



DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2024/0034
Address	80-82 Ramsay Street HABERFIELD
Proposal	Demolition of existing structures and construction of a 3-storey shop top housing development including ground level commercial tenancy, car parking and 6 apartments on the upper levels.
Date of Lodgement	24 January 2024
Applicant	O2 Architecture Pty Ltd
Owner	Salvatore Papa Pty Ltd
Number of Submissions	12 (9 in support)
Cost of works	\$3,969,937.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10% (FSR)
Main Issues	Contamination, FSR variation, urban design, heritage conservation, and insufficient information
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Conditions in the event of approval
Attachment C	Plans of proposed development
Attachment D	Section 4.6 Exception to Development Standards
Attachment E	Architectural Excellence and Design Review Panel Minutes



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, none of the objectors or supporters could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of existing structures and construction of a three storey shop top housing development including ground level commercial tenancy, car parking and 6 apartments on the upper levels at 80-82 Ramsay Street, Haberfield.

The application was notified to surrounding properties and 12 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Potential land contamination;
- Variation to the FSR development standard;
- Unsatisfactory heritage and urban design outcomes;
- Internal amenity for the residential units; and
- Insufficient information provided to confirm vehicular access/parking for the proposal.

Having regard to the above the application is recommended for refusal.

2. Proposal

The proposal seeks consent for the demolition of the existing two storey building and detached garage for the construction of a three storey shop top housing development with 6 residential dwellings and commercial space at the ground floor. Specifically the works are as follows:

- Tree removal from rear yard of adjoining property at 84 Ramsay Street.
- Demolition of the existing two storey building and detached garage.
- Construction and use of a three storey building comprising of six apartments including:
 - Ground floor to comprise of commercial space, residential entry, accessible bathroom, car parking for 6 spaces, loading bay, waste and recycling storage areas;
 - Level one to comprise of 2 x 1 bedroom dwellings and 2 x 2 bedroom dwellings;
 - Level two to comprise of 2 x 3 bedroom dwellings; and
 - Public domain works including the construction of street awning.

3. Site Description

The subject site is located on the western side of Ramsay Street, between Dalhousie Street and St Davids Road. The site consists of a single allotment and is generally rectangular in shape with a total area of 556.4sqm and is legally described as Lot 1 in DP 932360.

The site has a frontage to Ramsay Street of 15.24 metres with rear access via an unnamed laneway of 15.24 metres. The site supports a two storey commercial building and detached garage at the rear.

The adjoining properties support two storey commercial buildings, noting that 78 Ramsay Street has a window located on its north-western side boundary (this has not been depicted on the plans provided with the application). The property is located within the Haberfield Conservation Area.

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

- Leyland Cypress (*Cupressus leylandii*) located adjacent to the northern boundary within 84 Ramsay Street.

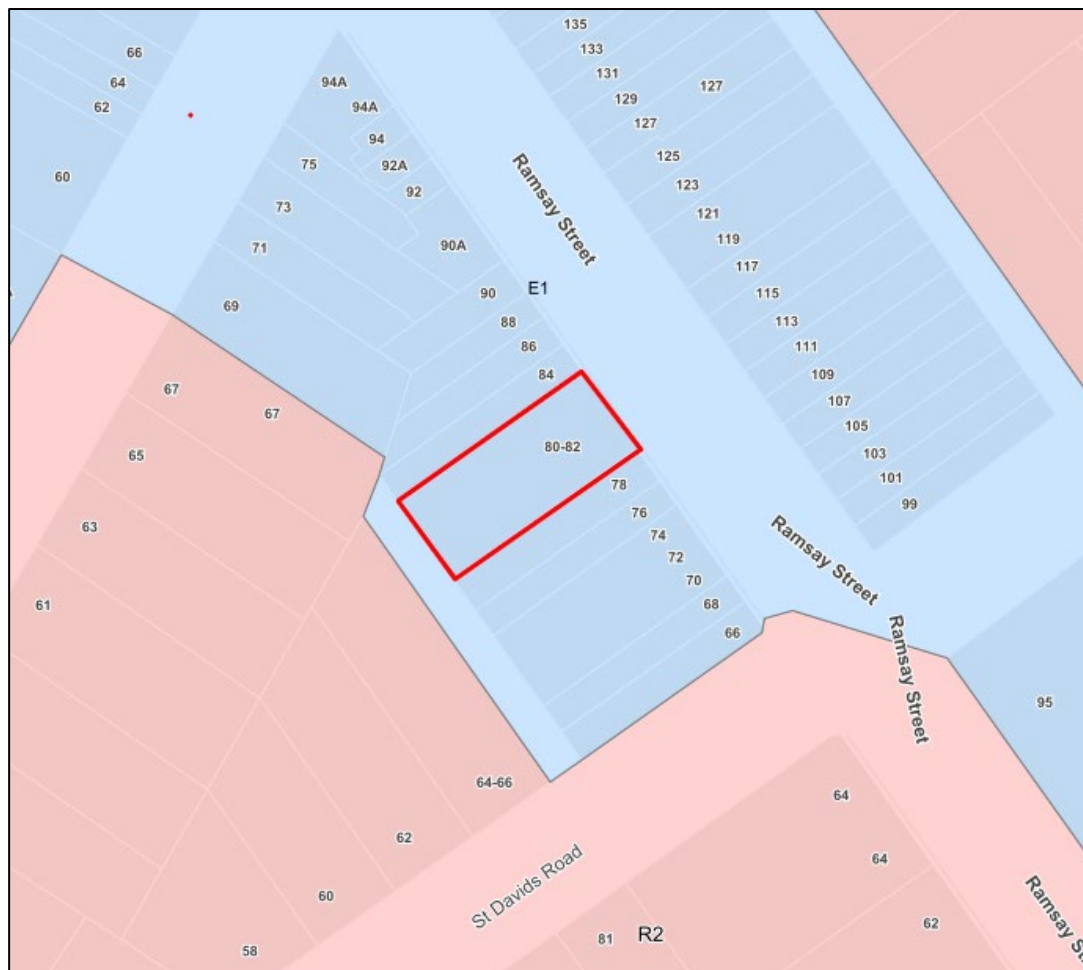


Figure 2: Zoning Map of the subject site (highlighted red).

4. Background

Site history

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

Subject Site

Application	Proposal	Decision & Date
DA/2023/0165	Demolition of existing structures and construction of a 3-storey shop top housing development including ground level commercial tenancy, car parking and 8 apartments on the upper levels	Withdrawn, 9/10/2023

Surrounding properties

Not applicable

Application history

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

Date	Discussion / Letter / Additional Information
24 January 2024	Application lodged
5 February 2024	Email Request for Further Information raising the following matter: <ul style="list-style-type: none"> • Potential land contamination
14 February – 6 March 2024	Application notified
12 March 2024	AEDRP meeting held
18 June 2024	In person meeting held between Council and the applicant to discuss the proposal.
26 June 2024	Request for Further Information letter issued raising the following matters: <ul style="list-style-type: none"> • FSR variation • Built form and design • Streetscape presentation • Contamination • Parking and Loading • Waste Management • General matters
6 August 2024	In person meeting held between Council and the applicant to discuss the proposal.
2 September 2024	The following new or revised information was submitted: <ul style="list-style-type: none"> • Revised architectural plans • Cover letter noting a number of outstanding matters will be updated if the current scheme is acceptable.

10 2024	September	<p>Council advised the applicant via phone call and email that the response to the RFI did not address some of the significant issues raised in the RFI letter.</p> <p>Given that the amended plans were not supported in principle and would require renotification/re-referrals (which had not yet occurred), including additional fees, Council advised the applicant that the amended plans were rejected in accordance with Section 37(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> and the application will be determined based on the originally submitted plans.</p>
8 2024	November	<p>At the time of writing this report, no response from the applicant was received. As such, the application is recommended for refusal.</p> <p>The originally submitted plans are the subject of this assessment report.</p>

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP & A Act 1979)*.

Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In considering the above, the site has a commercial history and is changing to a more sensitive land use, being residential accommodation. As such, a minimum Phase 1 Contamination Report was requested as part of the DA.

In consideration of Section 4.6(2) the applicant has not provided a preliminary site investigation report. On that basis, the consent authority cannot be satisfied that the land will be suitable for the proposed use or that the land is not required to be remediated. As such, the application is unable to be supported having regard to the Resilience and Hazards SEPP.

SEPP (Housing) 2021

Chapter 4 Design of residential apartment development

Chapter 4 requires the consent authority to consider any comments from design review panels, the design principles set out in Schedule 9 and the Apartment Design Guide (ADG).

The application was considered by Council's Architectural Excellence Design Review Panel (AEDRP) on 12 March 2024. The Panel were generally not supportive of the proposed development, and raised the following matters/recommendations:

- A reduction in GFA and likely unit yield to reduce the quantum of non-compliances and improve residential amenity.
- Façade treatment to improve presentation to the streetscape including material selections, and height of parapets.
- Internal and external reconfiguration to improve internal amenity to the dwellings and lobbies.
- Acoustic and visual privacy impacts between apartments and with neighbouring properties.
- Solar access and sustainability improvements to the dwellings and building; and
- Inclusion of deep soil planting areas.

Attachment E of this report contains the AEDRP meeting minutes and recommendations.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the ADG, how the objectives in Parts 3 and 4 of the guide have been achieved.

In accordance with Section 149 of the *Housing SEPP* certain provisions for residential apartment development contained within the CIWDPC 2016 have no effect if the ADG also specifies provisions to the same matter.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9.00am and 3.00pm on 21 June (mid-winter).

Comment: The development does not comply with the ADG requirement with respect to this matter as no communal open space (COS) is proposed. Notwithstanding, given the scale of the development and that the site is located within a E1 zone with an existing dense urban form, the development is considered acceptable with respect to the objectives of this Part of the ADG as follows:

- All apartments are afforded private open space areas (POS) that are in excess of the minimum requirements under the ADG;
- The subject site is well located to nearby areas of public open space, including the Hawthorne Canal and connections to the Greenway and Bay Run;
- The development is small in scale, containing only six units and as such it is considered that the demand for communal open space is low.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Deep Soil Zone (% of site area)
Less than 650sqm	7% (39sqm)

Comment: The development does not comply with the ADG requirement with respect to this matter, as no deep soil zones are proposed. Notwithstanding, this outcome is considered satisfactory in this instance given the following:

- The site is located within an E1 Local Centre zone and is suited to nil setback to the side boundaries, with vehicle access/loading at ground level at the rear. As such, given the site context and desired built form, the lack of provision a deep soil zone is considered acceptable in this instance.
- A landscape plan has been prepared and demonstrates a suitable planting outcome for the on-structure areas.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Room Types	Minimum Separation
<i>Up to 12 metres (4 storeys)</i>	
Habitable rooms and balconies	6m
Non-habitable rooms	3m

Comment:*Side setbacks – north-western and south-eastern boundaries*

The proposal is within a commercial setting and the ADG outlines when considering building separation that *'no building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres'*.

A nil setback is proposed to the north-western side elevation of the development at all floors with the exception of a centrally located void at the second floor, this void is located directly above the first-floor balconies of unit 1 and 3. This centrally located void is setback 3.8m from the north-western side boundary and services the only bedroom windows to units 1 and 2, and 5 and 6.

Similarly, the development proposes a nil setback for the full length of the south-eastern side elevation of the development at all floors with the exception of a centrally located void at the second floor, this void is located directly above the first-floor services terrace area. This centrally located void is setback 2.1m from the south-eastern side boundary and services a window to the lobby area adjacent to the lift.

The proposed development does not satisfy the relevant objectives of the ADG and is not considered acceptable for the following reasons:

- The proposed side setbacks, namely the centrally located voids to both side elevations which contain windows to habitable rooms. The ADG recommends 12m between habitable rooms, thereby each site providing a 6m setback to the side boundary. In this regard, the design is relying on 'borrowed' amenity from the respective adjoining properties resulting in a poor outcome for the occupants of the affected dwellings if/when development is undertaken on the neighbouring sites.
- The proposed extent of the nil side setbacks are inconsistent with the established setback character of the streetscape and zone which is characterised by nil setbacks to the front portion of buildings, with pairs of rear wings providing a setback to one side, or newer additions which orientate to the rear.
- The first-floor services terrace area for services which are located in close proximity to the boundary window at 78 Ramsay Street, resulting in acoustic amenity impacts to the adjoining property.

