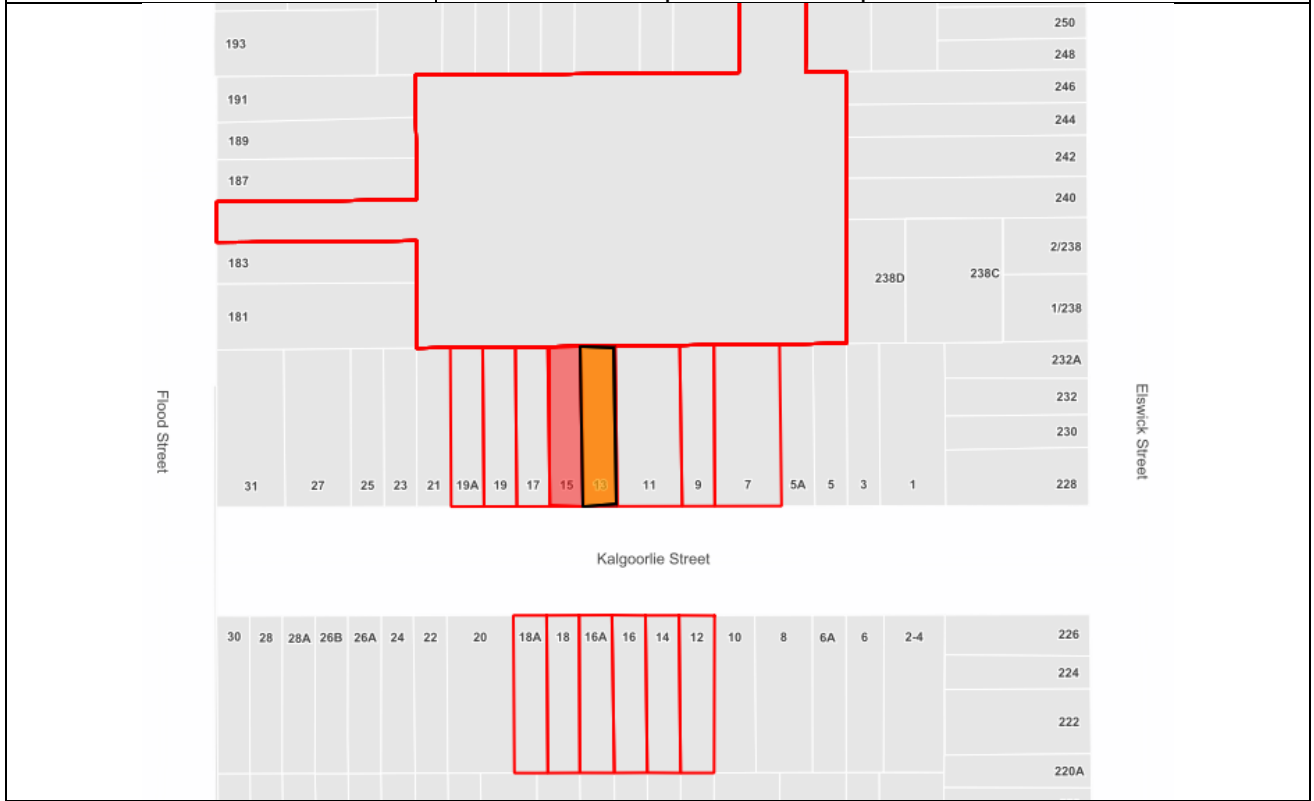




 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2021/0428
Address	13 Kalgoorlie Street LEICHHARDT NSW 2040
Proposal	Demolition of the existing structures on the site and erect a new two-storey dwelling
Date of Lodgement	1 June 2021
Applicant	Mario Mourad
Owner	Ms Caroline Sunaryo Mr Johanes A Jo
Number of Submissions	One (1) objection
Value of works	\$481,800.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	FSR Amenity impacts Flooding
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

2. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the existing structures on the site and to erect a new two-storey dwelling at 13 Kalgoorlie Street Leichhardt.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The main issues that have arisen from the application include:

- Floor Space Ratio
- Overshadowing
- Privacy
- Flooding

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Leichhardt Local Environmental Plan 2013 (LLEP2013) and Leichhardt Development Control Plan 2013 (LDLCP2013), respectively.

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

The application is considered suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

The application (as revised) seeks development consent for demolition of an existing dwelling and associated structures and construction of a new two (2) storey dwelling house. Specifically, the following is proposed:

- Demolition of the existing dwelling and all existing structures on the site;
- Construction of a 2-storey detached dwelling containing ground floor living kitchen areas and three bedrooms at upper level.
- General site and landscaping works.

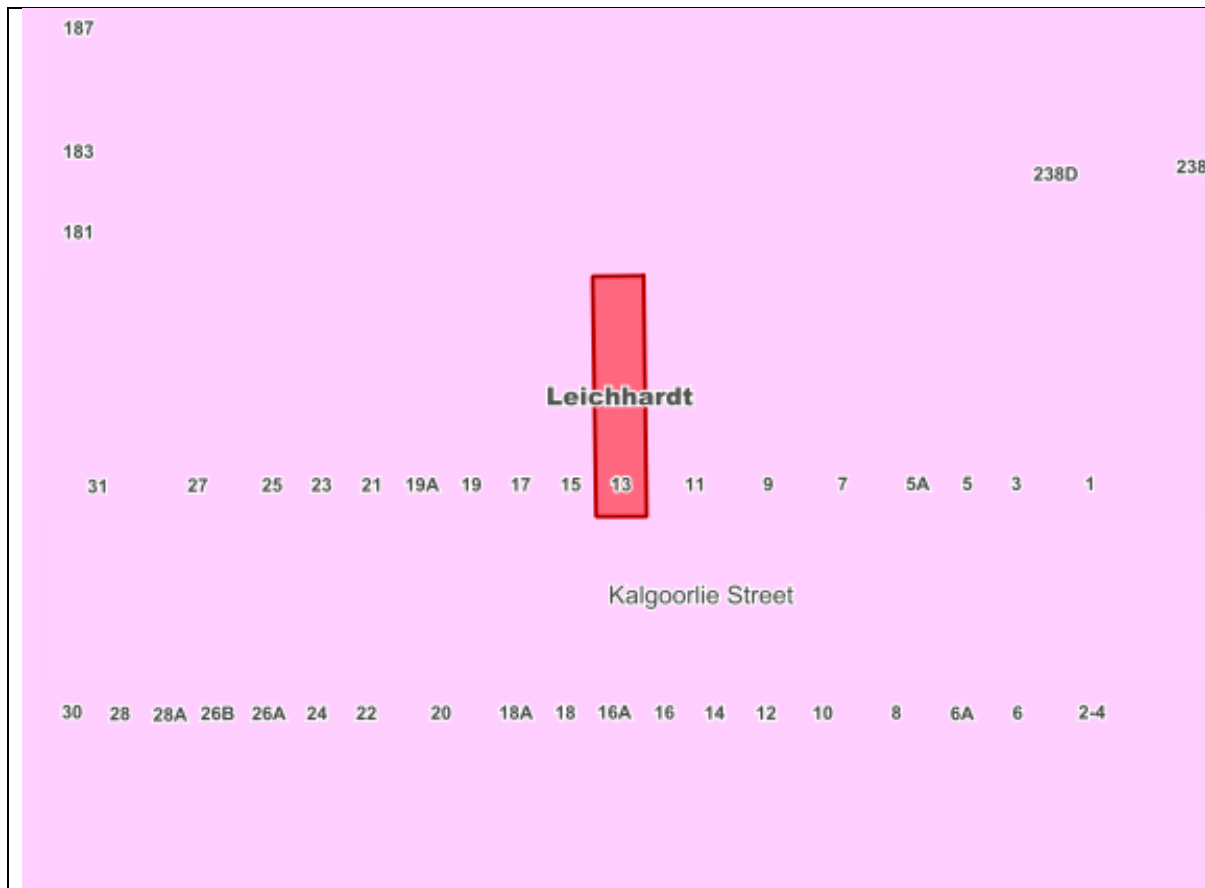
3. Site Description

The subject site is located on the northern side of Kalgoorlie Street. The site consists of 1 allotment and is rectangular in shape with a total area of 177 sqm and is legally described as Lot 15 Section B in DP3341.

The site has a frontage of 6.1 metres. The site supports an existing single-storey detached dwelling. The adjoining properties support single storey detached dwellings.

The property is identified as a flood control lot.

The property does not contain any significant vegetation.



4. Background

4(a) Site history

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

Subject Site

There is no relevant development history.

Surrounding properties

There is no relevant development history for the adjoining sites.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
12/7/2021	Request for information.
8/9/2021	Amended information submitted.
20/9/2021	Amended drawings submitted.

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*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The following provides further discussion of the relevant issues:

5(a)(i) ***State Environmental Planning Policy No 55—Remediation of Land***

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

5(a)(ii) ***State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)***

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

Two *Harpephyllum caffrum* (Kaffir Plum) trees located in adjoining 15 Kalgoorlie Street overhang the site but have negligible impact from the proposal. A Tree Protection Plan including a Pruning Specification and assessment of the storm water plans is conditioned.

As per the provisions of IWC Tree Management Controls one tree is to be planted on the site in order to meet Council's canopy targets.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and LDCP subject to the imposition of conditions, which have been included in the recommendation of this report.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area

- Clause 4.6 - Exceptions to development standards
- Clause 5.21 - Flood Planning
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 under the *LLEP 2013*. The *LLEP 2013* defines the development as:

‘dwelling house means a building containing only one dwelling’.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R1 zone.

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.7:1:1 or 123.9sqm	0.78:1 or 138.5sqm	14.6sqm or 11.78%	No
Landscape Area Minimum permissible: 15% or 26.55sqm	26% or 46sqm	-	Yes
Site Coverage Maximum permissible: 60% or 106.2sqm	55.37% or 98sqm	-	Yes

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the *Leichhardt Local Environment Plan 2013* by 11.78% or 14.6sqm).

Clause 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 Clause 4.6 of the *Leichhardt Local Environment Plan 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *Leichhardt Local Environment Plan 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- The proposed works are compatible with the surrounding built forms in scale, height, bulk and size;

- Nos 16, 19, and 19A Kalgoorlie Street, which are within visual catchment present similar floor space to that of the proposed. The height, scale and proportion of these dwellings are compatible with the proposed development.
- Even though the proposed works do not comply with the FSR, they do comply with the objectives of the FSR by ensuring dwellings are compatible with the scale and size of the surrounding built forms, including the dwellings listed above and with visual catchment.
- The proposed works have negligible impact on the adjoining properties.
- There is no detrimental overshadowing to the adjoining dwelling to the east and west dwelling rear outdoor space from the proposed works;
- There is no loss of views or privacy concerns from the proposed works;
- The proposed development results in an appropriate built form for the site which is consistent with the existing and future desired character of the area.
- It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, as set out above.
- It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R1, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

The relevant objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

The proposal is considered to be consistent with the zone objectives as it:

- Provides a density of residential development which is commensurate with the character of the area.
- Is compatible with the character and style of surrounding buildings and the mixed architectural styles and varied built form of dwellings in the streetscape and area.
- Provides Landscaped Area that is compliant with the development standard and which would be accessible to future residents of the site.
- Provides a building footprint complying with the Site Cover development standard.
- Minimises amenity impacts to adjoining properties.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

The relevant objectives of the development standard are:

- to ensure that residential accommodation—

- (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
- (ii) provides a suitable balance between landscaped areas and the built form, and
- (iii) minimises the impact of the bulk and scale of buildings

The proposal is consistent with the development standard objectives as it:

- Presents as a detached dwelling house from the street frontage which is generally consistent with applicable 3.6m Building Envelope Control for the neighbourhood specified in the LDCP2013.
- Provides for a form of development which is compatible in relation to the character of existing development in the area.
- Complies with the Landscaped Area and Site Coverage development standards.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Leichhardt Local Environment Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be granted.

