                            |
|  |                            |
| <b>Part C</b>  |                            |
| C1.0 General Provisions  | Yes, subject to conditions |
| C1.1 Site and Context Analysis   | Yes                        |
| C1.2 Demolition  | Yes                        |
| C1.3 Alterations and additions   | N/A                        |
| C1.4 Heritage Conservation Areas and Heritage Items                                | N/A                        |
| C1.5 Corner Sites  | N/A                        |
| C1.6 Subdivision   | Yes                        |
| C1.7 Site Facilities   | Yes, subject to conditions |
| C1.8 Contamination   | Yes                        |
| C1.9 Safety by Design  | Yes                        |
| C1.10 Equity of Access and Mobility  | N/A                        |
| C1.11 Parking  | Yes, subject to conditions |
| C1.12 Landscaping  | Yes, subject to conditions |
| C1.13 Open Space Design Within the Public Domain                                   | N/A                        |
| C1.14 Tree Management  | Yes, subject to conditions |
| C1.15 Signs and Outdoor Advertising  | N/A                        |
| C1.16 Structures in or over the Public Domain:<br>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                        |
|  |                            |
| <b>Part C: Place – Section 2 Urban Character</b>                                   |                            |
| Suburb Profile   |                            |
| C2.2.4.3 Leichhardt Park Distinctive Neighbourhood, Lilyfield                      | Yes, subject to conditions |
|  |                            |
| <b>Part C: Place – Section 3 – Residential Provisions</b>                          |                            |
| C3.1 Residential General Provisions  | Yes, subject to conditions |
| C3.2 Site Layout and Building Design   | Yes, subject to conditions |
| C3.3 Elevation and Materials   | Yes, subject to conditions |
| C3.4 Dormer Windows  | N/A                        |
| C3.5 Front Gardens and Dwelling Entries  | Yes                        |
| C3.6 Fences  | Yes, subject to conditions |
| C3.7 Environmental Performance   | Yes                        |
| C3.8 Private Open Space  | Yes                        |
| C3.9 Solar Access  | Yes, subject to conditions |
| C3.10 Views  | Yes                        |
| C3.11 Visual Privacy   | Yes, subject to conditions |
| C3.12 Acoustic Privacy   | Yes                        |
| 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>N/A</b>                 |
| <b>Part D: Energy</b>  |                            |
| Section 1 – Energy Management  | Yes                        |
| Section 2 – Resource Recovery and Waste Management                               | Yes, subject to conditions |
| D2.1 General Requirements  | Yes, subject to conditions |
| D2.2 Demolition and Construction of All Development                              | Yes, subject to conditions |
| D2.3 Residential Development   | Yes, subject to conditions |
| 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, subject to conditions |
| <i>E1.1 Approvals Process and Reports Required With Development Applications</i> |                            |
| E1.1.1 Water Management Statement  | Yes                        |
| E1.1.2 Integrated Water Cycle Plan   | N/A                        |
| E1.1.3 Stormwater Drainage Concept Plan  | Yes, subject to conditions |
| E1.1.4 Flood Risk Management Report  | N/A                        |
| E1.1.5 Foreshore Risk Management Report  | N/A                        |
| <i>E1.2 Water Management</i>   |                            |
| E1.2.1 Water Conservation  | Yes                        |
| E1.2.2 Managing Stormwater within the Site                                       | Yes, subject to conditions |
| E1.2.3 On-Site Detention of Stormwater   | Yes                        |
| E1.2.4 Stormwater Treatment  | N/A                        |
| E1.2.5 Water Disposal  | Yes, subject to conditions |
| E1.2.6 Building in the vicinity of a Public Drainage System                      | N/A                        |
| E1.2.7 Wastewater Management   | N/A                        |
| 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>N/A</b>                 |
| <b>Part G: Site Specific Controls</b>  | <b>N/A</b>                 |

The following provides discussion of the relevant issues:

### C1.2 - Demolition

This part requires the submission of information regarding the structural safety of the existing dwelling and an assessment as to whether or not it can be reasonably repaired to be made prior to approving its demolition where the dwelling makes a positive contribution to the desired future character of the area. This information has not been provided as demolition of the dwelling is permitted as complying development subject to submission of a Complying Development Certificate; thus there is little utility to objecting to demolition.

As demonstrated in this report, the replacement dwellings as proposed and as conditioned are considered to be consistent with the objectives of the applicable development controls and compatible with the streetscape.

### C1.6 Subdivision

As discussed above, similarly to Clause 4.1 - Minimum Lot Size of the LLEP2013, this part does not apply to Strata Subdivision. Notwithstanding this, the proposed Strata subdivision and built form as conditioned (see assessment throughout this report) will be similar to the subdivision and not out of character with the existing and approved built forms in the street and vicinity – this includes the Land and Environment Court approval at No. 83-85 Hubert Street where consent was granted 3x2 storey attached dual occupancies with parking on three separate Strata lots similar in width and concept to that proposed at the subject site.

The lots will remain east-west orientated consistent with their neighbours, enabling a well-balanced level of amenity in the morning and afternoon. The siting of the dwellings also provide a suitable balance of private open space and built form, and the built form will respond well (subject to conditions), to the prevailing pattern (both existing and approved).

### C1.12 and C1.14 – Landscaping and Tree Management

#### *Tree Removal*

Council's Landscape Assessment Officer undertook a site inspection on 10 November 2016 and following receipt of two *Arborist Reports* dated 11 October and 8 November 2016 prepared by Jim McArdle of *McArdle Arboricultural Consultancy*. The following subsequent assessment was provided by Council's Landscape Assessment Officer:

#### **Tree 1—*Citharexylum spinosum***

- The tree is located at the rear of the subject property;
- The proposed removal is not supported as it is considered that the tree makes a significant contribution to the surrounding landscape;
- It is agreed that a significant amount of foliage has been removed including a large stem of approx. 300mm in diameter;
- It is agreed that epicormic growth is present within the canopy and that that it is generally weakly attached and prone to failure however, it can be managed through the current exempt provisions provided under C1.14.2 of the LDGP2013;
- Two failures were noted within the canopy:
  - One being a small 3<sup>rd</sup> order branch of approx. 50-100mm in diameter; and
  - A larger failure on the southern side of the northern stem was noted. No information was supplied with the report to suggest that the tree was structurally unsound at this point;
- There is no cavity at the base of the tree on the northern side. The tree has a buttress root system;
- It is agreed that the tree has a slight lean however, no documentary evidence was supplied with the report to suggest that the tree was prone to failure;

- It is noted that there is some cambial dieback present on the northern side of the tree. The Arborist states that *stem strength is weakened and degraded* however, no evidence has been provided to substantiate this claim. Reactive wood appeared to be good and healthy;
- The proposed works represent a major encroachment within the *Tree Protection Zone (TPZ)*. Whilst it is noted that some structures currently exist within this zone, the Arborist has not calculated the percentage of encroachment (as required under AS4970—*Protection of trees on development sites*). Whilst a root mapping exercise was undertaken, limited information/discussion was provided on the findings (with the supplied data appearing inconsistent and difficult to interpret);
- In addition to the above, the Arborist undertook the rootmapping exercise at a distance of 1.5m from the centre of the tree. It is unclear why this dimension was nominated nor was an explanation provided; and
- The applicant proposes to undertake works (including lowering of the soil level) within the tree's nominated *Structural Root Zone (SRZ)*, this is not supported.

Given the above, insufficient evidence has been provided to substantiate removal at this time and the proposed works are unable to be supported as it is considered that it will have a detrimental impact on the tree's health and structural integrity.

#### **Tree 2—*Eucalyptus sideroxylon***

- The tree is located at the rear of 93 Hubert Street on the northern boundary;
- The proposed removal is not supported as it is considered that the tree makes a significant contribution to the surrounding landscape;
- The tree is of fair to good vigour with a minor amount of deadwood retained within the canopy;
- The submitted Arborist Report is contradictory in that the tree's health has been assessed as *good* under the heading *Tree Survey and Risk Assessment* however, under the heading *Discussion* it is deemed to be of *poor health and presenting symptoms of decline*;
- The Author has identified that the tree has a lean of 14° under the *Tree Survey and Risk Assessment* and then further defines the lean as excessive. This is not supported. It is unclear how the author came to this conclusion as no evidence has been submitted with the report to substantiate this claim. Furthermore, Draper and Richards (p88, *Dictionary for Managing Trees in Urban Environments*, 2009) define a lean of 14° as being *slight*;
- The Author states under the *Tree Survey and Risk Assessment* that *dehydration is minor* however, this is inconsistent with the description provided with plate 2 where it is described that *dehydration is also noted within the canopy and a principle indicator of tree health*. This is not supported;
- It is agreed that there is a wound with borer damage within the branch junction of the lowest 1<sup>st</sup> order branch on the northern side however, it is not agreed that this is an indicator of poor vigour. Furthermore, it is inconsistent and contradictory with the Author's finding of the tree being of *good condition*;
- It is not agreed that the tree has been over pruned but rather, works appear to be undertaken in accordance with the recommendations as described in the *Arboricultural Assessment Report* dated 20 July 2015 and prepared by Glenyss Laws (AQF5).

- No evidence was submitted with the report (such as photographs) to substantiate the claim that a canker was identified on the tree nor were the ramifications of such an organism discussed with regard to loss of wood strength;
- Whilst photos have been supplied with the report of the subject tree's base, it is uncertain whether the tree was inspected from the subject site therefore it is unclear how the Arborist was able to come to the conclusions reached in the report. Furthermore, the findings under the heading **Roots** could be at best be considered an opinion and of little merit;
- Given the above, the comment that *the leaning tree without sufficient root zone appears not to be structurally sound*, as no evidence such as soil heave has been investigated. It is considered to be a fundamental part of a *Visual Tree Assessment* that one inspects the tree as a whole;
- In accordance with AS4970, evidence such as rootmapping and a calculation of the percentage of encroachment into the TPZ is required. The Author has not undertaken this work (as requested); and
- It is considered that the proposed works (which are located within the tree's SRZ) will have a detrimental impact on its health and structural integrity therefore, the rear landscaping works, excavation and associated construction are not supported.

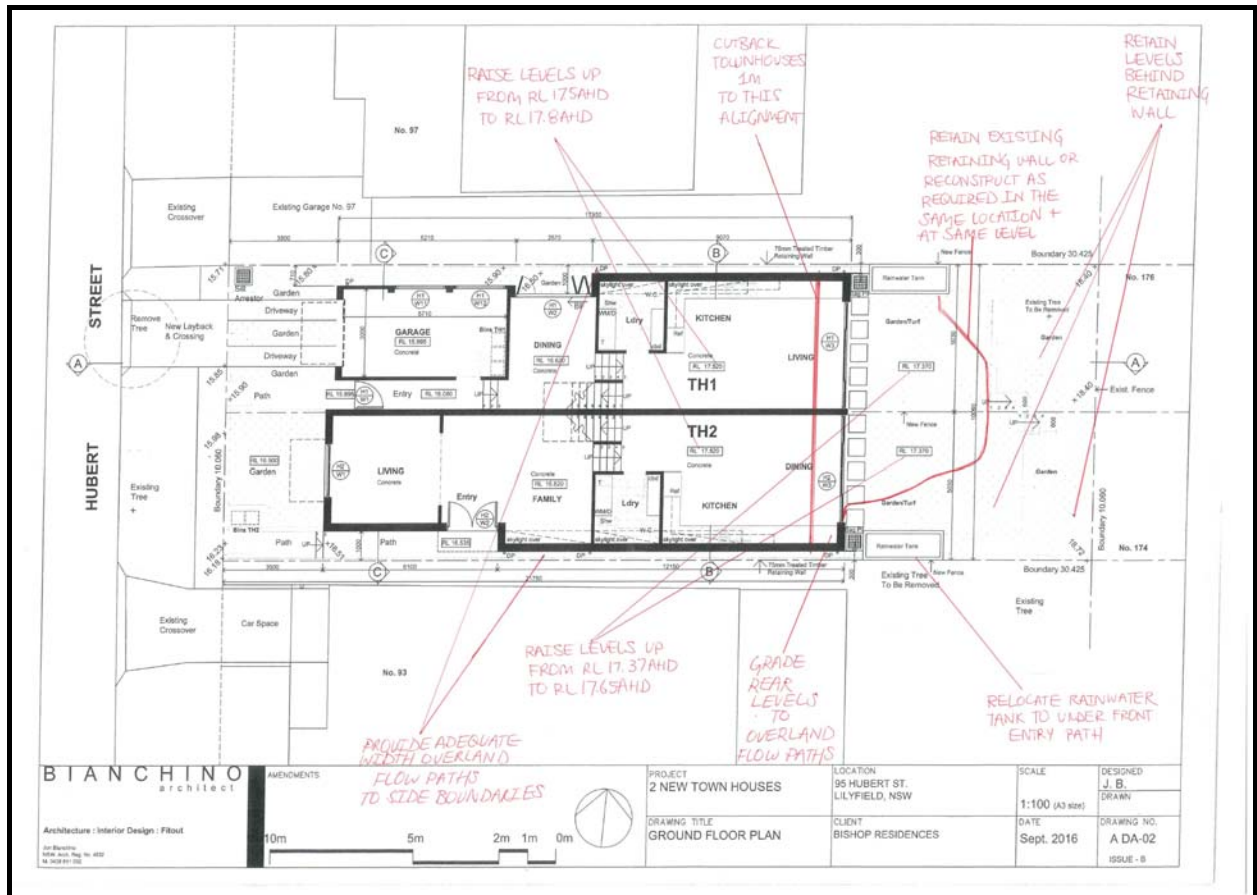
In light of the above, the removal of the Fiddlewood and Eucalypt in question are not supported, and in the aim of mitigating adverse impacts on the trees in question, Council's Landscape Assessment Officer (in consultation with Council's Building Surveyor and Engineers) requires the following tree protection conditions to be imposed on any consent granted:

- The proposed ground floor of Townhouse 2, which is located within the TPZ, is required to be cutback in length at the rear by 1m (so its rear alignment is similar in location to the western-most rear building footprint of the existing house) – it is noted that this will compromise amenity to the rear of this townhouse, including in terms of solar access to the rear kitchen / living space, and in order to overcome this concern, the ground and first floors of both townhouses are all to be cutback in length by 1m so that all are consistent with each other (this will also assist in reducing scale concerns raised by immediate neighbours);
- The footings of Townhouse 2 shall be isolated pier or pier and beam construction within 5.16m of the tree (the Tree Protection Zone) at the rear of No. 93 Hubert Street (for tree protection);
- The proposed internal floor levels to the ground floors at the rear of each Townhouse are to be raised to RL17.80AHD (to around existing dwelling floor level and so as to mitigate excavation within 5.16m of the tree at No. 93 Hubert Street and avoid the need for new boundary retaining walls within this zone) – this will allow 2.4m floor-to-ceiling heights to these rear living spaces;
- The existing retaining wall in the rear yard is to be retained or reconstructed as required in the same location and at the same level; the ground levels eastward of this retaining wall are to be retained; and the levels forward of this retaining wall (i.e. the existing paved area in the rear yard) are to be RL17.65AHD (i.e. comparable to existing levels in this area and to ensure a 150mm step is provided between the internal areas of the dwelling and the adjacent yard area in accordance with Engineer's requirements) and are to be graded as necessary so that bypass flows from the site drainage system are directed to

the side overland flowpaths (in accordance with Engineering requirements as discussed later in this report);

- The rear rainwater tank associated with Townhouse 2 is to be relocated to the front of the site under the front entry path of this townhouse (i.e. as a below ground tank) and suitable maintenance access provided; and
- Any new side and rear boundary fencing adjacent to the rear yard areas of the townhouses are to be of timber or lightweight construction (to a height of 1.8m).