Rear setback

The site is in a E1 Local Centre land use zone with R2 Low Density zoned land located to the south-west. Therefore, in accordance with the provisions under this part *"at the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m"*. However, there is an approximately 6m wide laneway to the rear of the site that can act as a buffer between zones. Whilst the design guidance of the ADG explicitly states that the setback distance is to be measured from the

boundaries of the site rather than the location of the closest affected building within the neighbouring lower density zone, it is considered the rear building separation is acceptable.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The proposed development does not satisfy the relevant objectives of the ADG and is not considered acceptable for the following reasons:

- Insufficient information has been provided with the application to determine whether the proposal complies with the solar and daylight access requirements in accordance with the ADG. Further, solar access to units 1 and 2 living areas are considered unlikely to achieve the requirements of the ADG.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: Whilst 83% (5 of 6 apartments) provide for natural cross ventilation, 3 of these units (units 1, 2 and 3) rely on windows to voids which borrow amenity from the neighbouring sites. This is contrary to Objective 4B - *Light wells are not the primary air source for habitable rooms*, and as such are not considered appropriate.

Given the reasons outlined in visual privacy/building separation, the proposed development does not satisfy the relevant objectives of the ADG and is not considered acceptable.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7m
Non-Habitable	2.4m
Located in a mixed-use area	3.3m

Comment: A minimum of 3.3m floor to ceiling height are proposed at the ground floor with 2.7m floor to ceiling heights are proposed for all other levels in compliance with the ADG provisions.

Apartment Size and Layout

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
1 bedroom	50sqm
2 bedroom	70sqm
3 bedroom	90sqm

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.

In addition to the above, the ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining, and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of 4 metres for 2 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The apartment sizes, dimensions and floor to ceiling heights comply with the provisions of this part. Notwithstanding, some apartment layouts do not maximise functionality and amenity. In accordance with the design guidance under Objective 4D - *All living areas and bedrooms should be located on the external face of the building*, and in this regard, apartment 3 and 6 kitchen areas are centrally located limiting daylight and environmental performance.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
1 bedroom	8sqm	2m
2 bedroom	10sqm	2m
3 bedroom	12sqm	2.4m

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metre.

Comment: The development complies with the above requirement.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
1 bedroom apartments	6m ³
2 bedroom apartments	8m ³
3 bedroom apartments	10m ³

Note: At least 50% of the required storage is to be located within the apartment.

Comment: The proposed development does not satisfy the relevant objectives of the ADG and is not considered acceptable for the following reasons:

- Units 3, 5 and 6 do not provide adequate storage size volumes in accessible areas within the dwelling, this being not in a bedroom, in compliance with the numerical requirements of the ADG.

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application in compliance with the *EP & A Regulation 2021*.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Chapter C Part 4 of the CIWDPC 2016.

The application seeks the removal of Leyland Cypress (*Cupressus leylandii*) from within the adjacent property to the north-west at 84 Ramsay Street. It is noted that consent from the adjoining property owner has been provided.

An assessment of the proposal against the abovementioned provisions has identified the following:

- The tree was noted in good health and condition and is visible from various points in the rear laneway. The works proposed will adversely impact on the tree and its removal is required to facilitate the development.

Overall, the proposal is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Chapter C Part 4 of the CIWDCP 2016 subject to the imposition of conditions requiring replacement tree planting.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The proposal is inconsistent with the following aims of the plan:</p> <ul style="list-style-type: none"> • <i>(b) To conserve and maintain the natural, built and cultural heritage of Inner West,</i> • <i>(g) To create a high quality urban place through the application of design excellence in all elements of the built environment and public domain,</i> • <i>(h) To prevent adverse social, economic and environmental impacts on the local character of Inner West,</i> • <i>(i) To prevent adverse social, economic and environmental impacts, including cumulative impacts.</i> <p>The proposed development will not conserve the significance of the heritage conservation area and fails to create a high-quality urban place, in particular given the excessive bulk and poor amenity to the dwellings proposed. This in turn adversely impacts upon the overall streetscape character and presentation.</p>	No

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table	<p>The application proposes shop top housing and retail premises which is permissible with consent in the E1 – Local Centre zone. However, the development is not consistent with the following E1 – Local Centre zone objective:</p> <ul style="list-style-type: none"> • To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality. <p>Overall, the proposal is of a design quality that is contrary to the character of the locality.</p>	No
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and 	Yes

Section	Proposed	Compliance
	<ul style="list-style-type: none"> In the event of approval, standard conditions are recommended to manage impacts which may arise during demolition. 	

Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	10m	Yes (see discussion below)
	Proposed	10m	
Section 4.4 Floor space ratio	Maximum	1:1 or 556.4sqm	No
	Proposed	1.42:1 or 792.7sqm (council calculation)	
	Variation	236.3sqm or 42.47%	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4 Floor Space Ratio.		See discussion below

Section 4.3 Height of building

Whilst the drawings show that the roof is below the 10m height of building development standard, the drawings have not shown any lift overrun or roof plant equipment which would breach the height control. The applicant has not demonstrated that such elements would not be necessary for the operation of the building.

Section 4.6 – Exceptions to Development Standards

Floor space ratio development standard

The applicant seeks a variation to the FSR development standard under section 4.6 of the *IWLEP 2022* by 236.3sqm or 42.47% (Council’s calculation). It is noted Councils’ calculations differ from the applicant due to the inclusion of the accessible toilet on the ground floor and the waste, storage and bicycle parking on the ground floor as they are not located in a basement.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below. A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the development standard. However, given the

discrepancy with regard to the GFA calculations, the Section 4.6 submitted is insufficient to grant consent.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the floor space ratio standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4** is *"to establish a maximum floor space ratio to enable appropriate development density"*. The written request states that the proposal will be compliant with the height development standard, has no detrimental visual privacy, overshadowing, view loss, bulk or scale impacts as a result of the breach to the FSR development standard.

The proposal seeks to vary the development standard by 42.47%, which will contribute to additional bulk when viewed from the public domain, result in poor amenity for the dwellings proposed and is contrary to the predominately two-storey built form located on the southern side of Ramsay Street contrary to the heritage character of the locality. Accordingly, the breach is inconsistent with the first objective, as the development results in inappropriate density.

The **second objective of Section 4.4** is *"to ensure development density reflects its locality"*. The written request states the proposal is reflective of the density within this area of Ramsay Street and demonstrates the objectives of the E1 Local Centre zone. Whilst the proposal seeks to retain commercial area as part of the infill mixed use proposal, the density proposed is inconsistent with the two storey mixed use buildings located on the western side of Ramsay Street as viewed from Dalhousie Street, St Davids Road and the unnamed laneway. Accordingly, the breach is not consistent with the second objective.

The **third objective of Section 4.4** is *"to provide an appropriate transition between development of different densities"*. The written request states that the proposal reflects the objectives of the zone and therefore reflects the density of the surrounding locality. Whilst the infill façade proposed demonstrates a generally appropriate transition to the Ramsay Street streetscape, the proposal has not been sensitively designed to allow for a suitable transition in density between buildings when viewed from Dalhousie Street, St Davids Road and the unnamed laneway. Further, the three-storey form does not demonstrate an appropriate transition between the density of the R2 low density zone to the rear. Accordingly, the breach is inconsistent with the third objective.

The **fourth objective of Section 4.4** is *"to minimise adverse impacts on local amenity"*. The written request states that there are no adverse impacts on the local amenity of Ramsay Street. Insufficient information has been included with the application to demonstrate whether the proposal adversely impacts the neighbouring properties, namely visual and acoustic privacy and solar access. In addition, the proposal has been designed to rely on amenity from the adjoining properties, this in turn hinders the likely future development on adjoining

properties to undertake similar developments being built to each side boundary. Accordingly, the breach is inconsistent with the fourth objective.

The **fifth objective of Section 4.4** is “*to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain*”. The written request states that whilst the removal of the tree on the adjoining site is required to support the redevelopment of the subject site, this loss is to be offset with onsite landscaping at the rear boundary. As the site is located within a business zone, the inclusion of significant tree planting/s can be difficult to achieve and it has not been demonstrated sufficient soil depth on the site can accommodate for this.

Given the above, the applicant’s request has failed to demonstrate that the objectives of the floor space ratio standard are achieved, and it is therefore considered the requirement for compliance is reasonable and necessary to ensure a good outcome on the site and the proposal fails to achieve this.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant advances one environmental planning ground to justify contravening the floor space ratio development standard.

Environmental Planning Ground 1 – *The proposed variation will facilitate a contemporary development that will improve the site’s compatibility with the surrounding development context. The visual form of the design proposed will result in a quality built form, that will provide an acceptable visual streetscape presentation to Ramsay Street streetscape character and Haberfield Heritage Conservation Area, that will also be compatible with the streetscape character of adjoining developments and of development within the visual catchment of the site along Ramsay Street.*

Comment: This environmental planning ground is not accepted. The environmental planning ground emphasises the benefits of the development as a whole, not those of the variation itself. Whilst the façade design of the proposal may be sympathetic in part to the heritage features prevalent to the Ramsay Street character this is not an appropriate nexus to demonstrate an extensive variation to the development standard. The success of the façade design does not rely on additional floor space. Conversely, the excessive bulk and scale of the proposed replacement 3-storey building results in adverse heritage impacts to the conservation area when viewed from other locations within the surrounding area and results in excessive visual bulk impacts to the rear which in turn detracts from the modest two scale developments located on the southern side of Ramsay Street.

The configuration, orientation and articulation of the infill development results in poor amenity outcomes for the dwellings including privacy, solar access and cross ventilation. As advised by the Architectural Excellence Design Review Panel, the new building is capable of greater levels of compliance.

Given the proposal seeks to demolish all structures to accommodate a new infill development, there is no reasonable justification as to why a proposal that demonstrates good amenity for

its occupants and is sympathetic in bulk and scale within its immediate context cannot be achieved on the site.

Cumulatively, the above environmental ground is inadequate to be considered sufficient to justify contravening the development standard. The requirements of Section 4.6(3)(b) are therefore not met.

Whether the proposed development meets the objectives of the development standard, and of the zone

Council is not satisfied that the development is consistent with the following objective of the E1 Local Centre zone under the *IWLEP 2022*:

- *To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.*

Council does not accept the applicant's submission in the written request that the development will enhance the unique sense of place that the Haberfield HCA provides. The proposal is inconsistent with both the objectives of the E1 Local Centre zone and the floor space ratio development standard, and is not considered in the public interest. For the reasons outlined above, it is recommended the section 4.6 exception be rejected.

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
Section 5.10 Heritage conservation	See discussion below.	No

Section 5.10 – Heritage Conservation

The subject site is located within the Haberfield Heritage Conservation Area (HCA). The subject site is considered to be a contributory building, there is no ranking system as in other HCAs of the former Ashfield LGA.

The proposal seeks to demolish all existing structures to accommodate a three-storey mixed use development with parking available the rear lane.

The proposed works have been reviewed with consideration of the *IWLEP 2022* and the CIWDCP 2016 including the significance of the HCA. In addition, the NSW Land and Environment Court (NSW LEC) provides a Planning Principle to assist with the consideration of demolition in HCAs, which is outlined in *Helou v Strathfield Municipal Council* [2006] NSWLEC 66. In order to assess whether demolition in HCAs should be permitted the Planning Principle establishes a series of questions for the consent authority to consider which are discussed below:

1. *What is the heritage significance of the conservation area?*

The statement of significance is contained in Chapter E1, Part 9 – Heritage Conservation Areas Character Statements and Rankings of the CIWDPCP 2016 details the heritage significance of the conservation area. An excerpt is provided as follows:

Haberfield's commercial centres demonstrate Stanton's ideal of separating land uses so that the amenity of residential areas was ensured. The commercial buildings are remarkable for their diversity of design within a harmonious two-storey streetscape. The consistent streetscape comes from the original above-awning facades which feature recessed balconies, arched verandah openings, bay windows and roof-screening parapets above. At ground level the few remaining shopfronts provide evidence of stained glass and leadlight windows, heavy copper or brass mouldings, glazed tiles below the display window, central entry-ways and porches embellished with tessellated tiles. The Haberfield Main Street Heritage Study is a valuable reference indicating the style and significance of original commercial facades.

