



NSW GOVERNMENT  
**Department of Planning**

**Office of the Director General**

Ms Carolina De Wolf  
Sydney Water Corporation  
PO Box A53  
SOUTH SYDNEY NSW 1232

Ref : I08/021  
File: S08/01633

Dear Ms De Wolf

**Subject: Determination of application for a site compatibility certificate - State Environmental Planning Policy (Infrastructure) 2007 (I08\_021)**

I refer to your application of 10 October 2008 for a site compatibility certificate under clause 19(1) of State Environmental Planning Policy (Infrastructure) 2007 ('the SEPP') in relation to the proposed development of land owned by Sydney Water Corporation at Lot 2 DP 1046985, known as 250 Annandale Street, Annandale, Leichhardt Shire Council LGA.

I have made the determination to issue the site compatibility certificate under clause 19(5) of the SEPP on the basis that the site of the proposed development is compatible with surrounding land uses, having had regard to the matters in clause 19(6).

Should you have any further enquiries about this matter, I have arranged for Michael Woodland, to assist you. Michael may be contacted at the Department's Bridge Street Office on telephone number (02) 9228 6150 or email [michael.woodland@planning.nsw.gov.au](mailto:michael.woodland@planning.nsw.gov.au).

Yours sincerely

  
Sam Haddad  
Director General

26/11/2008


**Additional Uses on State Land**  
**Determination of Certificate of Site Compatibility**  
Division 2 Part 2 of *State Environmental Planning Policy (Infrastructure) 2007*

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I, the Director-General of the Department of Planning, pursuant to clause 19(5) of the *State Environmental Planning Policy (Infrastructure) 2007*, determine the application made by Sydney Water Corporation on 10 October 2008 by issuing this certificate.

For the purposes of obtaining consent to development referred in clause 18(3), I certify that in my opinion, the development of the site described in Schedule 1:

- is compatible with the surrounding land uses, having had regard to the matters specified in clause 19(6); and
- is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

  
**Sam Haddad**  
Director-General  
Department of Planning

Date certificate issued: 26<sup>th</sup> November 2008.

**Please note:** This certificate will remain current for 5 years from the date of issue.

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**SCHEDULE 1**

**Site description:** Lot 2 DP 1046985, known as 250 Annandale Street Annandale, Leichhardt Shire Council LGA.

**Application made by:** Sydney Water Corporation

1. **Project description :** Use of a portion of the allotment (242.3m<sup>2</sup>) for residential purposes.

**SCHEDULE 2**

**Requirements imposed on certificate:** None

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**BUILDING AND DEVELOPMENT COUNCIL****NOVEMBER 2010**

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<b>Development Application No.</b>	Ø D/2010/217
<b>Address</b>	Ø Pipeline, 250 Annandale Street, ANNANDALE NSW 2038
<b>Description of Development</b>	Ø Subdivision into 2 lots and remediation of the site.
<b>Date of Receipt</b>	Ø 7 May 2010
<b>Value of Works</b>	Ø N/A
<b>Applicant's Details</b>	Ø Sydney Water Corporation Charter Link Suite 406 1-3 Gladstone St NEWTOWN NSW 2042
<b>Owner's Details</b>	Ø Sydney Water C/- Property Group PO BOX 399 PARRAMATTA NSW 2124
<b>Notification Dates</b>	Ø 24 May 2010 to 23 June 2010
<b>Number of Submissions</b>	Ø Two (2) in opposition
<b>Building Classification</b>	Ø N/A
<b>Integrated Development</b>	Ø Yes

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<b>Main Issues</b>	Ø Remediation Ø Heritage
<b>Recommendation</b>	Ø Approval

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<b>Attachment A</b>	Ø Plans of proposal & Site Compatibility Statement
<b>Attachment B</b>	Ø Draft conditions of consent

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LOCALITY MAP

Subject Site



Objectors



Notified Area



Supporters

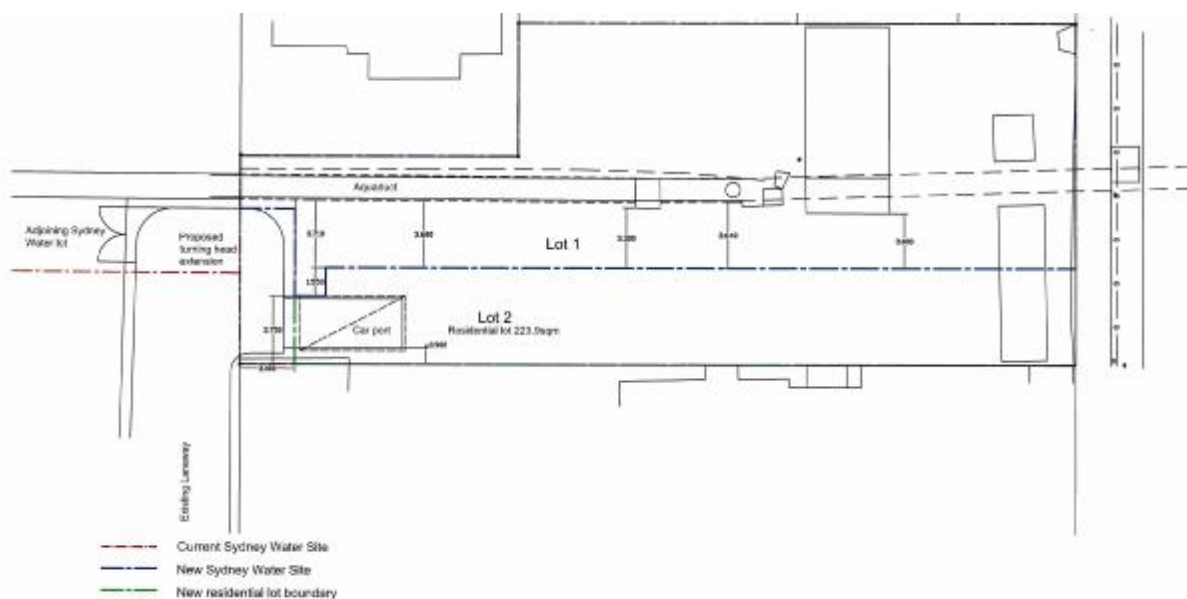


## 1. PROPOSAL

This application seeks consent for subdivision of the existing allotment into 2 Torrens title lots and remediation of the site at 250 Annandale Street, Annandale.

The application does not, at this stage, propose new buildings or further development. Lot 1 being 495.6m<sup>2</sup> will be retained by Sydney Water. Lot 2, being 223.9m<sup>2</sup> will be remediated and on sold to a future developer for, presumably, residential purposes.

All structures currently on Lot 2 are proposed to be demolished as part of this application as well as an extension of the rear lane. The proposed allotment layout and extension of the lane is shown in the following plan:



## 2. SITE DESCRIPTION

The site is approximately 719.5m<sup>2</sup> in area and has a frontage of 18.7m to Annandale Street. The site is located on the western side of the street.

The site presently accommodates a single storey brick building used for storage purposes and a Aqueduct. The adjoining properties consist of one and two storey residential dwellings.

The site is located within the distinctive neighbourhood of Annandale Street.

The subject site is a heritage item and is located within a conservation area. The site is not identified as a flood control lot.

## 3. SITE HISTORY

The following table outlines the development history of the subject site.

Date	Application Details
2008	Site Compatibility Certificate issued by Department of Planning to “adopt” adjoining residential zoning.
2009	Pre DA for subdivision and residential development

#### 4. ASSESSMENT

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

##### (a)(i) Environmental Planning Instruments

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

- Local Environmental Plan 2000 – Leichhardt Town Plan
- Sydney Regional Environmental Plan– Sydney Harbour Catchment 2005
- State Environmental Planning Policy No 1 – Development Standards
- State Environmental Planning Policy 55 –Remediation of Land
- State Environmental Planning Policy - Infrastructure

The following summarises the assessment of the proposal against the development standards and lists the other relevant clauses of the Leichhardt Local Environmental Plan 2000.

Development Standard	LEP 2000 Requirement	Proposal m <sup>2</sup>	Proposal ratio / %	Compliance	% of Non-compliance
Floor Space Ratio	0.6:1	N.A	N.A	N.A	N.A
Total Landscape	40%	N.A	N.A	N.A	N.A
Soft Landscape	25% of the total	N.A	N.A	N.A	N.A
Subdivision Lot 2	200m <sup>2</sup>	223.9m <sup>2</sup>	Complies	Yes	N.A
Subdivision Lot 1	200m <sup>2</sup>	495.6m <sup>2</sup>	Complies	Yes	N.A

The application satisfies the provisions of the above Environmental Planning Instruments.

The application does not, at this stage, propose new buildings or further development. Lot 2 being 495.6m<sup>2</sup> will be retained by Sydney Water. Lot 1, being 223.9m<sup>2</sup> will be will be remediated and on sold to a future developer for, presumably, residential purposes.

Clause 16 – Heritage Items.

The site contains an Item of Environmental Heritage listed under Local Environmental Plan 2000 as having State significance and is listed on the State Heritage Register, and known as the Annandale/Leichhardt aquaduct.

There are no works proposed to the aquaduct, which will be encompassed within lot 2, retained by Sydney Water.

A Section 60 consent has already been issued by the Heritage Branch of the Department of Planning for the works.

Clause 16 of the Local Environmental Plan also requires that any development application pertaining to an Item of Heritage having State significance be assessed having regard to a Conservation Management Plan for the Item. The applicant has submitted such a Plan, which identifies the importance of the heritage fabric, and appropriate measures for its protection. Additionally, the applicant has submitted a Heritage Impact Statement as required by clause 16(2) of Local Environmental Plan 2000.

#### Clause 30 – Subdivision of land

This clause requires that:

Before consenting to a *subdivision* of land, the consent authority must consider whether the *subdivision* will:

- (a) provide an appropriate setting for *development* in terms of *site areas*, dimensions and *amenity* to satisfy the needs of future residents and businesses, and
- (b) protect the urban form, scale and density of the locality.