The below is a marked up (in red) ground level plan of the above requirements providing a visualisation of how the above is achievable.



Council will also condition the proposal to allow for internal changes / adjustments:

- To ensure all internal areas of the dwellings, including over the stairs, provide adequate floor-to-ceiling heights in accordance with Part 3.8.2 of the Building Code of Australia, however, this is not to result in an increase in building height and form beyond that approved; and
- To provide for three bedrooms, one with ensuite, and a bathroom at first floor OR three bedrooms, one with ensuite, a study and bathroom at first floor.

Amended floor plans, elevational drawings and sectional drawings are to be prepared incorporating the above amendments and submitted to Council for approval prior to the consent being made operational (as part of a 'Deferred Commencement' Approval).

It is also recommended that any consent granted include various tree protection measures, including a requirement that, during works, any excavation within specific distances of the trees to be retained to be undertaken by hand under the direct supervision of an Arborist, in order to mitigate potential root damage to the trees.

#### *Proposed Landscaping*

An amended landscape plan is to be submitted prior to the issue of a Construction Certificate reinforcing compliance with the requirements of Clause C1.12 of the LDCP2013 i.e. ensuring that at least 85% of the plantings must be native species from the Sydney locale and that one canopy tree capable of reaching a mature height of 6m be planted at the rear of Townhouse 2.

#### *Removal of Council Street Tree*

Council's Parks and Streetscapes Section has raised no objection to the removal of the Bottlebrush at the front of the site. It is noted that a second Bottlebrush fronting the site will be retained and a standard condition relating to protecting this tree from damage during works be recommended.

The proposal as conditioned will ensure the retention of existing significant vegetation on the subject and adjoining sites and the provision of new plantings (and new canopy tree) in accordance with the provisions and objectives of Clauses C1.12 and C1.14 of the DCP.

#### C1.11, C2.2.4.3, C3.3, C3.5 and C3.6 – Car Parking; Leichhardt Park Distinctive Neighbourhood; Elevation and Materials; Front Gardens and Dwelling Entries and Fences

Since lodgement of the application, the design of the townhouses have been modified to better respond to applicable streetscape and desired future character controls and reflect the form, scale and design of the townhouses approved at Nos. 83-85 Hubert Street. The resultant form provides:

- A development that provides a single dwelling appearance from the street;
- Dwellings with stepped front building alignments that respect the predominant built context in the street, and of an appropriate siting relative to adjoining built structures (building siting is discussed in further detail below);
- The provision of an elevated front garden element forward of Townhouse 1, consistent with existing site circumstances and adjoining and nearby properties;
- A building form, wall heights and building heights that are appropriate relative to adjoining built structures and given the rise / slope up of the land from Hubert Street;
- A building with stepped main gable roof forms (stepping up the site) that will complement numerous other gable roof forms in the street and are consistent with desired future character controls, plus roof pitches that complement those of immediate adjoining buildings;
- A building that will comprise face brick, fibre cement, corrugated colourbond zinaclume, anodised aluminium, steel and timber which will be similar to those materials that are predominantly used in the street;
- Rectangular and square shaped openings consistent with the openings characteristic of dwelling stock in the street and wider area; and



- A garage element to Townhouse 1 that is less than 50% of the width of the front elevation of the building (which as previously discussed, reads as a single dwelling), is setback behind main building line, has been (as much as possible) sympathetically integrated into the building design, and will be a subservient element in the street and far less intrusive than other garaging in the vicinity, including immediately adjoining at No. 97 Hubert Street Further, the Townhouse 1 will have an entry that will be independent and clearly delineated from the driveway area.

Notwithstanding the above, in terms of streetscape / development detailing:

- The charcoal colour to proposed brickwork is too dark and not sympathetic in its immediate context, and a brown face brick that complements the brown hues of its immediate neighbours is considered more appropriate; and
- The timber slats to the front fence (which in parts exceed 1.2m due to change in land topography across the street frontage) and gates should be at least 50% transparent as per the fencing controls prescribed in Clause C3.6 of the LDCP2013.

Conditions addressing the above are recommended.

In light of the above, the development as proposed and as conditioned is an appropriate response to existing and approved development in the street and wider area will have acceptable streetscape impacts and will not be out of character.

#### C1.11 and C1.17 – Parking and Site Facilities

The garage to Townhouse 1 will have a length of 5.71m, which reduces to around 5.2m when taking into account the bin storage area proposed within the garage – these length dimensions do not comply with Clause C1.11 of the LDCP2013 where a minimum length of 6m is required. Notwithstanding the above, Council's Engineers raise no objections to a reduced length of 5.7m as the garage is set back inside the property boundary which allows on site access around the vehicle when the garage door is raised, however, this will require the bin storage area to be relocated – in order to address this issue, a condition will be recommended requiring the bin storage area to be relocated to the north-western corner of the site adjacent to the northern boundary and the garage at No. 97 Hubert Street.

Council's Engineers have also advised that the garage door width of 2.3m is inadequate and needs to be increased to 2.7m – this can be readily addressed by condition and will not alter Council's previous conclusions that the garage will result in acceptable streetscape implications.

Three (3) spaces are required to service the development under the provisions of Clause C1.11, one each for the new dwellings and one space for visitors. One (1) space will be provided on the site associated with Townhouse 1, resulting in a total effective shortfall of two (2) spaces. However, this shortfall can be supported in this instance given that there is adequate on-street parking available in the locality to cater for the shortfall and vehicles generated by the development.

Concern has been raised regarding a loss of on-street parking in front of the site to cater for on-site parking to Townhouse 1. However, there is only one legal parking space in existence between the existing crossovers at Nos. 93 and 97 Hubert Street, and the proposal (despite the proposed driveway and crossover) will not alter this situation.

The additional dwelling will result in indiscernible additional vehicle / traffic movements.

In terms of the location of bin storage areas at the front of the site as proposed and as conditioned:

- Locating bin storage at the front of the site is not an unusual circumstance in the street and wider area;
- The garage at No. 97 Hubert Street together with proposed fencing / gates to the street as well as landscaping generally, will ensure that the relocated bin area associated with Townhouse 1 will have minimal impacts on the streetscape; and
- The bin store to Townhouse 2 will be screened behind front fencing / gates.

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

#### *Siting*

The front wall alignments of the Townhouses are stepped between the front alignments of adjoining dwellings, appropriately responding to the siting of these and other buildings in the street.

#### *Building Envelope and Heights*

A 3.6m, single storey building envelope control applies to the site. The new dwellings will be two storeys in form and will breach the envelope control (at 4.5m to 5.5m), however, there are a number of examples of development in the street which breach this envelope control due to their elevation above the street or as a result of themselves having a two storey built form. It should be further noted that:

- The dwellings provide a form and appearance to the street that is comparable to the approved townhouses at Nos. 83-85 Hubert Street (which will have a building envelope of around 4.5m), with any height difference being in response to the subject site's different topography, which inter-alia, has a front garden set higher above the street;
- The proposal has been designed to minimise side wall heights through excavation into the ground and through the provision of low side wall springing points to the first floors which will be contained within raked ceilings, with resultant front eaves / gutter levels that are stepped in height between those of its immediate neighbours (the single storey dwelling at No. 93 Hubert Street and the second floor at No. 97); and
- The front portion of the dwellings has a maximum height that is stepped between the maximum heights of its immediate neighbours.

At the rear, the townhouses will have eaves / gutter and roof ridge levels that are 1m higher than those provided to the front portion of the development. These heights have again (like the front portion of the building) be minimised through excavation into the ground and low roof springing points to the first floors which will be contained within raked ceilings, eaves / gutter lines will be lower than the first floor at No. 97 Hubert Street (despite being upslope of this site) and the maximum height of the building will be only 580mm above this adjoining building (downslope of the site).

In light of all the above considerations, the proposal is deemed to be acceptable in terms of building envelope / height considerations.

#### *Side Setbacks, Building Location Zone and Scale*

Clause C3.2 of the LDCP 2013 includes a side setback control graph and contains building location zone (BLZ) parameters which are both controls designed to regulate bulk and massing in the aim of achieving an acceptable scale on the site while also ensuring the amenity of adjacent sites are not adversely compromised.

The proposed Townhouses will, in part, breach the side setback control graph as prescribed in Clause C3.2 of the LDCP2013 to the northern and southern boundaries shared with adjoining properties (northern neighbour at No. 97 Hubert Street and southern neighbour at No. 93 Hubert Street) as outlined in the following table:

| Elevation | Wall height (m) | Required Setback (m) | Proposed Setback (m) | Complies (Y / N)                                |
|-----------|-----------------|----------------------|----------------------|---|
| North     | 2.5m – 5.3      | 0 – 1.44             | 0.3-1                | Ground Floor – Yes<br>First Floor – No, in part |
| South     | 2m -4.95        | 0 -1.24              | 0.3-1                | Ground Floor – Yes<br>First Floor – No, in part |

The ground and first floor rear alignments (which are in-line with each other) will be setback approximately 8.6m from the rear boundary. This is outside the building location zone established by the rear dwelling alignments of neighbours by 1.4m at ground floor (although the rear alignments will not extend beyond the covered deck to the rear of No. 93 Hubert Street) and 5.7m at first floor.

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph and in order to determine the acceptability of a development's BLZ (including outside the BLZ's of neighbouring properties), various tests need to be met. An assessment of the proposal against these tests is provided below:

- The proposal will result in acceptable streetscape and desired future character outcomes.

Comment: For reasons discussed previously, the proposal is considered to be an acceptable response to the site, the varied built forms in the streetscape in which the site is located, and desired future character controls.

- The bulk and scale impacts on neighbours have been minimised and are acceptable, particularly when viewed from adjoining private open space.

Comment: Concern is raised that the northern wall of Bedroom 3 on the first floor associated with Townhouse 1 is setback only 300mm from the boundary shared with No. 97 Hubert Street, rather than 1m as proposed to the remainder of the first floor of this townhouse (and as proposed to the southern wall of Bedroom 3 of Townhouse 2), and together with this component's projection beyond the rear of the ground and first floor rear alignments of the dwelling at No. 97, will be an intrusive element when viewed from this adjoining site (which is downslope from the site), in particular its private open space. On this basis, a condition is to be recommended requiring this bedroom to be setback 1m from the northern boundary – amending the proposal in this manner will mitigate the scale impact

and ensure that this bedroom is almost compliant with the side setback control graph prescribed in this Clause (where a setback of 1.13m is technically required). Further to the above, and for reasons outlined above and below, the ground and first floors of the Townhouses are recommended to be cutback in length at the rear by 1m (resulting in a rear boundary setback of around 9.6m), in order to protect the tree at the rear of No. 93 Hubert Street and to ensure acceptable amenity / solar access to both Townhouses. This will also assist in further reducing bulk and scale to the rear, and result in a rear boundary setback at first floor that steps between the ground floor rear alignments of both immediate adjoining built structures (noting that they will also be complementary with minimum rear setbacks characteristic of the first floors of the approved townhouses at No. 83-85 Hubert Street which are nominated at 9.4m).

Conditions of consent as detailed above, together with:

- Proposed excavation across the site;
- The provision of low side wall springing points to the first floors which will be contained within raked ceilings;
- The stepping of higher portions of the Townhouses further back from the side boundaries, resulting in a development that will be compliant with, or almost compliant with the side setback graph along its entire length; and
- The proposal's stepping down the site respecting the fall of the land,

the proposal will be of a height, bulk and scale that will have no undue visual impacts on any neighbours.

- The proposal will have acceptable amenity impacts on adjoining properties i.e. solar access, privacy and view corridors.  
Comment: The proposal will be conditioned in the aim of mitigating adverse privacy impacts on immediate adjoining Hubert Street properties (see assessment below). The proposal will have no undue adverse solar access or loss of views impacts on any neighbours.
- The proposal complies with applicable open space controls.  
Comment: The size / dimension of private open space to each townhouse, together with its direct connection to a main living space, will ensure compliance with the private open space controls prescribed in Clause C3.8 of the LDGP2013. It is noted that the proposal as conditioned will also have rear garden space comparable to that existing on the site.
- The proposal raises no maintenance issues for any adjoining structures / walls.  
Comment: The development will be setback from adjoining side walls, and consequently, raises no maintenance issues for any neighbouring buildings.
- The proposal is considered to acceptably respect the existing pattern of development adjoining and in the street and wider area.  
Comment: The development as proposed and as conditioned will acceptably respect the pattern of (existing and approved) development in the street and wider area.

In light of the above, the development as proposed and as conditioned is considered to be satisfactory with respect to the intent and objectives of the side setback and BLZ controls prescribed in this part of the LDCP2013.

### C3.9 - Solar Access

#### *Proposed Dwelling*

Clause C3.9 requires that, where site orientation permits, new dwellings must be designed to maximise direct sunlight to the main living room and private open space, and that new dwellings are to obtain a minimum of three (3) hours of direct solar access to the main living space between 9:00am and 3:00pm in mid-winter.

Subject to both Townhouses being cutback by 1m as outlined previously, solar access to the east facing glazing of the living spaces of both dwellings will be maximised given their orientation. Solar access to the rear yards of both dwellings will be comparable to other development in the street and wider area.