2. *What contribution does the individual building make to the significance of the conservation area?*

The series of suburban banks erected by the Commonwealth Bank during the 1950s exhibited a high degree of architectural excellence. The extent of survival of the original fabric of the building is minimal, the interiors having been altered in the 1980s to the degree that the two individual buildings are barely distinguishable. Whilst it is acknowledged some deterioration and non-contributory alterations have occurred, the building's overall form remains evident as a commercial building which is characteristic of the original suburb main street concept and remains part of the desired future character of the HCA.

Whilst the adaptive re-use of the existing building form would have been a more sympathetic heritage solution, providing for the retention of what survived of the shop top housing and the adjacent banking premises; Council accepts that a suitable infill building could enhance the significance of the conservation area.

3. *Is the building structurally unsafe?*

The applicant has stated that the building is not structurally unsafe.

4. *If the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the applicant in a way that would have a lesser effect on the integrity of the conservation area than demolition?*

As mentioned, the applicant has not demonstrated that the building is structurally unsafe. The applicant has stated that the building is visually intrusive and as such its demolition will enhance the significance of the conservation area.

5. *Are these costs so high that they impose an unacceptable burden on the owner of the building? Is the cost of altering or extending or incorporating the contributory building into a development of the site (that is within the reasonable expectations for the use of the site under the applicable statutes and controls) so unreasonable that demolition should be permitted?*

The applicant had stated that given the uncharacteristic nature of the building it is cost effective to demolish all existing structures and construct a new infill building that is characteristic to the locality.

6. *Is the replacement of such quality that it will fit into the conservation area?*

With regards to the proposed new building itself, from the Ramsay Street streetscape the proposed building is generally acceptable with regard to the proposed façade design and proportions. Further details including the colour of the render to the frieze across the main façade is to be specified. Typically, this element was a lighter colour, either an off white, cream or sand colour. The existing roughcast to the parapets of the facades in Ramsay Street is lighter in colour. In this regard the colour palette should be revised to be in line with the surviving examples of roughcast detailing within the groups of Federation-era shops on Ramsay Street. The frieze is also to be roughcast, i.e. to have a texture which is created by the addition of pebbles to the render. This texture should be visible from street level.

Whilst the façade design is generally acceptable, the proposal has not demonstrated consistency with the site coverage or the established pattern of development for the commercial premises and shop top housing located within the Haberfield HCA. The expectation is that a new infill building is not to necessarily copy or replicate an earlier building it must be compatible with the urban pattern of development. As discussed elsewhere in this report, the new in-fill development does not respond to its context and does not reinforce the desirable elements of the Haberfield commercial centre. In this regard, the scale and intensity of the proposed development has not demonstrated acceptable impacts upon the locality and consistency with the key aims of the 'Garden Suburb', to provide housing at lower densities and of high amenity. Further the streetscape scale is predominately two storey buildings, whilst a third storey in principle could be accommodated for, the setbacks currently proposed will allow for a legible three storey form from the public domain.

Given the above, the proposed demolition of a contributory building within an HCA is unjustifiable in the circumstances as the proposed infill development is considered inappropriate. As such, the proposal has not satisfied Section 5.10(1)(a),(b) and (4) as the proposal does not satisfactorily conserve the heritage significance of the HCA, including its associated setting and views, and is therefore the application is recommended for refusal.

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. 	Yes
Section 6.2 Earthworks	<ul style="list-style-type: none"> The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions in the event of approval ,would not result in any significant runoff to adjoining properties or the environment. 	Yes
Section 6.13 Residential accommodation in Zones E1, E2 and MU1	<p>The proposal is inconsistent with the following provision of this section:</p> <ul style="list-style-type: none"> <i>(3) Development consent must not be granted to development for the purposes of residential accommodation on land to which this clause applies unless the consent authority is satisfied the building—</i> <i>(c) is compatible with the desired character of the area in relation to its bulk, form, uses and scale</i> <p>As demonstrated throughout this report, the proposed development is not compatible with the character of the Haberfield HCA, results in unreasonable bulk and contains residential units with poor amenity.</p>	No
Section 6.20 Development on land in Haberfield Heritage Conservation Area	<p>The subject site is located within the Haberfield HCA, however the proposal is not for the purpose of a dwelling house and as such the provisions under this part are not applicable.</p>	N/A

B. Development Control Plans

Summary

The application has been assessed and the following provides a summary of the relevant provisions of Comprehensive Inner West Development Control Plan 2016 (DCP 2016) for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

CIWDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
2 - Good Design	No – see discussion
4 - Solar Access and Overshadowing	No – see discussion
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	No – see discussion
15 - Stormwater Management	Yes
C – Sustainability	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	No – see discussion
4 – Tree Preservation and Management	Yes
E2 – Haberfield Neighbourhood	
2.1. Desired Future Character	No – see discussion
3 – Planning Measures for Commercial properties	No – see discussion

The following provides discussion of the relevant issues:

Comprehensive Inner West Development Control Plan 2016

The application was assessed against the following relevant parts of the Comprehensive Inner West Development Control Plan 2016 (CIWDCP 2016).

Chapter A – Miscellaneous

Control	Proposed	Compliance
Part 2 – Good Design	<p>An assessment of the proposal has been carried out against the relevant provisions under this Part and the following matters have been identified:</p> <ul style="list-style-type: none"> • PC1: The infill development does not respond to nor contribute to the characteristics and context of the neighbourhood by way of bulk, scale and heritage. • PC2, PC2.1 and PC3: The development is not of a scale or density which suits the street and surrounding buildings and is of a built form that is inappropriate for the site in terms of the building alignments, articulation and building elements. • PC6: The development provides poor internal amenity to some of the dwellings with respect to sunlight, natural ventilation, visual privacy, acoustic privacy, storage, POS and outlook. 	No

Control	Proposed	Compliance
	<ul style="list-style-type: none"> PC8: The development provides insufficient information with depicting the location of essential services within the primary street elevation. 	
Part 4 – Solar access & overshadowing	<ul style="list-style-type: none"> PC1, DS1.1, DS1.2 and DS1.3: Insufficient information has been provided with the application to determine whether the proposal complies with the solar and daylight access requirements of this part. 	No
Part 5 – Landscaping	<ul style="list-style-type: none"> A small landscape buffer is proposed within the rear setback. This is acceptable given that the site is located within an E1 Local Centre zone as such landscaped areas are difficult to achieve given the site context and the use of the ground floor for parking, services and commercial uses. 	Yes
Part 6 – Safety by Design	<ul style="list-style-type: none"> The development contributes to the creation of safe, active and welcoming public spaces and will minimise the risk of personal or property crime and has designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). 	Yes
Part 7 – Access and Mobility	<ul style="list-style-type: none"> The proposal provides appropriate universal access. 	Yes
Part 8 – Parking	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> 9 car parking spaces are required for the residential use, this includes 2 visitor spaces and 1 car wash bay. 5 car parking spaces are required for the commercial premises, this includes 1 loading/unloading space. The proposal includes 8 parking spaces including 1 loading bay space, resulting in a total shortfall of 6 spaces. <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> 3 bicycle parking spaces are required, 2 for the residential use and the remainder for the commercial premises. 4 bicycle parking space are proposed. <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> Nil motorcycle parking space are proposed. <p><u>Design</u></p> <ul style="list-style-type: none"> Given the small scale of the proposal and its proximity to public transport, the dual use of the loading/unloading bay as a commercial car parking space and shortfall of car parking is acceptable in this instance. Notwithstanding, insufficient information has been provided with the application to demonstrate that the loading bay, car parking access and spaces have been designed in accordance with the relevant Australian Standards and DS3.1, DS7.1, DS8.1, DS15.8. Furthermore, the traffic and parking impact assessment report provided with the application contained conflicting information with respect to the architectural plans provided. 	No
Part 15 – Stormwater Management	<ul style="list-style-type: none"> In the event of an approval, standard conditions are recommended to ensure the appropriate management of stormwater. 	Yes

Chapter C – Sustainability

Control	Proposed	Compliance
Part 1 – Building Sustainability	<ul style="list-style-type: none"> The proposal demonstrates good environmental design and performance and will achieve efficient use of energy for internal heating and cooling. 	Yes
Part 2 – Waste and Recycling Design & Management Standards	<ul style="list-style-type: none"> The proposal has nominated separate waste storage areas for the residential and commercial uses on the ground floor. The proposal is not supported as the size of the bin rooms proposed are insufficient and do not provide enough manoeuvrability space contrary to DS1.1 and DS31. Additionally, insufficient information has been provided with the application to clarify the extent of demolition and construction waste. 	No
Part 4 – Tree Management	<ul style="list-style-type: none"> Refer to SEPP discussion earlier in this report. 	Yes

Chapter E2 – Haberfield Heritage Conservation Area

Control	Proposed	Compliance
2.1 Desired Future Character	<ul style="list-style-type: none"> O1, O3 & C1: The infill development has not been designed to be consistent with the desired future character and to fit in with the heritage significance of Haberfield as a whole. 	No
Part 2.2.19 Commercial buildings and institutions	<p><u>Pattern of development</u></p> <ul style="list-style-type: none"> C91: The proposal is inconsistent with the pattern of development given the bulk, scale, footprint, presentation and setbacks proposed. The proposal relies on high masonry parapet walls at the front and rear elevations to partially screen the upper floor which accentuates the visual bulk of the development. The architectural expression to the side and rear elevations is visible from the surrounding public domain, thus detracting from the pattern of development in addition to resulting in poor amenity for the occupants of the dwellings. Insufficient information has been provided with the application to clarify the materials and finishes proposed, specifically to the side elevations which may remain exposed for a long time. The smooth render frieze at the Ramsay Street elevation is not consistent with the rough cast treatment prevalent within the streetscape. 	No
	<p><u>Original facade</u></p> <ul style="list-style-type: none"> C92: Not applicable given that the proposal is for a new infill building, no original facades are proposed. 	N/A
	<p><u>Above awing façade restoration</u></p> <ul style="list-style-type: none"> C93: Not applicable given that the proposal is for a new infill building and nil restoration works are proposed. 	N/A
	<p><u>Below awning works</u></p> <ul style="list-style-type: none"> C94: Insufficient information has been provided to clarify the below awning works. Whilst the façade proposed below the 	No

Control	Proposed	Compliance
	awning is generally consistent with the form, scale and treatment of that adjoining within the streetscape, insufficient detail has been provided depicting the full extent of the Ramsay Street elevation. Specifically, no detail has been provided depicting the indicative location of fire egress and essential services such as the gas meter, fire sprinkler set, fire hydrant booster and main cold-water meter. These are required to be considered at the DA stage as they will likely detract from the streetscape should they not be thoughtfully integrated into the building design.	
	<u>Façade reinstatement</u> <ul style="list-style-type: none"> • C95: Not applicable given that the proposal is for a new infill building. 	N/A
	<u>New commercial awnings</u> <ul style="list-style-type: none"> • C96: The proposal seeks to include a new awning to Ramsay Street that tapers from north-west to south-east thus remaining consistent with the establish pattern of development. 	Yes

C. The Likely Impacts

- These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have a significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is inconsistent with the pattern of development and poorly designed resulting in adverse impacts to the streetscape, heritage conservation area and occupants of the dwellings, give this, the site is considered unsuitable to accommodate the proposed development.

E. Submissions

The application was required to be notified in accordance with Council’s Community Engagement Strategy between 14 February 2024 to 6 March 2024.

A total of 12 submissions were received in response to the initial notification, this includes 9 submissions in support of the proposal. The following issues raised in the submissions have been discussed in the report:

- Loss of parking; and
- Accessibility within the site

Further issues raised in the submissions received are discussed below:

Concern	Comment
Preference for the original proposal with less parking and greater units	Previous reiterations of the proposal fall outside the scope of the subject application and its assessment.