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	n/a
B3.2 Events and Activities in the Public Domain (Special Events)	n/a
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	n/a
C1.4 Heritage Conservation Areas and Heritage Items	n/a
C1.5 Corner Sites	n/a

C1.6 Subdivision	n/a
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	n/a
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	n/a
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	n/a
C1.17 Minor Architectural Details	n/a
C1.18 Laneways	n/a
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	n/a
C1.20 Foreshore Land	n/a
C1.21 Green Roofs and Green Living Walls	n/a
Part C: Place – Section 2 Urban Character	
West Leichhardt distinctive neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	See discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	n/a
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	See discussion
C3.10 Views	Yes
C3.11 Visual Privacy	See discussion
C3.12 Acoustic Privacy	See discussion
C3.13 Conversion of Existing Non-Residential Buildings	n/a
C3.14 Adaptable Housing	n/a
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	n/a
C4.2 Site Layout and Building Design	n/a
C4.3 Ecologically Sustainable Development	n/a
C4.4 Elevation and Materials	n/a
C4.5 Interface Amenity	n/a
C4.6 Shopfronts	n/a
C4.7 Bulky Goods Premises	n/a
C4.8 Child Care Centres	n/a
C4.9 Home Based Business	n/a
C4.10 Industrial Development	n/a
C4.11 Licensed Premises and Small Bars	n/a
C4.12 B7 Business Park Zone	n/a
C4.13 Markets	n/a
C4.14 Medical Centres	n/a
C4.15 Mixed Use	n/a

C4.16 Recreational Facility	n/a
C4.17 Sex Services Premises	n/a
C4.18 Vehicle Sales or Hire Premises And Service Stations	n/a
C4.19 Vehicle Repair Station	n/a
C4.20 Outdoor Dining Areas	n/a
C4.21 Creative Industries	n/a
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	n/a
D2.5 Mixed Use Development	n/a
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	n/a
E1.1.3 Stormwater Drainage Concept Plan	See discussion
E1.1.4 Flood Risk Management Report	Yes
E1.1.5 Foreshore Risk Management Report	n/a
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	See discussion
E1.2.4 Stormwater Treatment	n/a
E1.2.5 Water Disposal	n/a
E1.2.6 Building in the vicinity of a Public Drainage System	n/a
E1.2.7 Wastewater Management	n/a
E1.3 Hazard Management	n/a
E1.3.1 Flood Risk Management	See discussion
E1.3.2 Foreshore Risk Management	n/a
Part F: Food	
	n/a
Part G: Site Specific Controls	
	n/a

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design -

The site is subject to a 3.6m Building envelope. It is noted that in order to ensure the floor levels of the new dwelling area satisfy the flood planning level for the site the floor levels were raised in the current amended plans. As a result, the proposal breaches the envelope control by up to 0.35m at the front facade. As noted below, subject to suitable conditions, the height and form of the development will not result in any significant amenity impacts.

The proposal complies with front and rear ground level Building Location Zones. The existing dwelling on the site has a front setback of 2.12m and the proposed development has a greater front setback of 2.25m. The rear setback of the proposed dwelling is to be 7.8m in comparison with that of the existing dwelling at 12.9m and that of the adjoining dwelling at 15 Kalgoorlie Street at 6.8m. Excluding the protruding rear side wall of the dwelling which forms a courtyard at the rear of the site, the main rear wall of the proposed dwelling will comply with the rear ground level building location zone.

As the upper level is a new element in this section of the street, it establishes an upper-level building location zone. The rearward upper-level extent of the proposed dwelling does not extend beyond the ground level building location zone.

The proposal results in breaches of the side setback control by up to 2.1m on the eastern side boundary and by up to 1.5m on the western side boundary. The breach is exacerbated by the necessity to raise the ground floor level of the dwelling to satisfy flood planning design requirement that all habitable floor levels must be set at the Flood Planning Level, being the flood level plus 500mm freeboard. In this case, the ground floor level must be at RL16.0. The breaches have been assessed as generally satisfactory in terms of amenity impacts. However, in order to minimise overshadowing impacts the side wall heights are recommended to be reduced by 320mm so as to match that of the originally submitted plans whilst maintaining the proposed ridge height. This would also result in the pitch of both the front ground floor roof and upper level roof being at a similar pitch.

C3.9 Solar Access

Surrounding lots are oriented north-south. The proposal achieves satisfactory solar access to both the internal living area and the rear private open space.

The proposal complies with solar access requirements with regard to the adjoining property 15 Kalgoorlie Street which does not have windows facing the subject site and which will maintain complaint solar access to its rear north-facing private open space. It is noted that the skylights within that property are not subject to protection from overshadowing under the provisions of *LDCP 2013*.

11 Kalgoorlie Street would maintain access to its rear facing elevation and private open space. However, it is noted that the projecting side walls of the proposal, which enclose a rear courtyard area, would significantly increase the bulk and shadows cast by the development onto 11 Kalgoorlie Street. Consequently, it is recommended that this enclosing structure be deleted by condition contained in the recommendation.

C3.11 Visual Privacy & C3.12 Acoustic Privacy

The amended plans the subject of this report delete the ground floor rear terrace area thereby reducing potential for both visual and acoustic privacy impacts to neighbouring properties. The proposed 900mm side setback with 15 Kalgoorlie Street is commensurate with other residential setbacks in the area and given the lack of openings in the side wall of that property, being 100mm of the side boundary, the proposed location of the proposed dwelling is considered satisfactory with regard to acoustic privacy impacts to 15 Kalgoorlie Street.

E1.1.3 Stormwater Drainage Concept Plan

The proposed Stormwater Drainage Concept Plan is required to be amended to so that stormwater runoff from all roof areas within the property are collected and discharged by gravity to the kerb and gutter of a public road via the OSD/OSR tanks as necessary. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer. Suitable conditions in this regard are included in the recommendation to this report.

E1.3.1 Flood Risk Management

The subject site is identified as a Flood Control Lot. A Flood risk management plan has been submitted with application. In accordance with Council controls, the amended plans, the subject of this report, involve raising of the ground floor level of the proposed dwelling to be 500mm above the 1in100 year flood planning level.

5(e) The Likely Impacts

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

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The originally lodged application and plans were notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

One (1) submission was received in response to the initial notification.

The amended plans, the subject of this report, were not required to be renotified under the Community Engagement Framework as they represent a reduced/similar impact to the originally lodged design.

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

- Overshadowing of skylights in 15 Kalgoorlie Street.
- Acoustic privacy to 15 Kalgoorlie Street.

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

Issue: The proposal should be subject to specified requirements entered into by both the applicant and Council to retrofit additional skylights in 15 Kalgoorlie Street and to provide soundproofing of the new dwelling.

Comment: Any agreement with regard to such specific issues is a matter between the two property owners.

5(h) 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.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in the report or conditions of consent recommended.

- Urban Forest
- Development Engineer

6(b) External

The application was not required to be referred to external bodies

7. Section 7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$4,380.00 would be required for the development under the *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*. A condition requiring that levy to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

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

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- 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*, grant consent to Development Application No. DA/2021/0428 for Demolish Existing Structures on-site and erect a new two storey dwelling at 13 Kalgoorlie Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA-03/B	Demolition Plan	24/8/2021	Urbanacorp
DA-04/B	Site Plan	24/8/2021	Urbanacorp
DA-05/B	Ground Floor Plan	24/8/2021	Urbanacorp
DA-06/B	First Floor Plan	24/8/2021	Urbanacorp
DA-07/B	Roof Plan	24/8/2021	Urbanacorp
DA-08/B	Elevations & Finishes	24/8/2021	Urbanacorp
DA-09/B	Elevations & Finishes	24/8/2021	Urbanacorp
DA-10/B	Section AA & Window Schedules	24/8/2021	Urbanacorp
DA-11/B	Landscape Plan	24/8/2021	Urbanacorp
C-00/D	Stormwater Notes	31/8/2021	Abcon
C-01/D	Stormwater Plan	31/8/2021	Abcon
C-02/D	Stormwater Details	31/8/2021	Abcon
1160295_02	BASIX Certificate	24/8/2021	Noura Al Hazzouri

AT105-RPT-01	Flood Impact & Risk Management Report	3/9/2021	Abcon
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As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- That the side wall heights of the dwelling shall be reduced by 320mm to match the wall height of the originally proposed design whilst maintaining a ridge height of RL23.414 and so that the upper level roof achieves a pitch similar to the lower level front roof pitch.
- That the projecting side walls and any roofing enclosing the rear courtyard area located immediately rearward of the ground floor living room shall be deleted.

FEES

3. Security Deposit - Custom

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.

Security Deposit:	\$2254.00
Inspection Fee:	\$241.50

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

The 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.

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 recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

The amount nominated is only current for the financial year in which the 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.

4. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$4380.00

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

5. Long Service Levy

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 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

6. Tree Protection

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

7. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

8. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

9. Waste Management Plan

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.

10. Erosion and Sediment Control

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.

11. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

12. Verification of Levels and Location

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.

13. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

PRIOR TO ANY DEMOLITION**14. 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.

15. Dilapidation Report

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 adjoining properties 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.

16. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

17. 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.

PRIOR TO CONSTRUCTION CERTIFICATE

18. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

The trees identified below are to be retained and protected throughout the development:

Tree No.	Botanical/Common Name	Location
1	<i>Harpephyllum caffrum</i> (Kaffir Plum)	Rear 15 Kalgoorlie Street

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

19. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

20. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The stormwater drainage concept plan on Drawing No. C01 prepared by ABCON and dated 31 August 2021, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road via the OSD/OSR tanks as necessary. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;

- 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;
- e. The design plans must detail the proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Where a combined OSD/OSR storage is proposed, only roof water is permitted to be connected to the storage tank. The over flow from the OSD/OSR can be connected to the kerb and gutter of a public road. A discharge control device is not required;
- j. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- k. The existing overland flow path within the setback to the eastern side boundary between the rear of the dwelling and the Karlgourie Street frontage must remain unobstructed;
- l. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- m. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- n. No nuisance or concentration of flows to other properties;
- o. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- p. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to

convey the additional runoff generated by the development and be replaced or upgraded if required;

- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- s. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- t. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- u. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- v. No impact to street tree(s).

21. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer that the works comply with the following specific requirements:

- a. All habitable floor levels must be set at Flood Planning Level (flood level plus 500mm freeboard). All structures below the Flood Planning Level must be constructed from flood compatible materials;
- b. All electrical equipment and wiring must be waterproofed or installed at or above the Flood Planning Level;
- c. A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level;
- d. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan; and
- e. All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flows.

22. Overland Flow path

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer detailing hydrologic and hydraulic calculations for the overland flow path and the capacity of the existing system and measures necessary to protect the premises in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.

23. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified 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). The Plan must be prepared/amended to make provision for the following:

- a. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
 - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - iii. Flood warning signs/depth indicators for areas that may be inundated;
 - iv. A flood evacuation strategy; and
 - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- b. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
 - i. Building Code of Australia;
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
 - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
 - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

24. Amended Architectural Plans to Reflect Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. The design must be prepared to make provision for the following:

- a. Specification of materials; and
- b. Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

25. Engineering Design - Structural Engineer Plans and Certification

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified 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 incorporate the following recommendations of the Flood Risk Management Plan.

The design must be prepared to make provision for the following:

- a. Structural integrity of all structures from immersion and/or impact of velocity and debris; and
- b. Waterproofing works, where applicable.

26. Sydney Water – Tap In

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.

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

27. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

DURING DEMOLITION AND CONSTRUCTION**28. Inspections by Project Arborist**

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

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
1. <i>Harpephyllum caffrum</i> (Kaffir Plum) No 15 Kalgoorlie Street		In accordance with the approved Tree Protection Plan and section 4 of AS4970— <i>Protection of trees on development sites</i> .

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

29. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

30. Survey Prior to Footings

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.

PRIOR TO OCCUPATION CERTIFICATE

31. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to tree planting and the role of the project arborist have been complied with.

One (1) x 75 litre size tree, which will attain a minimum mature height of six (6) metres, has been planted in a suitable location within the property at a minimum 2 metres from the building, and allowing for future tree growth. The tree is to be planted in natural soil and is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council’s Tree Management Controls, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences).

If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

32. No Encroachments

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, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

33. Protect Sandstone Kerb

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.

34. Works as Executed – Site Stormwater Drainage System

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 (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any 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.

35. Operation and Management Plan

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 on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and

- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

36. Aircraft Noise –Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

ON-GOING

37. Tree Establishment

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).

38. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

ADVISORY NOTES

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is

the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. 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.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Permits

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 *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. 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;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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.

Insurances

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.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

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.

Other works

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 *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;

- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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.