The proposed site areas and dimensions are satisfactory in this regard. The applicant has lodged indicative plans which demonstrate that a dwelling could be constructed on the anticipated lot, in accord with the planning controls of Local Environmental Plan and Development Control Plan 2000. Additionally, the proposed subdivision is consistent with the pattern of allotments within the surrounding vicinity.

#### State Environmental Planning Policy 55 – Remediation of land

See discussion later in this report under Development Control Plan 42 heading.

#### State Environmental Planning Policy – Infrastructure

The site is currently zoned Public Purpose under Local Environmental Plan 2000, and residential development is not permitted. However, on 18 November 2008 the site was issued with a Site Compatibility Certificate (SCC) pursuant to clause 19 of the Infrastructure State Environmental Planning Policy which permits the site to be developed in accordance with the adjoining residential zoning.

#### **(a)(ii) Draft Environmental Planning Instruments**

There are no Draft Environmental Planning Instruments applicable to the subject application.

### **(a)(iii) Development Control Plans**

The application has been assessed against the relevant Development Control Plans listed below:

- Development Control Plan 2000 – Residential Development
- Development Control Plan 36 – Notifications Under EPAA 1979 & LGA 1993
- Development Control Plan 38 – Avoid, Reuse, Recycle (Waste Management)
- Development Control Plan 42 – Land Contamination
- Development Control Plan Sydney Harbour Catchment 2005

More specifically, the application has been assessed against the following clauses of Development Control Plan 2000.

#### **B 1.1 Demolition, site layout, subdivision and design**

##### ***Principle***

*Design new housing to integrate well with the neighbourhood and be consistent with and enhance existing street subdivision patterns, street character and maintain amenity to adjacent residents.*

*Only allow demolition of existing residential buildings where the replacement buildings are capable of satisfying the suite of controls for residential development in Leichhardt Local Environmental Plan 2000 and this Development Control Plan*

Whilst the proposal does not formally include an application for new buildings, the information submitted has demonstrated that residential development could take place on lot 2 in a manner wholly consistent with the statutory and policy controls of Local Environmental Plan and DCP 2000.

Lot 1 will be of a suitable size for residential use and effectively could be on-sold for residential purposes as the site compatibility statement covers the whole current site referred to as 250 Annandale Street. However, Sydney Water has advised that they intend to keep ownership of Lot 1 and not use it for any residential use which would be consistent with the detail contained within the Conservation management Plan and Remediation Action Plan.

#### **DCP 42 – Land Contamination**

The site is required to be remediated before residential land use can be carried out, under State Environmental Planning Policy 55 consent must be granted for the remediation works as the site is located within a Heritage Conservation Area.

A Remediation Action Plan has been submitted with this application and will form part of the consent conditions if the application is approved by Council. This plan states that Lot 2 can be remediated so that it is suitable for the proposed residential use.



It should be noted that Lot 1 is not proposed to be remediated as Sydney Water does not intend to use it for residential purposes. This is contrary to the site compatibility statement which enables Lot 1 to be used for residential purposes, as such if Sydney Water on sold Lot 1 the site would have to be remediated prior to it being used for residential purposes.

#### **(a)(iv) Environmental Planning and Assessment Regulation 2000**

The Development Application has been assessed against the relevant clauses of the Environmental Planning and Assessment Regulation 2000. The Development Application fully complies with the Environmental Planning and Assessment Regulation 2000.

The site contains an Item of Environmental Heritage listed under Local Environmental Plan 2000 as having State significance and is listed on the State Heritage Register, and known as the Annandale/Leichhardt aquaduct. Which

A Section 60 consent has already been issued by the Heritage Branch of the Department of Planning for the works.

Clause 92(1)(b) of the Regulation Council to consider the provisions of *Australian Standard AS 2601-1991: The demolition of structures*. The demolition of the existing structures is to be carried out in accordance with a construction/demolition management plan, which is to be submitted prior to the issue of a Construction Certificate. Conditions to this effect are included in the recommendation section of this report.

#### **(b) The likely environmental both natural and built environment, social and economic impacts in the locality**

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

#### **(c) The suitability of the site for the development**

The site is zoned public purpose and a Site Compatibility Certificate (SCC) has been issued pursuant to clause 19 of the Infrastructure State Environmental Planning Policy which permits the site to be developed in accordance with the adjoining residential zoning. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### **(d) Any submissions made in accordance with the Act or the regulations**

The Development Application was notified for a period of thirty (30) days.

The notification period was from 24 May 2010 to 23 June 2010.  
The notification of the application included:

- § Letters sent to thirty seven (37) properties.
- § A yellow site notice placed on the site.
- § Listing under the notification section on Council's website.

Two (2) objections were received during the advertising period.

The following information is provided in response to the issues raised in the objections.

The proposed use of the site for residential purposes would reduce the aesthetics, privacy and feel of the area. The existing (low and unobtrusive) brick building on the site provides a degree of privacy between the houses fronting on to Piper Street and those fronting on to Annandale Street. In addition the construction of a residential property on the site would significantly reduce the 'open' feel of the area in what is already a highly densely populated area.

The surrounding area is predominantly residential in use which is consistent with the proposed use of the subject site. In addition to this a Site Compatibility Certificate (SCC) was issued by the Department of Planning pursuant to clause 19 of the Infrastructure State Environmental Planning Policy which permits the site to be developed in accordance with the adjoining residential zoning. A good design outcome for the subject site would still achieve an 'open feel' for the area which would be subject to a future development application.

An additional residential property is likely to result in greater car numbers. Despite a single carport being proposed for the lot, the traffic numbers associated with the property are likely to be higher than this (given visitors to the property etc.). Given the general Annandale St /Piper St area is at times a high traffic area (and in the vicinity of a primary school), any increase in traffic numbers is highly undesirable.

Single dwellings on residential allotments are not required to provide car parking onsite under Development Control Plan 2000, however the indicative dwelling shown as an example with this application caters for one off-street car parking space. Additionally, it is considered that the surrounding road network can cater for the minimal increase in traffic generation.

The proposed turning head extension on Collins Lane is likely to result in higher traffic activity in this area (particularly as indiscriminate dumping seems to occur off this laneway currently). Given we currently experience odour nuisance arising from this laneway, we are concerned that this may increase under the proposed plans.

The addition of a dwelling in this location would act as a deterrent for illegal dumping and provide for a greater level of surveillance of the laneway.

We currently experience frequent, offensive odours arising from the Sydney Water property - the construction of a residential property would reduce the potential for dispersion of these odours and result in a greater odour impact on the adjoining properties.

There is no evidence to suggest that the creation of another dwelling would result in greater odour impact on the adjoining properties.

The Remediation Action Plan indicates that the top 0.5m of fill across the entire site will need to be removed. Given the high density of the area (surrounded by

residential properties with young children), it is likely that dust (laden with contaminants) will impact on surrounding properties. While the RAP does propose dust control measures, the activities associated with excavation, loading and unloading of soils will undoubtedly have a dust impact on the surrounding properties, given the horizontal dispersion of dust associated with these activities. The proposed "Dust levels will be monitored visually during site work" does not stop the nuisance - only actions will do this!

Appropriate conditions of consent to protect the surrounding properties and residents are proposed to address this issue and are detailed at the end of this report.

While it is noted that Appendix F is an indicative development outcome only, this plan indicates a two storey building with a bedroom at rear with the roof ridge at RL20.0 (as shown in the indicative street frontage diagram). At this level, we would experience a serious loss of privacy as our living areas and bedroom face directly towards this property and could readily be viewed from the proposed Annandale St property. This roof ridge would also be very imposing on our property, particularly given how far back along the property this is proposed.

As acknowledged by the writer, the proposed dwelling is an indicative outcome only. These matters will be addressed with any future development application for the construction of a dwelling.

I am extremely concerned about proposed subdivision as the building envelope on the portion that is likely to be subject of development is very small. This means that any dwelling constructed, in order to be in any way viable, would need utilise all the land up to my boundary. Also, any dwelling on the remaining viable building envelope is extremely unlikely to enhance the existing architectural uniformity enjoyed by Annandale Street.

The proposed allotment of land exceeds the minimum permitted by Council's controls. Any future development application for residential development will be assessed against the relevant controls.

I strongly object to this subdivision for that reason. A development on the extremely small portion of the land adjacent to my house and the viaduct is likely to impact my dwelling and result in loss of light, increase my carbon footprint in relation to fuel to heat or cool my home, damage the already under pinned foundations of my house and restrict access to my land and that side of my house.

The proposed allotment of land exceeds the minimum permitted by Council's controls. The amenity impacts on adjoining properties will be considered with any future development application and assessed against the relevant controls of the Leichhardt Town Plan.

Any proposed building to be erected on that very small portion of land would need to be set well back from my boundary and I will object to any plans or development application brought before the Council in this regard. I would be prepared to appear as a witness for the Council in the Land & Environment Court if a subsequent application for development consent was refused, and then challenged.

The amenity impacts on adjoining properties will be considered with any future development application and assessed against the relevant controls of the Leichhardt Town Plan.

Further, the site is of historic and heritage significance to Annandale as the start of the Aquaduct. This is an important site and can be viewed from Annandale Street. Any development would limit public access and enjoyment of viewing the aquaduct. The proposal has been supported by the heritage branch of the Department of Planning and any amenity impacts on adjoining properties will be considered with any future development application.

**(e) The public interest**

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

The proposal is not contrary to the public interest.

**5. SECTION 94 CONTRIBUTIONS**

Section 94 contributions are payable for the proposal. The proposal entails the creation of one (1) additional allotment which, will be subject to the State Government's \$20 000 cap – see calculation below. However, when a future development application is lodged for further intensification of the residential yield on the site (by way of subdivision or residential buildings) then that future development application will also be levied as relevant. A credit of the \$20 000 as above will be apportioned to the future site.

Council levy:

Open Space Contribution	\$25,811.00
Community Services	\$3945.00
Transport & Access	\$256.78 (\$203.75 = LATM, \$18.90 = Light rail, \$34.14 = bicycles)

As indicated above, the actual levy is capped at \$20 000 by the State Government. Consequently, the actual levy for each of the three totals above should be proportionally reduced for each of those totals, equalling \$20 000.