#### *Adjoining Properties*

Pursuant to Clause C3.9 of the LDCP2013, the following solar access controls apply to adjoining properties:

#### *Neighbouring Living Room Glazing*

- C12 – Where the surrounding allotments are orientated east/west, *main living room* glazing must maintain a minimum of two (2) hours solar access between 9.00am and 3.00pm during the winter solstice.
- C15 – Where surrounding *dwellings* currently receive less than the required amount of solar access to the *main living room* between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

#### *Neighbouring Private Open Space*

- C18 – Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half (2.5) hours between 9.00am and 3.00pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 – Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9.00am and 3.00pm during the winter solstice, no further reduction of solar access is permitted.

The only property potentially overshadowed by the proposal is No. 93 Hubert Street to the immediate south, and an assessment of the shadow diagrams provided have confirmed that, while the proposal will result in additional overshadowing of No.93 Hubert Street, including its side facing windows between 9:00am and early afternoon and of the rear yard between 12:00noon to before 3:00pm in mid-winter (as depicted in the shadow diagrams attached to this report), the proposal will not overshadow this adjoining site contrary to the above solar access controls (this is ignoring shadows cast by existing vegetation which, pursuant to Case Law, is not relevant in the solar access assessment). In this regard, rear facing glazing servicing the living space of No. 93 Hubert Street will maintain access to two hours solar access of a morning, and the rear yard of this adjoining site will retain solar access for at least



2.5 hours in mid-winter to 50% of its area between the period of around 10:30am until after 1:00pm in mid-winter. Notwithstanding the above, recommended cutbacks to the lengths of the rears of the Townhouses will reduce overshadowing impacts to this adjoining site further.

The acceptable overshadowing impacts, combined with proposed setbacks from boundaries and openings in adjoining walls (in excess of 1m) will ensure adequately levels of natural will remain obtainable to adjoining properties.

### C3.11 - Visual Privacy

Clause C3.11 – *Visual Privacy* of the LDCP2013 prescribes various privacy controls, including:

- C1-C2 – Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room or private open space of an adjoining dwelling are to be screened or obscured through measures such as screening devices, high sill heights or obscured glass (to 1.6m height and 75% density); and
- C7 – New windows should be located so they are offset from any window (within a distance of 9m and a 45 degree angle) in surrounding development, so that an adequate level of privacy is obtained / retained where such windows would not be protected by the above controls (i.e. bathrooms / bedrooms); and
- 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.

Objections have been received raising concerns regarding the first floor side and rear facing openings and 'Juliet' style balconies and adverse privacy impacts on adjoining Hubert and Francis Street properties.

The submitted plans and BASIX Certificate suggest that side facing bedroom and bathroom openings will be of "toned" glazing, while the first floor north facing study opening to Townhouse 1 would be of obscured glass - given that these openings have low sill heights, are partially openable and within 9m or a 45 degree angle of adjoining openings, a condition will be imposed on any consent granted requiring all first floor north and south facing openings to have external louvred privacy screens to a minimum height of 1.6m above internal floor level and that achieve a minimum density of 75% to ensure compliance with the Controls C1-C2 and C7 above and ensure no undue adverse privacy impacts on adjoining Hubert Street properties.

In terms of the first floor rear facing 'Juliet' balconies, the balconies exceed the maximum width requirement to Control C9 (proposed at 2.4m), however, their depths are substantially narrower than specified in this control (proposed at 300mm), and hence, their total areas will be less than half the maximum size (i.e. area) requirement stipulated in Control C9 (2.4sqm). Further, the 'Juliet balconies to the first floor are so narrow that they will not facilitate future occupants of the site to congregate or generate any significant or undue adverse view lines or view lines beyond those obtained from a typical first floor window, and the balconies will restrict adverse view lines internally from first floor rear bedrooms (which do not need privacy protection in accordance with Control C1 of this Clause). Consequently, the

balconies and associated glazing will not result in undue adverse privacy impacts for any adjoining Hubert or Francis Street properties and will satisfy the intent and objectives of Clause C3.11 of the LDCP2013.

#### Clause C3.12 – Acoustic Privacy

Living areas and primary private open space associated with the dwellings are contained at ground level, with bedrooms nominated at first floor, being the typical dwelling configuration in the locality. Further, the 'Juliet balconies to the first floor are so narrow that they will not facilitate future occupants of the site to sit / congregate and generate noise. In addition, the extent of openable glazing to building façades is not out of character with adjoining and nearby development. The proposal will therefore not result in any undue adverse acoustic privacy implications for any neighbours, nor is anticipated to generate noise beyond that generated by adjoining and nearby residential properties / uses.

#### E1.1.3 Stormwater Drainage Concept Plan / E1.2.2 Managing Stormwater within the Site / E1.2.3 On-Site Detention of Stormwater

The proposal incorporates 75mm thick timber plank retaining walls on both boundaries which will reduce the width of the side overland flowpath to a minimum of 225mm. The dwellings must be setback 375mm from the side boundaries so that a minimum 300mm clear overland flowpath is available along both side boundaries, and the rear courtyards must be graded so that bypass flows from the site drainage system are directed to the overland flowpath, and the proposal will be conditioned accordingly by way of a 'Deferred Commencement' consent condition. The above, as well as site drainage and stormwater control conditions as recommended by Council's Engineers, will be imposed on any consent granted to ensure the site is satisfactorily drained in accordance with the site drainage and stormwater control provisions of Part E of the LDCP2013, including to ensure no undue adverse impacts in the event that the site drainage system is blocked or its capacity is exceeded.

#### 5(d) Other matters for Consideration

##### Compliance with the Building Code of Australia

Both townhouses provide skylights that are within 900mm of the boundary, and the north facing windows of the garage are similarly less than 900mm of the boundary (shared with No. 97 Hubert Street). A condition will be imposed on any consent granted requiring the skylights to be protected in accordance with Part 3.7 of the Building Code of Australia and requiring the deletion of the northern garage openings (as they are associated with a non-habitable space and not required for light and ventilation purposes).

#### 5(e) The Likely Impacts

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

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

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

### 5(f) Any submissions

The application was notified in accordance with Section 3 of the LDCP2013 for a period of 14 days to surrounding properties over two notification periods. A total of four (4) submissions were received relating to the original proposal and two (2) submissions were received with respect to the amended plans.

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

- The proposal does not comply with the 200sqm minimum lot size requirement See Section 5(a);
- FSR breach concerns. In this regard:
  - o The proposal significantly breaches floor space ratio resulting in a development that is an overdevelopment of the site and out of character with the area;
  - o The Exceptions to Development Standards request to FSR breach is not well founded;–See Section 5(a);
- Reduction in the size of the garden and green space and inadequate landscaped area – See Sections 5(a) and 5(c);
- A beautiful old home will be demolished – See Section 5(a);
- Streetscape and character concerns – in this regard:
  - o The architectural style, building design and materials leave a lot to be desired. Council’s (initial) assessment that the development is of “*a general design and appearance from the public domain that will not be sympathetic in its immediate context or complimentary to the prevailing or desired future character of the street*” is concurred with;
  - o The construction of two townhouses on, and the subdivision of, what is a relatively small site is completely out of keeping with the character and appearance of the existing neighbourhood. Were such subdivision to be allowed, it would create a potential precedent that would allow for the ongoing subdivision of Hubert Street. This would significantly impact on what is currently a beautiful, historical and picturesque part of the Inner West that benefits from the look and feel of "cottage type" dwellings. Whilst there are examples of townhouses having been built on the west side of Hubert Street, these are both on significantly wider blocks of land than 95 Hubert Street and are far less invasive by design, therefore, are not appropriate comparisons – See Sections 5(a) and 5(c);
- Height, bulk and scale concerns - in this regard, the development:
  - o Is too wide and built too close to the side boundaries shared with Nos. 93 and No. 97 Hubert Street;
  - o Is too long being at a two storey scale throughout and along the majority of the length of the side boundary, and extending in line with the single storey covered outdoor patio areas of Nos. 93 and 99 Hubert Street;

- Is too high with no stepping between the ground and first floors.

The result is a development that will not comply with the side setback controls (acknowledged in the Statement of Environmental Effects), that is of a height and depth at a two storey scale that is out of context with neighbouring properties, and that has unacceptable and overbearing height and scale with detrimental impacts on adjoining properties, including No. 97 Hubert Street and No. 176 Francis Street – see Section See Section 5(c);

- Loss of natural light and sunlight access to No. 93 Hubert Street – see Section 5(c);
- Adverse privacy impacts on internal and external areas of adjoining properties, including Nos. 93 and 97 Hubert Street and Nos. 176 and 178 Francis Street as a result of the first floor windows and rear balconies – see Section 5(c);
- Increased noise and disturbance impacts – see Section 5(c);
- Increased traffic – See Section 5(c);
- Loss of one on-street car parking (contrary to suggestions otherwise in Statement of Environmental Effects) – See Section 5(c);
- Loss of street tree to accommodate parking given the loss already of several mature trees from the site and substantially pruning of the Fiddlewood tree - see Section 5(c); and
- Loss of Fiddlewood tree on the subject site and the Eucalypt tree at the rear of No. 93 Hubert Street as part of amended proposal – tree removal and pruning works already carried out has already resulted in significant environmental damage, and the correct approach should be tree retention rather than removal because vegetation is inconvenient for the development - See Section 5(c); and
- Potential flooding of No. 97 Hubert Street in the event that the site drainage system is blocked or its capacity is exceeded - 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: The proposal exceeds the FSR of the previously unsuccessful application (D/2015/705) and in which Council advised that the Clause 4.6 Exceptions to Development Standards request seeking to vary the standard was not well founded or supportable. Having read the applicant's Exceptions to Development Standards request to this application, we cannot see any further justification for the greater breach in FSR. The site is too small to accommodate two townhouses of any size, shape and form.

Comment: Compared to the current proposal, the development proposed as part of Development Application D/2015/705 was of a significant greater form, height, bulk and scale, being a poor response to the site's context and the streetscape, and that had unsatisfactory amenity impacts on neighbouring properties, which prevented Council from supporting a exceptions to development standards request (as part of that application) to vary the FSR breach. The development as proposed and as conditioned will have acceptable impacts on the streetscape and adjoining properties and the subject site is of a size that can accommodate the development (and hence the proposal is not considered to be an overdevelopment of the site) for reasons

previously identified, allowing Council to support the FSR exceptions request (which is deemed to be well founded) in this instance.

Issue: The FSR development standards are there for a reason - to ensure that the size of a building on a site is in proportion to the size of the land itself, thereby protecting outdoor space and the look and feel of the local area. It cannot be a right that the Applicant can apply to significantly breach the FSR for no other apparent reason than that they need to in order to build the townhouses in the form that they desire. To allow such a significant breach on that basis would set a very worrying precedent for the control of future developments.

Comment: For reasons previously identified, the development as proposed and as conditioned will be of a design, size and proportion that will be appropriate and compatible with existing and approved development in the area and that will comply with landscaped area and site coverage controls applicable to the site. The proposal will not set any undesirable precedent for future development in the area.

Issue: The applicant's Statement of Environmental Effects refers to the privacy afforded to neighbouring properties by existing vegetation at the rear of the site, however, this is misleading given that the Fiddlewood tree has been substantially pruned and other trees have been removed, and now existing vegetation that is left offers virtually no privacy.

Comment: Notwithstanding past tree removal / pruning (in accordance with a Tree Application approval T/2016/13), the proposal will be conditioned to ensure the retention of the Fiddlewood (and adjoining Eucalypt) and to ensure no undue adverse privacy impacts for any neighbours in accordance with the provisions and objectives of applicable visual privacy controls.

Issue: The proposal does not conform with previous PREDA Advice, including that the proposal be a single dwelling with a single storey form and appearance from the street, which is acknowledged in the Statement of Environmental Effects.

Comment: Noted. Previous PREDA advice was provided on the basis of a previous proposal which was of an unacceptable form, height, scale and design and that resulted in unsatisfactory amenity impacts on adjoining properties. This is not the case with the proposal (as conditioned) under assessment.

Issue: The proposed garage will involve significant excavation work right up to the border between our house (No. 97 Hubert Street) and 95 Hubert Street. We are concerned about the impact of such excavation on our property (both to our house and garage which sits on the boundary line) and the underlying foundations. We would request that the Applicant provide an expert report detailing how the proposed work will be undertaken without negatively impacting our property and its underlying foundations and what steps will be taken should damage occur.

Comment: The excavation will not be to an extent that will undermine the foundations of the dwelling and garage at No. 97 Hubert Street. Nevertheless, various conditions are recommended to be imposed on any consent granted in the aim of mitigating impacts on neighbouring structures during the excavation and construction stages.

Issue: The relative levels on the sections and elevations are incorrect, making it difficult to determine how tall the building envelope is.

Comment: The only levels anomalies noted on the amended plans relate to the side elevational drawings / sections which appear to conflict with the floor plans relating to

proposed levels in the rear yard within 1m of the boundary. However, it is recommended that amended floor plans, architectural drawing and sectional drawings provided in response to 'Deferred Commencement' Consent conditions relating to levels in the rear yard (pertaining to tree retention / protection) be consistent with each other.

Issue: It is our understanding that the current property at No. 95 Hubert Street is substantially impacted by asbestos, however, the Applicant's Waste Management Plan dated 6th July 2016 makes no mention whatsoever of the safe removal of asbestos from the site. We (No. 97 Hubert Street) are very concerned about the potential health impacts on our young family, and surrounding neighbours, of the unsafe removal of asbestos from the site and are surprised that the Applicant has failed to address this in their Development Application.

Comment: Conditions could be imposed on any consent granted relating to control of demolition and the appropriate removal of asbestos, including the requirement that an asbestos survey prepared by a qualified occupational hygienist be undertaken, and that if asbestos is present then:

- A WorkCover licensed contractor must undertake removal of all asbestos;
- 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;
- Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste;
- All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council; and
- An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

Issue: Having reviewed the Applicant's Strata plan, we cannot identify any proposed shared spaces or facilities within the site. This leads us to believe that the Applicant should instead be attempting to split the Torrens title of 95 Hubert Street. Allowing a Strata subdivision of a site such as this would create a concerning precedent for the local area.

Comment: Noted. There is no requirement for Strata subdivisions to contain common property / shared facilities and spaces, and any event, the proposed Strata subdivision is comparable to that approved at No. 83-85 Hubert Street.

Issue: We (No. 93 Hubert Street) request that the architect provides wall heights measured from the ground for each exterior wall. Wall heights remain unclear and potentially non-compliant with DCP controls.

Comment: Wall height measures have been provided previously in this report in Section 5(c). The development as proposed and as conditioned is compliant or almost compliant with the side setback graph prescribed in Clause C3.2 of the LDCP2013 and will be of an acceptable bulk, scale and height.