Notification of commencement of works

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:

- 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.
- 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.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

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 *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. 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;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;

- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

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.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Lead-based Paint

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 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.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

Department of Fair Trading		www.basix.nsw.gov.au 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig		1100 www.dialprior toyoudig.com.au
Landcom		9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441 www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406 www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555 www.environment.nsw.gov.au
Sydney Water		13 20 92 www.sydneywater.com.au
Waste Service Environmental Solutions	- SITA	1300 651 116 www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

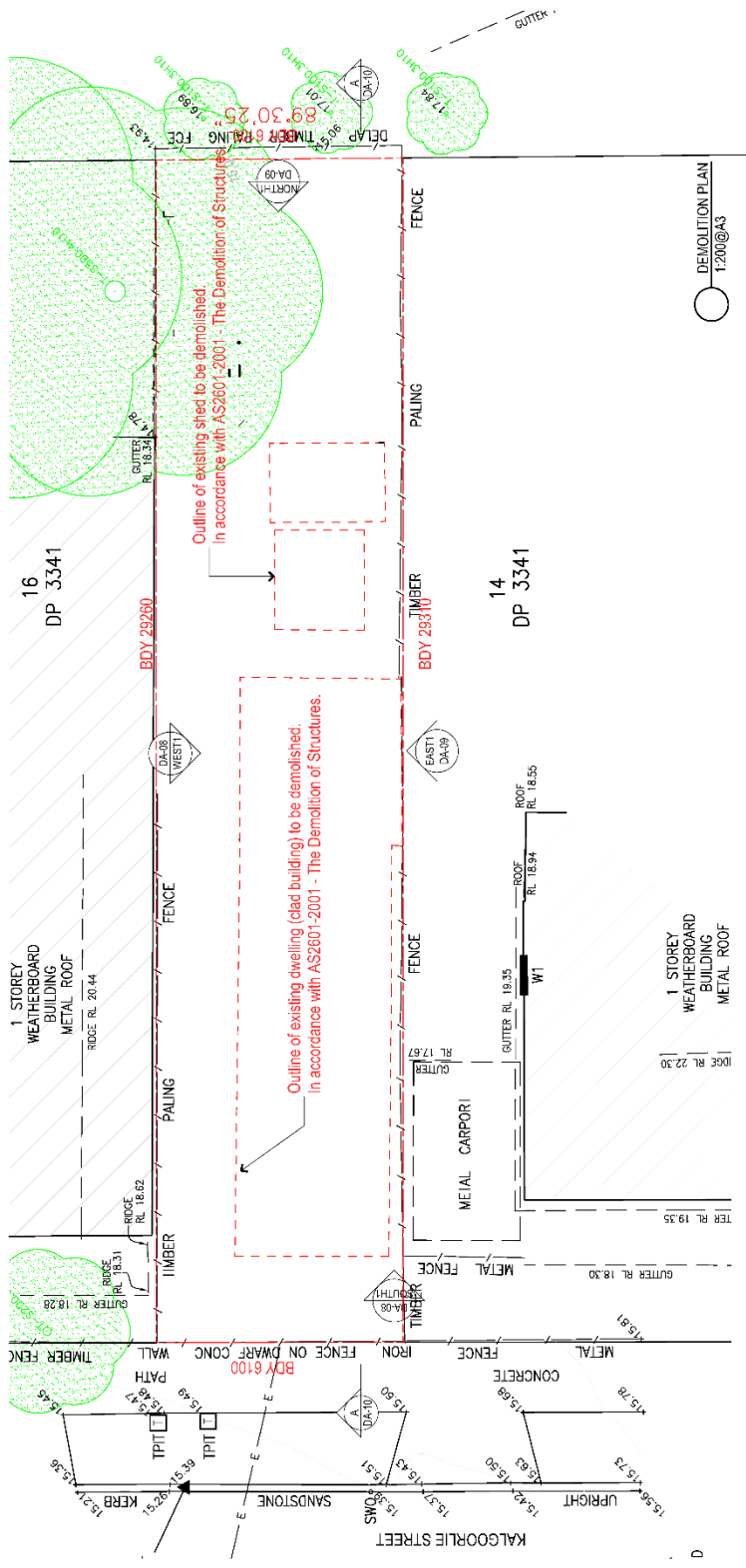
A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Attachment B – Plans of proposed development



SITE MANAGEMENT PLAN / DEMOLITION PLAN / GENERAL CONSTRUCTION NOTES

PROVIDE 1800mm HIGH SAFETY & SECURITY FENCE FOR THE DURATION OF THE DEMOLITION & CONSTRUCTION WORKS. SILT FENCE, GEOTEXTILE FABRIC OR THE EQUIVALENT TO ALL BOUNDARIES

METHOD OF SUPPORT OF EXCAVATION ADJACENT TO ADJOINING PROPERTIES TO ENDS DETAILS AND IT IS TO BE CERTIFIED BY A CERTIFIER-ACCREDITED IN CIVIL ENGINEERING

ANY DAMAGE TO EXISTING &/OR ADJOINING PROPERTY &/OR SERVICES IS TO BE MADE GOOD WITH MINIMAL IF ANY INCONVENIENCE TO ALL PROPRIETORS. IF ANY DAMAGE IS DUE TO NEGLIGENCE, IT IS TO BE RECTIFIED AT THE COST OF THE NEGLIGENT PARTY WHICH CAUSED THAT DAMAGE.

VEHICLES CARRYING LOOSE BUILDING MATERIALS TO BE COVERED IN COMPLIANCE WITH ROAD TRAFFIC REGULATIONS. SAFE ACCESS FOR HEAVY EQUIPMENT PLANT AND MATERIALS DELIVERY.

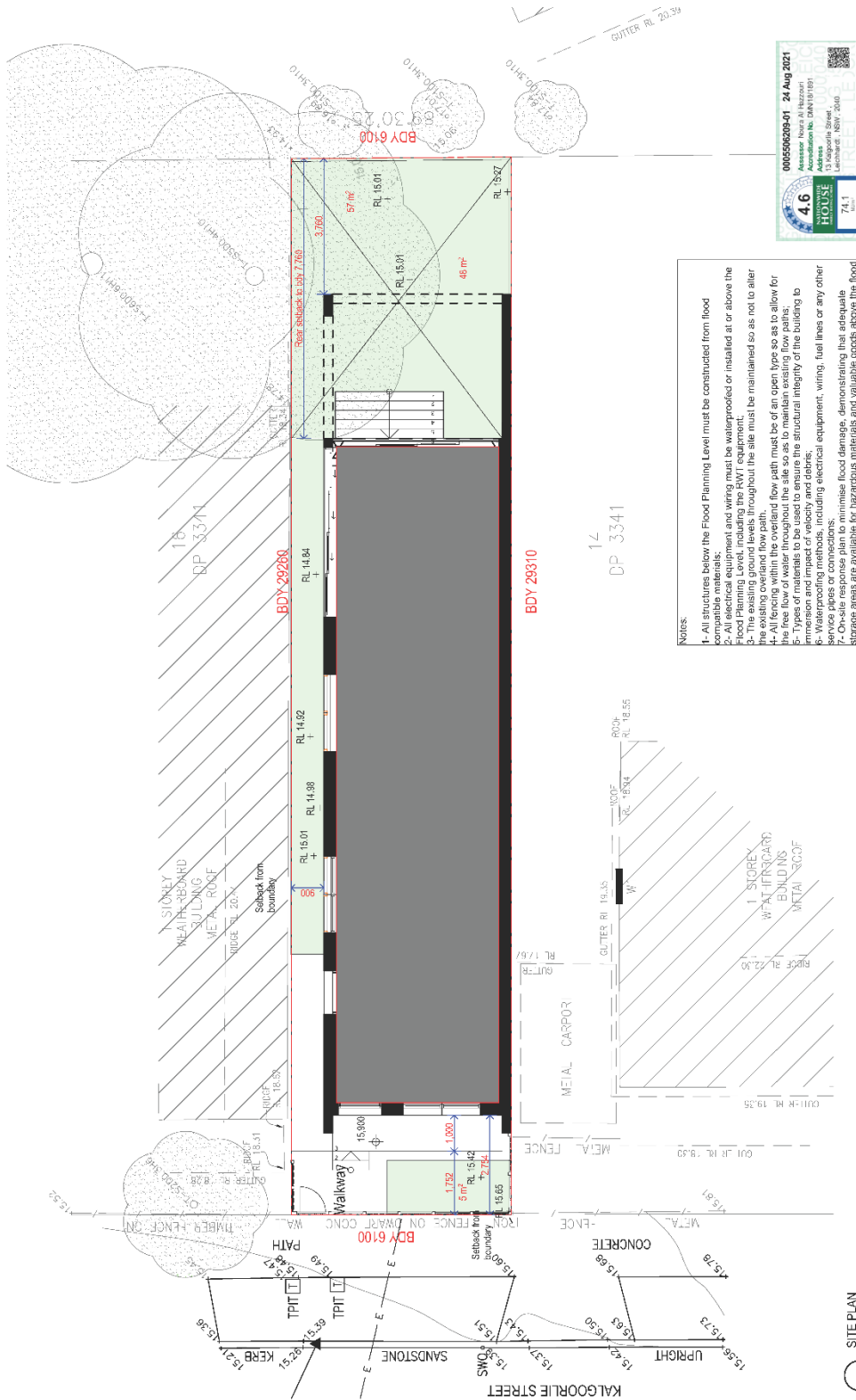
DEMOLISH & REMOVE FROM THE SITE, AS PER THE SPECIFICATION, THE COUNCIL REQUIREMENTS & AS 2601 ALL THE EXISTING BUILDINGS, CARPORT, FENCES, DRIVEWAY, PATHS AND THE LIKE, AS SHOWN HATCHED AND/OR AS REQUIRED TO ACHIEVE THE PROPOSED WORK. DISCONNECT, CAP OFF & SEAL ALL REDUNDANT SERVICES PRIOR TO THE COMMENCEMENT OF DEMOLITION



Issue	Date	Event	Scale
A	26.01.21	Issue for DA Approval	1:500, 1:1 Scale
B	24.06.21	Issue for DA Approval	24.08.21

Project	Drawn By	Checked By
13 Kalgoolie St, Leichhardt	J S	N L
LOT 15 DP 3341		DA 03

Drawing Title	North
DEMOLITION PLAN	



NOTES:

- 1- All structures below the Flood Planning Level must be constructed from flood compatible materials.
- 2- The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path.
- 3- The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path.
- 4- Altering within the overland flow path must be of an open type so as to allow for the passage of floodwaters.
- 5- Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
- 6- Waterproofing methods, including electrical equipment, wiring, fuel lines or any other services pipes or connections;
- 7- Hazardous materials, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.



Scale: 1:200, 1:100, 1:50, 1:20

Date: 24.06.21

Drawn By: J. S

Checked By: N.L

Drawing No: DA-04

Project: 13 Kalgoolie St, Leichhardt
LOT 151 | D.P.3341

Issue Date: 24.06.21

Event: Issue for DA Approval

Issue Date: 24.06.21

Event: Issue for DA Approval

North:

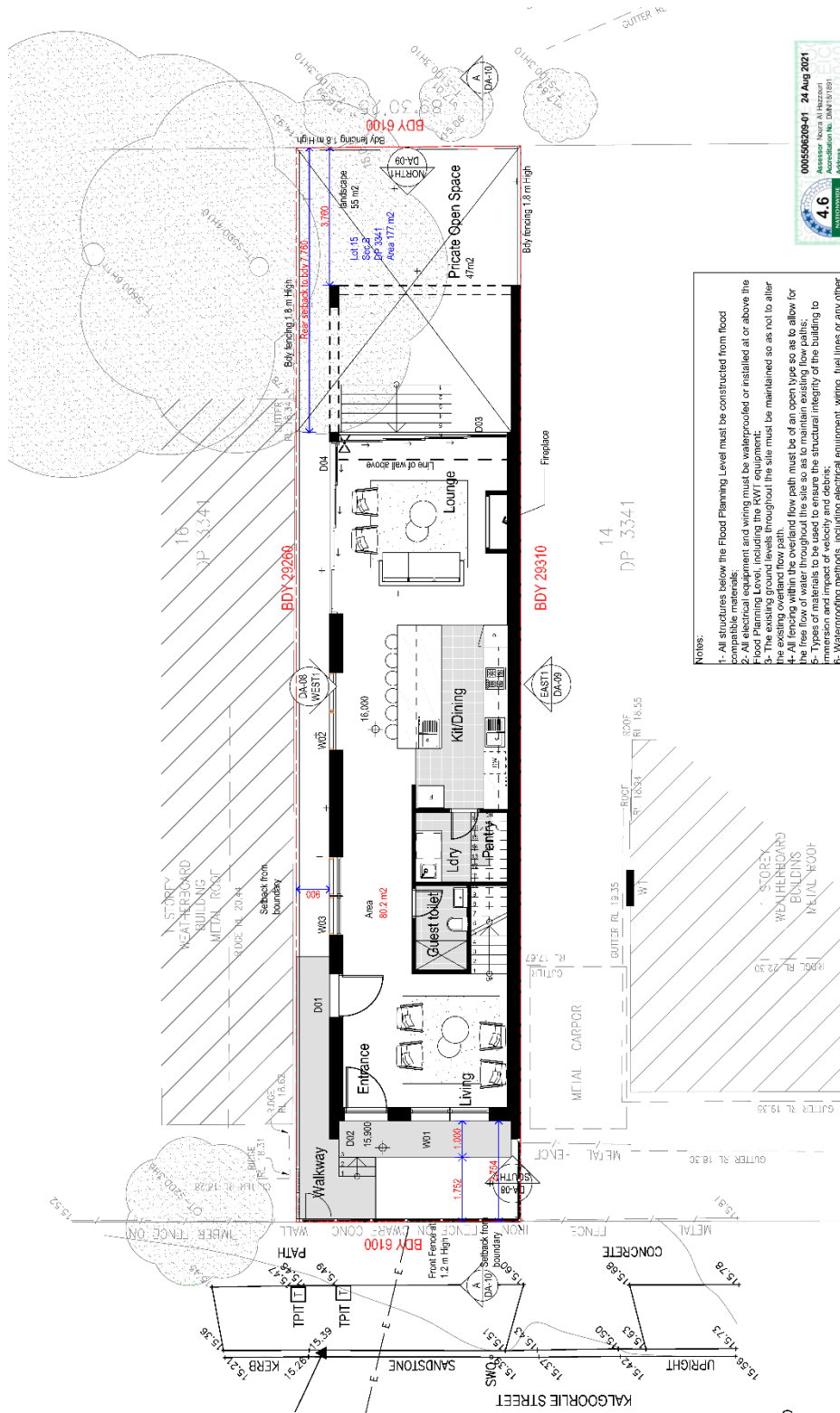
Drawing Title: SITE PLAN

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project management

SITE PLAN
1:200@A3

Check all dimensions and site conditions prior to commencement of any work, the purpose or intention, of any materials, things, plans, sections or equipment and the preparation of site drawings and/or the incorporation of any changes to the drawings, other than those indicated, shall immediately be referred to the architect for confirmation.