F. 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.

As detailed within this report, given the several inconsistencies with relevant EPIs and the CIWDCP 2016, which results in adverse impacts on the surrounds, the proposal is not considered to be in the public interest.

6. Section 7.11 / 7.12 Contributions

In the event of approval, Section 7.11 levies would be payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$97,854 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

7. Housing and Productivity Contributions

A housing and productivity contribution is required in addition to any Section 7.11 Contribution.

The carrying out of the development would result in an increased demand for essential state infrastructure such as schools, hospitals, major roads, public transport infrastructure and regional open space. A contribution of \$58,715.31 would be required for the development under Part 7, Subdivision 4 Housing and Productivity Contributions of the *EP & A Act 1979*.

8. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist;
- Development Engineer;
- Urban Forest; and
- Resource Recovery.

In addition, the application as referred to Council's Architectural Excellence Design and Review Panel who provided verbal and written advice to the application recommended that further design revisions were required.

9. Conclusion

The proposal results in several non-compliances with the aims, objectives and standards contained in the *Housing SEPP, Inner West Local Environmental Plan 2022* and the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development would result in significant impacts on the amenity of the adjoining premises/properties and the streetscape and is not considered to be in the public interest.

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

10. Recommendation

- A. In relation to the proposal by the development in Development Application No DA/2024/0034 to contravene the development standard in Clause 4.4 of *Inner West Local Environmental Plan 2022* the Panel is not satisfied that the Applicant has demonstrated that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2024/0034 for the demolition of existing structures and construction of a 3-storey shop top housing development including ground level commercial tenancy, car parking and 6 apartments on the upper levels. at 80-82 Ramsay Street, HABERFIELD for the following reasons listed in Attachment A.

Attachment A – Reasons for refusal

1. The proposed development is inconsistent with, and has not demonstrated compliance with Chapter 4 *Design of residential apartment development* the *State Environmental Planning Policy Housing (2021)*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 147(1)(a), as the development results in a built form and density that fails to adequately respond to the context and neighbourhood character, contrary to Principle 1 and Principle 3 of the quality design principles.
 - b. Section 147(1)(a), as the development results in a built form and scale that is inappropriate to the existing or desired future character of the street and surrounding buildings, contrary to Principle 2 of the quality design principles.
 - c. Section 147(1)(a), as the design does not positively influence internal and external amenity for residents and neighbours, contrary to Principle 6 of the quality design principles.
 - d. Section 147(1)(b), as the separation to the sides, rear, and internally are inadequate to equitably share amenity and has not demonstrated acceptable visual and acoustic privacy impacts, contrary to 3F of the Apartment Design Guide.
 - e. Section 147(1)(b), as insufficient information has been provided with the application to determine whether the proposal complies with the solar and daylight access requirements, contrary to 4A of the Apartment Design Guide.
 - f. Section 147(1)(b), as the layout and design of the proposal is reliant on light wells as the primary air source and does not maximise natural ventilation, contrary to 4B of the Apartment Design Guide.
 - g. Section 147(1)(b), as apartment 3 and 6 kitchen areas are centrally located, contrary to 4D of the Apartment Design Guide.
 - h. Section 147(1)(b), as apartments 3, 5 and 6 do not provide adequate storage size volumes in accessible areas within the dwelling, contrary to 4G of the Apartment Design Guide.
 - i. Section 147(1)(c), the proposed development is inconsistent with the advice received from the design review panel.
2. The proposed development is inconsistent with, and has not demonstrated compliance with Chapter 4 *Remediation of land* of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 4.6(2), as insufficient information has been provided with the application to enable a full and proper assessment that the site will be made suitable for residential use.
3. The proposed development is inconsistent with, and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:

- a. Section 1.2 (2)(b)(g)(h)(i) Aims of plan, in that the proposal is not considered to prevent adverse environmental impacts on the local character of the Inner West, including cumulative impacts.
 - b. Section 2.3 Objectives of the zone, in that the proposal is of poor design quality and does not contribute to the desired character or cultural heritage of the locality.
 - c. Section 4.4 Floor space ratio, the proposal exceeds the maximum permitted FSR and is inconsistent with the relevant objectives of the FSR development standard.
 - d. Section 4.6 Exception to development standards, in that submitted Section 4.6 is insufficient to grant consent as the written request does not accurately calculate FSR and misrepresents the extent of variation being sought.
 - e. Section 4.6 Exception to development standards, in that the consent authority is not satisfied that the applicant has demonstrated that compliance with the FSR development standard is unreasonable or unnecessary, and that there are sufficient planning grounds to vary the development standard.
 - f. Section 5.10 Heritage conservation, the proposed infill building is uncharacteristic of the HCA and does not satisfactorily conserve the environmental heritage of the HCA or the Inner West.
 - g. Section 6.13 Residential accommodation in Zones E1, E2 and MU1, the proposal is not compatible the character the Haberfield HCA, results in unreasonable bulk and provides residential units with poor amenity.
4. The proposed development is inconsistent with, and has not demonstrated compliance with the Comprehensive Inner West Development Control Plan 2016, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
- a. Section 2.2 Good design, the proposal does not comply with PC1, PC2, PC2.1, PC3, PC6 and PC8, as the proposal does not contribute to the character of the area and provides poor internal amenity.
 - b. Section 2.4 Solar access and overshadowing, PC1, DS1.1, DS1.2 and DS1.3, as insufficient information has been provided to enable a full proper assessment of the application demonstrating compliant solar access has been provided.
 - c. Section 2.8 Parking, DS3.1, DS7.1, DS8.1 and DS15.8, as insufficient information has been provided to enable a full proper assessment that compliant vehicular access has been provided.
 - d. Section C.3 Waste and recycling & management standards, DS1.1 and DS3.1, as inadequate waste storage areas have been provided.
 - e. Section E2 Haberfield Neighbourhood, O1, O3 & C1, C91 and C94, as the proposal is inconsistent with the pattern of development and insufficient information has been provided to clarify works below the awning within that character context area.
5. The proposed development will result in adverse built environment impacts in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

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

7. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B – Conditions in the event of approval

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition																																																									
1.	<p>Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table border="1"> <thead> <tr> <th>Plan, Revision and Issue No.</th> <th>Plan Name</th> <th>Date Issued/Received</th> <th>Prepared by</th> </tr> </thead> <tbody> <tr> <td>2416-01, Rev A</td> <td>Landscape Plan</td> <td>18/01/2024</td> <td>Paddock</td> </tr> <tr> <td>DA03, Rev B</td> <td>Demolition Plan</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA04, Rev B</td> <td>Ground Floor Plan</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA05, Rev B</td> <td>Level 1 Plan</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA06, Rev B</td> <td>Level 2 Plan</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA07, Rev B</td> <td>Roof Plan</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA08, Rev B</td> <td>Sections</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA09, Rev B</td> <td>Elevations - Sheet 1</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>DA10, Rev B</td> <td>Elevations - Sheet 2</td> <td>12/12/2023</td> <td>O2 Architecture</td> </tr> <tr> <td>1369744M_02</td> <td>Basix Certificate</td> <td>18/12/2023</td> <td>ESD Synergy Pty Ltd</td> </tr> <tr> <td>N/A</td> <td>Aboricultural Impact Assessment</td> <td>19/12/2023</td> <td>Complete Arborcare</td> </tr> <tr> <td>D2, Rev C</td> <td>Stormwater - Site/Ground Floor Plan</td> <td>15/12/2023</td> <td>Quantum Engineers</td> </tr> <tr> <td>D3, Rev C</td> <td>Stormwater - Roof Plan</td> <td>15/12/2023</td> <td>Quantum Engineers</td> </tr> </tbody> </table> <p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	2416-01, Rev A	Landscape Plan	18/01/2024	Paddock	DA03, Rev B	Demolition Plan	12/12/2023	O2 Architecture	DA04, Rev B	Ground Floor Plan	12/12/2023	O2 Architecture	DA05, Rev B	Level 1 Plan	12/12/2023	O2 Architecture	DA06, Rev B	Level 2 Plan	12/12/2023	O2 Architecture	DA07, Rev B	Roof Plan	12/12/2023	O2 Architecture	DA08, Rev B	Sections	12/12/2023	O2 Architecture	DA09, Rev B	Elevations - Sheet 1	12/12/2023	O2 Architecture	DA10, Rev B	Elevations - Sheet 2	12/12/2023	O2 Architecture	1369744M_02	Basix Certificate	18/12/2023	ESD Synergy Pty Ltd	N/A	Aboricultural Impact Assessment	19/12/2023	Complete Arborcare	D2, Rev C	Stormwater - Site/Ground Floor Plan	15/12/2023	Quantum Engineers	D3, Rev C	Stormwater - Roof Plan	15/12/2023	Quantum Engineers
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2.	Car Parking																																																								

	<p>The development must provide and maintain within the site:</p> <ul style="list-style-type: none"> a. 7 car parking spaces must be paved and line marked; b. 1 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces; c. 4 Bicycle storage capacity within the site; d. 1 Loading docks/bays. <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>
3.	<p>Residential Flat Buildings – Hot Water Systems</p> <p>Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>
4.	<p>Residential Flat Buildings – Air Conditioning Systems</p> <p>Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>
5.	<p>Works Outside the Property Boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
6.	<p>Storage of materials on public property</p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>
7.	<p>Other works</p> <p>Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
8.	<p>National Construction Code (Building Code of Australia)</p>

	<p>A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
9.	<p>Notification of commencement of works</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:</p> <ul style="list-style-type: none"> a. In the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: <ul style="list-style-type: none"> 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. <p>Reason: To ensure compliance with legislative requirements.</p>
10.	<p>Dividing Fences Act</p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
11.	<p>Construction of Vehicular Crossing</p> <p>The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for Construction of a Vehicular Crossing & Civil Works form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.</p> <p>Reason: To protect assets, infrastructure and pedestrian safety.</p>
12.	<p>Lead-based Paint</p> <p>Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been</p>

	<p>attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.</p> <p>Reason: To protect human health.</p>
13.	<p>Dial before you dig</p> <p>Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
14.	<p>Asbestos Removal</p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
15.	<p>Bin Storage – Residential</p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
16.	<p>Boundary Alignment Levels</p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of lane levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>
17.	<p>Awnings with Lighting</p> <p>The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.</p> <p>Reason: Provide all weather protection to pedestrians.</p>

18.	<p>Vehicles Leaving the Site</p> <p>All vehicles must enter and exit the site in a forward direction.</p> <p>Reason: To ensure parking facilities maintain public and pedestrian safety.</p>
19.	<p>Permits</p> <p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the <i>Local Government Act 1993</i> and/or Section 138 of the <i>Roads Act 1993</i>. Permits are required for the following activities:</p> <ul style="list-style-type: none"> • Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
20.	<p>Loading/unloading on site</p> <p>All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.</p> <p>Reason: To ensure that any designated loading dock is available for servicing the site at all times.</p>
21.	<p>Insurances</p>

	<p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p> <p>Reason: To ensure Council assets are protected.</p>
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
22.	<p>Long Service Levy</p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>
23.	<p>Sydney Water – Tap In</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water’s online ‘Tap In’ program to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.</p> <p>Note: Please refer to the web site http://www.sydneywater.com.au/tapin/index.htm for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
24.	<p>Fibre-ready Facilities</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:</p> <p>The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is</p>

	<p>being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.</p> <p>The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
25.	<p>Concealment of Plumbing and Ductwork</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>
26.	<p>Future Food Use - Mechanical Ventilation Provision</p> <p>Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.</p> <p>Reason: To protect the amenity of the neighbourhood and to ensure all mechanical ventilation is in accordance with the relevant Australian Standards.</p>
27.	<p>Street Numbering</p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application</p> <p>Reason: To ensure occupancies are appropriately numbered.</p>
28.	<p>Enclosure of Fire Hydrant</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are</p>