This means that the actual levies will be as follows:

State levy

Open space and recreation	\$17200
Community facilities and services	\$2650
Local area traffic management	\$110
Light rail access works	\$25
Bicycle works	\$15

**6. INTERNAL REFERRALS**

The Development Application was referred to the following Council Officers:

#### Drainage Engineer

Proposal is satisfactory subject to conditions which are detailed at the end of this report.

#### Heritage Advisor

Proposal is supported on heritage grounds with no conditions required.

### **7. EXTERNAL REFERRALS**

The Development Application was not required to be referred to any external body for comment as a Section 60 consent had already been issued by the Heritage Branch of the Department of Planning for the works.

### **8. CONCLUSION**

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The proposal satisfies the objectives of Leichhardt Local Environmental Plan 2000 and will not result in significant adverse impacts for locality. Accordingly the application is recommended for approval, subject to the conditions listed below.

### **9. RECOMMENDATION**

That Council as the consent authority pursuant to s80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: D/2010/217 for subdivision into 2 lots and remediation of the site at Pipeline, 250 Annandale Street, Annandale subject to Council's standard conditions and the following specific conditions.

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

- ii) A *final* inspection when the demolition works have been completed.

**NOTE:** Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning Council.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
  - m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
  - n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
  - o) Prior to demolition, a Work Plan must be prepared and submitted to Council / Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
    - i) A WorkCover licensed contractor must undertake removal of all asbestos.
    - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
    - iii) Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste.
    - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
    - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.
4. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Council prior to the commencement of works associated with this consent. The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.
- a) 248 Annandale Street, Annandale.

The dilapidation report is to be prepared by a practising Structural Engineer agreed to by both the applicant and the owner of the adjoining property. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the Certifying Authority in such circumstances.

5. An engineering design of roadworks in the rear lane, prepared by a qualified practicing Civil Engineer, must be provided for the approval of Council, then the works constructed prior to the issue of a Subdivision Certificate. The design must be prepared/ amended to make provision for the following:
  - a) Construction of the kerb and gutter and infill footpath for the full extent of the proposed turning head extension in the rear laneway.
  - b) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards and Council's specifications.

The design and construction must be certified by a suitably qualified Civil Engineer.

The design must be submitted to and approved by Council in writing in accordance with Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 prior to commencement of construction of the works.

The applicant must consult with Council's Manager – Assets in relation to the design of all works in the public road reserve.

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

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

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



20. Prior to the issue of a Subdivision Certificate for D/2010/217, the site is to be remediated in accordance with:

- a) The relevant approved Remedial Action Plan, and
- b) Development Control Plan No. 42 – Contaminated Land Management, and
- c) State Environmental Planning Policy No. 55 – Remediation of Land and
- d) The guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Clause 18 of State Environmental Planning Policy No. 55 – Remediation of Land.

Council reserves the right to request the validation and or/monitoring report, submitted in satisfaction of this condition, be the subject of a Site Audit Report and Site Audit Statement in accordance with the Contaminated Land management Act 1997.

Should the Site Audit Statement conclude that the site is not suitable in its current state, following the implementation of the approved remediation action plan, or that the Site Audit Statement imposes impractical or unwieldy conditions, the subdivision certificate will not be issued.



NSW GOVERNMENT  
Department of Planning

Office of the Director General

Ms Carolina De Wolf  
Sydney Water Corporation  
PO Box A63  
SOUTH SYDNEY NSW 1232

Ref: I08/021  
File: S08/01633

Dear Ms De Wolf

**Subject: Determination of application for a site compatibility certificate - State Environmental Planning Policy (Infrastructure) 2007 (I08\_021)**

I refer to your application of 10 October 2008 for a site compatibility certificate under clause 19(1) of State Environmental Planning Policy (Infrastructure) 2007 ('the SEPP') in relation to the proposed development of land owned by Sydney Water Corporation at Lot 2 DP 1046965, known as 250 Annandale Street, Annandale, Leichhardt Shire Council LGA.

I have made the determination to issue the site compatibility certificate under clause 19(5) of the SEPP on the basis that the site of the proposed development is compatible with surrounding land uses, having had regard to the matters in clause 19(6).

Should you have any further enquiries about this matter, I have arranged for Michael Woodland, to assist you. Michael may be contacted at the Department's Bridge Street Office on telephone number (02) 9228 6150 or email michael.woodland@planning.nsw.gov.au.

Yours sincerely

  
Sam Haddad  
Director General

26/11/2008

**Additional Uses on State Land**  
**Determination of Certificate of Site Compatibility**  
*Division 2 Part 2 of State Environmental Planning Policy (Infrastructure) 2007*

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I, the Director-General of the Department of Planning, pursuant to clause 19(5) of the *State Environmental Planning Policy (Infrastructure) 2007*, determine the application made by Sydney Water Corporation on 10 October 2008 by issuing this certificate.

For the purposes of obtaining consent to development referred in clause 18(3), I certify that in my opinion, the development of the site described in Schedule 1:

- is compatible with the surrounding land uses, having had regard to the matters specified in clause 19(6); and
- is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

  
**Sam Haddad**  
Director-General  
Department of Planning

Date certificate issued: *26<sup>th</sup> November 2008*.

**Please note:** This certificate will remain current for 5 years from the date of issue.

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**SCHEDULE 1**

**Site description:** Lot 2 DP 1046885, known as 250 Annandale Street Annandale, Leichhardt Shire Council LGA.

**Application made by:** Sydney Water Corporation

1. **Project description :** Use of a portion of the allotment (242.3m<sup>2</sup>) for residential purposes.

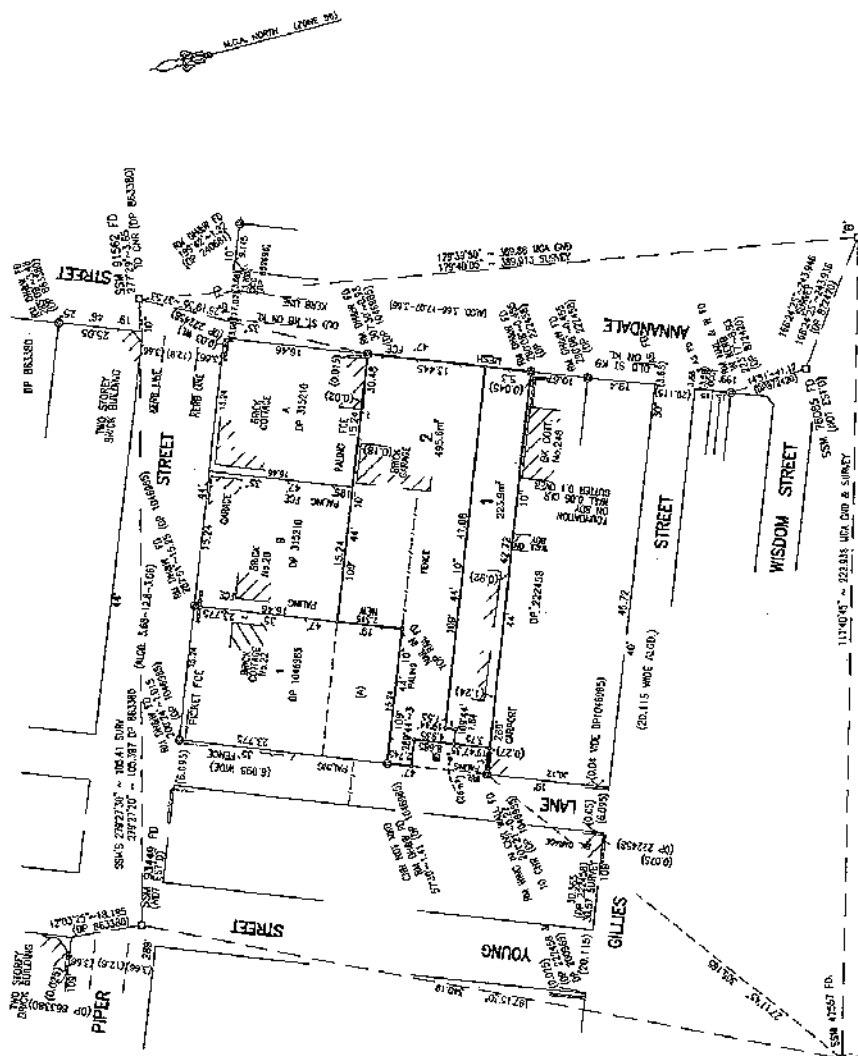
**SCHEDULE 2**

**Requirements imposed on certificate:** None

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WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1



**DRAFT SUBDIVISION ONLY**

1. THIS PLAN IS DRAFT ONLY AND IS NOT CHECKED FOR ACCURACY OR COMPLETION. NO REPRESENTATION IS MADE BY THE SURVEYOR AS TO THE ACCURACY OR COMPLETION OF THE PLAN.
2. NO REPRESENTATION IS MADE BY THE SURVEYOR AS TO THE ACCURACY OR COMPLETION OF THE PLAN.
3. NO REPRESENTATION IS MADE BY THE SURVEYOR AS TO THE ACCURACY OR COMPLETION OF THE PLAN.