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Notes:

- 1- All structures below the Flood Planning Level must be constructed from flood compatible materials; and wiring must be waterproofed or installed at or above the Flood Planning Level, including the RWT equipment.
- 2- The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path.
- 3- All terraces within the overland flow path must be of an open type so as to allow for drainage of rainwater.
- 4- Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
- 5- Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
- 6- Measures to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.



North:

Drawing Title: GROUND FLOOR PLAN

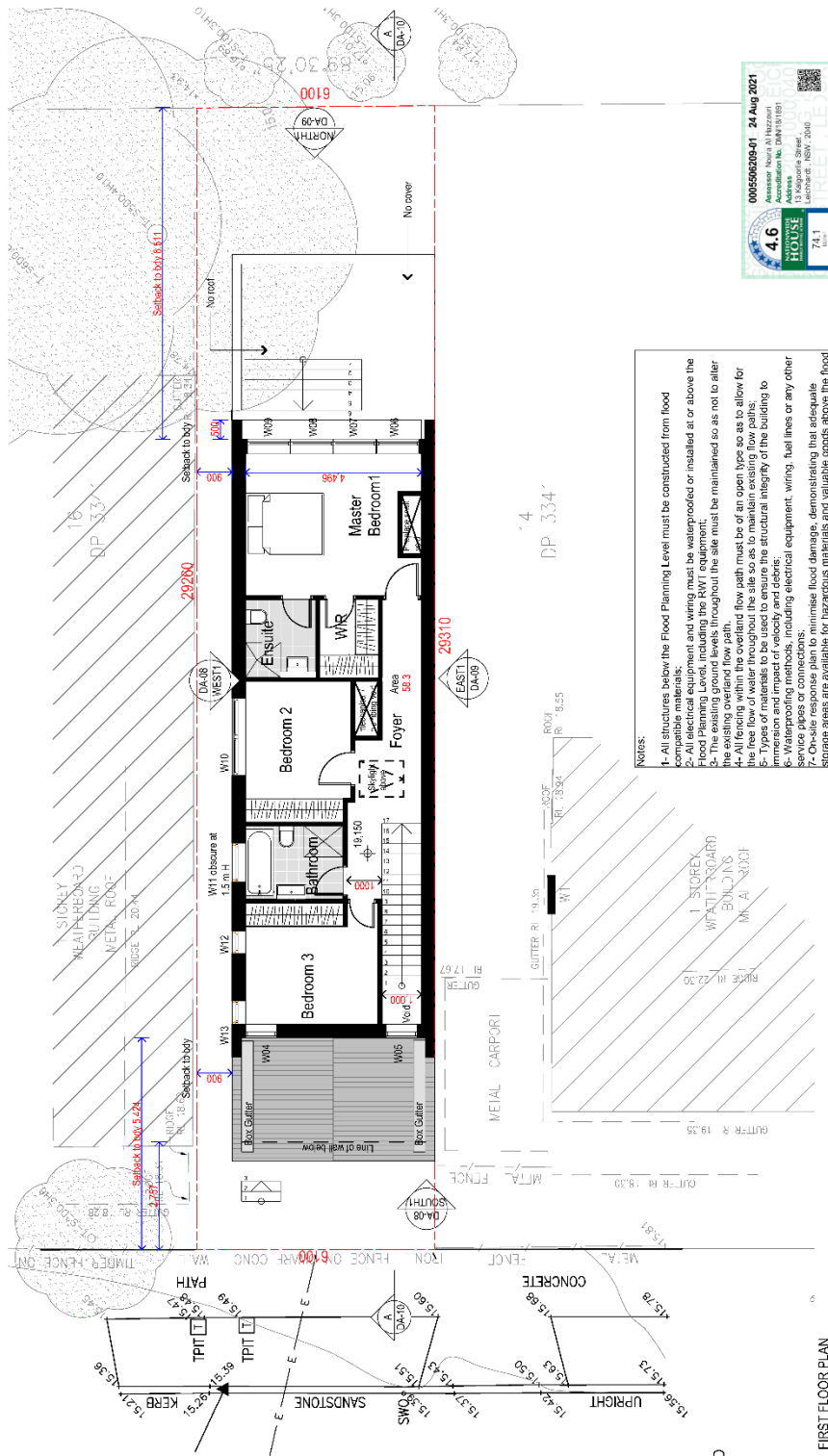
Scale:	1:100, 11 @A3	Project:	13 Kalgoolie St, Leichhardt
Date:	24.06.21	Drawn By:	J. S
Checked By:	N.L.	Drawing No.:	DA-05
Event:	Issue for DA Approval		
Issue Date:	26.01.21		
	Issue for DA Approval		
	24.06.21		

Check all dimensions and site conditions prior to commencement of any work, the purpose or ordering, of any materials, fittings, plans, services or equipment and the preparation of shop drawings and/or fabrication of any components.

Check all dimensions, other than figured dimensions, only. Any discrepancies shall immediately be referred to the architect for clarification.

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Notes:

- 1- All structures below the Flood Planning Level must be constructed from flood compatible materials.
- 2- All electrical and wiring must be waterproofed or installed at or above the Flood Planning Level, including the RWT equipment.
- 3- The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path.
- 4- All flooding within the overland flow path must be of an open type so as to allow for the safe evacuation of the site.
- 5- Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
- 6- Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
- 7- All hazardous materials, including those that are susceptible to fire, explosion, or release of hazardous materials, must be stored in areas that are available for hazardous materials and valuable goods above the flood level.



North:

Drawing Title: **FIRST FLOOR**

Scale:	1:20, 1:10, 1:50	Project:	13 Kaigoonle St, Leichhardt
Date:	24.06.21	Drawn By:	J. S
Checked By:	N.L.	Checked By:	N.L.
Issue Date:	24.06.21	Event:	LOT 15 D.P. 334

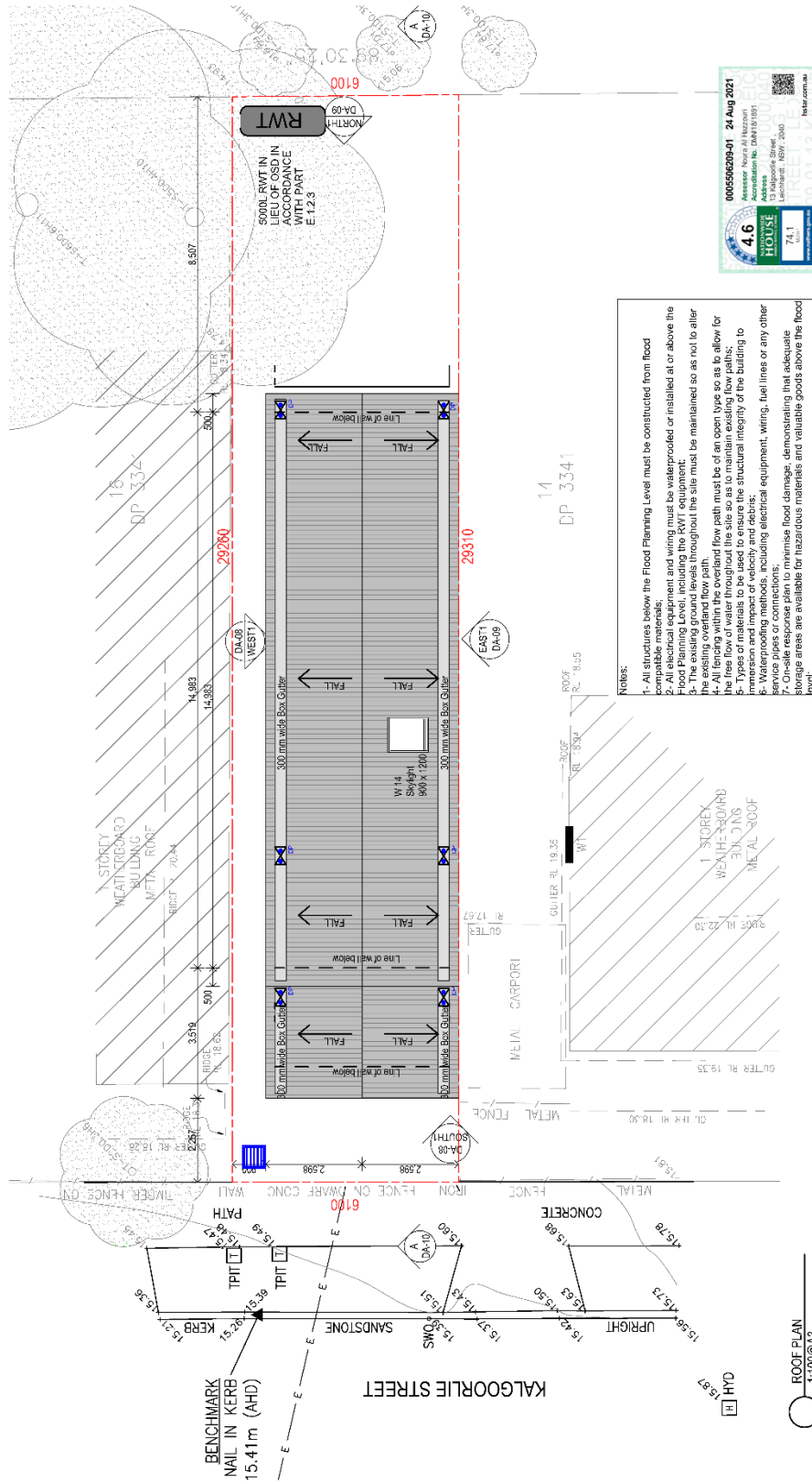
Issue Date:	24.06.21	Event:	LOT 15 D.P. 334
Issue Date:	24.06.21	Event:	LOT 15 D.P. 334

Check all dimensions and site conditions prior to commencement of any work, the purpose or intention of any materials, things, plans, sections or equipment and the preparation of any drawings and/or the incorporation of any changes to the drawings, other than those indicated, shall immediately be referred to the architect for confirmation.