	<p>enclosed by a suitably designed accessible screen and in accordance with the requirements of AS 2419.1 2005.</p> <p>Reason: To protect the streetscape.</p>												
<p>29.</p>	<p>Section 7.11 Contribution</p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <table border="1" data-bbox="437 613 1145 902"> <thead> <tr> <th>Contribution Category</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Open Space & Recreation</td> <td>\$79,823</td> </tr> <tr> <td>Community Facilities</td> <td>\$15,903</td> </tr> <tr> <td>Plan Administration</td> <td>\$330</td> </tr> <tr> <td>Drainage</td> <td>\$1,798</td> </tr> <tr> <td>TOTAL</td> <td>\$97,854</td> </tr> </tbody> </table> <p>At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> $C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$ <p>Where:</p> <p>C_{payment} = is the contribution at time of payment</p> <p>C_{consent} = is the contribution at the time of consent, as shown above</p> <p>CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.8 for the September 2024 quarter.</p> <p>CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment</p> <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) <u>if the development is for subdivision – prior to the issue of the subdivision certificate</u>, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p>	Contribution Category	Amount	Open Space & Recreation	\$79,823	Community Facilities	\$15,903	Plan Administration	\$330	Drainage	\$1,798	TOTAL	\$97,854
Contribution Category	Amount												
Open Space & Recreation	\$79,823												
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Drainage	\$1,798												
TOTAL	\$97,854												

	<p><u>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</u></p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>				
<p>30.</p>	<p>Housing and Productivity Contribution</p> <p>a. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made</p> <table border="1" data-bbox="491 1126 1109 1279"> <thead> <tr> <th>Housing and productivity contribution</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Total housing and productivity contribution</td> <td>\$58,715.31</td> </tr> </tbody> </table> <p>b. The amount payable at the time of payment is the amount shown in condition (a) as the total housing and productivity contribution adjusted by multiplying it by:</p> <p style="text-align: center;">Highest PPI number</p> <p style="text-align: center;">Consent PPI number</p> <p>Where:</p> <p><i>highest PPI number</i> is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and</p>	Housing and productivity contribution	Amount	Total housing and productivity contribution	\$58,715.31
Housing and productivity contribution	Amount				
Total housing and productivity contribution	\$58,715.31				

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

c. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, *HPC Order* means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

d. The HPC must be paid using the NSW planning portal (<http://pp.planningportal.nsw.gov.au/>).

e. If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

	<p>a. the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,</p> <p>b. the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.</p> <p>If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b.) at the time of payment.</p> <p>f. Despite condition (a.), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i> exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.</p> <p>Reason: To ensure payment of the required development contribution.</p>				
<p>31.</p>	<p>Security Deposit</p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" data-bbox="437 1122 1198 1200"> <tr> <td>Security Deposit:</td> <td>\$39,000.00</td> </tr> <tr> <td>Inspection Fee:</td> <td>\$389.00</td> </tr> </table> <p>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.</p> <p>The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.</p> <p>Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may</p>	Security Deposit:	\$39,000.00	Inspection Fee:	\$389.00
Security Deposit:	\$39,000.00				
Inspection Fee:	\$389.00				

	<p>recover, in any court of competent jurisdiction, any costs to Council for such restorations.</p> <p>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.</p> <p>The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.</p> <p>Reason: To ensure required security deposits are paid.</p>
<p>32.</p>	<p>Stormwater Drainage System – Minor Developments (OSD is required)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating 11,000 L rainwater tank and stormwater quality infiltration devices, certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ol style="list-style-type: none"> a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. D1 to D8 prepared by Quantum Engineers and dated 15 December 2023. b. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipeline from 11,000 L rainwater tank by gravity to the kerb and gutter of a public road. c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP. d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank. e. The proposed rainwater tank must be connected to a pump system for internal reuse for the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to the rainwater tank. f. Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided. g. As there is no overland flow/flood path available from the rear lane to Ramsay Street frontage, the design of the pit and piped drainage system is to meet the following criteria: <ol style="list-style-type: none"> i. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe. ii. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. h. No nuisance or concentration of flows to other properties.

	<ul style="list-style-type: none"> i. A silt arrestor pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet. j. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site. k. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings. l. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
<p>33.</p>	<p>Public Domain Works – Prior to Construction Certificate</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:</p> <ul style="list-style-type: none"> a. The public domain along all frontages of the site inclusive of footpath paving, kerb (if damaged), and street furniture must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme. b. The construction of heavy duty vehicular crossing to the vehicular access location and removal of any part of the redundant vehicular crossing to the site. c. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B99 vehicle using dynamic ground clearance software. A long section, along both sides of the vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be provided for review. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing and proposed surface levels including information including chainages. d. New concrete dish drain and adjacent asphalt along the frontage of the site rear lane. e. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at the vehicular access location. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary. f. Installation of a stormwater outlet to the kerb and gutter. g. The existing unsatisfactory or damaged road pavement in the rear lane shall be repaired/replaced using a 40mm Mill and Fill treatment for half/full the road width for the full frontage of the rear lane. Any failed section shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment.

	<p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p>
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BEFORE BUILDING WORK COMMENCES

Condition	
34.	<p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
35.	<p>Erosion and Sediment Control</p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
36.	<p>Verification of Levels and Location</p> <p>Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
37.	<p>Dilapidation Report</p> <p>Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties at 78 and 84 Ramsay Street, Haberfield to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</p>

	Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
38.	Construction Fencing Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property. Reason: To protect the built environment from construction works.
39.	Hoardings The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing. If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.

DURING BUILDING WORK

	Condition
40	Arborists standards All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373— <i>Pruning of amenity trees</i> and the Safe Work Australia Code of Practice— <i>Guide to Managing Risks of Tree Trimming and Removal Work</i> . Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard. Reason: To ensure compliance with legislative requirements.
41	Works to Trees

	<p>Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:</p> <table border="1" data-bbox="424 394 1272 490"> <thead> <tr> <th data-bbox="424 394 911 427">Tree/location</th> <th data-bbox="911 394 1272 427">Approved works</th> </tr> </thead> <tbody> <tr> <td data-bbox="424 427 911 490">1x <i>Cupressus x leylandii</i> (Leyland Cypress) - rear yard of 84 Ramsay Street, Haberfield</td> <td data-bbox="911 427 1272 490">Remove tree</td> </tr> </tbody> </table> <p>Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's <i>Development Fact Sheet—Trees on Development Sites</i>.</p> <p>Reason: To identify trees permitted to be pruned or removed.</p>	Tree/location	Approved works	1x <i>Cupressus x leylandii</i> (Leyland Cypress) - rear yard of 84 Ramsay Street, Haberfield	Remove tree
Tree/location	Approved works				
1x <i>Cupressus x leylandii</i> (Leyland Cypress) - rear yard of 84 Ramsay Street, Haberfield	Remove tree				
42	<p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>				
43	<p>Construction Hours – Class 2-9</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p> <p>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.</p> <p>In the case that a standing plant or special out of hours 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.</p> <p>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.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>The person acting on this consent must not undertake such activities for more than three continuous hours and must 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</p>				

	<p>an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
44	<p>Survey Prior to Footings</p> <p>Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.</p> <p>Reason: To ensure works are in accordance with the consent.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
45.	<p>Certification of Tree Planting</p> <p>A minimum of 2x 200 litre size trees, which will attain a minimum mature height of 10 metres and minimum mature canopy spread of 5 metres have been planted in the deep soil area of the site fronting the rear laneway. The planted trees must meet the requirements of AS2303—<i>Tree stock for landscape use</i>. Trees listed as exempt species from Council's Tree Management Development Control Plan, palms and species recognised to have a short life span, will not be accepted.</p> <p>Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.</p> <p>Prior to the issue of any Occupation Certificate a Final Landscape and Tree Planting Inspection must be carried out and a certificate issued by Council's Tree Assessment officer. This certificate will relate to, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with the conditions of this consent.</p> <p>To arrange a Final Landscape and Tree Planting Inspection please phone 02 9392 5000 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed in Council's Fees and Charges. Any secondary inspections will incur a reinspection fee.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>
46.	<p>Smoke Alarms - Certification of upgrade to NCC requirements</p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the</p>

	<p>National Construction Code (Building Code of Australia) in relation to smoke alarm systems.</p> <p>Reason: To ensure compliance with the National Construction Code (Building Code of Australia).</p>
47.	<p>Section 73 Certificate</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the Sydney Water Act 1994.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
48.	<p>Dilapidation Report</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties 78 and 84 Ramsay Street, Haberfield to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</p> <p>Reason: To determine potential construction impacts.</p>
49.	<p>Resident Parking Scheme Not Applicable</p> <p>Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that measures have been put in place to advise future owners and occupants or tenants of the proposed building that they are not eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this Development Consent shall advise any purchaser or prospective tenant of this condition. All developments that are excluded from Permit Parking Schemes can be found in Councils Public Domain Parking Policy.</p> <p>Reason: To provide transparency in the application of the Resident Parking Scheme.</p>
50.	<p>Public Domain Works</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the <i>Roads Act 1993</i> including:</p> <ul style="list-style-type: none"> a. Heavy duty concrete vehicle crossing at the vehicular access location. b. The redundant vehicular crossing to the site must be removed and replaced.

	<p>c. The existing footpath across the frontage of the site (Ramsay Street) must be reconstructed.</p> <p>d. Other works subject to the Roads Act 1993 approval.</p> <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
51.	<p>No Encroachments</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed with the exception of awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
52.	<p>Protect Sandstone Kerb</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent has been replaced.</p> <p>Reason: To ensure Council assets are protected.</p>
53.	<p>Whiteway Lighting - Existing</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Whiteway lighting scheme and any existing meter box being maintained and any defects (including the need to install a "special small service") in the system are repaired.</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
54.	<p>Whiteway Lighting - New</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Under awning lighting matches the existing Whiteway lighting scheme in the area.</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
55.	<p>Parking Signoff – Minor Developments</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and</p>

	<p>off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p>
56.	<p>Works as Executed – Site Stormwater Drainage System</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:</p> <p>The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, rainwater system commissioned, and stormwater quality improvement device and pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
57.	<p>Operation and Management Plan</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the re-use facilities (rainwater tank) and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:</p> <ul style="list-style-type: none"> a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of failure. <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
58.	<p>Easements, Restrictions on the Use of Land and Positive Covenants</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive</p>

	<p>Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act 1919, has been created on the title of the property detailing the following:</p> <ul style="list-style-type: none"> a. Restrictions on the Use of Land related to rainwater tank system and stormwater quality improvement devices. b. Positive Covenant related to reuse facilities (rainwater tank). c. Positive Covenant related to stormwater quality improvement devices. <p>The wording in the Instrument must be in accordance with Councils Standard wording.</p> <p>Reason: To ensure that the relevant easements are registered on the property.</p>
<p>59.</p>	<p>Easement and Covenant Process</p> <p>Prior to the issuing of an Occupation Certificate, the following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site reuse facilities and stormwater quality improvement devices (SQIDS):</p> <ul style="list-style-type: none"> a. Work-As-Executed Plans <ul style="list-style-type: none"> A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the rainwater tank and SQIDS with finished surface levels and full details of SQIDS. b. Engineer's Certificate <ul style="list-style-type: none"> A qualified practising Civil Engineer must certify on the completion of drainage works in respect of: <ul style="list-style-type: none"> a. The soundness of the rainwater tank. b. The capacity of the rainwater tank. c. OSR pumps and SQIDS have been installed and commissioned. c. Restriction-As-To-User <ul style="list-style-type: none"> A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the rainwater tank and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the rainwater system and SQIDS, must not be carried out without the prior consent in writing of the Council. Such restrictions must not be released, varied or modified without the consent of the Council.