☒ ROAD WIDENING  
(A) RESTRICTIONS ON THE USE OF LAND (DP1016985)

W.A. CO-ORDINATES	ZONE 78	EASTINGS	NORTHINGS	CLASS	ORIGIN
W.A. 42357	42357	42357	42357	D	2
W.A. 42357	42357	42357	42357	B	2
W.A. 42357	42357	42357	42357	C	2

W.A. CO-ORDINATES ADAPTED FROM 2005  
W.A. CO-ORDINATES ADAPTED FROM 2005  
W.A. CO-ORDINATES ADAPTED FROM 2005

Survey: PETER FRISCHKE WASS  
W.A. CO-ORDINATES ADAPTED FROM 2005  
W.A. CO-ORDINATES ADAPTED FROM 2005

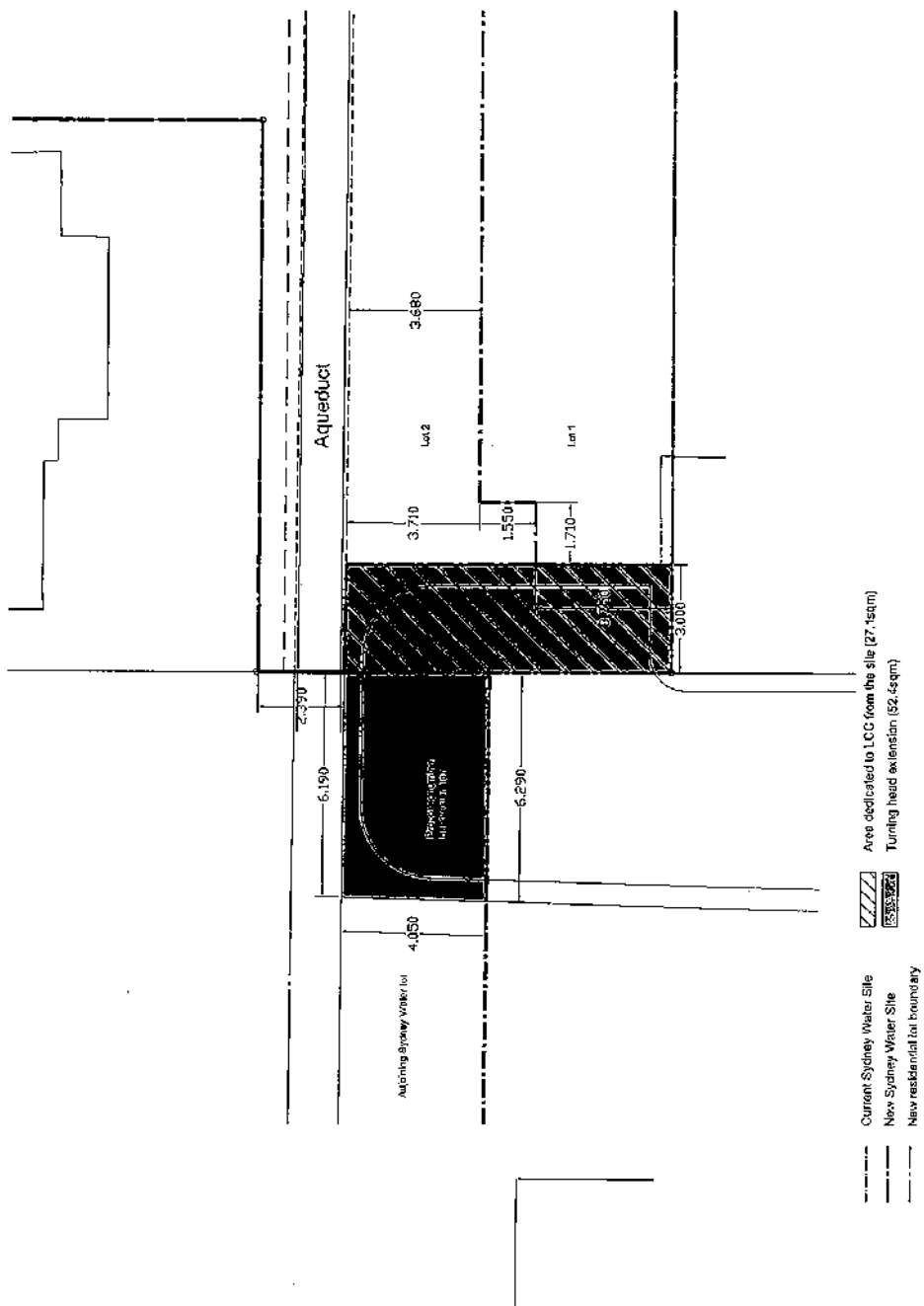
PLAN OF SUBDIVISION OF LOT 2 DP 1046985

L.S.A. LEICHHARDT  
W.A. CO-ORDINATES ADAPTED FROM 2005  
W.A. CO-ORDINATES ADAPTED FROM 2005

Registered

DP

FILE NAME: UPRIDE\_JA-PRC-174

[illegible]

**250 ANNANDALE STREET, ANNANDALE**

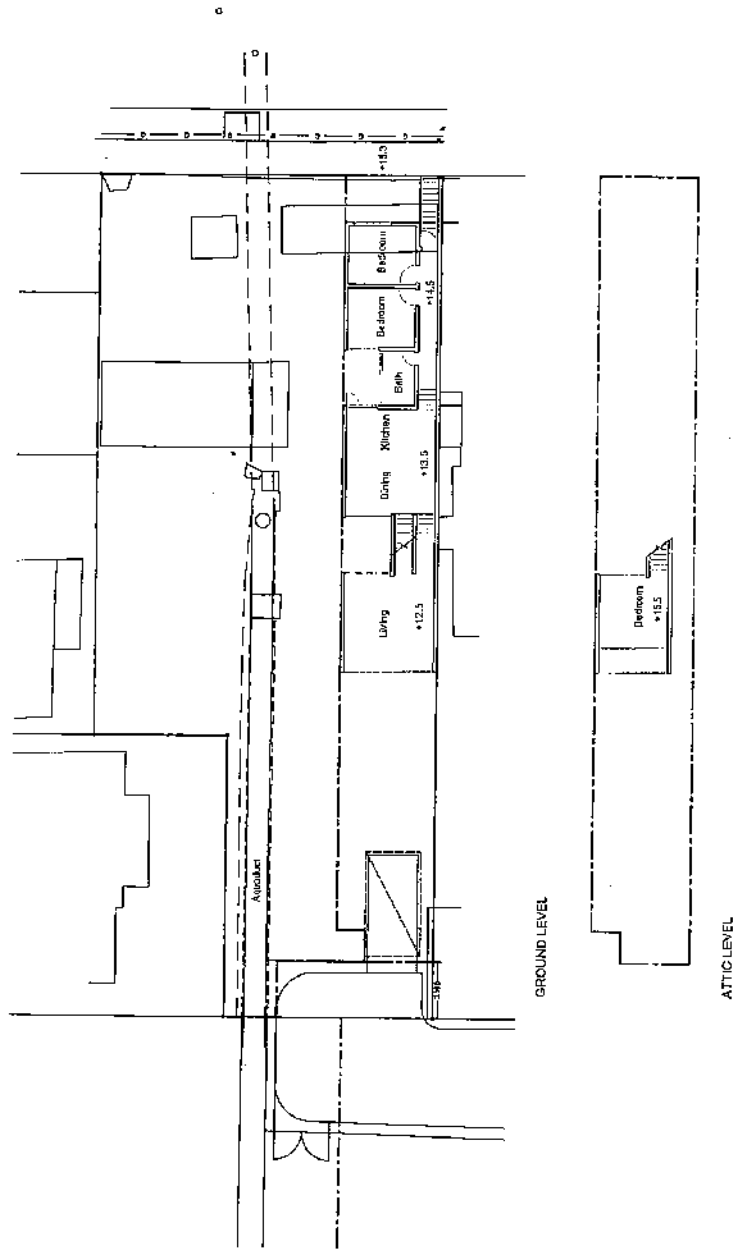
3 December 2009	Prepared for Sydney Water
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Drawing	Dedicate Land
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Scale 1:100

Drawing no SK1 Issue "





Current Sydney Water Site  
New Sydney Water Site  
New residential lot boundary

Site Area 223.9sqm  
OPA 133.4sqm  
PSR 0.0021  
Landscape area 5sqm (40%)

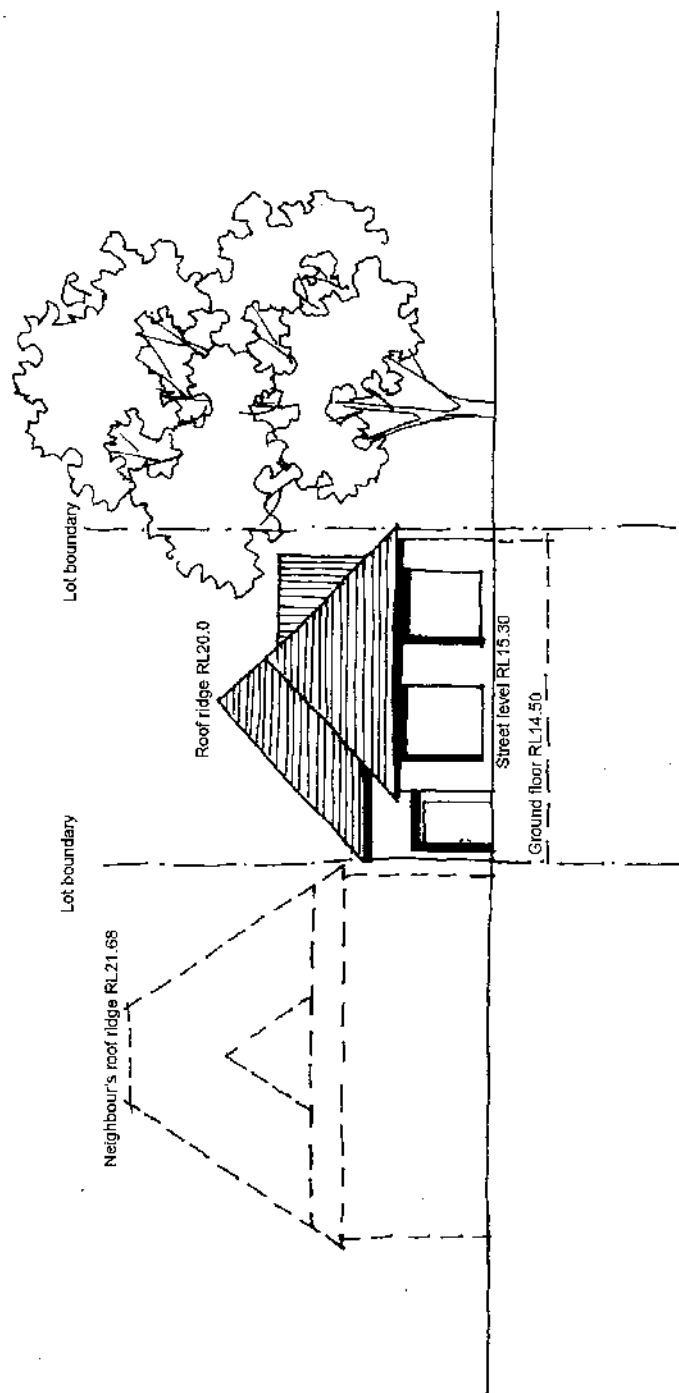
250 ANNANDALE STREET, ANNANDALE

16 October 2003 Prepared for Sydney Water

Drawing Indicative House Design

Scale 1:200

Drawing no SK1 Issue



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



## CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2010/217 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of subdivision 091015	Peter Frederick Moss	Undated
Document Title	Prepared By	Dated
Remediation Action Plan	GHD	June 2006

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

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

## PRIOR TO THE COMMENCEMENT OF WORKS

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

**NOTE:** Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning Council.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads,

reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.