Issue: The amended plans have not adequately addressed concerns raised above by Nos. 93 and 97 Hubert Street (as outlined above) or by Council regarding:

- Breach of minimum lot size;
- FSR breach concerns (and inadequate justification);
- Inadequate landscaping;



- Streetscape and character concerns;
- Height, bulk and scale and resultant impacts on Nos. 93 and 97 Hubert Street, with Council recommendations that the form, side wall heights and first floor cutbacks be reduced having appeared to have been ignored or not dealt with by the applicant;
- Loss of light and sunlight access to No. 93 Hubert Street;
- Loss of privacy resulting from first floor windows and rear balconies into No. 97 Hubert Street; and
- Flooding of No. 97 Hubert Street – the applicant should prepare a more detailed and satisfactory solution than currently put forward.

Comment: For reasons outlined previously in this report, the development as proposed and as conditioned is a satisfactory response to applicable statutory and Council policy controls. Also see Section 4(b).

### 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 contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineer
- Parks & Streetscapes
- Landscape
- Building

### 6(b) External

No external referrals were required.

## 7. Section 94 Contributions

Section 94 contributions are payable for the proposal. In this regard, the carrying out of the development would result in an increased demand for public amenities and public services within the area. A financial contribution would be required for the development under Leichhardt Section 94 Contributions Plans as follows:

*Open Space & Recreation*

|  |                    |
|--|--------------------|
| • Two dwellings 106 – 160 sqm                | \$51,622.00        |
| • Less credit for one dwelling 106 - 160 sqm | -\$25,811.00       |
| <b>Total</b>                                 | <b>\$25,811.00</b> |

*Community Facilities & Services*

|  |                   |
|--|-------------------|
| • Two dwellings 106 – 160 sqm                | \$7,890.00        |
| • Less credit for one dwelling 106 – 160 sqm | -\$3,945.00       |
| <b>Total</b>                                 | <b>\$3,945.00</b> |

*Transport and Access, Works & Facilities*

|   |                    |
|---|--------------------|
| • One dwelling 86-120 sqm + One dwelling >120 sqm | \$419.66           |
| • Less credit for one dwelling >120 sqm           | - \$227.32         |
| <b>LATM Total</b>                                 | <b>\$192.34</b>    |
| • One dwelling 86-120 sqm + One dwelling >120 sqm | \$59.48            |
| • Less credit for one dwelling >120 sqm           | -\$34.13           |
| <b>Bike Total</b>                                 | <b>\$25.35</b>     |
| • One dwelling 86-120 sqm + One dwelling >120 sqm | \$34.90            |
| • Less credit for one dwelling >120 sqm           | -\$18.90           |
| <b>Light Rail Total</b>                           | <b>\$16.00</b>     |
| <b>Total</b>                                      | <b>\$233.69</b>    |
| <b>NET</b>  | <b>\$29,989.69</b> |

Pursuant to the Ministerial Direction on Local Infrastructure Contributions dated 3 March 2011:

(2) *A council (or planning panel) must not grant development consent (other than for development on land identified in Schedule 2) subject to a condition under section 94 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that:*

- (a) *in the case of a development consent that authorises one or more dwellings, exceeds \$20000 for each dwelling authorised by the consent, or*  
 (b) *in the case of a development consent that authorises subdivision into residential lots, exceeds \$20 000 for each residential lot authorised to be created by the development consent.*

In this instance the consent authorises the erection of two dwellings (notwithstanding a credit is given for one existing dwelling), and hence Council may not impose a condition that requires payment in excess of \$40,000. As the proposed condition required payment of \$29,989.69, the Direction is complied with.

A condition requiring that contribution to be paid is included in the recommendation.

## **8. Conclusion**

Subject to recommended conditions, the proposal generally complies with the aims, objectives and design parameters contained in LLEP2013 and LDCP2013 and will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## **9. Recommendation**

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2016/348 for demolition of existing dwelling house and construction of two (2) new dwellings and associated works, including Strata subdivision, fencing and retaining wall works and landscaping and tree removal on the street frontage at 95 Hubert Street, LILYFIELD NSW 2040 subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent****DEFERRED COMMENCEMENT CONDITION**

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

1. Amended floor plans, elevational drawings and sectional drawings are to be provided incorporating the following changes:
  - a) The ground floor side boundary setbacks of Townhouse 1 and Townhouse 2 must be increased to a minimum of 375mm to provide an acceptable overland flow path for stormwater.
  - b) The ground and first floor levels of the proposed Townhouses are to be cutback in length at the rear by 1m and so that the rear building lines at both levels are setback 9.6m from the rear boundary.
  - c) The northern wall of Bedroom 3 of Townhouse 1 is to be setback 1m from the northern boundary.
  - d) The footings of Townhouse 2 shall be isolated pier or pier and beam construction within 5.16m of the Eucalypt tree at the rear of No. 93 Hubert Street.
  - e) The proposed internal floor levels to the ground floors to the rear of each Townhouse are to be raised from RL17.52AHD to RL17.80AHD.
  - f) The existing retaining wall in the rear yard is to be retained or reconstructed as required in the same location and at the same level. The ground levels eastward of this retaining wall are to be retained. The levels forward of this retaining wall (i.e. the existing paved area in the rear yard) are to be RL17.65AHD and are to be graded as necessary so that bypass flows from the site drainage system are directed to the side overland flowpaths.
  - g) The rear rainwater tank associated with Townhouse 2 is to be relocated to the front of the site under the front entry path of this townhouse (i.e. as a below ground tank) and suitable maintenance access provided.
  - h) Any new side and rear boundary fencing adjacent to the rear yard areas of the townhouses are to be of timber or lightweight construction to a height of 1.8m above rear yard ground levels.

All floor plans, elevational drawings and sectional drawings are to be consistent with each other.

As a result of the design changes required above, internal changes / adjustments are permitted:

- i) To ensure all internal areas of the dwellings, including over the stairs, provide adequate floor-to-ceiling heights in accordance with Part 3.8.2 of

- the Building Code of Australia, however, this is not to result in an increase in building height and form beyond that approved; and
- ii) To provide for three bedrooms, one with ensuite, and a bathroom at first floor OR three bedrooms, one with ensuite, a study and bathroom at first floor.

The following conditions of consent including any other conditions that may arise from resolution of matters listed in the above condition will be included in an operational Development Consent. The operational Development Consent will be issued by Council after the applicant provides sufficient information to satisfy Council in relation to the condition of the deferred commencement consent.

## CONDITIONS OF CONSENT

2. Development must be carried out in accordance with Development Application No. D/2016/348 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

| Plan Reference  | Drawn By                | Dated          |
|---|-------------------------|----------------|
| Drawing #: DA-00 Issue B<br>Site Analysis Plan                    | J. Bianchino. Architect | 22/11/16       |
| Drawing #: DA-01 Issue A<br>Demolition Plan                       | J. Bianchino. Architect | June 2016      |
| Drawing #: DA-02 Issue B<br>Ground Floor Plan                     | J. Bianchino. Architect | September 2016 |
| Drawing #: DA-03 Issue B<br>First Floor Plan                      | J. Bianchino. Architect | September 2016 |
| Drawing #: DA-04 Issue B<br>Roof Plan                             | J. Bianchino. Architect | September 2016 |
| Drawing #: DA-05 Issue C<br>Elevations                            | J. Bianchino. Architect | 22/11/16       |
| Drawing #: DA-06 Issue B<br>Elevations                            | J. Bianchino. Architect | September 2016 |
| Drawing #: DA-07 Issue B<br>Sections                              | J. Bianchino. Architect | September 2016 |
| Drawing #: ADA-10 Issue B<br>Strata Plan                          | J. Bianchino. Architect | 22/11/16       |
| Drawing #: DA-16 Issue B<br>BASIX INFO – TH1                      | J. Bianchino. Architect | September 2016 |
| Drawing #: DA-17 Issue B<br>BASIX INFO – THs                      | J. Bianchino. Architect | September 2016 |
| Drawing #: DG734, Issue D<br>Drainage Concept Plan and<br>Details | KD Stormwater P/L       | 18/10/16       |
| Document Title  | Prepared By             | Dated          |
| Job Reference #: DWG2543<br>Survey Plan                           | Jackson Surveyors P/L   | 24/6/15        |
| BASIX Certificate<br>Certificate #: 742224S_02                    | Fang Zhou               | 23/9/16        |

|  |                          |                       |
|--|--------------------------|-----------------------|
| Schedule of External Finishes – Revision B | Unknown                  | Print Date:<br>5/7/16 |
| Acoustic Report                            | Renzo Tonin & Associates | 18/10/16              |
| Waste Management Plan                      | J. Bianchino. Architect  | 8/7/16                |

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.

- The trees identified below are to be retained on the subject site:

|  |
|--|
| <b>Tree/location</b>   |
| <i>Citharexylum spinosum</i> (Fiddlewood) located at the rear of No. 95 Hubert Street. |

Further, no consent is granted to the removal of the following tree at No. 93 Hubert Street:

|   |
|---|
| <b>Tree/location</b>  |
| <i>Eucalyptus sideroxylon</i> (Mugga) located at the rear of 93 Hubert Street |

Details of the trees to be retained must be included on the Construction Certificate plans.

- The following trees are permitted to be removed:

|  |
|--|
| <b>Tree/location</b>   |
| The Bottlebrush tree located at the front of the property on the street verge (towards the northern boundary). |

Details of the trees to be retained must be included on the Construction Certificate plans

- The demolition of the existing dwelling on the site shall strictly comply with the following conditions:

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

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

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



- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig [www.1100.com.au](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

6. 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.

7. Amended plans are to be submitted incorporating the following amendments:

- a) The timber slat fencing and gates to Hubert Street shall achieve a transparency of at least 50%.
- b) The bin storage area to Townhouse 1 shall be relocated to the north-western corner of the site and adjacent to the northern boundary and the garage at No. 97 Hubert Street, and this area shall be provided with an impervious ground surface.
- c) All first floor north and south facing windows are to be provided with external louvred privacy screens to a minimum height of 1.6m above the internal floor level, and are to be fixed and angled upwards at 45 degrees to horizontal and achieve a density of at least 75%.
- d) The north facing windows to the garage of Townhouse 1 are to be deleted.
- e) The north and south facing skylights within 900mm of the property boundary shall be protected in accordance with Part 3.7.1 of the Building Code of Australia.
- f) Demonstrate compliance with **Condition 7**.
- g) Demonstrate compliance with **Condition 8**.

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

8. Regarding external finishes, materials and colours:
  - a) New materials that are not depicted on the approved plans and Schedule of External Finishes listed in **Condition 2** must not be used;
  - b) 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.
  - c) Facebrick walls shall be of a brown hue that complements immediate adjoining dwellings.

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.

9. The design of the vehicular access and off street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 *Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate. The following specific issues must be addressed in the design:
  - a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary are 255mm above the adjacent road gutter invert for the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
  - b) The garage door opening shall be widened to 2700mm.
  - c) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
  - d) Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
  - e) The garage must have minimum clear internal dimensions of 5700mm x 3000mm (length x width).

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

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

10. The applicant must bear the cost of construction of the following works:
  - a) Construction of a concrete vehicle crossing at the Hubert Street frontage of the site.
  - b) Reconstruction of the concrete kerb and gutter and concrete footpath and installation of grass verge for the remainder of the Hubert Street frontage of the site.

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

The Roadworks Permit must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

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

11. 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.

12. 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.
13. A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant must be provided prior to the issue of a Construction Certificate. The plan must include:
  - a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
  - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
  - c) At least 85% of the plantings must be native species from the Sydney locale.
  - d) One canopy tree capable of achieving a mature height of at least six (6) metres is to be provided to the rear of Townhouse 2. The tree is to conform to AS2303—*Tree stock for landscape use*.
  - e) Details of planting procedure including available soil depth.
  - f) Details of earthworks including mounding, retaining walls, and planter boxes (consistent with the approved architectural plans).
  - g) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period.
  - h) Details of drainage and watering systems.

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.

14. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer must be

provided prior to the issue of a Construction Certificate. The design must be prepared/amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. DG734, Issue D prepared by KD Stormwater Pty Ltd and dated 18 October 2016.
- b) Comply with Council's Stormwater Drainage Code.
- c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- d) An overland flowpath with a minimum clear width of 300mm must be provided within the setback to the northern and southern boundaries between the rear of the dwellings and the Hubert Street frontage. The rear courtyards must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.

Due to the limited width of the overland flowpath, a minimum 150mm step up must be provided from the finished surface levels of the rear courtyards to the adjacent internal floor areas.

- e) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
- f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- g) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- h) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- j) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

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

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

15. A contribution pursuant to the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for

the amount detailed in column B must be made to Council prior to the issue of a Construction Certificate:

| Column A                          | Column B           |
|-----------------------------------|--------------------|
| Open space and recreation         | \$25,811.00        |
| Community facilities and services | \$3,945            |
| Local area traffic management     | \$192.34           |
| Light rail access works           | \$16.00            |
| Bicycle works                     | \$25.35            |
| <b>Total Contribution</b>         | <b>\$29,989.69</b> |

Payment will only be accepted in the form of cash, bank cheque or EFTPOS / Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 94 Contributions. Contribution Plans may be inspected on Council's website [www.leichhardt.nsw.gov.au](http://www.leichhardt.nsw.gov.au) or a copy purchased at the Customer Service counter in Council's Administration Centre, 7-15 Wetherill Street, Leichhardt, during business hours.

A receipt 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. 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.

17. 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:
- Must preserve and protect the adjoining building from damage
  - 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.
  - 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.

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 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.

20. Regarding proposed excavation works, a certificate prepared by a qualified Geotechnical Engineer must be provided prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority. This is to certify the existing rock formations and substrate on the site are capable of:

- a) Withstanding the proposed loads to be imposed.

- b) Withstanding the proposed excavation, including any shoring works that may be required to ensure stability of the excavation.
- c) Providing protection and support of adjoining properties.
- d) The provision of appropriate subsoil drainage during and upon completion of construction works.

This certificate is to be accompanied by structural drawings which include full details of all temporary and permanent support to excavation batters. No details should be left to the builder to "provide temporary support as required". The design should be accompanied by a statement from an experienced chartered geotechnical engineer (CPEng) that the design details are in accordance with good geotechnical practice.