	<p>A typical document is available from Council's Development Assessment Engineer.</p> <p>d. A Maintenance Schedule.</p> <p>Reason: To ensure easements are registered and the correct documentation is provided.</p>
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OCCUPATION AND ONGOING USE

Condition	
60.	<p>Tree Establishment</p> <p>The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).</p> <p>Reason: To protect and retain trees.</p>
61.	<p>Operation and Management Plan</p> <p>The Operation and Management Plan for the re-use facilities, stormwater quality improvement devices and pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

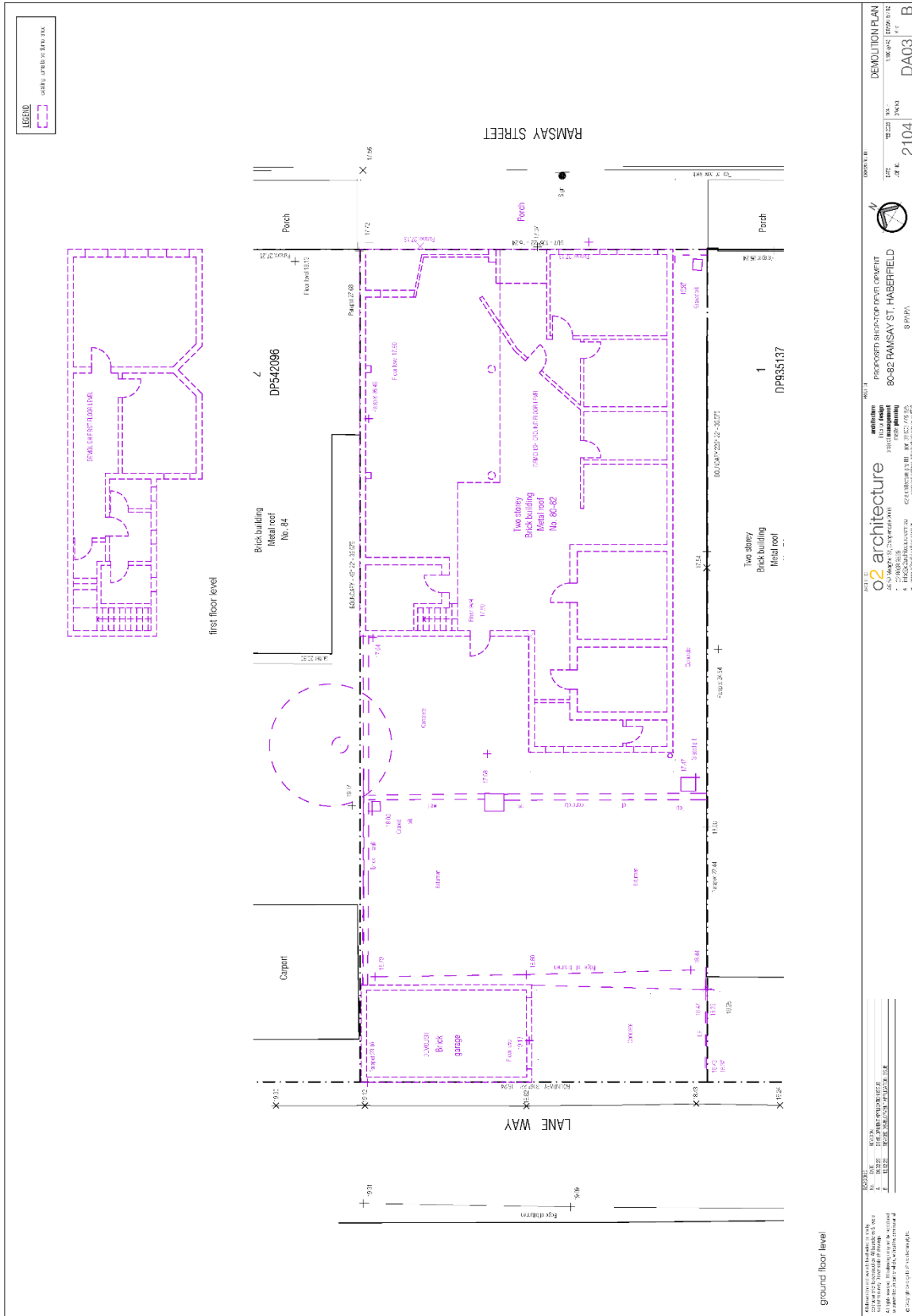
Condition	
62.	<p>Construction Traffic Management Plan – Detailed</p> <p>Prior to any building work, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.</p>

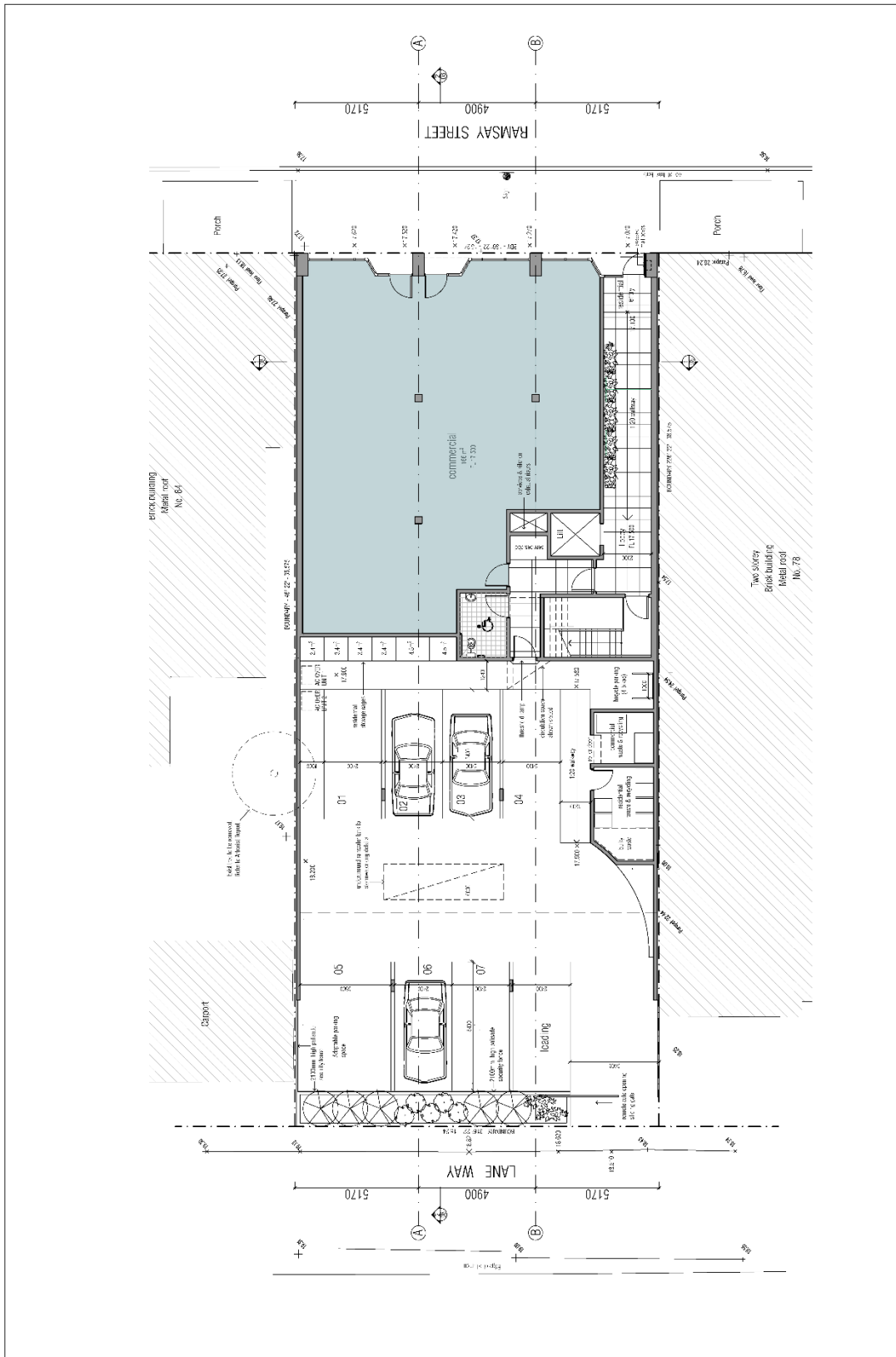
The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. 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;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. 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; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

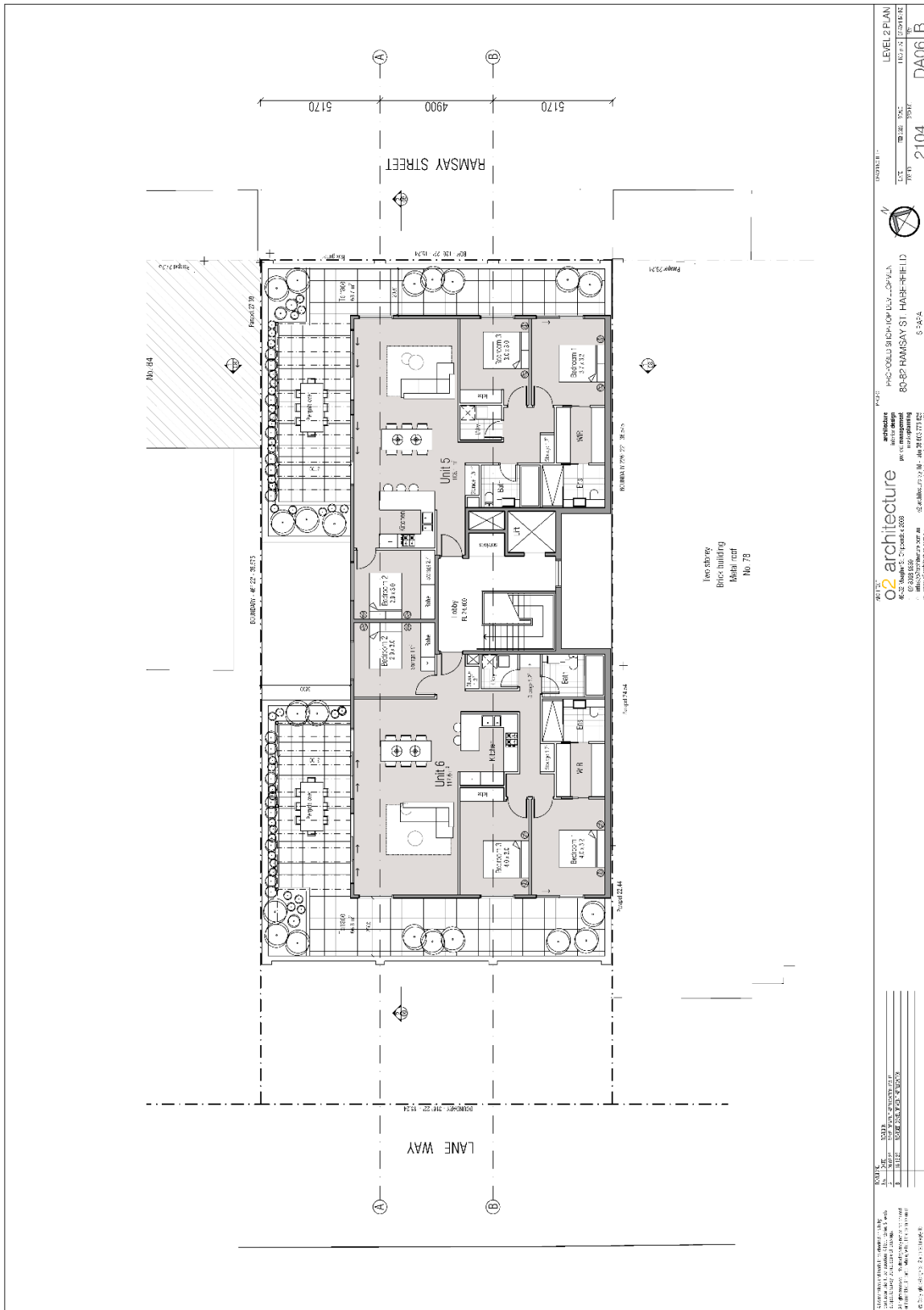
	<p>If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note.</p>
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	<p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
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<p>PROJECT</p> <p>PHOENIX COMMERCIAL DEVELOPMENT</p> <p>80-82 RAMSAY ST HARBRIDGE NSW</p> <p>DATE</p> <p>21/04/2024</p> <p>SCALE</p> <p>1:100</p>	<p>CLIENT</p> <p>PHOENIX COMMERCIAL DEVELOPMENT</p> <p>80-82 RAMSAY ST HARBRIDGE NSW</p> <p>DATE</p> <p>21/04/2024</p> <p>SCALE</p> <p>1:100</p>	<p>ARCHITECT</p> <p>o2 architecture</p> <p>12/21 King St, Orange NSW 2812</p> <p>PH: 02 6882 2222</p> <p>WWW.O2ARCHITECTURE.COM.AU</p>	<p>GROUND FLOOR PLAN</p> <p>DATE</p> <p>21/04/2024</p> <p>SCALE</p> <p>1:100</p> <p>PROJECT</p> <p>PHOENIX COMMERCIAL DEVELOPMENT</p> <p>80-82 RAMSAY ST HARBRIDGE NSW</p> <p>DATE</p> <p>21/04/2024</p> <p>SCALE</p> <p>1:100</p>
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Attachment D – Section 4.6 Exception to Development Standards

Statement of Environmental Effects including Clause 4.6 written submission to Clause 4.4 of IWLEP 2022 for demolition and replacement shop top housing project at 80-82 Ramsay Street and tree removal on 84 Ramsay Street Haberfield

- *To ensure Inner West local centres are the primary location for commercial and retail activities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.*

Accordingly, flexibility with the FSR standard will provide a better outcome from the proposal.