- e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.

- o) Prior to demolition, a Work Plan must be prepared and submitted to Council / Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
  - iii) Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
  - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.
- 3. Prior to the commencement of demolition works on the subject site approved by this development consent, a security deposit to the value of \$7,500 must be paid to Council to cover the costs associated with the road and footpath works required by this consent.

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee.

A request for release of the security may be made to the Council after all construction work has been completed.

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

- 4. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Council prior to the commencement of works associated with this consent. The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

- a) 248 Annandale Street, Annandale.

The dilapidation report is to be prepared by a practising Structural Engineer agreed to by both the applicant and the owner of the adjoining property. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the Certifying Authority in such circumstances.

5. An engineering design of roadworks in the rear lane, prepared by a qualified practicing Civil Engineer, must be provided for the approval of Council, then the works constructed prior to the issue of a Subdivision Certificate. The design must be prepared/ amended to make provision for the following:
- a) Construction of the kerb and gutter and infill footpath for the full extent of the proposed turning head extension in the rear laneway.
  - b) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards and Council's specifications.

The design and construction must be certified by a suitably qualified Civil Engineer.

The design must be submitted to and approved by Council in writing in accordance with Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 prior to commencement of construction of the works.

The applicant must consult with Council's Manager – Assets in relation to the design of all works in the public road reserve.

6. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

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

Any hoarding, fence or awning is to be removed when the work is completed.

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

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

## **DURING WORKS**

11. Building materials and machinery are to be located wholly on site.
12. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a structural engineer.

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

- a) Preserve and protect the building from damage.
  - b) If necessary, underpin and support the building in an approved manner.
  - c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.
13. The site must be appropriately secured and fenced at all times during works.
14. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.
15. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays.
16. Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
17. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
18. Construction material and vehicles shall not block or impede public use of footpaths or roadways.
19. Where any works are proposed in the public road reservation, the following applications must be made to Council, as applicable:
- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application must be made for a *Road Opening Permit*.
  - b) For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a *Roadworks Permit*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

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

20. Prior to the issue of a Subdivision Certificate for D/2010/217, the site is to be remediated in accordance with:

- a) The relevant approved Remedial Action Plan, and
- b) Development Control Plan No. 42 – Contaminated Land Management, and
- c) State Environmental Planning Policy No. 55 – Remediation of Land and
- d) The guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Clause 18 of State Environmental Planning Policy No. 55 – Remediation of Land.

Council reserves the right to request the validation and or/monitoring report, submitted in satisfaction of this condition, be the subject of a Site Audit Report and Site Audit Statement in accordance with the Contaminated Land management Act 1997.

Should the Site Audit Statement conclude that the site is not suitable in its current state, following the implementation of the approved remediation action plan, or that the Site Audit Statement imposes impractical or unwieldy conditions, the subdivision certificate will not be issued.

21. Prior to the issue of an Subdivision Certificate, the Principle Certifying Authority must ensure that all approved road and footpath works have been completed in the road reserve in accordance with Council Roadworks Permit approval.

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

22. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The following details shall also be submitted:
  - a) Evidence that all conditions of Development Consent have been satisfied.
  - b) Evidence of payment of all relevant fees.
  - c) The 88B instrument plus six (6) copies.
  - d) All surveyor's or engineer's certification required by the Development Consent.

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

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

for the amount detailed in column B shall be made to Council prior to the issue of a Subdivision Certificate:

COLUMN A	COLUMN B
Open space and recreation	\$17200
Community facilities and services	\$2650
Local area traffic management	\$110
Light rail access works	\$25
Bicycle works	\$15

**The total contribution is: \$20,000**

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

24. A Registered Surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. The certification is to be provided prior to the issue of a Subdivision Certificate.
25. Prior to the issue of a Subdivision Certificate a dedication of proposed turning head extension at the rear lane frontage must be made to Council as public road.

A survey plan prepared by a registered surveyor of the proposed lot to be dedicated and one of the remnant lands must be submitted to Council, prior to registration at the New South Wales Department of Lands.

Council will not accept the dedication of any land unless it is in a suitable state for its proposed use. A certificate from a register auditor to this effect will need to be submitted to Council if the land has been used for any purpose that may lead to contamination.

## NOTES

- A This Determination Notice operates or becomes effective from the endorsed date of consent.
- B Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within twelve (12) months of the date of determination or



prior to an appeal being heard by the Land and Environment Court. A decision on a review may not be further reviewed under Section 82A.

- C If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within twelve (12) months of the determination date.
- D Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
- E Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
- F This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
- G This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
  - a) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- H Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

## **PRESCRIBED CONDITIONS**

### **A. BASIX Commitments**

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

- a) Relevant BASIX Certificate means:
  - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate

- that is applicable to the development when this development consent is modified); or
- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

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

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

## **C. Home Building Act**

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

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

## **D. Site Sign**

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a) stating that unauthorised entry to the work site is prohibited;

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

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

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

<b>Agenda Item 9</b>	<b>D/2010/217</b>
<b>Address:</b>	Pipeline, 250 Annandale Street Annandale
<b>Description:</b>	Subdivision into 2 lots and remediation of the site.
<b>Applicant:</b>	Sydney Water Corporation
<b>BDC181/10</b>	<b>RESOLVED PARKER/KOGOY</b>

That the application be deferred in order for Council to pursue a Voluntary Planning Agreement to meet Council's housing and open space objectives.

That a valuation of the proposed allotment be done.

### **CARRIED UNANIMOUSLY**

### **RECOMMENDATION**

That Council as the consent authority pursuant to s80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: D/2010/217 for subdivision into 2 lots and remediation of the site at Pipeline, 250 Annandale Street, Annandale subject to Council's standard conditions and the following specific conditions.

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

**NOTE:** Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning Council.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.



16 November 2010

Sydney Water Corporation  
Charter Link Suite 406  
1-3 Gladstone St  
NEWTOWN NSW 2042

ABN: 92 379 942 845  
7-15 Wetherill Street, Leichhardt NSW 2040  
PO Box 45, Leichhardt NSW 2040  
Phone: (02) 9367 9222 Fax: (02) 9367 9111  
TTY: 9568 6758  
Email: leichhardt@lmc.nsw.gov.au  
www.leichhardt.nsw.gov.au

Contact: Dwayne Roberts

Phone: 9367 9245

Dear Sir/Madam

**RE: DEVELOPMENT APPLICATION**  
**PROPERTY: PIPELINE, 250 ANNANDALE STREET, ANNANDALE NSW 2038**  
**REFERENCE: D/2010/217**

I refer to the above development application, which was considered by Council at the Building and Development Council meeting of 9 November 2010.

At that meeting, Council resolved the following:

*That the application be deferred in order for Council to pursue a Voluntary Planning Agreement to meet Council's housing and open space objectives.*

Councillors expressed their preference that the site, being surplus public land, be used solely for the purposes of affordable housing or to provide open space.

Council therefore wishes to know whether Sydney Water, as owner and applicant, would consider entering into a Voluntary Planning Agreement in accordance with the provisions of Part 4 Division 6 Subdivision 2 of the Environmental Planning and Assessment Act 1979 for the purpose of affordable housing or open space.

Should you wish to discuss any aspect of the application, please contact Dwayne Roberts on 9367 9245.

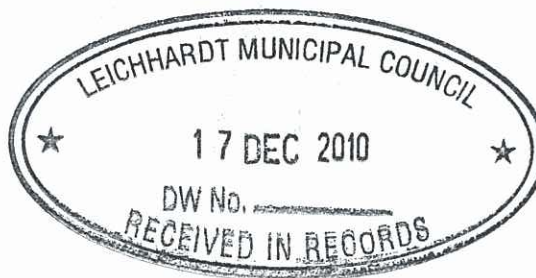
Yours faithfully

Elizabeth Richardson  
Acting Manager Assessments



15 December, 2010

The General Manager  
Leichhardt Council  
PO Box 45  
LEICHHARDT NSW 2040



Attention; Elizabeth Richardson  
Acting Manager Assessments

Dear Ms Richardson

**Crown Development Application D/2010/217 – 250 Annandale Street, Annandale. (Crown DA).**

Thank you for your letter requesting whether Sydney Water would consider entering into a Voluntary Planning Agreement (VPA) for the purposes of affordable housing or open space.

As a State Owned Corporation, Sydney Water is required to gain the highest value for its surplus land. Agreeing to a VPA for affordable housing or open space would not achieve the highest value.

Approximately 224 square metres of the site are redundant. Any future owner(s) would develop the land in keeping with its residential zoning and subject to further development approval by Council. Sydney Water communicated the proposal to local residents and Council subsequently exhibited the DA.

As Council has now exceeded the time allowed under the Environmental Planning and Assessment Act 1979 for determination of a Crown DA, the application will be referred to the Joint Regional Planning Panel. The referral does not preclude Council from purchasing the surplus residential land at a value reflecting the zoning created by the Site Compatibility Certificate for the purposes of affordable housing or open space.

If you require further information please contact Carolina de Wolff on 8849 6321.

Yours sincerely

A handwritten signature in black ink, appearing to read "Gary Inberg".