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FIRST FLOOR PLAN
1:10@A3





North:	
Drawing Title:	ROOF PLAN

Scale:	1:20, 1:10, 1:50	Project:	13 Kalgoolie St, Leichhardt
Date:	24.06.21	Drawn By:	J. S
Checked By:	N.L.	Drawing No.:	DA-07


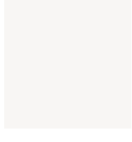
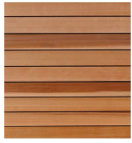


Issue Date:	Event
A 26.07.21	Issue for DA Approval
B 24.06.21	Issue for DA Approval

Check all dimensions and site conditions prior to commencement of any work, the purpose or ordering, of any materials, things, plans, services or equipment and the preparation of site drawings and/or the location of any structures, etc. All dimensions, other than figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

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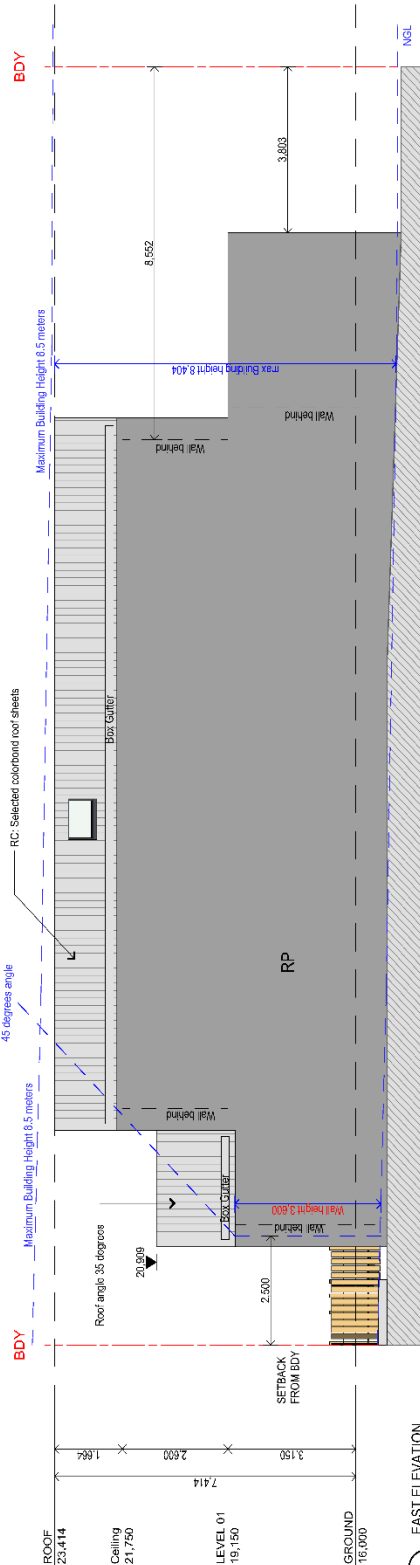
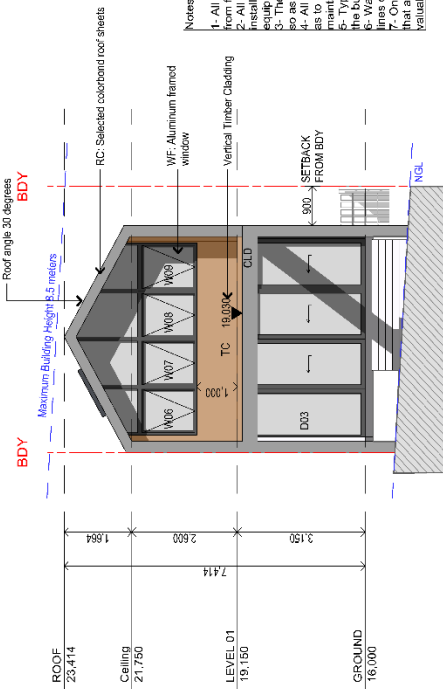


FINISHES AND COLOUR SCHEDULE

	CLD: CLADDING DARK MONUMENT		WF: WINDOW FRAMES WHITE		TC: TIMBER CLADDING
	RC: ROOF COLORBOND MONUMENT		RP: RENDER PAINT DULUX MONUMENT		



- Notes:**
- All structures below the Flood Planning Level must be constructed from flood compatible materials;
 - All electrical equipment and wiring must be waterproofed or installed at or above the Flood Planning Level, including the RWT equipment;
 - Any existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path;
 - All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flow paths;
 - Structural design must be undertaken to ensure the structural integrity of the building in the event of a flood;
 - Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - On-site response plan to minimise flood damage, demonstrating appropriate measures available for hazardous materials and valuable goods above the flood level.



Drawing Title:
ELEVATIONS AND FINISHES

Project:
13 Kalgoorlie St, Leichhardt
LOT 15 | D.P. 2341

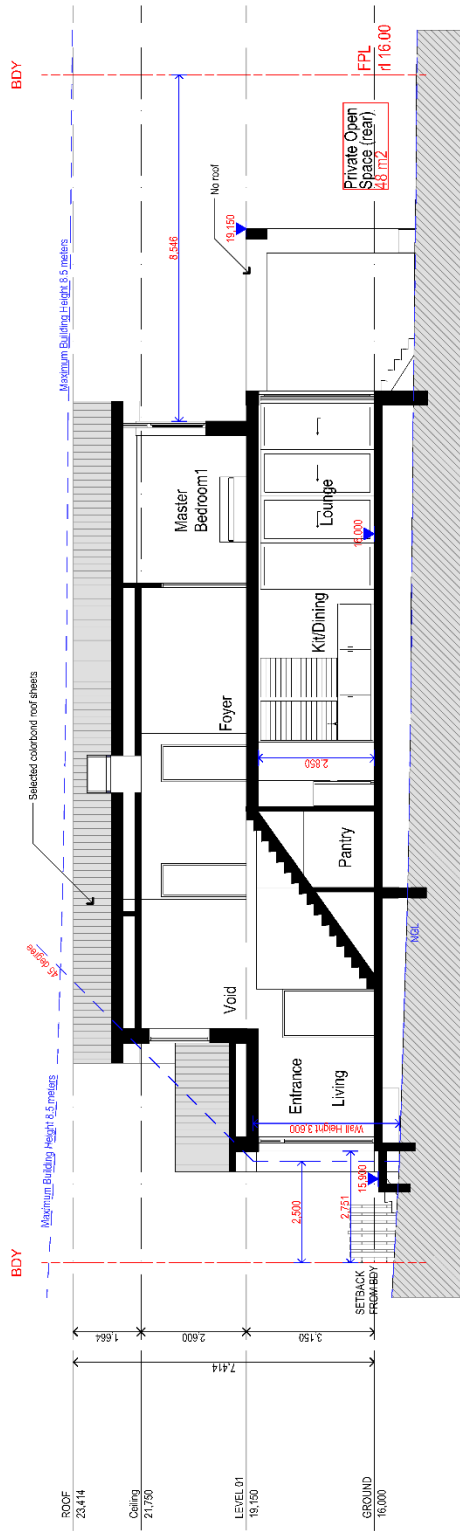
Scale:
Date:
24.08.21

Event:
Issue Date
A 26.01.21 Issue for DA Approval
B 24.08.21 Issue for DA Approval

Drawn By:
Checked By:
J.S
N.L
DA-09

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of the drawings and/or the fabrication of any components.
This drawing is for information only. Any discrepancies shall remain the responsibility of the client for the purposes of construction.
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Windows Schedule		
ID	Description	Height
W01	Aluminium framed Fixed window	2850
W02	Aluminium framed Louvered window	2130
W03	Aluminium framed Louvered window	2130
W04	Aluminium framed fixed window	800
W05	Aluminium framed fixed window	800
W06	Aluminium framed Opening window	1100
W07	Aluminium framed Opening window	1100
W08	Aluminium framed Opening window	1100
W09	Aluminium framed Opening window	2000
W10	Aluminium framed Opening window	1000
W11	Alum. F. louvered window (obscure 1.5 m H)	600
W12	Aluminium framed Louvered window	600
W13	Aluminium framed Louvered window	900
W14	Aluminium framed operable skylight	1200

Doors Schedule		
ID	Description	Height
D01	Ext. Wood frame door	2280
D02	Ext. Wood frame door	2280
D03	Aluminium framed sliding door	4695
D04	Aluminium framed sliding door	4695

- Notes:
- All structures below the Flood Planning Level must be constructed from flood compatible materials;
 - All electrical equipment and wiring must be waterproofed or installed at or above the Flood Planning Level, including the RMT equipment;
 - The existing ground levels throughout the site must be maintained so as not to alter the natural overland flow path;
 - All buildings with a sealed floor path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flow paths;
 - Type of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - Waterproofing methods, including electrical equipment, wiring, fuel lines or any other items, must be specified;
 - On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level;



Check all dimensions and site conditions prior to commencement of any work, the purpose of verifying, of any materials, fittings, plans, services or equipment and the preparation of shop drawings and/or the fabrication of any components. All dimensions, other than figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

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Project: 1:20, 1:1 scale
 24.06.21
 13 Kalgoolie St, Leichhardt
 LOT 15 | D.P.3341
 Drawn By: J. S
 Checked By: N.L
 Drawing No. DA-10

Issue Date: 24.06.21
 Event: Issue for DA Approval
 A: 24.06.21 Issue for DA Approval
 B: 24.06.21 Issue for DA Approval

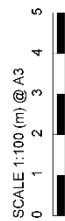
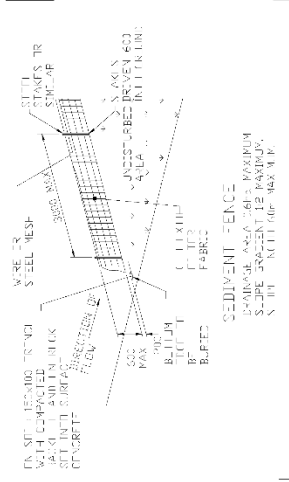
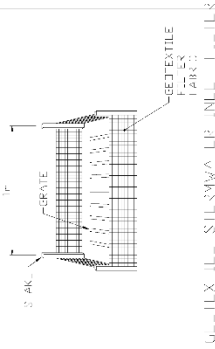
Scale: 1:20, 1:1 scale
 Date: 24.06.21
 Drawn By: J. S
 Checked By: N.L
 Drawing No. DA-10

Deming Title: SECTION A3 AND WINDOWS SCHEDULES
 North: [North Arrow]

13 Kalgoorlie Street, Leichhardt STORMWATER PLAN

- GENERAL**
G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS AND SPECIFICATIONS WITH SUCH WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT.
- G2. ALL WORKMANSHIP & MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITION OF THE RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND ANY OTHER APPLICABLE AUTHORITY REQUIREMENTS.
- G3. ANY CONFLICT BETWEEN THESE NOTES, THE SPECIFICATION, THE DRAWINGS AND ANY OTHER DOCUMENTS SHALL BE REFERRED TO ABCON ENGINEERS FOR DECISION PRIOR TO PROCEEDING WITH THE WORK.
- G4. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DRAWINGS. FOR SETTING OUT DIMENSIONS & LEVELS REFER TO ARCHITECTURAL DRAWINGS.
- G5. THE BUILDER SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL SHORING AND BRACING TO MAINTAIN THE STABILITY & INTEGRITY OF EXCAVATIONS & ADJACENT STRUCTURES.
- G6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL SERVICES PRIOR TO COMMENCEMENT OF ANY EXCAVATIONS.
- G7. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
- STORMWATER**
W1. ALL LEVELS ARE TO A.H.D. UNO.
W2. THE STORMWATER SYSTEM IS DESIGNED TO COMPLY WITH COUNCIL'S DESIGN CRITERIA AND TO APPROXIMATELY MAINTAIN EXISTING FLOW PATTERNS.
W3. OVERLAND FLOW PATHS ARE PRESERVED.
W4. EXISTING DRAINAGE AND LEVELS ARE BASED ON SURVEY PROVIDED & SHALL BE PRESERVED UNLESS OTHERWISE NOTED. TO CONFIRM ALL RELEVANT DETAILS BEFORE PROCEEDING WITH AFFECTED AREAS.
W5. ALL WORK TO COMPLY WITH AS3500.3.
W6. ALL PITS TO BE PRECAST CONCRETE OR F.R.C. UNO.
W7. DOWNPIPE LOCATIONS SHOULD BE CONFIRMED WITH ARCHITECT'S PLAN UNO.
W8. GRADE LOCAL SURFACES INTO PITS TO ENSURE COLLECTION OF WATER & THAT THERE ARE NO AREAS OF PONDING, TYPICAL.
W9. GRATED TRENCHES AND SILT ARRESTOR PITS TO BE INSPECTED AND CLEANED AFTER PERIODS OF HEAVY RAINFALL.
W10. TREE ROOTS TO BE AVOIDED DURING PLACEMENT OF DRAINAGE SYSTEM.
W11. ALL PIPES TO BE Ø100 UPVC UNO.
W12. ALL PIPES TO HAVE 100MM COVER IN LANDSCAPED AREAS AND 600 MM COVER IN TRAFFICABLE AREAS.
W13. ALL INLET AND OUTLET PIPES FROM PITS TO BE CONNECTED AT THE HIGHEST POSSIBLE INVERT LEVEL WHILST KEEPING 1% MIN. GRADE UNLESS NOTED OTHERWISE.
W14. FINISHED SURFACES TO BE GRADED AWAY FROM THE DWELLING AND TOWARD THE PITS.
W15. GRATED TRENCHES TO BE 1% MIN. GRADE THROUGHOUT TO OUTLET PIPE.