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

21. Regarding proposed excavation works:

- a) A suitable shoring system must be specified by a practising Structural Engineer to ensure that there is no loss of support to excavated faces adjacent to the northern and southern boundaries to the satisfaction of the Principal Certifying Authority; and
- b) The builder in conjunction with or certified by a suitably qualified Civil engineer shall prepare a detailed work method statement including detailed specifications of the proposed method of excavation including the size, weight and power rating of plant and accessories, as well as appropriate hold points to the satisfaction of the Principal Certifying Authority.

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

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

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

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

23. The footings of Townhouse 2 shall be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

| Schedule  |                  |
|---|------------------|
| Tree/location   | Radius in metres |
| <i>Eucalyptus sideroxylon</i> (Mugga) located at the rear of 93 Hubert Street | 5.16             |

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority satisfying the above requirements prior to the release of a Construction Certificate.

24. 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.

25. 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.

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

- 26. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit to the value of \$9,900 must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council’s Fees and Charges in force at the date of payment.

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

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

- 27. 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 | \$ 2,776.55 |
| 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.

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

| Property                        | Structures / Area   |
|---------------------------------|---------------------|
| No. 93 Hubert Street, Lilyfield | Dwelling            |
| No. 97 Hubert Street, Lilyfield | Dwelling and Garage |

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

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

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

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

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

29. 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.

30. To preserve the following tree/s and avoid soil compaction, no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until temporary measures to avoid soil compaction (e.g. rumble boards or similar as specified in Section 4.5.3 of AS4970—*Protection of trees on development sites*) beneath the canopy of the following tree/s is/are installed:

| Tree/Location   |
|---|
| <i>Eucalyptus sideroxylon</i> (Mugga) located at the rear of 93 Hubert Street |

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 by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

31. To preserve the following tree/s, no work shall commence until their Protection Zone (in accordance with AS4970-*Protection of trees on development sites*) is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

| Tree/location  | Radius in metres                            |
|--|---|
| <i>Citharexylum spinosum</i> (Fiddlewood) located at the rear of the property. | To be installed on existing retaining wall. |

A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

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 by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

32. Upon installation of the required tree protection measures, an inspection of the site by the Project Arborist is required to verify and certify to the Principal Certifying Authority that tree protection measures comply with all relevant conditions.

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.

33. Prior to works commencing or release of a Construction Certificate (whichever occurs first) and throughout construction, the area of the tree protection zone being mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

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.

34. Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (Lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:
- a) Tree protection zone;
  - b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
  - c) Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report;
  - d) The Project Arborist's report shall provide proof that no other alternative is available;
  - e) The Project Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council; and
  - f) The name, address and telephone number of the builder and Project Arborist.

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**

35. 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 indicating the:

- a) Either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the location of the building with respect to the boundaries of the site; and
- b) Location of retaining walls with respect to the boundaries.



36. 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.

37. 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.

38. 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.
39. 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.

40. 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.
41. 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.

#### 42. Dial Before You Dig

Underground assets may exist in the area that is subject to the approved development. In the interests of health and safety and in order to protect damage to third party assets contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 prior to works commencing. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction. Care must be taken to ensure any identified assets are protected accordingly.

If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

### **DURING WORKS**

43. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
44. The site must be appropriately secured and fenced at all times during works.

45. 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.

46. 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.

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

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

48. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

Any soil, which fails to meet the criteria, is not to be disposed of off-site unless agreed to in writing by the NSW Environmental Protection Authority (EPA). Results of the testing are to be forwarded to Leichhardt Council and the Environmental Protection Authority (EPA) for acknowledgement before any off-site disposal and before proceeding with any construction works.

49. 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.

50. Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and

- b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

- 51. Any new information revealed during development works that has the potential to alter previous conclusions about hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
- 52. 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.
- 53. 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.

- 54. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority

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

| Schedule   |   |
|--|---|
| Tree/location  | Time of Inspection  |
| <i>Citharexylum spinosum</i> (Fiddlewood) located at the rear of the property. | <ul style="list-style-type: none"> <li>• Directly following installation of protective fencing,</li> <li>• During excavation within the <i>Tree Protection Zone</i>,</li> <li>• At any time fencing is required to be altered,</li> <li>• At project completion to verify that protection measures have been undertaken.</li> </ul> |
| <i>Eucalyptus sideroxylon</i> (Mugga) located at the rear of 93 Hubert Street  |   |

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

Project Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

56. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

| Schedule   |                  |
|--|------------------|
| Tree/location  | Radius in metres |
| <i>Citharexylum spinosum</i> (Fiddlewood) located at the rear of the property. | 8.96             |
| <i>Eucalyptus sideroxylon</i> (Mugga) located at the rear of 93 Hubert Street  | 5.16             |

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

57. All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

| Schedule   |                  |
|--|------------------|
| Tree/location  | Radius in metres |
| <i>Citharexylum spinosum</i> (Fiddlewood) located at the rear of the property. | 8.96             |
| <i>Eucalyptus sideroxylon</i> (Mugga) located at the rear of 93 Hubert Street  | 5.16             |

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

58. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
59. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

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

60. 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.

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

61. 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.
62. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
  - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

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

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

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

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.

64. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on site detention facilities. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
  - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

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

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

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

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



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

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

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

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

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

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

68. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape management plan/contract for the maintenance of the landscaping for a period of not less than two years after the installation is to be provided prior to the issue of the Occupation Certificate.
69. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.

70. 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.

71. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- Conditions of development consent; and
- The recommendations of the Acoustic Assessment (Aircraft Noise) prepared by Enzo Tonin & Associates and dated 18/10/16.

The report shall include post construction validation test results.

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

72. All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction. Work is to be completed prior to the issue of any Occupation Certificate.

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

73. Street numbers must be clearly displayed at the ground level frontage of the building prior to the issue of an Occupation Certificate. A separate application must be made to Council if new street numbers or a change to street numbers is required.

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

74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Plumbing, building & developing".

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

75. 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.

#### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

76. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus three (3) copies for Council’s endorsement and administration sheet. The following details shall also be submitted:
- a) Evidence that all conditions of Development Consent D/2016/348 have been satisfied.
  - b) Evidence of payment of all relevant fees and contributions.
  - c) The 88B instrument plus six (6) copies.
  - d) A copy of the final Occupation Certificate issued for the development.
  - e) All surveyor’s or engineer’s certification required by the Development Consent.
  - f) A copy of the Section 73 Compliance Certificate issued by Sydney Water.

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

77. A Registered Surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. The certification is to be provided prior to the issue of a Subdivision Certificate.

**ONGOING CONDITIONS OF CONSENT**

78. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwellings without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

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

79. 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.
80. The Operation and Management Plan for the on site detention facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
81. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

**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 to building work or demolition work is being carried out, but must be removed when the work has been completed.

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

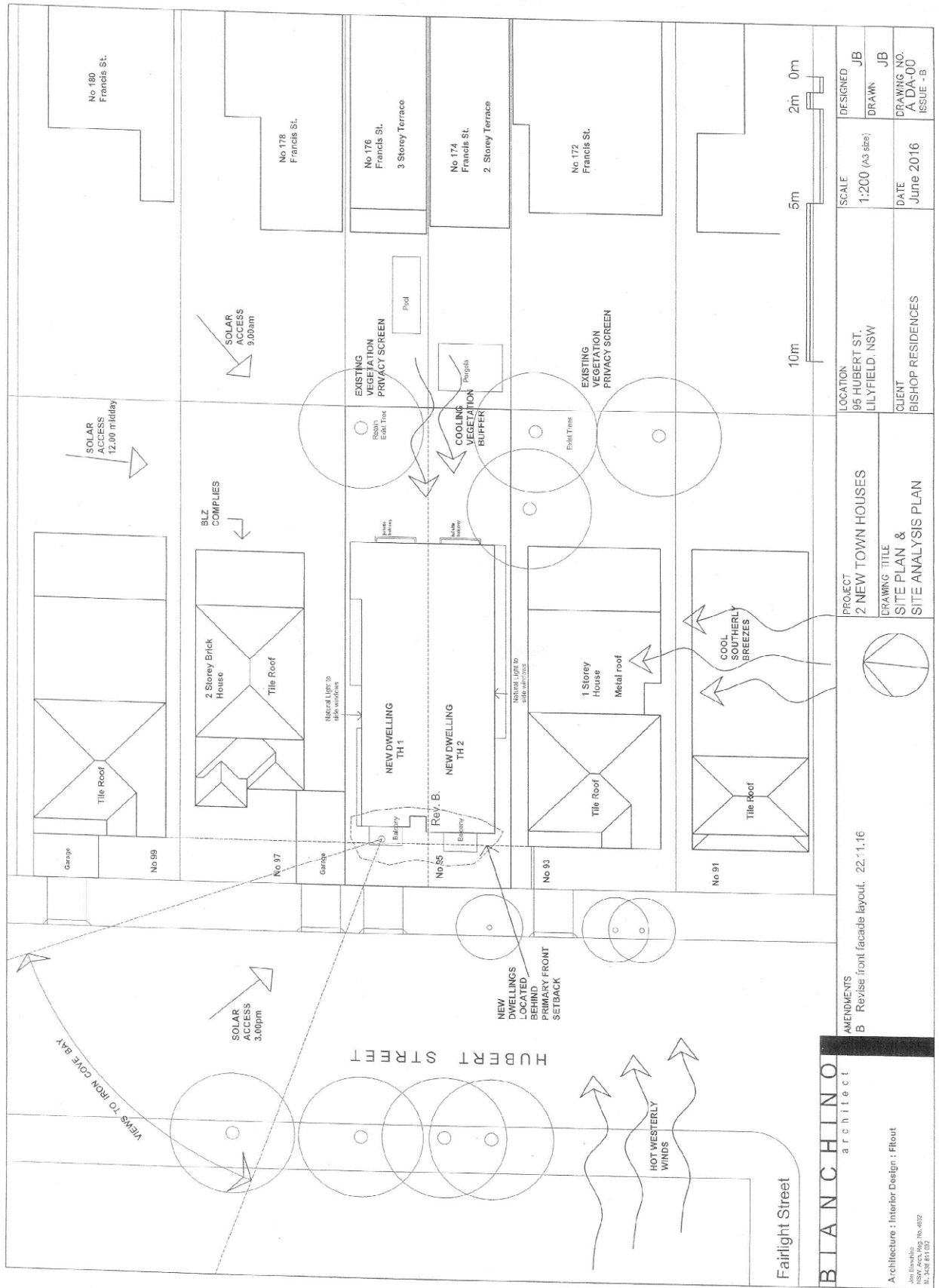
- 1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must,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

**NOTES**

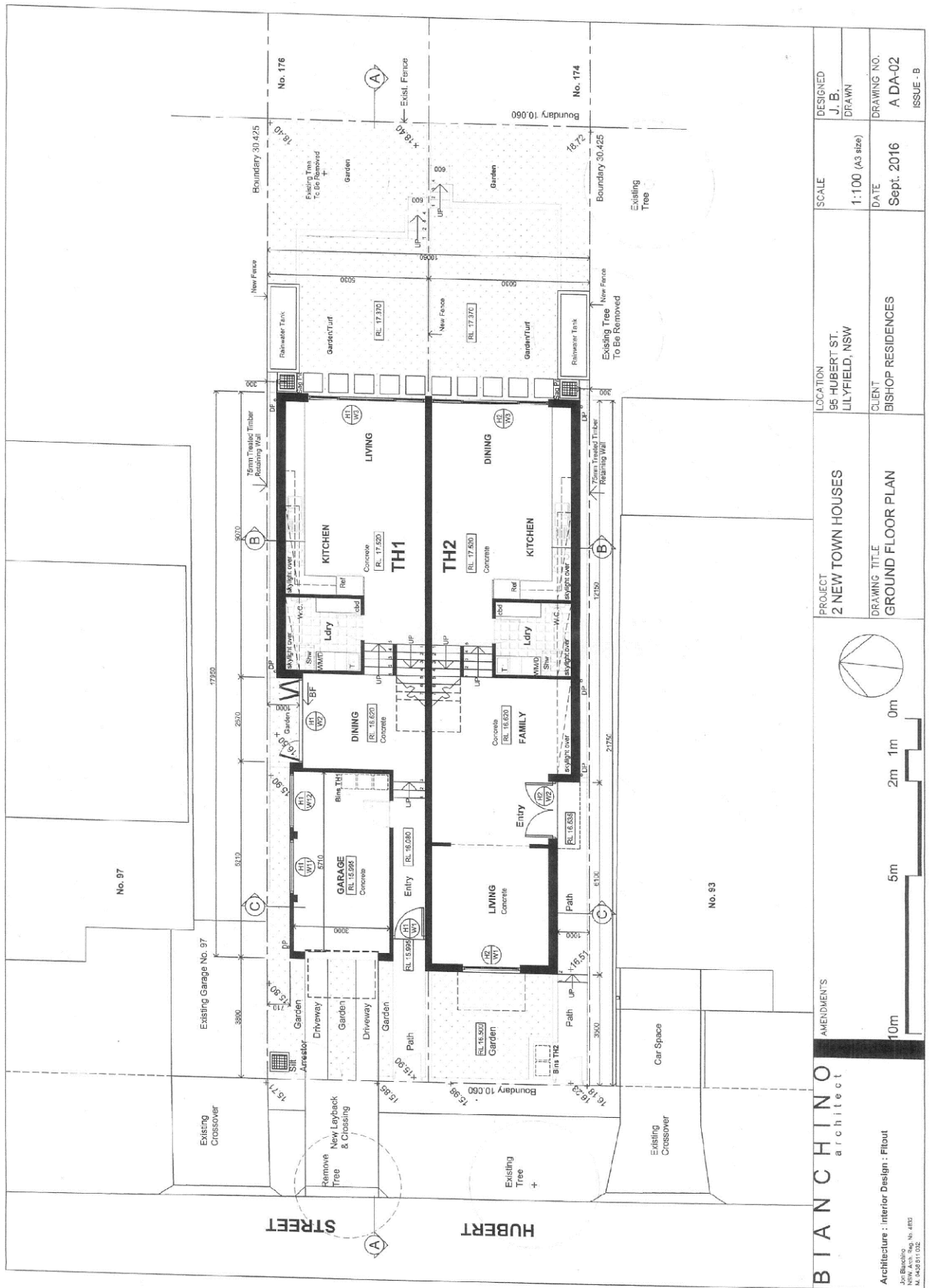
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, 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.