Gary Inberg  
Manager Property

c.c. Geoff Fitzsimmons, Charterlink

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**BUILDING & DEVELOPMENT COUNCIL  
SUPPLEMENTARY REPORT**

**FEBRUARY 2011**



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<b>Development Application No.</b>	➤ D/2010/217
<b>Address</b>	➤ Pipeline, 250 Annandale Street, ANNANDALE NSW 2038
<b>Description of Development</b>	➤ Subdivision into 2 lots and remediation of the site.
<b>Date of Receipt</b>	➤ 7 May 2010
<b>Value of Works</b>	➤ N/A
<b>Applicant's Details</b>	➤ Sydney Water Corporation Charter Link Suite 406 1-3 Gladstone St NEWTOWN NSW 2042
<b>Owner's Details</b>	➤ Sydney Water C/- Property Group PO BOX 399 PARRAMATTA NSW 2124
<b>Notification Dates</b>	➤ 24 May 2010 to 23 June 2010
<b>Number of Submissions</b>	➤ Two (2) in objection
<b>Building Classification</b>	➤ N/A
<b>Integrated Development</b>	➤ Yes

---

<b>Main Issues</b>	➤ Request to Sydney Water re affordable housing or open space ➤ Valuation of site
<b>Recommendation</b>	➤ Approval

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<b>Attachment A</b>	➤ Valuation report
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## 1. PURPOSE OF REPORT

At the Building and Development Council Meeting 9 November 2011 Council resolved the following:

- *That the application be deferred in order for Council to pursue a Voluntary Planning Agreement to meet Council's housing and open space objectives.*
- *That a valuation of the proposed allotment be done.*

## 2. REPORT

Council wrote to Sydney Water on the 16 November 2010 expressing interest into entering into a Voluntary Planning Agreement in accordance with the provisions of Part 4 Division 6 Subdivision 2 of the Environmental Planning and Assessment Act 1979.

Sydney Water provided the following response dated 15 December 2010:

*"Thank you for your letter requesting whether Sydney Water would consider entering into a Voluntary Planning Agreement (VPA) for the purposes of affordable housing or open space.*

*As a State Owned Corporation, Sydney Water is required to gain the highest value for its surplus land. Agreeing to a VPA for affordable housing or open space would not achieve the highest value.*

*Approximately 224 square metres of the site are redundant. Any future owner(s) would develop the land in keeping with its residential zoning and subject to further development approval by Council. Sydney Water communicated the proposal to local residents and Council subsequently exhibited the DA.*

*As Council has now exceeded the time allowed under the Environmental Planning and Assessment Act 1979 for determination of a Crown DA, the application will be referred to the Joint Regional Planning Panel. The referral does not preclude Council from purchasing the surplus residential land at a value reflecting the zoning created by the Site Compatibility Certificate for the purposes of affordable housing or open space."*

As at 13 January 2011 the Joint Regional Planning Panel Secretariat advised that the application had not been referred for consideration by the JRPP.

Council commissioned a valuation report for the proposed allotment of land which is shown as attachment A below. The valuation concluded that the valuation of the property with vacant possession and on the basis of a clean site (clear of all contaminants) to be \$750,000. It is noted that the site is contaminated and would require remediation.



### **3. CONCLUSION**

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The proposal satisfies the objectives of Leichhardt Local Environmental Plan 2000 and will not result in significant adverse impacts for locality. Accordingly the application is recommended for approval, subject to conditions.

### **4. RECOMMENDATION**

That Council as the consent authority pursuant to s80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: D/2010/217 for subdivision into 2 lots and remediation of the site at Pipeline, 250 Annandale Street, Annandale subject to the recommendation in the assessment report.

**Malcolm Garder.**

VALUER, PROPERTY CONSULTANT AND TOWN PLANNER.  
FAPV (Certified Practising Valuer) DIP. T. & C.P.(Sydney). R.E.I.V.(Aust.)

## VALUATION REPORT

REGISTERED VALUER No. 410. MALCOLM GARDER PTY LTD. ABN 15 003 825 894  
26 WHARF ROAD, BIRCHGROVE 2041. TELEPHONE (02) 9818 3639. FAX (02) 9555 7020. MOBILE PHONE 0434 291 601  
Email: malgarder@bigpond.com

# Malcolm Garder.

VALUER, PROPERTY CONSULTANT AND TOWN PLANNER.  
FAPI (Certified Practising Valuer) DIRT & C.P.(Sydney), R.E.I.V.(Aust.)

1

## VALUATION REPORT

Ref:D/2010/217

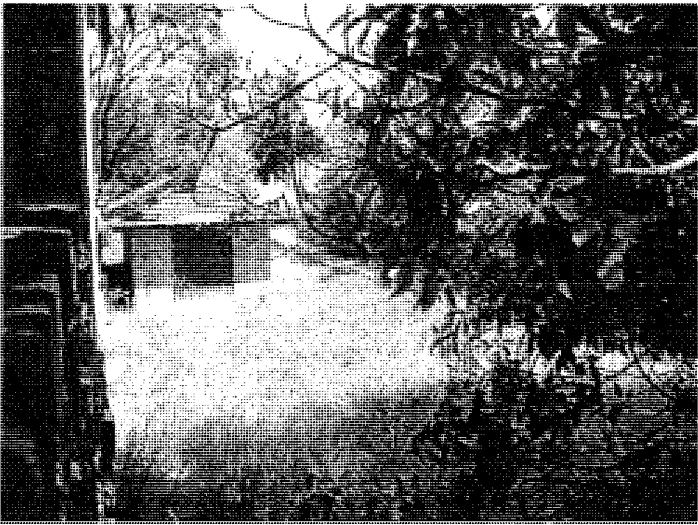
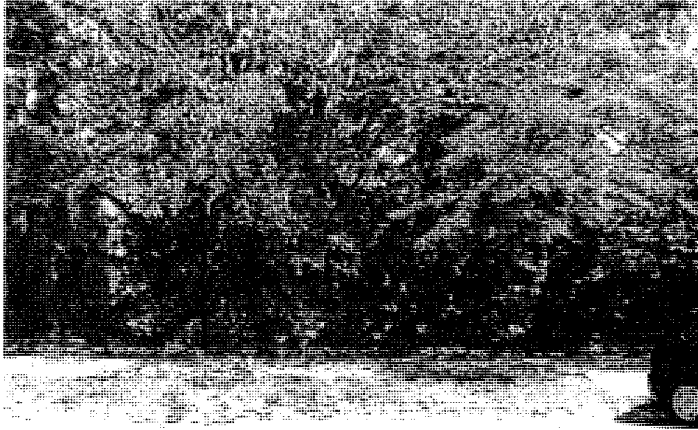
**ADDRESS OF PROPERTY** 250 Annandale Street,  
Annandale

**INSTRUCTED BY** Lyn Gerathy  
Manager Property and Commercial Services  
Leichhardt Council  
PO Box 45  
Leichhardt 2040

**PURPOSE OF VALUATION** To determine the market value of the property  
for purchase by private treaty and to assess  
compensation under Just Terms  
Compensation Act.

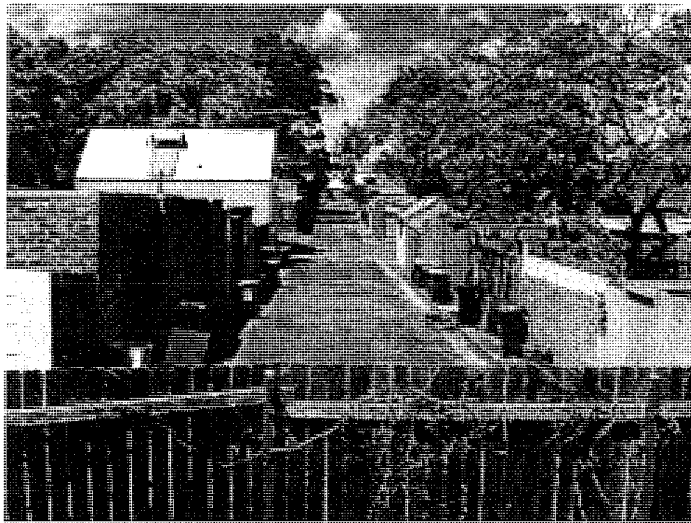
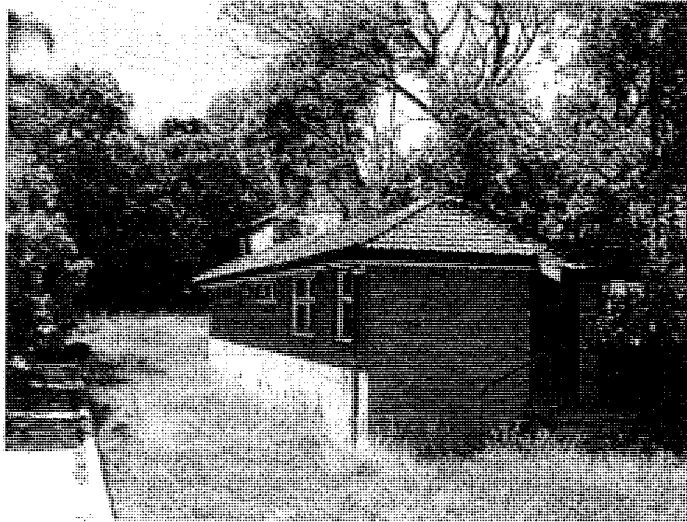
**DATE** Date of inspection and valuation  
23 November 2010