- LEGEND**
--- SURFACE FLOW
--- EXISTING SURFACE LEVEL
--- PROPOSED SURFACE LEVEL
--- DOWN PIPE
--- STORMWATER PIPE



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DATE FOR SETTING OUT: 15/03/2024
DATE FOR CONSTRUCTION: 15/03/2024
DATE FOR COMPLETION: 15/03/2024



PROPOSED DWELLING AT
13 Kalgoorlie Street, Leichhardt

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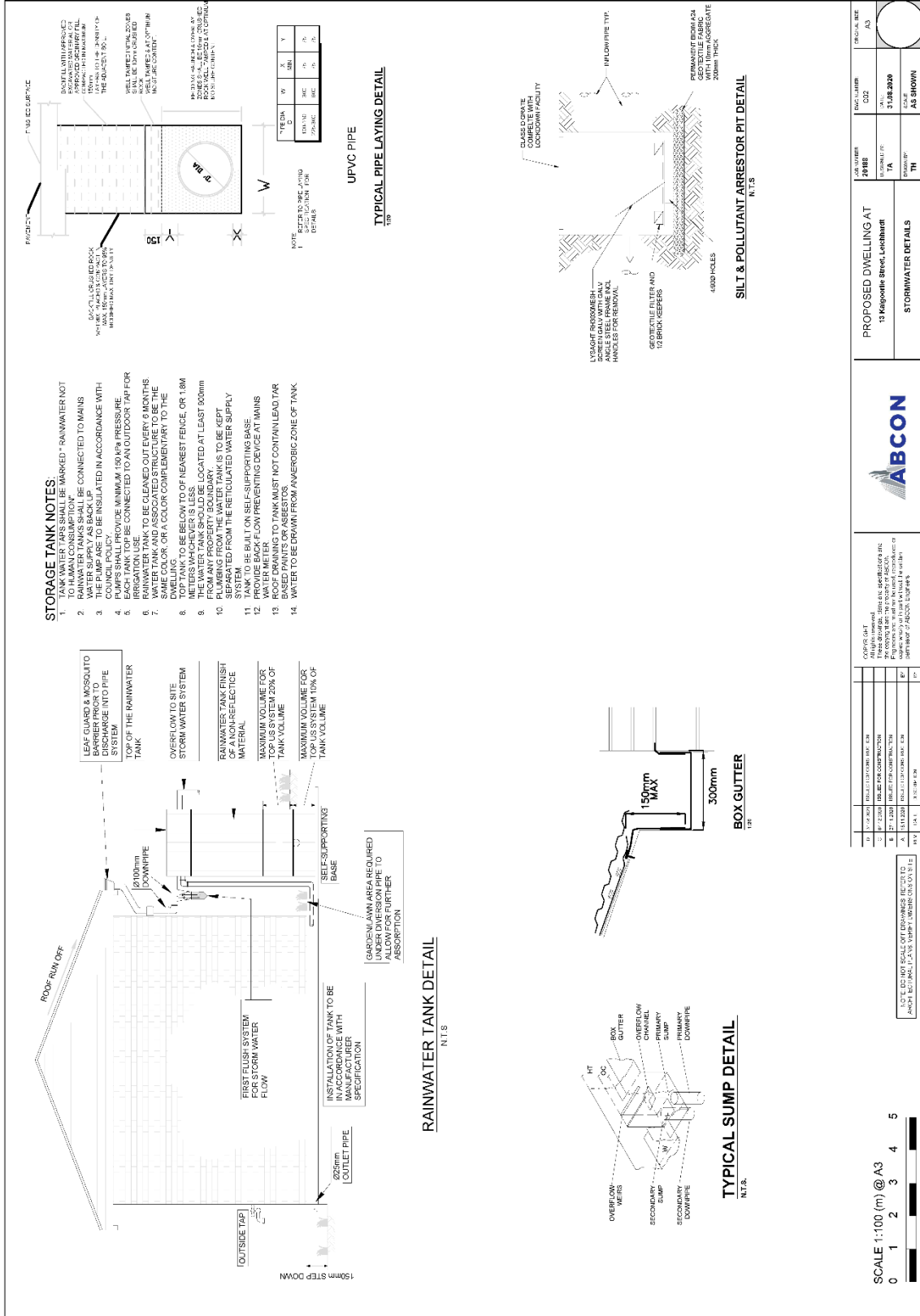
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15/03/2024	ISSUE FOR PERMIT	ABC	ABC

DATE	DESCRIPTION	BY	CHECKED
15/03/2024	ISSUE FOR PERMIT	ABC	ABC



- STORAGE TANK NOTES:**
- TANK WATER TAPS SHALL BE MARKED "RAINWATER NOT TO BE DRINKED"
 - RAINWATER TANKS SHALL BE CONNECTED TO MAINS
 - THE PUMP ARE TO BE INSULATED IN ACCORDANCE WITH COUNCIL POLICY
 - EACH TANK TO BE CONNECTED TO AN OUTDOOR TAP FOR IRRIGATION USE
 - RAINWATER TANK TO BE CLEANED OUT EVERY 6 MONTHS
 - RAINWATER TANK TO BE PAINTED TO MATCH THE SAME COLOR OR A COLOR COMPLEMENTARY TO THE DWELLING
 - BEES CAN NOT BE KEPT NEARST FENCE OR 1.8M METERS FROM TANKS
 - THE WATER TANK SHOULD BE LOCATED AT LEAST 300mm FROM ANY PROPERTY BOUNDARY
 - WATER TANKS ARE TO BE KEPT SEPARATED FROM THE RETICULATED WATER SUPPLY SYSTEM
 - TANK TO BE BUILT ON SELF-SUPPORTING BASE
 - WATER METER CONTAINING DEVICE AT MAINS
 - ROOF DRAINING TO TANK MUST NOT CONTAIN LEAD TAR
 - WATER TO BE DRAWN FROM ANAEROBIC ZONE OF TANK

DATE	15/08/2021	BY	516 PM
NO.	1	REV.	0
DESCRIPTION	REVISIONS		
DATE	NO.	BY	DESCRIPTION

PROPOSED DWELLING AT	13 Magooite Street, Leichhardt
STORMWATER DETAILS	AS SHOWN

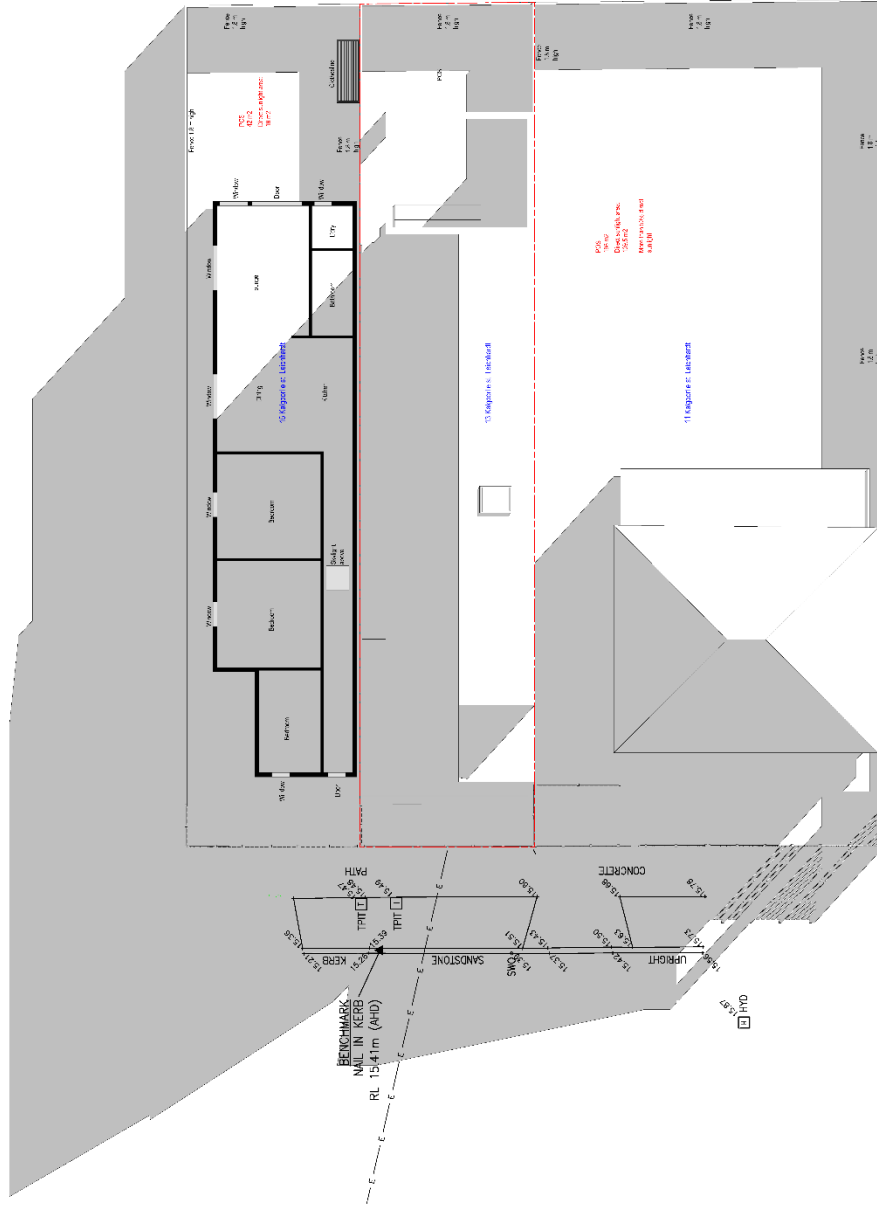


DATE	15/08/2021	BY	516 PM
NO.	1	REV.	0
DESCRIPTION	REVISIONS		
DATE	NO.	BY	DESCRIPTION

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18/08/2021 5:16 PM



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@ 9AM

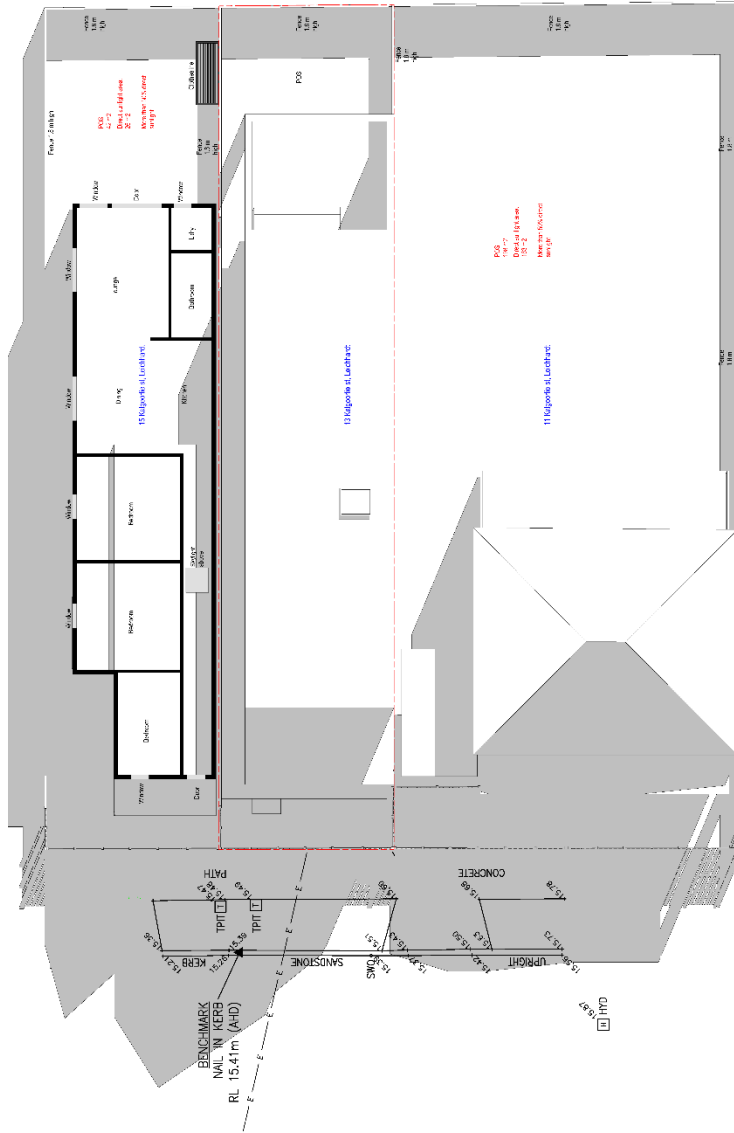
Project:
13 Kallipourie St, Leichhardt
LOT 15 | D.F.P 3341