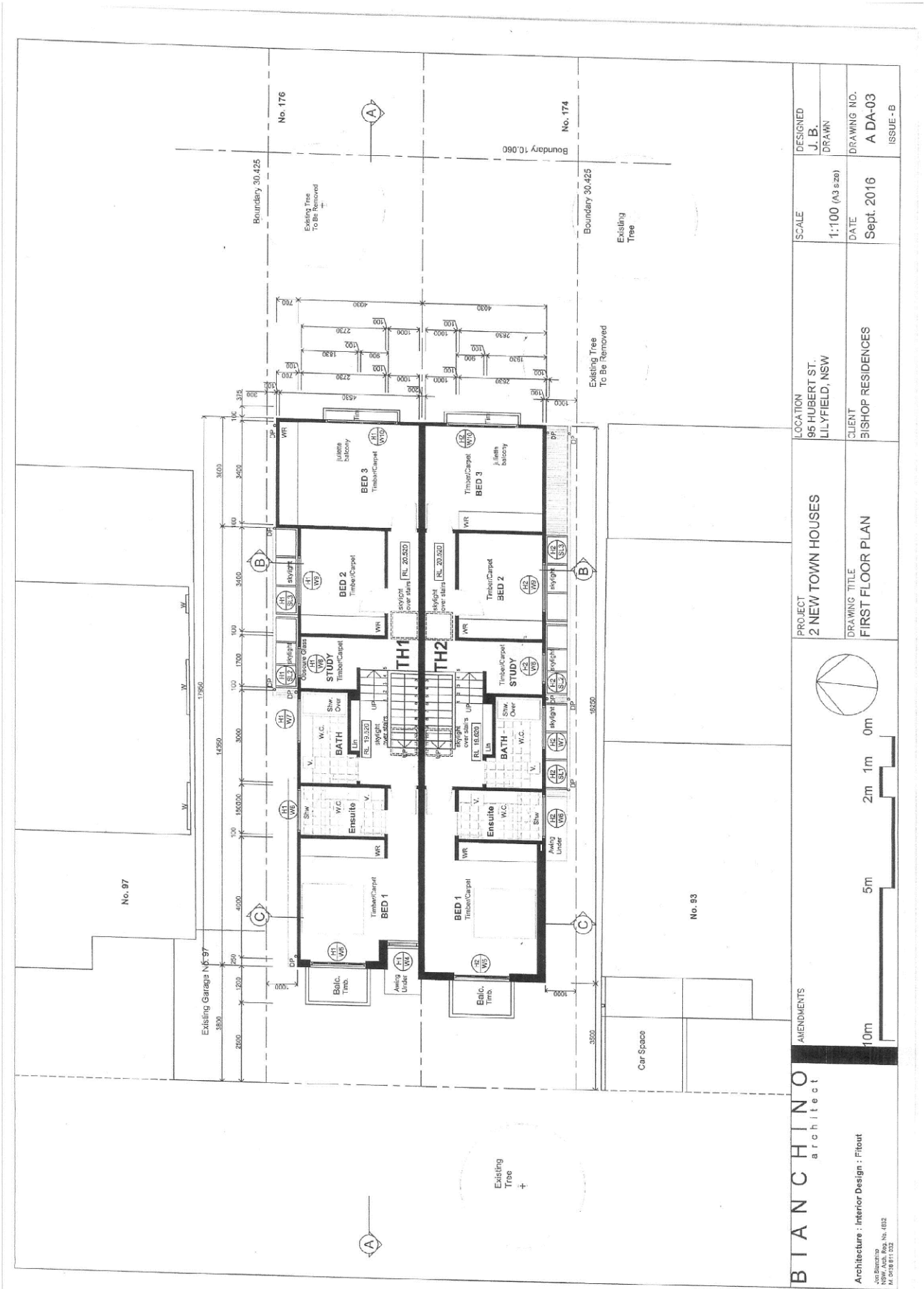
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with 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) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
  - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
  - f) Development Application for demolition if demolition is not approved by this consent.
  - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
  - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development

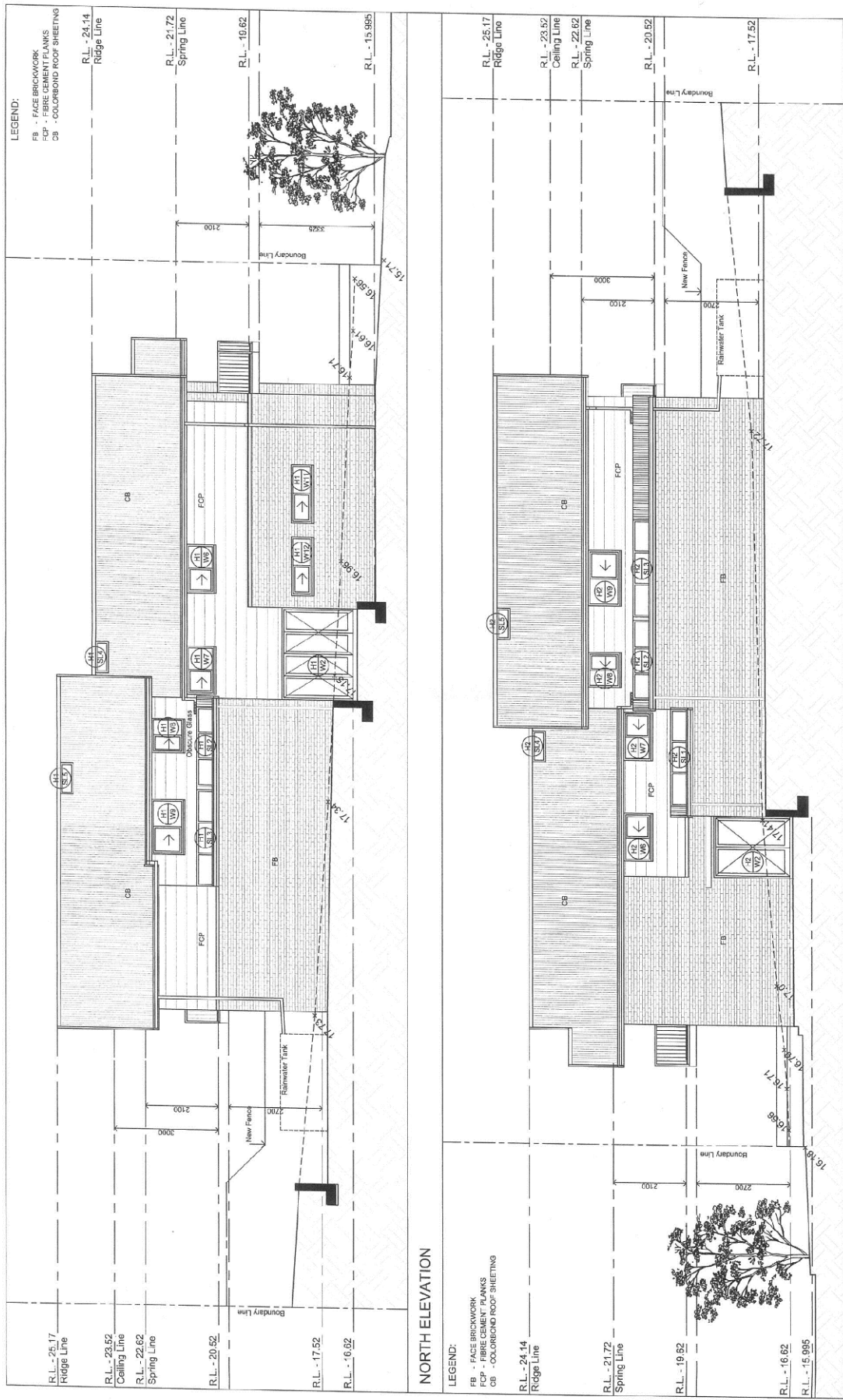




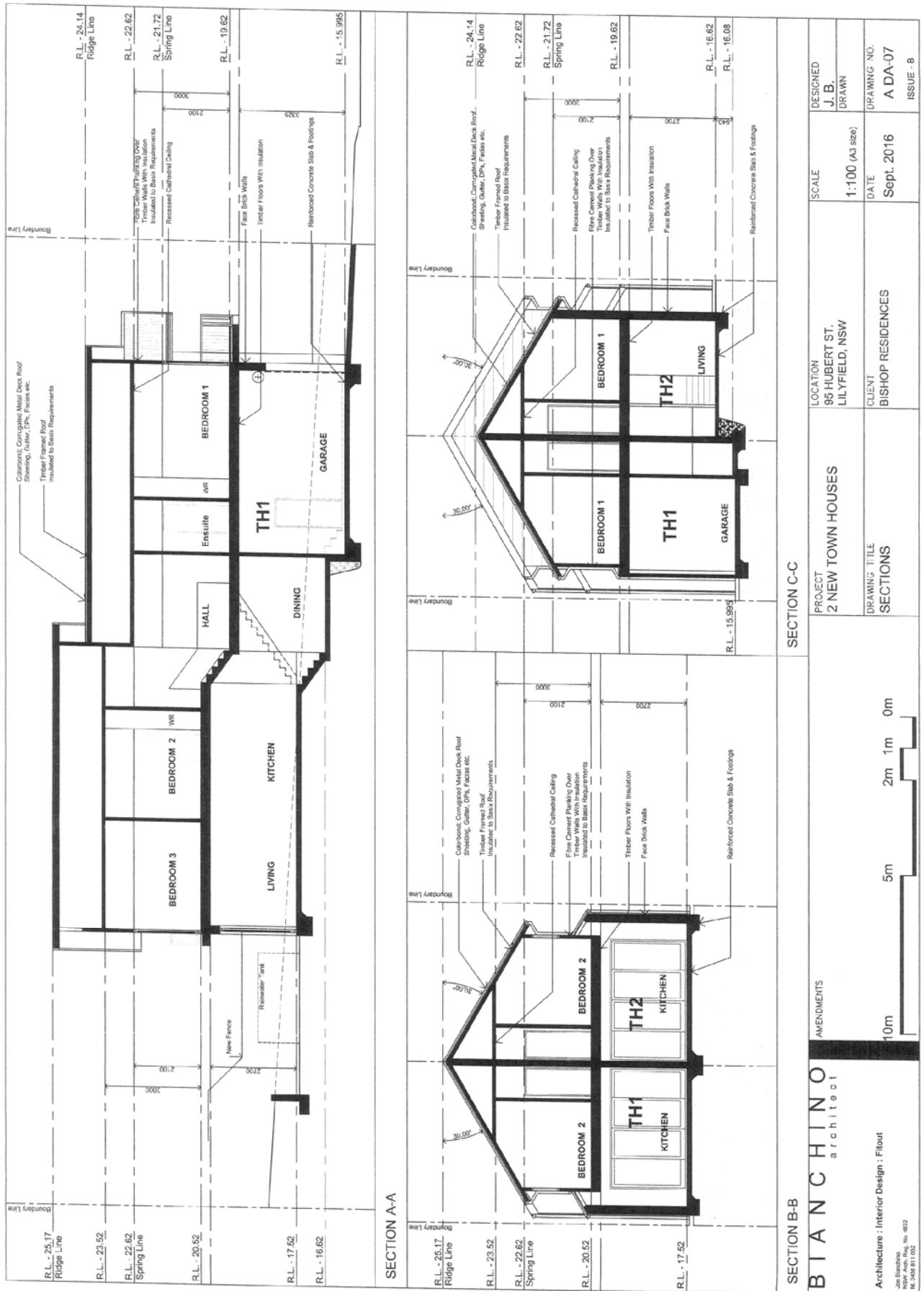




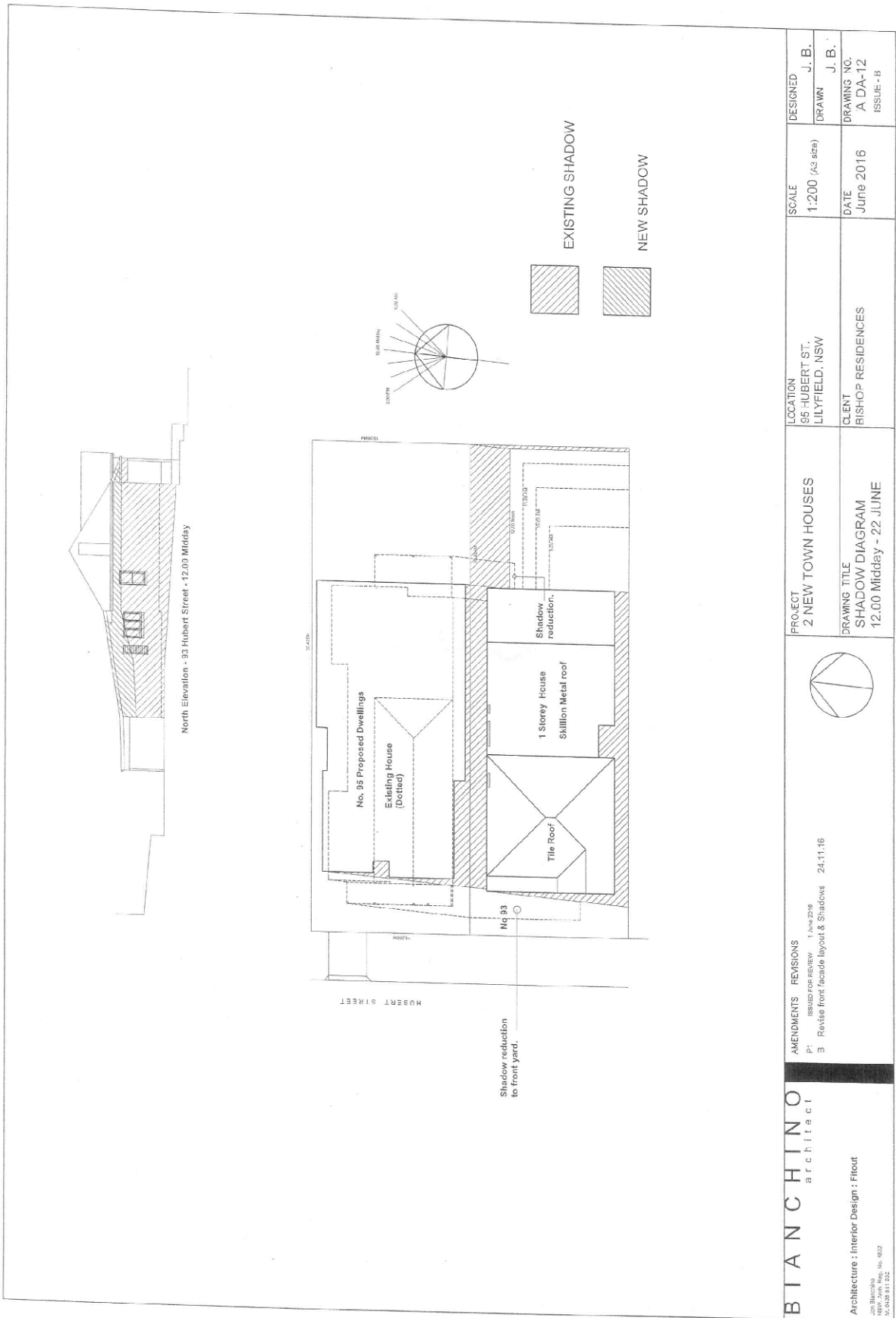
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|--|---|--|---------------------------------|
| <p><b>AMENDMENTS</b></p> <p><b>BIANCHINO</b><br/>architect</p> <p>Architecture : Interior Design : Fitout<br/>                 Jim Bianchino<br/>                 NSW Arch. Reg. No. 1832<br/>                 11/01/2011/12</p> | <p>PROJECT<br/>2 NEW TOWN HOUSES</p>      | <p>LOCATION<br/>95 HUBERT ST.<br/>LILYFIELD, NSW</p> | <p>DESIGNED<br/>J. B.</p>       |
|  | <p>DRAWING TITLE<br/>FIRST FLOOR PLAN</p> | <p>CLIENT<br/>BISHOP RESIDENCES</p>                  | <p>SCALE<br/>1:100 (A3 s26)</p> |
| <p>10m</p> <p>5m</p> <p>2m</p> <p>1m</p> <p>0m</p>   | <p>DRAWING NO.<br/>A DA-03</p>            | <p>DATE<br/>Sept. 2016</p>                           | <p>ISSUE - B</p>                |