250 Annandale Street, Annandale



Both photographs from frontage

250 Annandale Street, Annandale

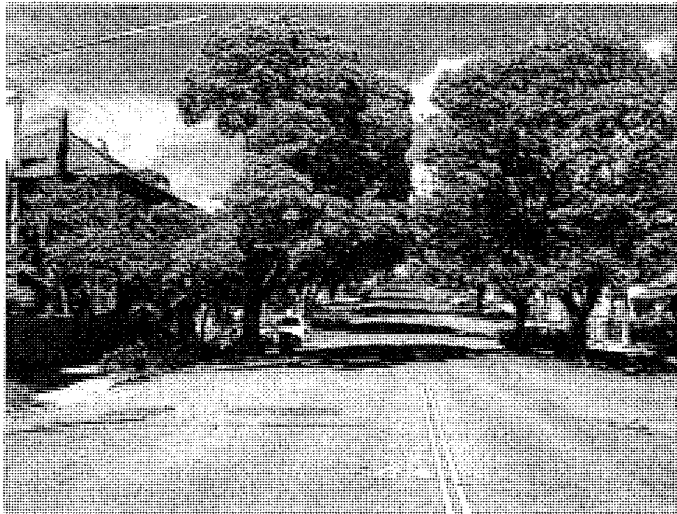


Rear lane to be extended behind block

250 Annandale Street, Annandale



Looking north



Looking south

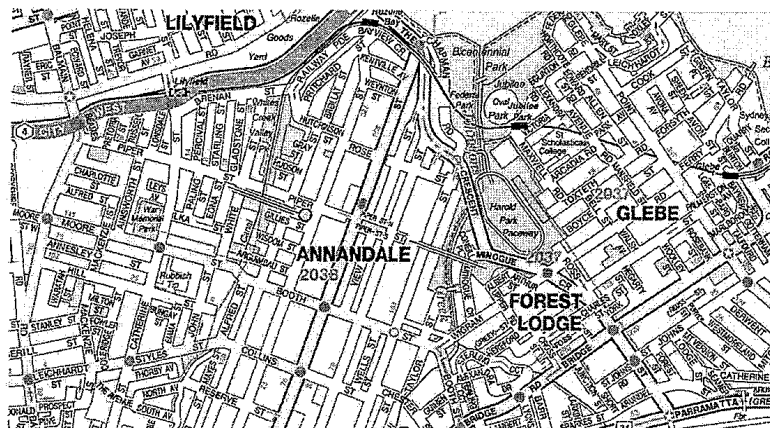
## LOCATION

The subject property is located on the western side of Annandale Street close to the intersection with Piper Street and adjoins the heritage listed Whites Creek Aqueduct. The rear is serviced by a lane which has been closed adjoining the subject property. The site is where the aqueduct goes into cut and tunnel under Annandale Street and to the east.

Annandale Street comprises single dwellings and medium density residential dwellings mostly constructed in Victorian times.

Surrounding development mainly comprises similar residential dwellings. There is a lineal park on the creek to the west and the major local road, Johnston Street, is located close by to the east.

See yellow dot on copy of UBD locality map under.



**TITLE**

Lot 1 of a draft Deposited Plan shown yellow tinted on draft Deposited Plan enclosed under is to be subdivided from:

Lot 2 in Deposited Plan 1046985 shown under  
At Annandale  
Parish of Petersham  
County of Cumberland

Municipality of Leichhardt

Registered Proprietors:  
Sydney Water Corporation

**LAND**

Lot 2 is an irregular shaped block sloping down to the west comprising water and sewer infrastructure including aqueduct, garage, change rooms and other storage and machinery.

The Deposited Plan shows some of the improvements that are to be removed.

Whole block Lot 2 area 745.5 sqm includes Lot 1.

Subject block Lot 1 frontage 5.3 m, depth 42 m, area about 223.9 sqm. The land slopes down from the frontage and will have rear lane access.

**TOWN PLANNING**

The whole property is zoned Public Purposes and Residential with a Site Compatibility Certificate for Lot 1 allowing Residential.

Leichhardt Council's Planning Scheme.

FSR 0.6 : 1.0

The adjoining aqueduct is heritage listed and the subject property and adjoining lands are part of the Annandale Heritage Conservation Area.



**OCCUPIERS**

Lot 2 is still occasionally used by Sydney Water maintenance crews.

**ASKING PRICE**

I am not aware of the asking price.

**IMPROVEMENTS**

The whole site is fenced in manproof fencing and improvements comprise a brick building possibly a facilities block and a brick and timber structure. As both these buildings are to be demolished I have not inspected them internally.

The land retained by Sydney Water comprises a concrete aqueduct running east west.

**GENERAL REMARKS**

The property, although of mixed zoning has a Site Compatibility Certificate as Residential and has been valued as if zoned Residential and unaffected.

The location, on a wide street at the northern end of Annandale close to open space and Johnston Street shops and transport, is good. Additionally having rear lane access allows the easy construction of a garage and studio at the rear.

**GOODS & SERVICES TAX**

I have valued the lease at the agreed assessment date at market value and have not made any specific allowance for GST as the tax if payable is paid in addition to the market value and recovered as an input credit, passed on without cost to either party.

The assessment is therefore GST exclusive.

## COMPENSATION COSTS

If the property is placed on the open market for sale no additional costs would be payable by Council.

If agreement on a price cannot be reached and Just Terms Compensation Act is used additional compensation will be payable to cover legal and valuation costs incurred by the owner on top of the agreed valuation figure.

If the acquisition is by agreement there would likely be less legal and valuation fees than if acquired by compulsory acquisition.

Also if selling on the basis of a change of use, i.e. Public Purposes to Residential, no costs on a new purchase are allowed.

My estimate on a purchase of about \$650,000

- Legal costs on sale to Council      \$1,700
- Valuation fees on sale to Council      \$2,600

Total      \$4,300

**My knowledge of the procedures for acquisitions and disposals between State Government and Councils is limited, so your legal advisor may be able to advise you more fully.**

## ENVIRONMENTAL

It is noted that the land is to be remediated by the owner. The Valuation is on the basis of a clean site clear of all environmental contaminates. If it is subsequently shown that the site is not a clean site this report should be returned for amendment.

## BASIS OF ASSESSMENT

The Valuation has been based on comparable sales shown under and on discussions with local Estate Agents. The market was fairly buoyant early 2010 however it now appears patchy although there is still a high level of interest in the market.

The valuation of vacant land is difficult as very few vacant blocks are sold in this densely developed older area.

Property sales can be analysed on a per dwelling rate or a rate per sqm, the smaller the block generally the higher rate per sqm and blocks that can achieve over the 6.0 : 1.0 FSR will achieve a higher rate on both scales.

A block suitable for one single dwelling will generally have a higher value per dwelling than a subdividable block, where a subdividable block will often have a higher value per square metre. i.e.

A vacant block of 350 sqm that achieves \$800,000 for one dwelling site may be worth \$1.2 million if it could be subdivided into two lots.

350 sqm for one dwelling @ \$800,000 or \$2275/sqm

350 sqm as two lots \$1.2m = \$600,000 per dwelling or \$3428/sqm.

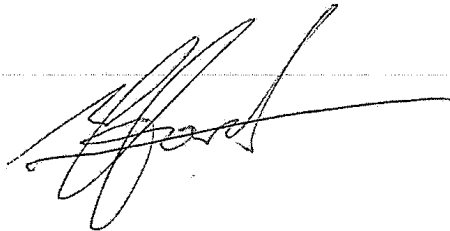
The subject block, land being suitable for one dwelling should be valued at the higher side of the scale per lot and at the lower side per square metre.

Sales  
under

**VALUATION**

I consider the unaffected market value of the subject property with vacant possession to be **seven hundred and fifty thousand dollars (\$750,000.)**

**It may be necessary to exceed this figure to secure the purchase of the property on the open market.**

A handwritten signature in black ink, appearing to read 'Malcolm Garder', written over a horizontal dotted line.

MALCOLM GARDER  
FAPI (Certified Practising Valuer),  
Dip TCP (Syd), REIV (Aust),  
Registered Valuer No 410

This valuation is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the contents of this valuation.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of valuation.

## Comparable Sales (reputed sales only)

145-147 View St, Annandale      \$1,130,000      10-10

Old weatherboard cottage and shed with some outlook, land 303sqm, presume will be developed for two dwellings equates to \$3,730/sqm or \$565,000/dwelling

74B Trafalgar St, Annandale      \$1.35      8-09

Ugly brick studio, DA lodged for two after sale, land 320sqm, will likely get extra FSR from existing building, equates to \$4,218/sqm or \$675,000/ dwelling

8 Commercial St, Lilyfield      \$1,230,000      9-10

Ordinary house on good block of 455 sqm, could build two, lesser location but some bay views, equates to \$2,703/sqm or \$615,000/ dwelling

154 Lilyfield Rd, Lilyfield      \$705,000      5-10

Single fronted free standing fairly ordinary looking cottage in very poor condition, needs underpinning, being completely stripped, land 290 sqm, lesser location, equates to \$2,431/sqm or \$550,000/ dwelling

271 Annandale St, Annandale      \$1,030,000      10-10

Small single storey semi requiring renovation on good block of 266 sqm with rear lane access, house worth \$200,000, purchased by builder developer, equates to \$3018/sqm or \$800,000/ dwelling