5. Clause 4.6(2) – Power to grant variation to development standard

The clause reproduced below provides Council the ability to grant development consent to a development application even where the development proposed will contravene a development standard.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

This application seeks Council support through this clause to allow the non-compliance with Clause 4.4 Floor Space Ratio development standard specified on Floor Space Ratio map 4 for Area N indicating a maximum floor space ratio of 1.0:1 applies to the site.

6. Clause 4.6(3) - Justification of Variation to Development Standard

6.1 Clause 4.6(3)

Clause 4.6(3) states that to permit a development that will contravene a development standard Council must be satisfied the applicant has demonstrated compliance with (a) & (b) below. The Clause states, inter alia:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

On 1 November 2023 the requirement for provision of a document that sets out the grounds that the applicant relies upon to justify non-compliance with a development standard has been relocated from Clause 4.6(3)(2) to the Environmental Planning and Assessment Regulation 2021 (EPAR). *Section 35B Additional requirements for development applications involving contravention of development standards* of the EPAR now states as follows:

(1) This section applies to a development application that proposes, in accordance with a relevant EPI provision, development that contravenes a development standard imposed by any environmental planning instrument.

(2) The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

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(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(3) In this section—

relevant EPI provision means—

- (a) clause 4.6 of a local environmental plan that adopts the provisions of the Standard Instrument, or
- (b) an equivalent provision of another environmental planning instrument.

This written request is the document that sets out the grounds to justify the contravention of the development standard required by Section 35B of the EPAR by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

6.2 Clause 4.6(3)(a) Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

The five potential tests for determining whether a development standard could be considered unreasonable or unnecessary are as follows:

The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].

A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].

A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].

A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].

A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of

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the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]-[51].

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard (will invoke requirement of Test 1 test only);

The objectives of Clause 4.4 are:

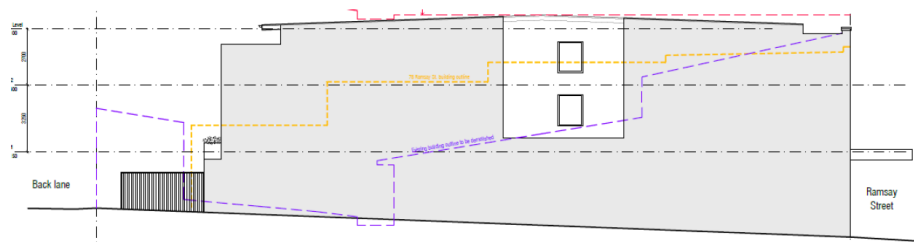
- (a) to establish a maximum floor space ratio to enable appropriate development density,
- (b) to ensure development density reflects its locality,
- (c) to provide an appropriate transition between development of different densities,
- (d) to minimise adverse impacts on local amenity,
- (e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

The following assessment against the objectives of Clause 4.4 is provided.

(a) to establish a maximum floor space ratio to enable appropriate development density,

Inner West Council has specified a maximum floor space ratio of 1.0:1 for the site. However, the following information will demonstrate that the proposed floor space ratio of 1.34:1, even though non-compliant with the statutory FSR, will still provide an appropriate development density on the site.

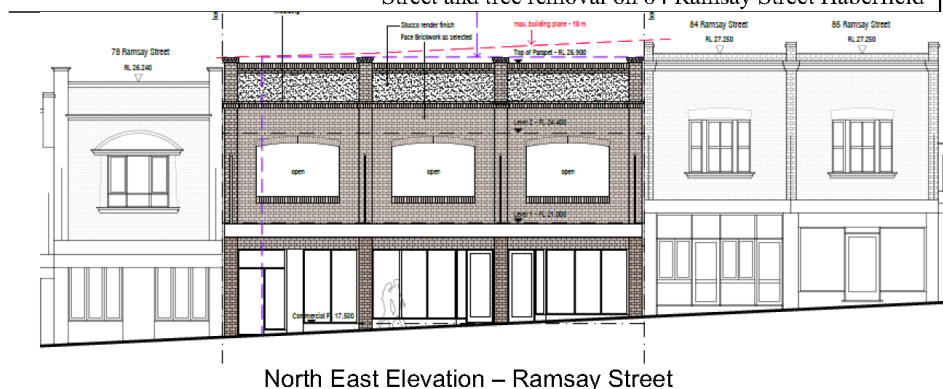
The following extract of the South East Elevation provides the outline of the existing built form at 78 Ramsay Street (yellow dotted line) which has a similar visual bulk and scale to the replacement building (refer drawing DA10).



South East Elevation

As indicated on the following extract of the North East Elevation from drawing DA09, the Ramsay Street façade will be height compliant and will be visually identical to the adjoining developments. Further, surrounding development is built to the side boundary as with this proposal. Therefore, the rear of the site is screened from Ramsay Street and as such the additional floor area will be invisible from Ramsay Street. The main Haberfield Heritage Conservation Area view.

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Also shown in the above drawing extracts, the development outcome, even though will be Floor Space Ratio non-compliant by 0.34:1. The resulting development will be height compliant and also produce a visual bulk and scale similar to other surrounding development, especially as indicated in the extract provided of the South East Elevation which shows the replacement development will possess a similar bulk and scale to the building at 78 Ramsay Street.

Accordingly, it is considered the proposal will provide a similar bulk and scale even with the FSR non-compliance that will be generally consistent with that envisaged by Council's development standard and surrounding development in the locality and provide an appropriate development density on the site.

The site is located within the Haberfield Heritage Conservation Area and therefore a Statement of Heritage Impact (SoHI) has been prepared and lodged as a separate document.

At page 41 of the Statement of Heritage Impact (SoHI), it states as follows:
The Ramsay Street elevation of the new building has almost the same dimensions as the present one, and will have no impact on views to or from elements of the conservation area.

The proposed replacement has been carefully designed with similar massing to the contributory shops in the vicinity, on both sides of the street. It also has similar basic proportions (bays, awning and parapet height, shopfront windows) to the single and grouped shops nearby.

It has a similar mix of face brick and render, in a recessive colour scheme, with a carefully simplified rather than imitative detailing.

It is, at second rather than first glance, a modern building, which responds most sympathetically to the visual characteristics of surrounding contributory buildings.

The above statement reproduced from page 41 of the SoHI, reinforces the conclusion that this proposal even with the proposed FSR non-compliance will provide an acceptable built form within the Haberfield Heritage Conservation Area.

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Also, despite the proposed development's non-compliance with the applicable FSR development standard, the proposal will be visually consistent with the surrounding buildings within close proximity to the site and result in an appropriate development density on the site as shown in the Streetscape Study extract from drawing DA02 Rev B dated December 2023 Site Analysis Plan & Streetscape Study.



To provide further evidence that the replacement development, even though FSR non-compliant, will provide an appropriate development density on the site and therefore satisfy objective (a) of Clause 4.4 assessment against the following amenity matters is provided:

Privacy

Privacy is preserved through the sensitive location and design of where all balconies from living areas designed to face being Ramsay Street, the rear lane or over roof or blank wall of adjoining development at 84 Ramsay Street.

Privacy from windows (doors) is as follows:

- Apartment 1 – Bedroom door screened by building wall & look over roof of adjoining building. Kitchen window does not face side boundary.
- Apartment 2 - Bedroom door screened by building wall & look over roof of adjoining building.
- Apartment 3 -Kitchen window does not face side boundary.
- Apartment 4 – Doors and bedroom window face balcony that faces rear lane.
- Apartment 5 - Apartment 5 doors off the living area (northwest elevation) are to be screened by building wall at edge of balcony areas for the apartment.
- Apartment 6 - Apartment 6 doors off the living area (northwest elevation) are to be screened by building wall at edge of balcony areas for this apartment.

Outcome of Privacy assessment

Accordingly, the above information indicates there should be no unacceptable or detrimental impact on the neighbouring properties due to the FSR non-compliance from a privacy viewpoint.

Solar Access

Shadow diagrams have been prepared by o2 Architecture Pty Ltd. The following assessment of the shadowing diagrams is provided.

9am

DA11 shows that the additional overshadowing that will be generated by replacement building beyond the existing overshadowing which will fall on the laneway and on part of pool area and alfresco area of 64 St Davids Road.

When the 12pm shadow is compared to the 9am shadow, it is considered from

Statement of Environmental Effects including Clause 4.6 written submission to Clause 4.4 of IWLEP 2022 for demolition and replacement shop top housing project at 80-82 Ramsay Street and tree removal on 84 Ramsay Street Haberfield

11am that the shadowing impact created by the new building will have moved that allow 64 St Davids Road to receive sunlight for more than the required 2hours between 9am and 3pm.

12pm

DA12 provides the midday shadowing diagram.

This diagram indicates the additional overshadowing generated by the replacement building will fall on concrete areas that appear to provide driveway access to garages at the rear of 76 and 78 Ramsay Street and over the existing buildings on these abovementioned properties. Therefore, the additional overshadowing should not reduce sunlight to the living rooms or POS of these properties.

3pm

DA 12 provides the 3pm shadowing diagram.

This diagram indicates the additional overshadowing generated by the replacement building will fall on concrete areas that appear to provide carparking for 70 Ramsay Street in association with 72 & 74 Ramsay Street and over the existing buildings on these abovementioned properties. Therefore, the additional overshadowing should not reduce sunlight to the living room of this property.

There is also a very minor increase in overshadowing on Ramsay Street that will not reduce any sunlight access to any property on the opposite side of Ramsay Street.

Outcome of Shadowing assessment

There is also a very minor increase in overshadowing on Ramsay Street that will not reduce any sunlight access to any property on the opposite side of Ramsay Street. In relation to the additional overshadowing at 9am on 64 St Davids Road, as indicated that comparison between the 9am to 12pm shadow illustrates that the property should receive the required 2hrs of sunlight between 9am and 3pm.

Views

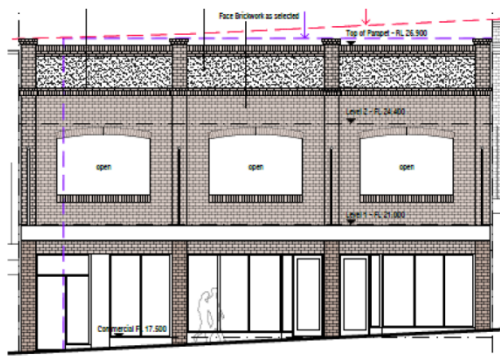
As indicated in the following photograph, the existing building is fundamentally built from side boundary to side boundary with the Ramsay Street elevation being at about maximum height allowable under the IWLEP 2022. Accordingly, no public views have been identified across the subject site and therefore any potential views are likely to be obscured by the existing built form.

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As the existing building and the replacement building's Ramsay Street façade as shown below will be fundamentally identical and the replacement building is to be constructed from side boundary to side boundary and reflective of the existing height of the current Ramsay Street elevation. It is considered that there will be no loss of view. This opinion is reinforced by the statement on page 41 of the Statement of Heritage Impact reproduced below as follows:

'The Ramsay Street elevation of the new building has almost the same dimensions as the present one, and will have no impact on views to or from elements of the conservation area.'