|   |  |  |  |   |  |   |  |   |  |
|---|--|--|--|---|--|---|--|---|--|
| <p><b>AMENDMENTS</b></p> <p><b>BIANCHINO</b><br/>architect</p> <p>Architecture : Interior Design : Fitout<br/>                 Northcote No. 403<br/>                 Tel. 9438 81102</p> |  | <p><b>PROJECT</b><br/>2 NEW TOWN HOUSES</p> <p><b>CLIENT</b><br/>BISHOP RESIDENCES</p> |  | <p><b>LOCATION</b><br/>95 HUBERT ST.<br/>LILYFIELD, NSW</p> |  | <p><b>SCALE</b><br/>1:100 (A3 size)</p> |  | <p><b>DESIGNED</b><br/>J. B.</p>        |  |
| <p><b>DRAWING TITLE</b><br/>ELEVATIONS</p>  |  | <p><b>DATE</b><br/>Sept. 2016</p>  |  | <p><b>DRAWING NO.</b><br/>A DA-06</p>                       |  | <p><b>ISSUE</b><br/>- B</p>             |  | <p><b>SCALE</b><br/>10m 5m 2m 1m 0m</p> |  |





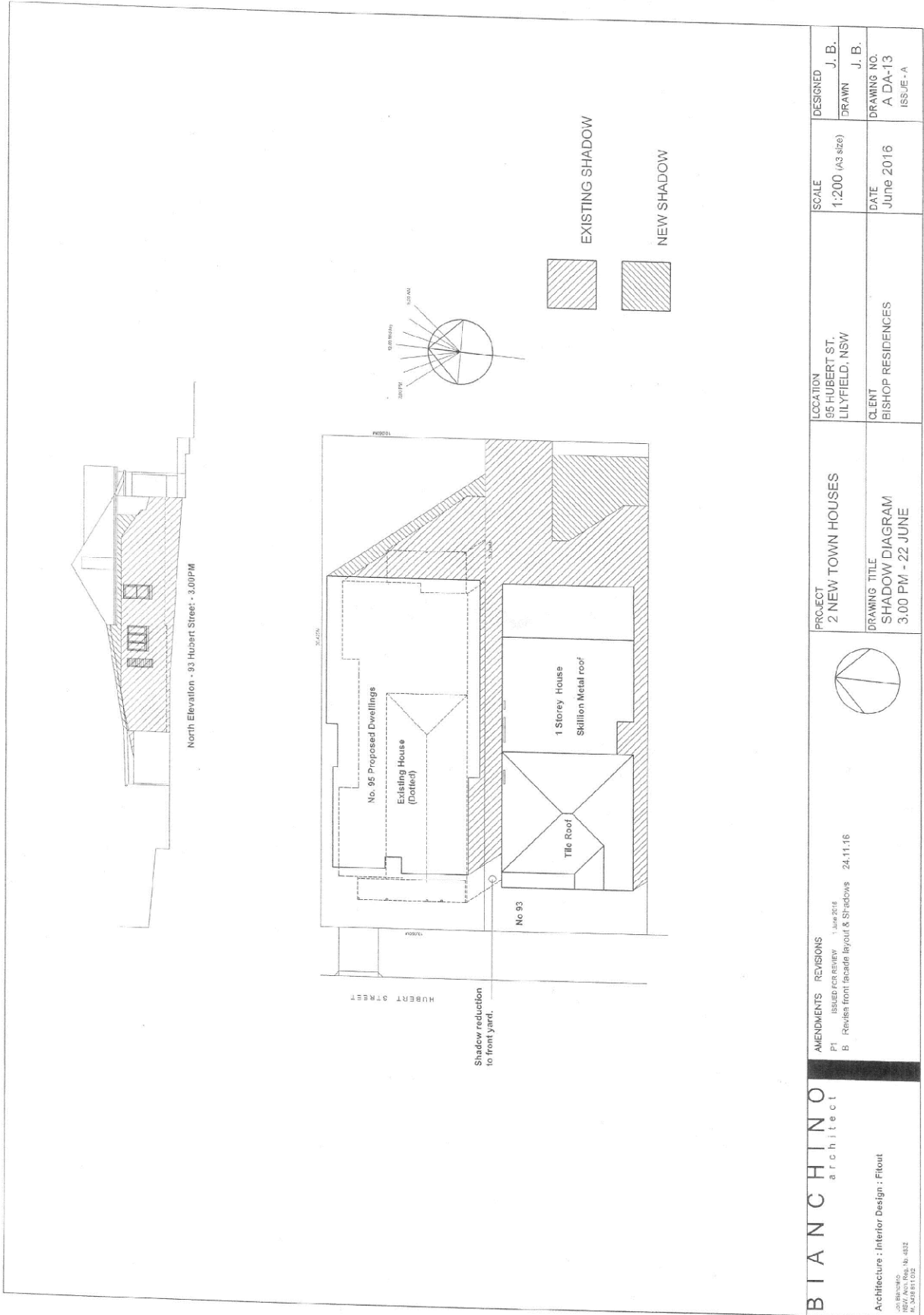


|   |   |  |  |                                 |                          |
|---|---|--|--|---------------------------------|--------------------------|
| <b>AMENDMENTS / REVISIONS</b><br>P1 ISSUED FOR REVIEW 17 June 2016<br>S Revise front facade layout & Shadows 24.11.16 |  | <b>PROJECT</b><br>2 NEW TOWN HOUSES                              | <b>LOCATION</b><br>95 HUBERT ST.,<br>LILLYFIELD, NSW | <b>SCALE</b><br>1:200 (A3 size) | <b>DESIGNED</b><br>J. B. |
|   |   | <b>DRAWING TITLE</b><br>SHADOW DIAGRAM<br>12.00 Midday - 22 JUNE | <b>CLIENT</b><br>BISHOP RESIDENCES                   | <b>DATE</b><br>June 2016        | <b>DRAWN</b><br>J. B.    |

**BIANCHINO**  
 Architects

Architecture : Interior Design : Fitout

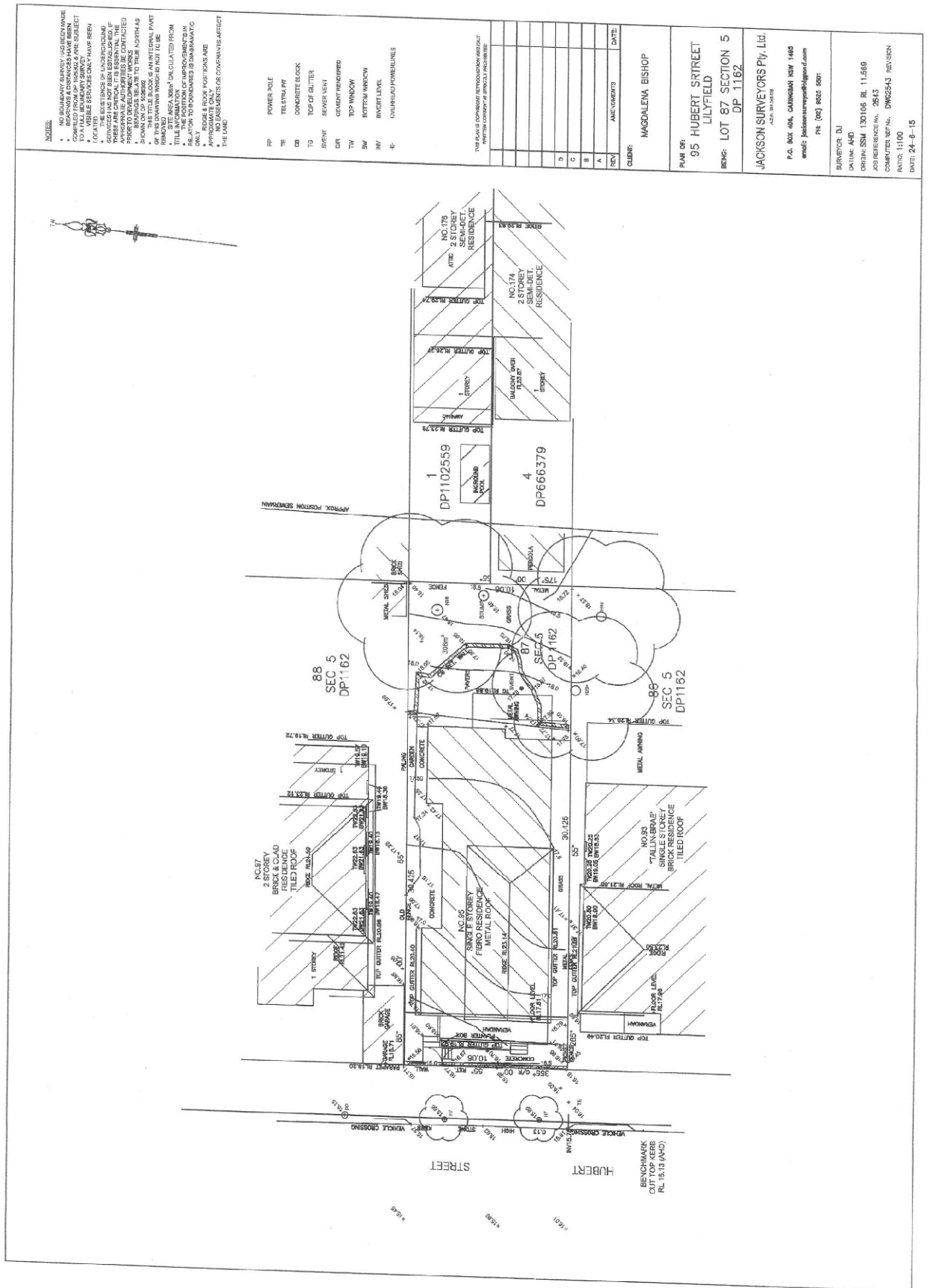
270 Birchgrove, No. 402  
 St. 02 9558 8112



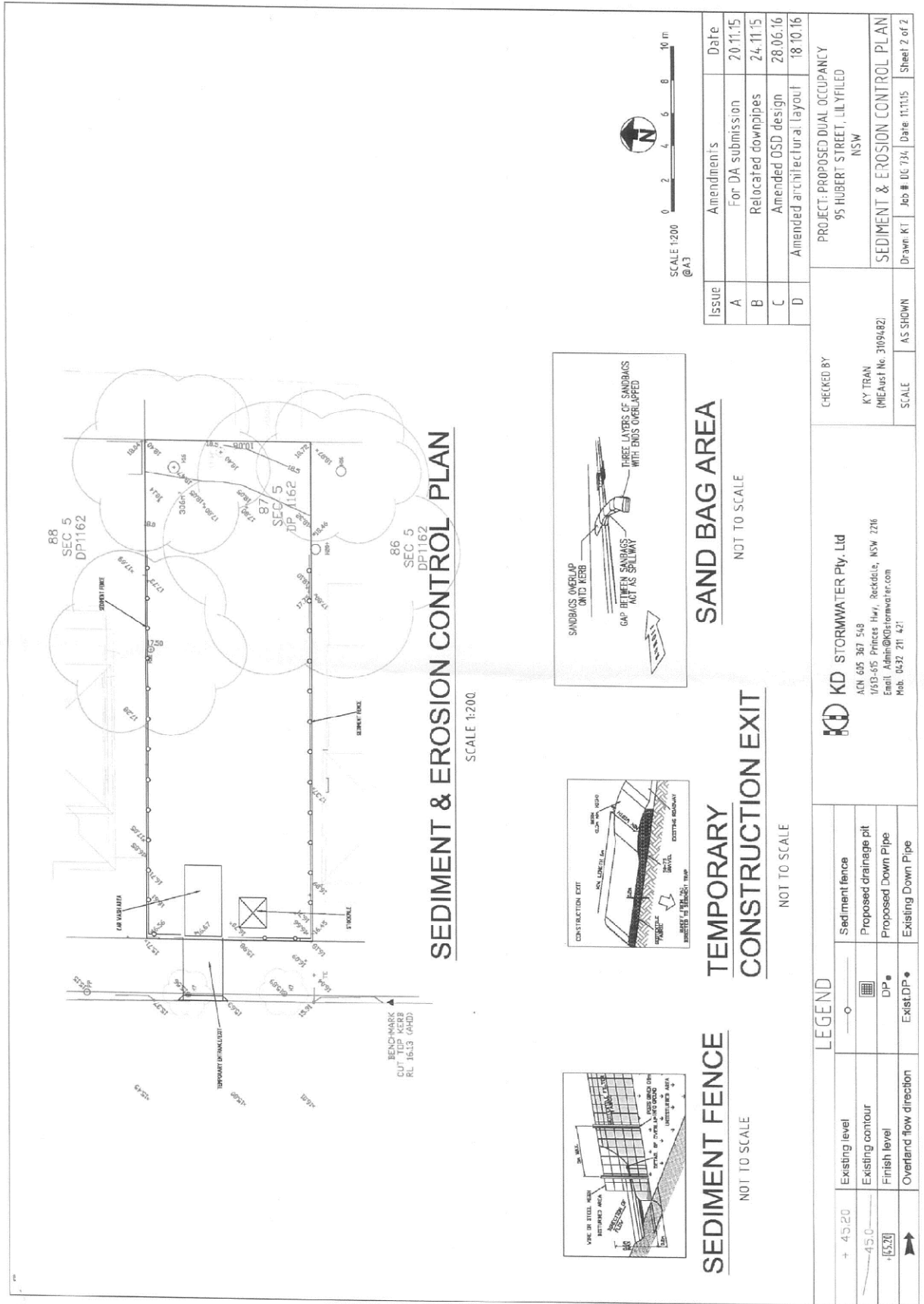
|   |  |  |   |                          |                   |
|---|--|--|---|--------------------------|-------------------|
| <b>AMENDMENTS REVISIONS</b><br>PT ISSUED FOR REVIEW June 2016<br>B Revised front facade layout & shadows 24.11.16 |  | PROJECT<br>2 NEW TOWN HOUSES                         | LOCATION<br>95 HUBERT ST.<br>LILYFIELD, NSW | SCALE<br>1:200 (A3 size) | DESIGNED<br>J. B. |
|   |  | DRAWING TITLE<br>SHADOW DIAGRAM<br>3.00 PM - 22 JUNE | CLIENT<br>BISHOP RESIDENCES                 | DATE<br>June 2016        | DRAWN<br>J. B.    |
| BIANCHINO<br>architect  |  |  |   | ISSUE-A                  |                   |
| Architecture : Interior Design : Fitout<br>1/11 BIRCHWOOD RD, WILSONS PROMENADE, NSW 1570<br>PH: 9438 8112        |  |  |   |                          |                   |