Scale:
Date:
Drawn By: J.S
Checked By: N.L
Drawing No. DA-13

Issue Date | Event
A 26.01.21 Issue for DA Approval
B 24.08.21 Issue for DA Approval

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Drawing Title :
Shadow diagram - 21 June
@ 10:30AM

Scale :
Date :
Drawn By :
Checked By :
Drawing No.:

Issue Date
Event

1:100, 1:150
24.08.21
J.S
N.L
DA-403

13 Malgouvie St, Leichhardt
LOT 15 | D.F.P 3341

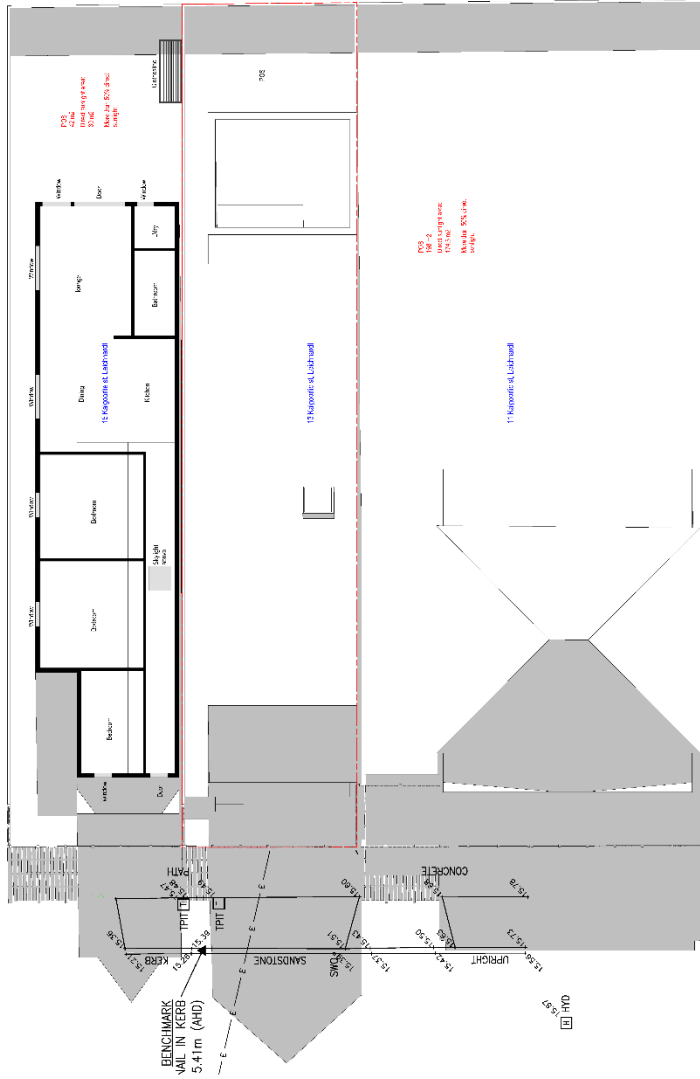
Issue for DA Approval
Issue for DA Approval

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SHADOW DIAGRAM - SUB-WINTER (23JUN)
1:100@A4

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Drawing Title :
Shadow diagram - 21 June
@ 12PM

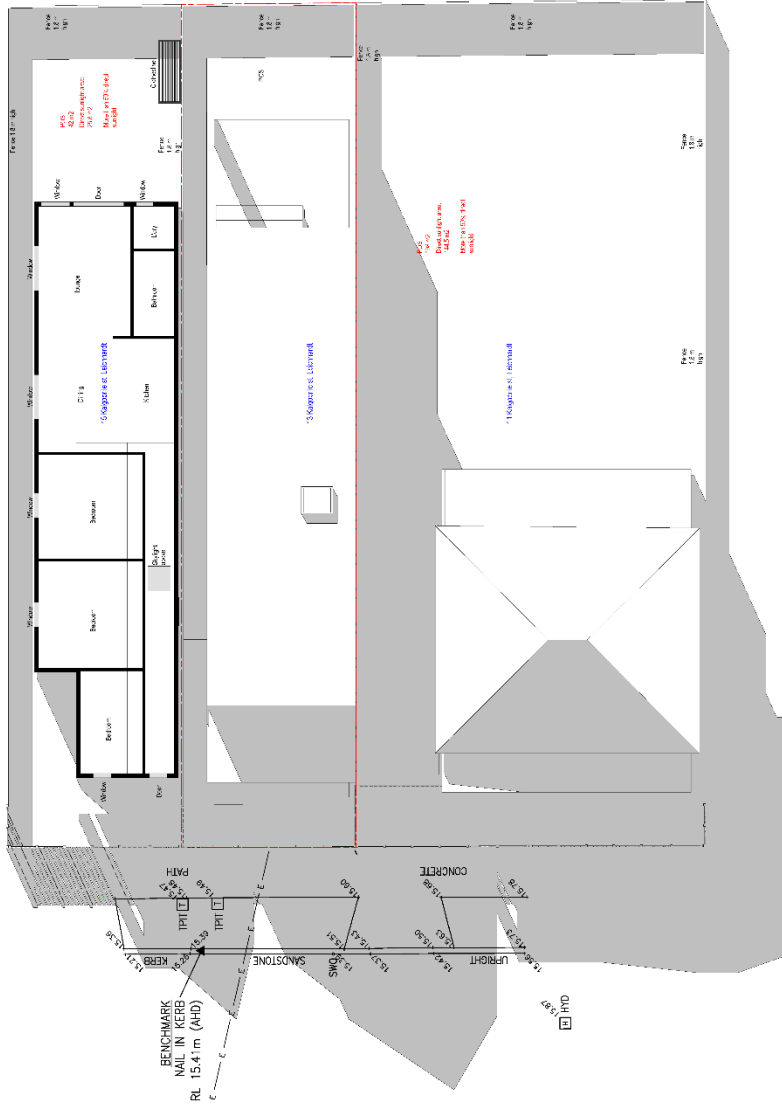
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24.08.21 13 Malgouffie St, Leichhardt
LOT 15 | D.F.P 3341

Scale :
Date :
Drawn By : J.S
Checked By : N.L
Drawing No. : DA-14

Issue Date | Event
A 26.01.21 Issue for DA Approval
B 24.08.21 Issue for DA Approval

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Drawing Title :
Shadow diagram - 21 June
@ 1:30PM

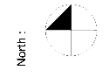
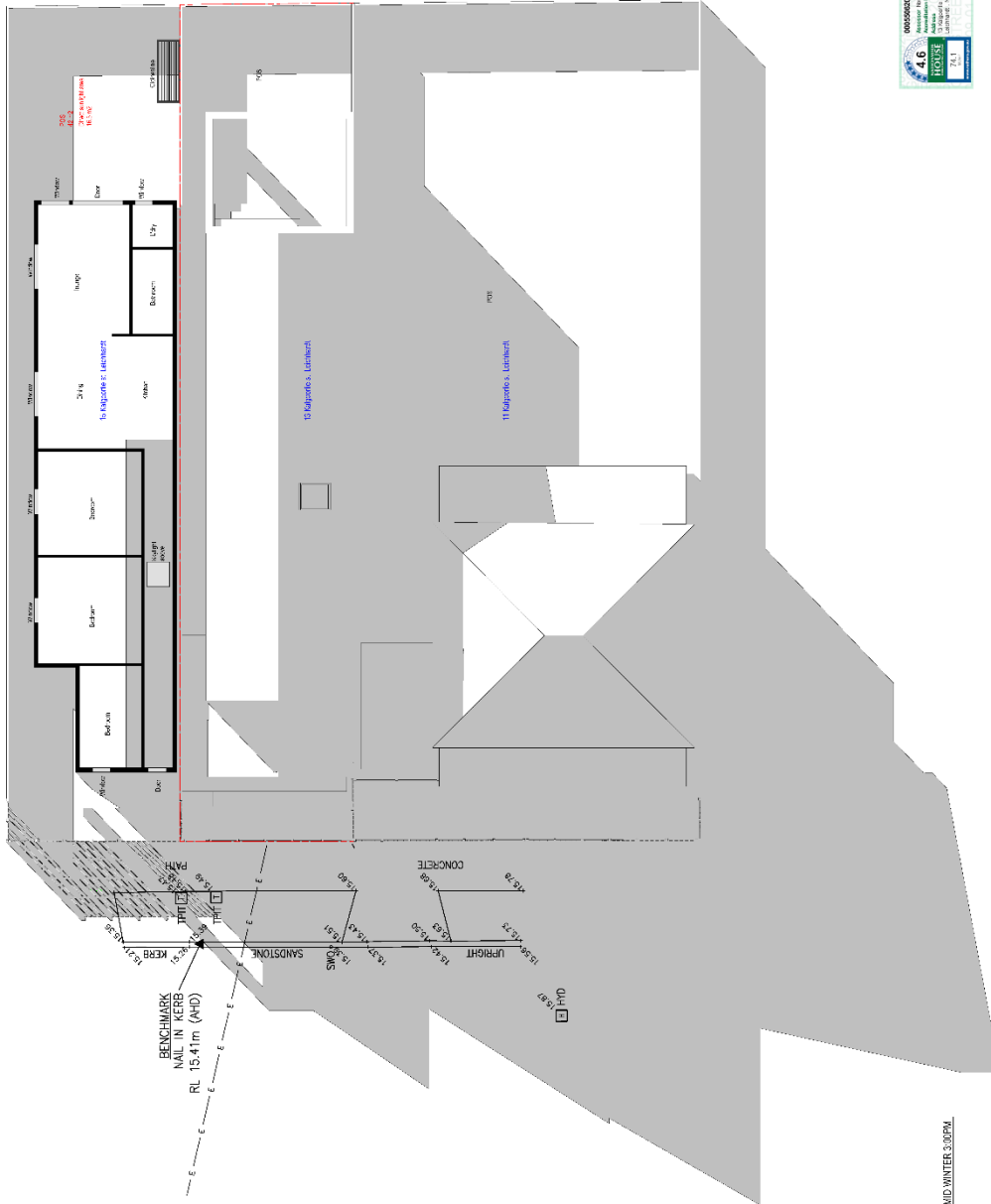
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24.08.21
13 Kalgipoolie St, Leichhardt
LOT 15 | D.F.P 3341

Scale :
Date :
Drawn By :
Checked By :
Drawing No. :
J.S
N.L
DA-405

Issue Date
Event
A 26.01.21 Issue for DA Approval
B 24.08.21 Issue for DA Approval

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Drawing Title :
Shadow diagram - 21 June
@ 3PM

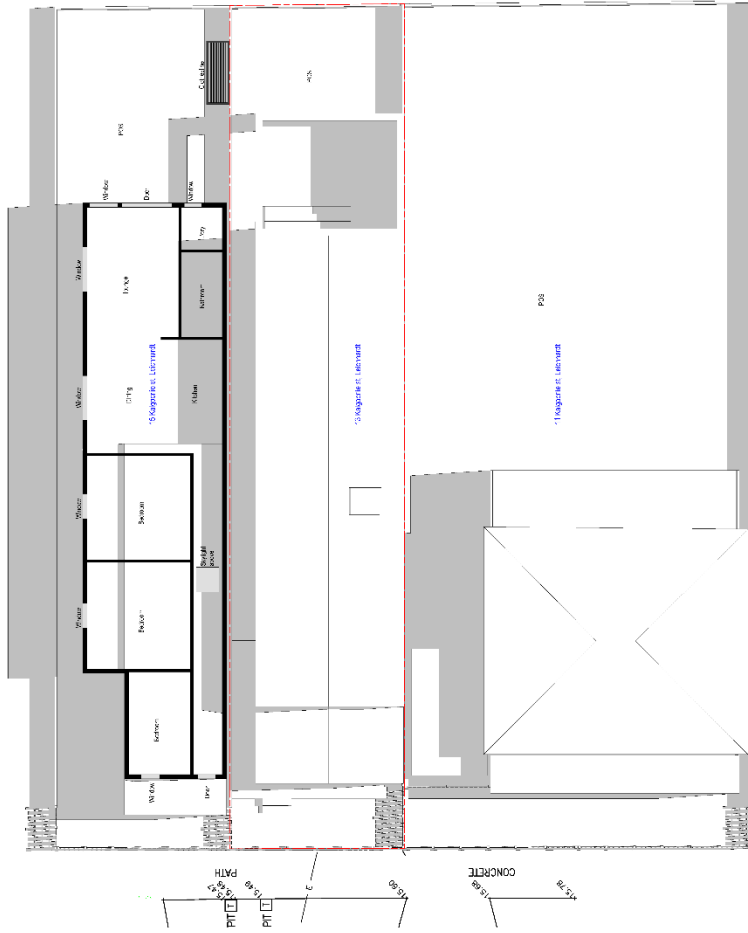
Project:
13 Malgouffie St, Leichhardt
LOT 15 | D.P. 3341