29 Breillat St, Annandale      \$1,110,000      7-10

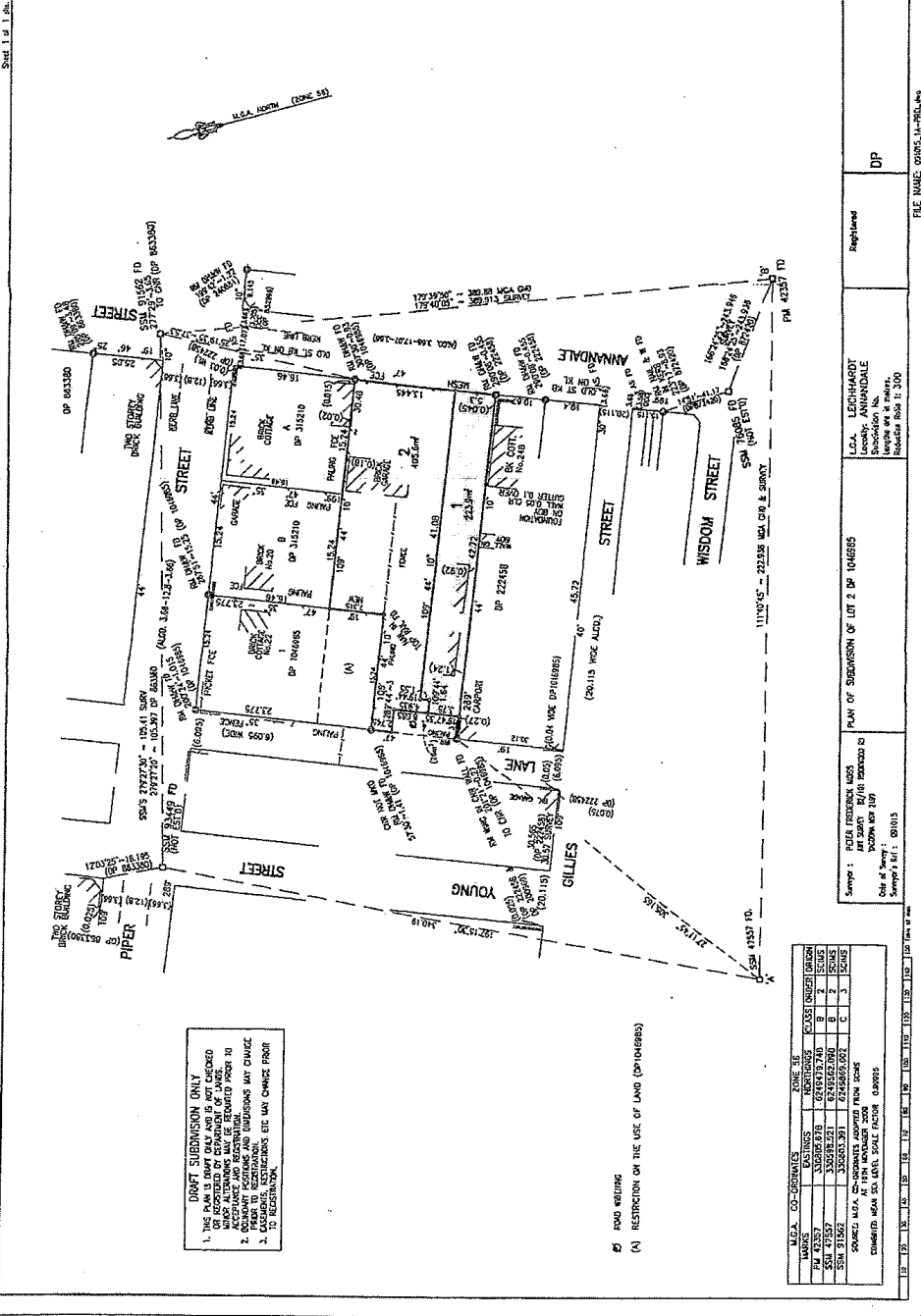
Double fronted fibro requiring complete renovation on good block of 306 sqm rear lane access, purchased by builder, equates to \$900,000 +/- dwelling

25 Susan St, Annandale      Asking \$950,000 offer \$850,000      10-10

One bedroom fibro cottage in poor condition, has car access, fairly ordinary location, land 303 sqm, a sale will show single block value in this area.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (12)



**Espreon Online Information System  
NSW LPI Title Search**

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
-----

FOLIO: 2/1046985  
-----

SEARCH DATE	TIME	EDITION NO	DATE
18/11/2010	4:24 PM	2	14/5/2009

LAND  
-----

LOT 2 IN DEPOSITED PLAN 1046985  
AT ANNANDALE  
LOCAL GOVERNMENT AREA LEICHHARDT  
PARISH OF PETERSHAM COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1046985

FIRST SCHEDULE  
-----

SYDNEY WATER CORPORATION

SECOND SCHEDULE (1 NOTIFICATION)  
-----

1 AE615324 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY  
ACT, 1900

NOTATIONS  
-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

LRG (D/2010/217)

PRINTED ON 18/11/2010

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

\*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.  
Warning: The information appearing under notations has not been formally recorded in the register.

Search of Folio: DP 2/1046985 Date: 18-11-10 Time: 16:24:52.871

LEICHHARDT MUNICIPAL COUNCIL

Account

3leic367

Donald

Chick  
Bundy

used in our studies for and all kinds of personal factors. People

PLU ATTACHED \_\_\_\_\_  
Crown Lands Office Approval  
APPROVED OFFICE

Good day, Mr. "Sergeant," sorry I  
 not in position to pay now. I'll pay later.  
 I'll be in position to pay later.

Date of Embayment: 21-07-02  
 Acquisition ref.: 21/A  
 Sampling Certificate no.: SC-1007-19

SURVIVOR'S REFERENCE: 001001C4 - CHIEF

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

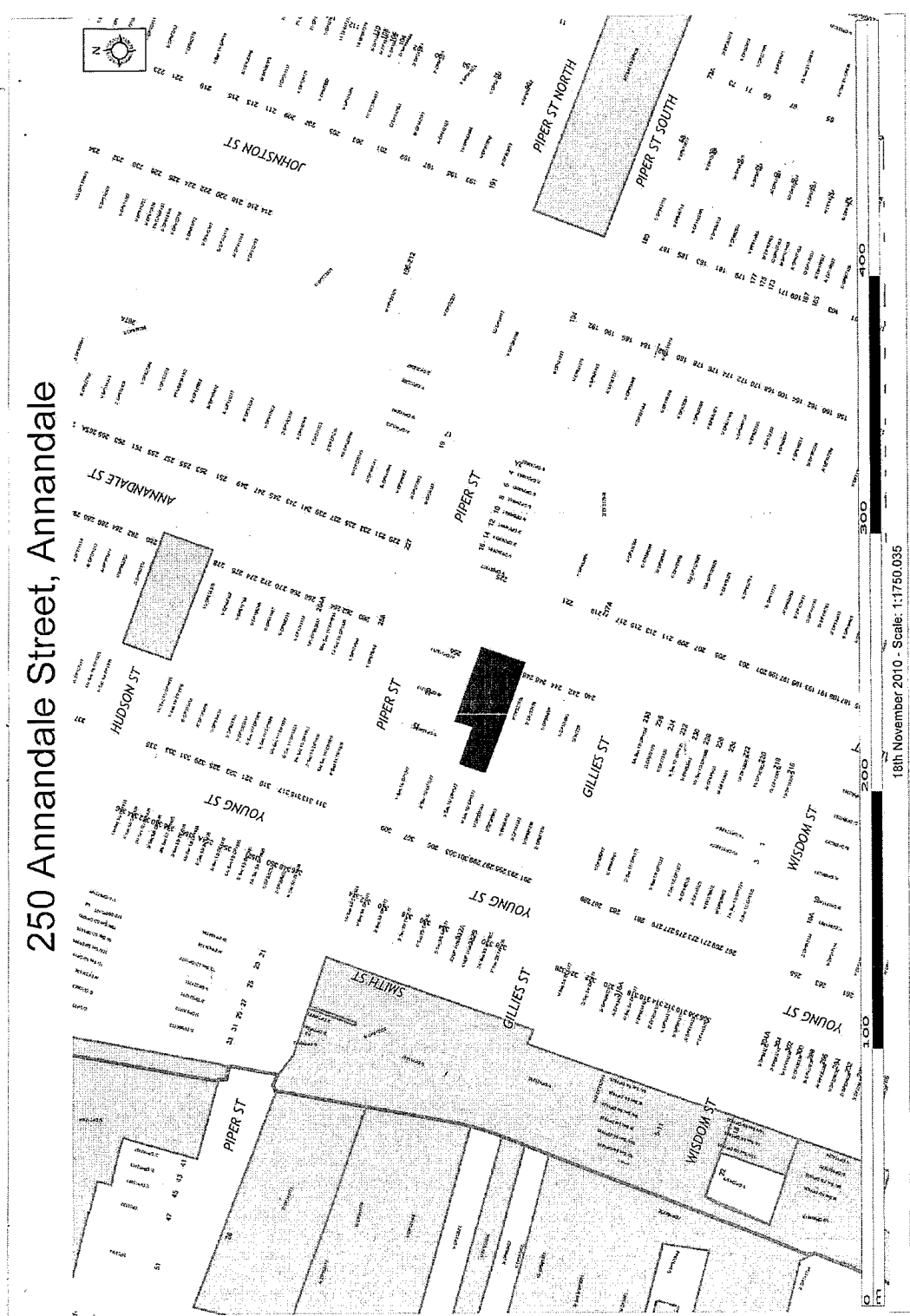
MARKS	CO-ORDINATES	EASTINGS	NORTHINGS	ZONE	56
PH 42357	330803.681	6249470.754	2		
SM 47357	330598.576	6249562.108	2		
SSW 91562	330801.359	6249868.813	2		

SOURCE: M.C.A. CO-ORDINATES ADAPTED FROM SCUS  
AT 28TH JANUARY 2001.  
COASTED MEAN SEA LEVEL SCALE FACTOR 0.99995

SURVEYOR'S REFERENCE:	001001C4	- CHECKLIST
<p>1. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>2. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>3. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>4. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>5. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>6. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>7. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>8. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>9. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p> <p>10. <input type="checkbox"/> The surveyor has been notified of the survey and has agreed to participate.</p>		



# 250 Annandale Street, Annandale



12. The application is not in the form required by clause 54(1) of the Environmental Planning & Assessment Regulation 2000 as the following information has not been provided:

- a) Detail relating to the clarification of the business operation and an alternative use proposed for the site.

Traffic and Parking Report be produced by a qualified practicing Civil Engineer with appropriate experience and competence in the field of traffic management, for the continued assessment of the application.

<b>Agenda Item 9</b>	<b>D/2010/217</b>
<b>Address:</b>	250 Annandale Street, ANNANDALE
<b>Description:</b>	Subdivision into 2 lots and remediation of the site.
<b>Applicant:</b>	Sydney Water Corporation
<b>BDC13/11</b>	<b>RESOLVED                      PORTEOUS/MCKENZIE</b>

**ADOPTED**

**08 FEB 2011**

That the application be refused.

#### **CARRIED**

**For:** Ctrs Howison, Byrne, Stamolis, McKenzie, Kogoy, Porteous, Cinis, Plate.

**Against:** Ctrs Costantino, Hannaford, Weiss

#### **RECOMMENDATION**

That Council as the consent authority pursuant to s80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: D/2010/217 for subdivision into 2 lots and remediation of the site at Pipeline, 250 Annandale Street, Annandale subject to the recommendation in the assessment report.