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Outcome of View assessment

The above information indicates that there will be no view loss due to the construction of the replacement development.

Bulk and Scale

As shown in the following information, the development outcome, even though the proposal will be Floor Space Ratio non-compliant. The resulting development will be height compliant and also produce a visual bulk and scale similar to other surrounding development especially as indicated in the extract provided of the Ramsay Street elevation, that illustrates that the replacement building will result in a similar bulk and scale to adjoining buildings at 78 & 84 Ramsay Street.



Further at page 41 of the Statement of Heritage Impact (SoHI), it states as follows:
'The Ramsay Street elevation of the new building has almost the same dimensions as the present one, and will have no impact on views to or from elements of the conservation area.'

'The proposed replacement has been carefully designed with similar massing to the contributory shops in the vicinity, on both sides of the street. It also has similar basic proportions (bays, awning and parapet height, shopfront windows) to the single and grouped shops nearby.'

The above statement from the SoHI reinforces the conclusion that this proposal even with the proposed FSR exceedance will provide an acceptable built form within the Haberfield Heritage Conservation Area.

Accordingly, although the proposal will does not comply with the FSR control, this is unlikely to have any significant adverse impacts as the revised design is located under the maximum allowable height and will be compatible with the existing Ramsay Street streetscape character and Haberfield Heritage Conservation Area streetscape.

Outcome of Bulk and Scale assessment

The above information demonstrates that the replacement building will be acceptable from a bulk and scale perspective in the Ramsay Street streetscape and the Haberfield Heritage Conservation Area.

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(b) to ensure development density reflects its locality,

The above information provided above demonstrated this replacement development even though in FSR non-compliant will result in development that reflects the development density within this area of Ramsay Street.

To further demonstrate that the replacement development is reflective of the locality, assessment of the application in relation to the E1 Local Centre zone objectives is provided as follows:

E1 Local Centre

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

Response

This application will provide a new commercial area that will allow a range of retail, business and community uses to operate to serve the needs of people who live in, work in or visit the area in the future thereby satisfying this objective's requirement.

- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Response

This application will encourage investment in local commercial development that generates employment opportunities and economic growth given that new commercial ground floor space to be provided with more potential patrons from the new apartments to be provided to help stimulate the investment as well; and

- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

Response

This application will provide new residential development (6 apartments) that has the potential to contribute to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Response

The application will provide the potential for a new business, retail, community or other non-residential land use on the ground floor of this replacement building, given the new commercial space to be provided.

- *To provide employment opportunities and services in locations accessible by active transport.*

Response

This application will provide employment opportunities on site due to the new commercial space to be provided which will be in a location that is accessible by active transport.

- *To provide retail facilities and business services for the local community commensurate with the centre's role in the local centres hierarchy.*

Response

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The application will provide a potential retail facility and/or business service for the local community given the new commercial ground floor space that will be commensurate with the centre's role in the local centres' hierarchy.

- *To ensure Inner West local centres are the primary location for commercial and retail activities.*

Response

This application will ensure Inner West local centres are the primary location for commercial and retail activities given the new commercial space proposed to be provided on the ground floor of this replacement development; and

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

Response

This application will ensure through the design of this new development's ground floor commercial space will provide an opportunity to provide a diverse and active street frontage that will attract pedestrian traffic and therefore help to create a vibrant, diverse and functional street and public space.

- *To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.*

Response

This application will enhance the unique sense of place offered by Inner West local centres through this replacement building's architectural and urban design quality and therefore will contribute to the desired character and cultural heritage of the locality as stated in the Statement of Heritage Impact.

Outcome of Zone Objective Assessment

The above information demonstrates that the replacement building will be acceptable from a bulk and scale perspective in the Ramsay Street streetscape and the Haberfield Heritage Conservation Area and therefore this application is to ensure this proposal's development density will be reflective of the surrounding locality.

(c) to provide an appropriate transition between development of different densities,

The above information provided above demonstrated this replacement development, even though is FSR non-compliant, will result in development that reflects the development density within this area of Ramsay Street.

(d) to minimise adverse impacts on local amenity,

The above information provided above demonstrated this replacement development, even though in FSR non-compliant, will result in development that will have no adverse impact on the local amenity of Ramsay Street.

(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

Refer to separate Arboricultural Impact Assessment report for details on how the tree on 84 Ramsay Street (adjoining site) is to be

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Clause 4.6(3)(b) There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

The proposal is permissible in the E1 Local Centre zone, is consistent with the relevant zone objectives (as discussed in (b) above) and satisfies an 'unreasonable and unnecessary' test established in *Wehbe*.

Accordingly, there are sufficient environmental planning grounds to justify the FSR variation.

This includes improving compatibility with the surrounding context, consistency with the existing Ramsay Street streetscape and the Haberfield Heritage Conservation Area.

Contextual Compatibility

The proposed variation will facilitate a contemporary development that will improve the site's compatibility with the surrounding development context. In *Initial Action v Woolahra Municipal Council* [2019] NSWLEC 1097, Commissioner O'Neill states at [42] that:

I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).

The responses provided in earlier in this document, I consider, demonstrates that the visual form of the design proposed will result in a quality built form, that will provide an acceptable visual streetscape presentation to Ramsay Street streetscape character and Haberfield Heritage Conservation Area, that will also be compatible with the streetscape character of adjoining developments and of development within the visual catchment of the site along Ramsay Street.

The outcome will achieve a good design outcome that should satisfy the surrounding development context as required by Commissioner O'Neill.

7 Conclusion

This written request document is considered to have adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

As indicated in this table, the sufficient environmental planning grounds include, inter alia:

- The proposed FSR will facilitate a shop top housing development consistent with the zoning objectives of the area; and

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Prepared by GM Planning Services

December 2023

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- The variation will provide a visually compatible replacement development within the existing Ramsay Street streetscape character and Haberfield Heritage Conservation Area and also of any development within the visual catchment of the site along Ramsay Street of the area; and
- The additional GFA will improve the residential amenity of the site; and
- The additional GFA will allow provision of additional housing choice to satisfy the demonstrated need for increased housing density through provision of additional units in this locality; and
- The GFA variation does still allow this proposal to satisfy Clause 4.4 FSR objectives.

I am of the opinion, that the consent authority should be satisfied that the design proposed, even though FSR non-compliant, will be in the public interest because it is consistent with the objectives of the standard and the objectives of the E1 Local Centre zone pursuant to the LEP. On that basis, the request to vary Clause 4.4 should be upheld.

Attachment E – Architectural Excellence and Design Review Panel Minutes



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	80-82 Ramsay Street Haberfield
Proposal:	Demolition of existing structures and construction of a 3-storey shop top housing development including ground level commercial tenancy, car parking and 6 apartments on the upper levels.
Application No.:	DA/2024/0034
Meeting Date:	12 March 2024
Previous Meeting Date:	16 May 2023 (previous development application)
Panel Members:	Tony Caro Peter Ireland Jocelyn Jackson
Apologies:	-
Council staff:	Vishal Lakhia Niall Macken Annalise Ifield
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Stefan Lombardo and Rocky Zappia – Architects for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.
2. As a proposal subject to Chapter 4 – Design of residential apartment of the State Environmental Planning Policy (SEPP) Housing 2021, the Panel's review and comments have been structured against the 9 Design principles set out in the SEPP (Housing) 2021 – Schedule 9 and the NSW Apartment Design Guide (ADG).

Discussion & Recommendations:

Principle 1 – Context and Neighbourhood Character

1. The Panel notes the proposed floor space ratio significantly exceeds (by 41%) the maximum permissible control within the Inner West LEP. A 1:1 FSR control applies to the site due to its location within the Haberfield Heritage Conservation Area.
2. The proposed FSR non-compliance could be supported however, on the basis that the applicant demonstrates consistency with the key principle controls of the DCP (envelope) and the ADG with particular emphasis on compliance with the provisions for communal open space, solar access, natural cross ventilation, in order to achieve an acceptable level of environmental



amenity for occupants of the development. The latter may require that the unit yield or overall GFA be reduced to achieve this amenity.

3. The Panel noted, in regard to the FSR exceedance, that the proposed 3 storey height could be appropriate in this location provided that LEP height and setback controls are complied with.

Principle 2 – Built Form and Scale

1. The Panel recommends the applicant should consider introduction of a series of vertically proportioned slots or perforations be introduced into the solid stucco panel below the parapet addressing Ramsay Street, to improve daylight, natural ventilation and outlook for the top level apartments. Additionally, the lower brick corbel within the front and rear elevations should be lowered to balustrade height in order to further improve outlook, daylight and natural ventilation.
2. The Panel is concerned about acoustic and visual privacy between the second bedrooms of Apartments 5 and 6 (Level 2) and the second bedrooms and private courtyards of Apartments 1 and 3 (Level 1). In the Panel's view, the arrangement creates poor acoustic privacy between dwellings. As an alternative the Panel recommends relocation of the second bedrooms within Apartments 5 and 6, and an open garden area located between the light well and lift lobby on Level 2. The lobby should be provided with a glazed external wall overlooking the Level 2 garden bed.
3. The Panel noted that any redevelopment on the adjoining property to the north, would adversely affect the amenity of the Level 1 private courtyards.
4. The applicant should investigate the possibility of keeping the lift door in the same location for all floor levels, including the ground floor level.
5. The applicant should investigate the introduction of a fireproof skylight from the lightwell above, to provide much needed natural light into the Ground Floor Lift Lobby.

Principle 3 – Density

1. The Panel notes that the FSR development standard is grossly exceeded and expects that recommendations in this report are carefully considered to reduce the quantum of non-compliance and improve residential amenity.

Principle 4 – Sustainability

1. The applicant should provide sun eye views at hourly interval between 9am to 3pm at mid-winter, confirming that living rooms and balconies of at least 70% of apartments receive a minimum two hours direct sunlight.
2. The Panel encourages use of ceiling fans within all habitable areas of the apartments as a low energy alternative.
3. Provision of an appropriately sized rainwater tank should be considered to provide for re-use within the development.
4. The applicant should include an appropriately sized and integrated rooftop photovoltaic system and confirm location in the revised 2D and 3D architectural drawings.

Principle 5 – Landscape

1. Detailed landscape architectural drawings were not provided to the Panel as part of the DA documentation. The Panel recommends involvement of a suitably qualified landscape architect for successful integration of landscape design with architectural design. The Panel considers this is particularly important in this instance since the proposal lacks provision of a deep soil area and a communal open space, contrary to the guidance offered within Parts 3D and 3E of the ADG.



2. The Panel discussed whether the planters within the ground floor foyer would be realistically achievable since there are potential issues with longer term viability of growth, maintenance, and irrigation system.
3. The applicant is encouraged to apply the ADG (Parts 4O and 4P), and Inner West Council's Green Roof Policy and Guidelines to develop a detailed landscape design.

Principle 6 – Amenity

1. Refer to recommendations in *Principle 1 – Context & Neighbourhood Character* and *Principle 2 – Built Form & Scale* of this report.

Principle 7 – Safety

1. Fire egress arrangement from the above residential levels to the ground floor exit should be reviewed by a suitably qualified NCC specialist. The Panel suggested that egress on ground floor onto Ramsay Street through the front lobby area be investigated.

Principle 8 – Housing Diversity and Social Interaction

1. Revised architectural drawings should confirm details of the pre and post adaptation layouts as part of this development application stage.

Principle 9 – Aesthetics

1. The Panel recommends that the external walls on Levels 1 and 2 sitting behind the masonry parapet walls should be less solid in appearance and should be expressed in light-weight materials.
2. Developed architectural documentation for the revised scheme should include details of the proposed design intent with 1:20 sections indicating materials, brickwork detailing and laying pattern, balustrade types and fixing, balcony edges, junctions, rainwater drainage including any downpipes and similar details within the proposal.
3. Revised architectural drawings should be provided confirming location of the A/C condensers.

Conclusion:

The Architectural Excellence & Design Review Panel notes that the applicant seeks a significant variation to the permissible floor space ratio control.

The Panel recommends that a revised proposal return for further review with the Report recommendations incorporated or addressed as part of the next development application stage.