Scale :
Date :
Drawn By : J.S
Checked By : N.L
Drawing No. : DA-406

Issue	Date	Event
A	26.01.21	Issue for DA Approval
B	24.08.21	Issue for DA Approval

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Drawing Title :
Shadow diagram - 21 Dec
@ 9AM

Project:
13 Kalligorie St, Leichhardt
LOT 15 | D.F.P 3341

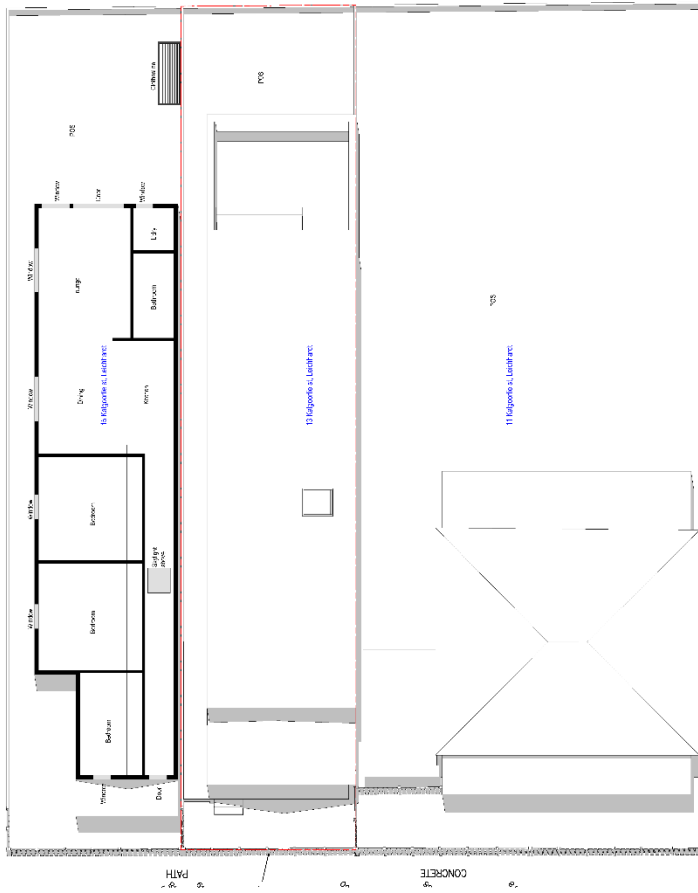
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Date :
Drawn By :
Checked By :
Drawing No.:

Issue Date | Event
A 26.01.21 | Issue for DA Approval
B 24.08.21 | Issue for DA Approval

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Drawing Title :
Shadow diagram - 21 Dec
@ 12PM

Project:
13 Kilgour St, Leichhardt
LOT 15 | D.P. 3341

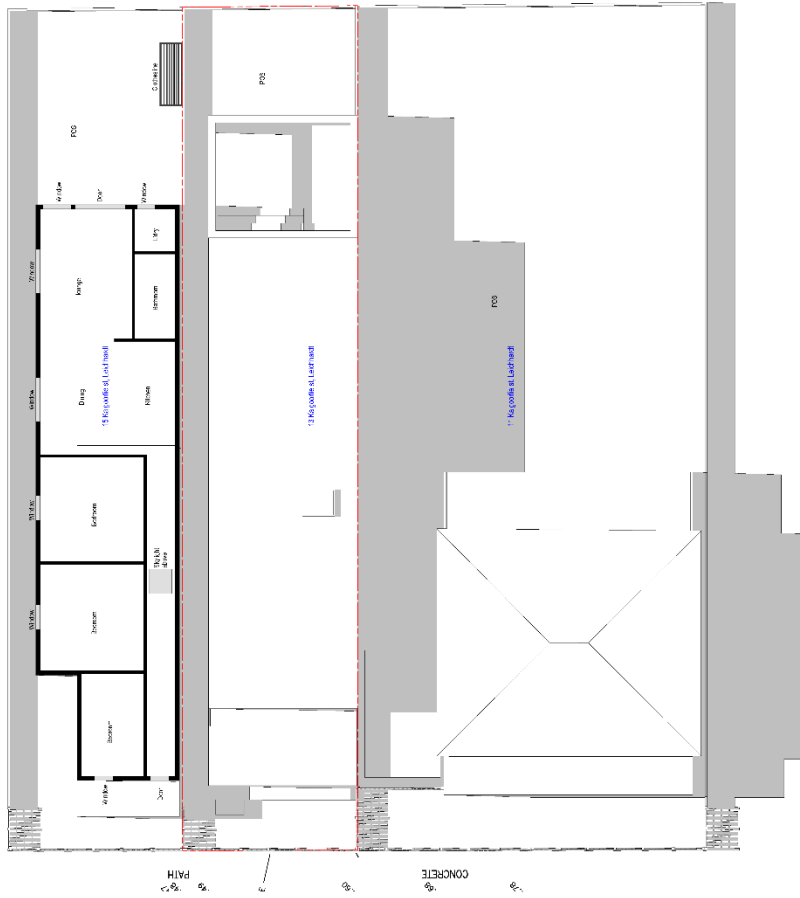
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Date :
Drawn By :
Checked By :
Drawing No.:

Issue	Date	Event
A	26.01.21	Issue for DA Approval
B	24.08.21	Issue for DA Approval

Check all dimensions and site conditions prior to commencement of any work. The purchaser or ordering of any components, site, plant, fixtures or equipment and the preparation of shop drawings under the supervision of any architect for clarification.
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Drawing Title :
Shadow diagram - 21 Dec
@ 3PM

1:100, 1:150 - Project
No. 24.08.21
24.08.21
13 Malgouffie St, Leichhardt
LOT 15 | D.F.P 3341

Scale :
Date :
Drawn By :
Checked By :
Drawing No. :
J. S
N.L.
DA-409

Issue Date
A 26.01.21
B 24.08.21

Event
Issue for DA Approval
Issue for DA Approval

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Attachment C- Clause 4.6 Exception to Development Standards

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**Clause 4.6
Variation**

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**Exception to Development
Standard under Clause 4.6
Leichhardt Local
Environmental Plan 2013 -
Floor Space Ratio – Clause
4.6**

REPORT:	Clause 4.6 Variation
LGA:	Leichhardt Council
PROPOSED:	Demolition of existing structures on-site and erect a new two storey Dwelling.
DATE	6 September 2021
PREPARED BY	Mario Mourad Skyline Property Group

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**Clause 4.6
Variation**

Clause 4.6 Exception to Development Standards

This request seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the Leichhardt LEP 2013 by 35.8% or 49.56 sqm.

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below. An extract of the floor plans are below.

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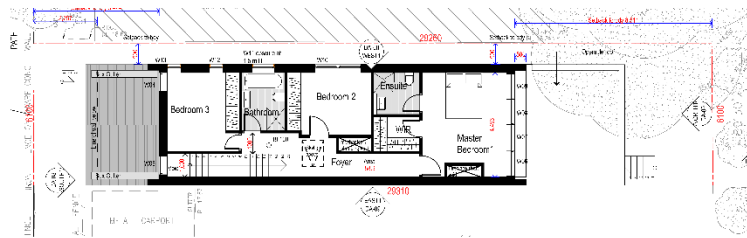
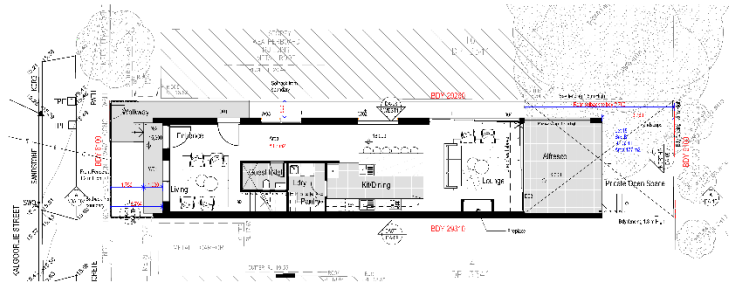


Figure 1 - Floor Plates Depicted above

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**Clause 4.6
Variation**

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The aim of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes.

It is considered that the provision of an appropriate degree of flexibility in applying the floor space ratio development standard is warranted in this instance for the following reasons:

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1. The proposed works are compatible with the surrounding built forms in scale, height, bulk and size;
2. All adjoining dwellings already have a similar sized dwelling to that proposed;
3. No 19, 19A and No 16 Kalgoorlie Street, which are within visual catchment present similar floor space to that of the proposed. The height, scale and proportion of these dwellings are compatible with the proposed development.
4. The proposed works will maintain a consistency in the built form, scale and size with the adjoining dwellings
5. Even though the proposed works do not comply with the FSR, they do comply with the objectives of the FSR by ensuring dwellings are compatible with the scale and size of the surrounding built forms, including the dwellings listed above and with visual catchment.
6. The proposed works have negligible impact on the adjoining properties. As the works are of generally of a small scale, there is no overshadowing to the adjoining properties, with all new shadows cast in areas already in shadow from the adjoining properties;
7. There is no detrimental overshadowing to the adjoining dwelling to the east and west dwelling rear outdoor space from the proposed works;
8. There is no loss of views or privacy concerns from the proposed works;
9. The proposed development results in an appropriate built form for the site which is consistent with the existing and longer term future desired character of the area.

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**Clause 4.6
Variation**

(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.

Clause 4.4) prescribes the maximum permissible floor space ratio for dwelling developments on the subject site.

The development standard is not expressly excluded from the operation of this clause.

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(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Wehbe v Pittwater Council [2007] NSWLEC 827 sets out five ways in which strict compliance with a development standard can be demonstrated to be unreasonable or unnecessary in the circumstances of the case.

The Clause 4.6 relies on establishing that the objectives of the standard are achieved notwithstanding non-compliance with the standard.

The relevant objectives of the R1 Residential zone are to

To provide for the housing needs of the community.

To provide for a variety of housing types and densities.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To improve opportunities to work from home.

To provide housing that is complementary to, and compatible with, the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.

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**Clause 4.6
Variation**

The relevant objectives of the height standard are:

to ensure that residential accommodation:

(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and

(ii) provides a suitable balance between landscaped areas and the built form, and

(iii) minimises the impact of the bulk and scale of buildings,

to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

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There will be no unacceptable environmental impacts arising from the contravention, including shadow, views, perceived bulk or scale, or visual impact on the streetscape or neighbouring properties.

The proposed development has a no impact in relation to neighbouring properties and the streetscape. The proposed development will create a high quality built form which will transform the existing dilapidated dwelling/streetscape into a high quality building, which will make a positive contribution to the streetscape and locality.

The proposed non-compliant dwelling does not exceed the maximum permissible height and is consistent with surrounding developments.

The scale of the proposed building will generally consistent with the two storey developments in close proximity to the site, therefore being in character with the R1 Residential Zone.

It is considered that the proposal is consistent with the objectives of the R1 zone

It is considered that enforcing compliance with the clause in relation to floor space ratio would be unreasonable and unnecessary.

It is considered that there are sufficient environmental planning grounds to justify a contravention to the development standard, given the proposed development does not result in any significant changes to the original built form.

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**Clause 4.6
Variation**

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(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained.

It is considered that compliance with the standard is unnecessary in this instance and that the proposed development is within the public interest.

Therefore, it is considered that there is sufficient environmental planning grounds to support a variation in accordance with the above criteria.

Conclusion

The written rationale adequately demonstrates compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, as set out above.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The development standard objectives are:

To ensure that residential accommodation –

(i) is compatible with the desired future character of the area in relation to building form, bulk and scale, and

- (ii) provides a suitable balance between landscaped areas and the built form, and
- (iii) minimises the impact of the bulk and scale of buildings.

The proposal is considered to be consistent with the Development Standard objectives for the following reasons:

The proposed dwelling would be compatible with the desired future character of the area in terms of form, materials and bulk.

The development would not result in unsatisfactory amenity impacts on neighbouring properties.

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**Clause 4.6
Variation**

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be granted.

Therefore, it is considered that there is sufficient environmental planning grounds to support a variation in accordance with the above criteria.

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Yours Sincerely,

Mario Mourad
Town Planner / Development Manager
Skyline Property Group

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