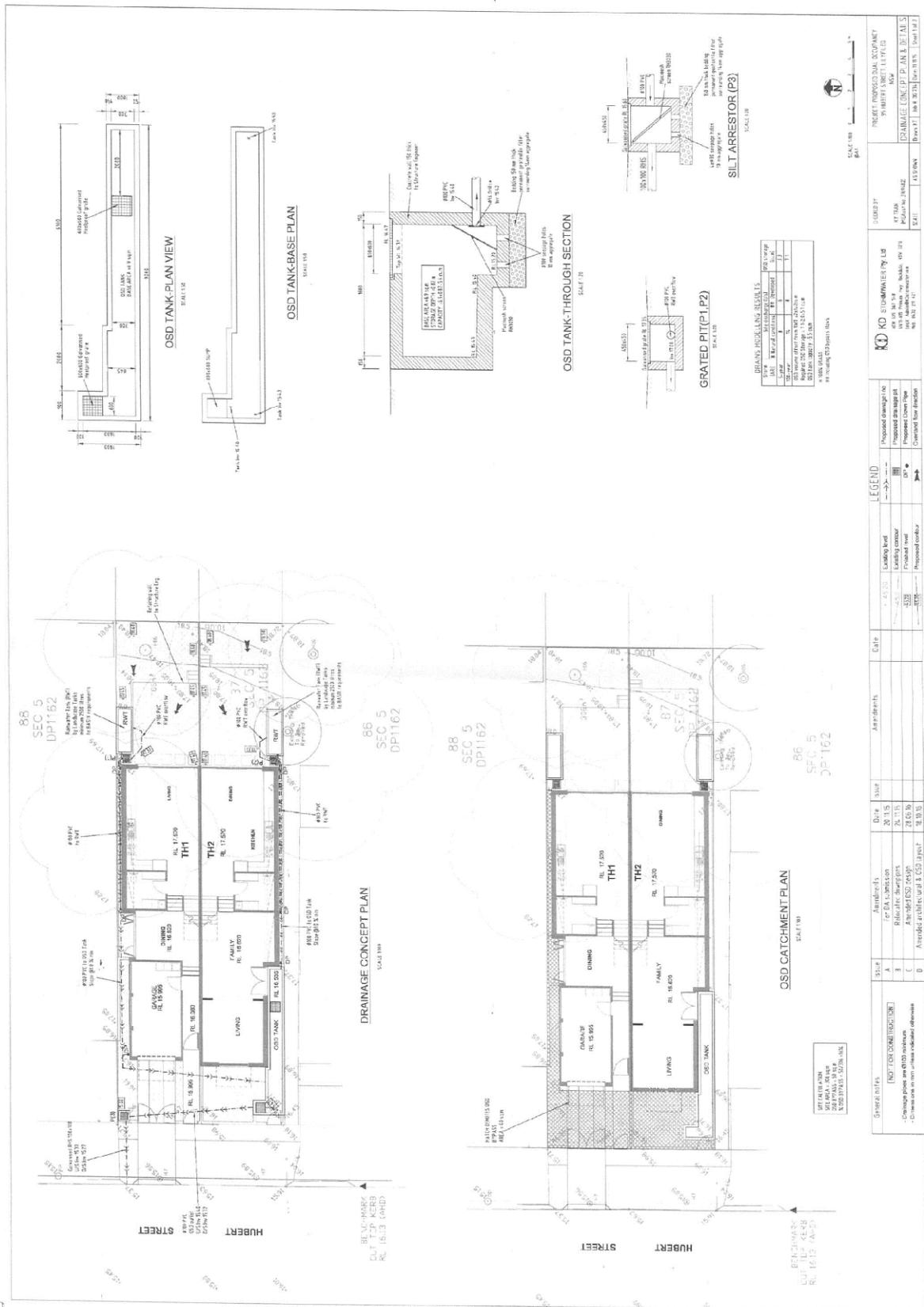












**BRANS TESTING RESULTS**

| Test   | Result | Pass/Fail |
|--------|--------|-----------|
| 1.000  | 1.000  | Pass      |
| 2.000  | 2.000  | Pass      |
| 3.000  | 3.000  | Pass      |
| 4.000  | 4.000  | Pass      |
| 5.000  | 5.000  | Pass      |
| 6.000  | 6.000  | Pass      |
| 7.000  | 7.000  | Pass      |
| 8.000  | 8.000  | Pass      |
| 9.000  | 9.000  | Pass      |
| 10.000 | 10.000 | Pass      |

As per AS/NZS 4455.1:2015

**LEGEND**

| Symbol  | Description            |
|---------|------------------------|
| --->--- | Proposed drainage line |
| ---     | Proposed drainage pit  |
| ---     | Proposed cover type    |
| ---     | Checked floor fraction |

**PROPOSED DRAINAGE RESULTS**

| Item   | Proposed drainage line | Proposed drainage pit | Proposed cover type | Checked floor fraction |
|--------|------------------------|-----------------------|---------------------|------------------------|
| 1.000  | ---                    | ---                   | ---                 | ---                    |
| 2.000  | ---                    | ---                   | ---                 | ---                    |
| 3.000  | ---                    | ---                   | ---                 | ---                    |
| 4.000  | ---                    | ---                   | ---                 | ---                    |
| 5.000  | ---                    | ---                   | ---                 | ---                    |
| 6.000  | ---                    | ---                   | ---                 | ---                    |
| 7.000  | ---                    | ---                   | ---                 | ---                    |
| 8.000  | ---                    | ---                   | ---                 | ---                    |
| 9.000  | ---                    | ---                   | ---                 | ---                    |
| 10.000 | ---                    | ---                   | ---                 | ---                    |

**PROPOSED DRAINAGE RESULTS**

| Item   | Proposed drainage line | Proposed drainage pit | Proposed cover type | Checked floor fraction |
|--------|------------------------|-----------------------|---------------------|------------------------|
| 1.000  | ---                    | ---                   | ---                 | ---                    |
| 2.000  | ---                    | ---                   | ---                 | ---                    |
| 3.000  | ---                    | ---                   | ---                 | ---                    |
| 4.000  | ---                    | ---                   | ---                 | ---                    |
| 5.000  | ---                    | ---                   | ---                 | ---                    |
| 6.000  | ---                    | ---                   | ---                 | ---                    |
| 7.000  | ---                    | ---                   | ---                 | ---                    |
| 8.000  | ---                    | ---                   | ---                 | ---                    |
| 9.000  | ---                    | ---                   | ---                 | ---                    |
| 10.000 | ---                    | ---                   | ---                 | ---                    |

**PROPOSED DRAINAGE RESULTS**

| Item   | Proposed drainage line | Proposed drainage pit | Proposed cover type | Checked floor fraction |
|--------|------------------------|-----------------------|---------------------|------------------------|
| 1.000  | ---                    | ---                   | ---                 | ---                    |
| 2.000  | ---                    | ---                   | ---                 | ---                    |
| 3.000  | ---                    | ---                   | ---                 | ---                    |
| 4.000  | ---                    | ---                   | ---                 | ---                    |
| 5.000  | ---                    | ---                   | ---                 | ---                    |
| 6.000  | ---                    | ---                   | ---                 | ---                    |
| 7.000  | ---                    | ---                   | ---                 | ---                    |
| 8.000  | ---                    | ---                   | ---                 | ---                    |
| 9.000  | ---                    | ---                   | ---                 | ---                    |
| 10.000 | ---                    | ---                   | ---                 | ---                    |

**PROPOSED DRAINAGE RESULTS**

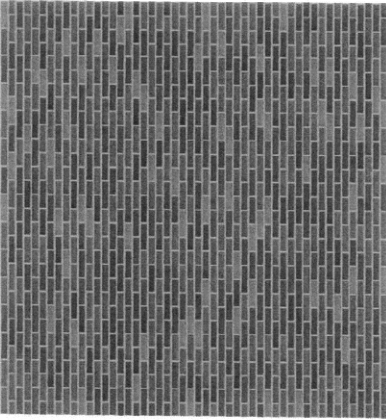
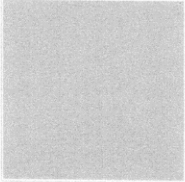
| Item   | Proposed drainage line | Proposed drainage pit | Proposed cover type | Checked floor fraction |
|--------|------------------------|-----------------------|---------------------|------------------------|
| 1.000  | ---                    | ---                   | ---                 | ---                    |
| 2.000  | ---                    | ---                   | ---                 | ---                    |
| 3.000  | ---                    | ---                   | ---                 | ---                    |
| 4.000  | ---                    | ---                   | ---                 | ---                    |
| 5.000  | ---                    | ---                   | ---                 | ---                    |
| 6.000  | ---                    | ---                   | ---                 | ---                    |
| 7.000  | ---                    | ---                   | ---                 | ---                    |
| 8.000  | ---                    | ---                   | ---                 | ---                    |
| 9.000  | ---                    | ---                   | ---                 | ---                    |
| 10.000 | ---                    | ---                   | ---                 | ---                    |


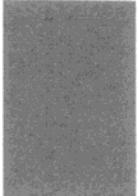
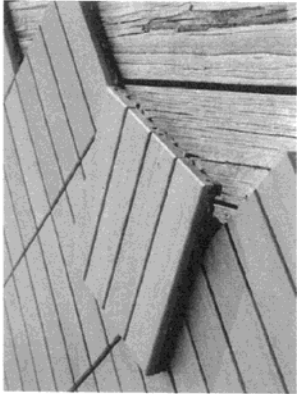
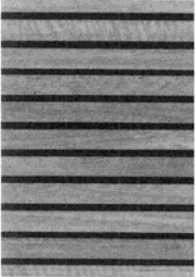
**PROPOSED DRAINAGE RESULTS**

| Item   | Proposed drainage line | Proposed drainage pit | Proposed cover type | Checked floor fraction |
|--------|------------------------|-----------------------|---------------------|------------------------|
| 1.000  | ---                    | ---                   | ---                 | ---                    |
| 2.000  | ---                    | ---                   | ---                 | ---                    |
| 3.000  | ---                    | ---                   | ---                 | ---                    |
| 4.000  | ---                    | ---                   | ---                 | ---                    |
| 5.000  | ---                    | ---                   | ---                 | ---                    |
| 6.000  | ---                    | ---                   | ---                 | ---                    |
| 7.000  | ---                    | ---                   | ---                 | ---                    |
| 8.000  | ---                    | ---                   | ---                 | ---                    |
| 9.000  | ---                    | ---                   | ---                 | ---                    |
| 10.000 | ---                    | ---                   | ---                 | ---                    |

**PROPOSED DRAINAGE RESULTS**

| Item   | Proposed drainage line | Proposed drainage pit | Proposed cover type | Checked floor fraction |
|--------|------------------------|-----------------------|---------------------|------------------------|
| 1.000  | ---                    | ---                   | ---                 | ---                    |
| 2.000  | ---                    | ---                   | ---                 | ---                    |
| 3.000  | ---                    | ---                   | ---                 | ---                    |
| 4.000  | ---                    | ---                   | ---                 | ---                    |
| 5.000  | ---                    | ---                   | ---                 | ---                    |
| 6.000  | ---                    | ---                   | ---                 | ---                    |
| 7.000  | ---                    | ---                   | ---                 | ---                    |
| 8.000  | ---                    | ---                   | ---                 | ---                    |
| 9.000  | ---                    | ---                   | ---                 | ---                    |
| 10.000 | ---                    | ---                   | ---                 | ---                    |

| <p><b>BISHOP</b></p> <p><b>PROPOSED TOWNHOUSES</b><br/>                 95 HUBERT STREET<br/>                 LILYFIELD NSW</p> |   |
|---|---|
| <p><b>SCHEDULE OF EXTERNAL FINISHES</b><br/>                 Dated : 8 July 2016<br/>                 Issue : A</p>             |   |
| LOCATION  | DESCRIPTION   |
| <b>BUILDING EXTERIOR</b>  |   |
| Brick Walls _ FB.<br>Front Fence.   | Face Brickwork. Cavity : Stretcher bond pattern.<br>Supplier : Bowral Bricks. Colour : "Charcoal"<br>  |
| Wall Cladding Fibre<br>Cement _ FCP   | Compressed Fibre Cement Panels with recessed shadowed joints.<br>Infill areas above windows, external stud walls.<br>Paint Finish: "Dove Grey".<br> |

|  |   |
|--|---|
| <p>Entry Pathways and Driveway.</p>                    | <p>Paving Brick _ Boral – “Hydrapave”</p>   |
| <p>Window Frames.<br/>External Steel Balustrading.</p> | <p>Window Frames – Aluminium, Anodised Finish – “Satin Slate Grey”.<br/>Steel Balustrading – Powdercoated – “Satin Slate Grey”</p>  |
| <p>Balcony Floor Panels.</p>                           | <p>Timber Tiles _ Timber modules / or re-engineered timber.</p>    |
| <p>Verandah Soffits.<br/>Front Fence and gates.</p>    | <p>Timber _ Turpentine Hardwood or similar. Clear finish.</p>   |