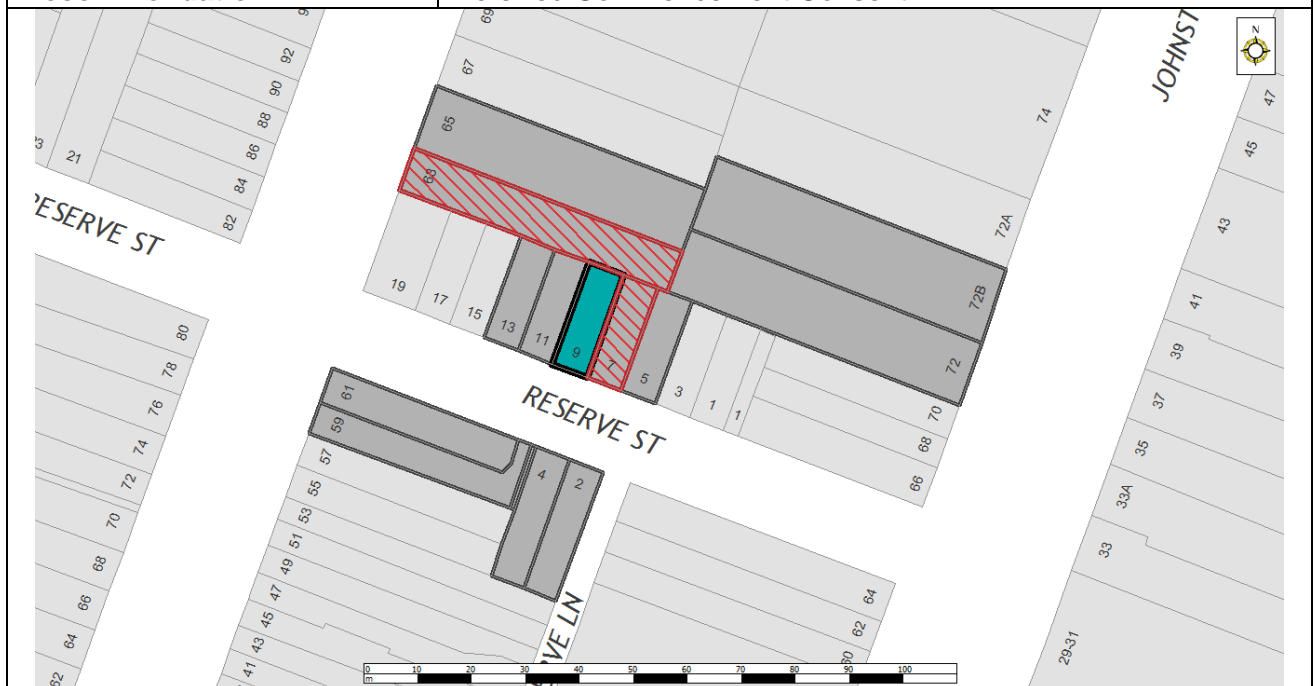




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/85
Address	9 Reserve Street, ANNANDALE NSW 2038
Proposal	Ground and first floor alterations and additions to existing residence and associated works.
Date of Lodgement	20 February 2018
Applicant	Mr R & S London
Owner	Mr R B S London and Mrs S M London
Number of Submissions	3 objections
Value of works	\$350,000
Reason for determination at Planning Panel	Clause 4.6 variation (Site coverage) exceeds delegation
Main Issues	<ul style="list-style-type: none"> Impact to contributory building within a heritage conservation area Breach of side setback controls and building location zone controls.
Recommendation	Deferred Commencement Consent



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for ground and first floor alterations and additions to an existing residence and associated works at 9 Reserve Street, Annandale. The application was notified to surrounding properties and 3 objections were received.

The main issues that have arisen from the application include:

- Impact to the heritage conservation area.
- Breach of side setback controls and building location zone controls.
- Stormwater management issues.

The application has been amended in part during the assessment process. Whilst the amended design is considered to be satisfactory in relation to the stormwater issues subject to conditions, the issues in relation to heritage conservation had not been satisfactorily address and subsequently the breaches of side setback and building location zone controls are not supported in its current form. A deferred commencement condition will be imposed that requires the first floor to be significantly designed to be in the form of a rear dormer only – this will require the existing stairs to be retained and the bathroom to be relocated to another location at ground floor level. Refer to deferred commencement condition 1 in attachment A.

2. Proposal

The proposal seeks consent for alterations & additions to an existing dwelling at ground floor and attic level.

The original proposal includes ground and first floor alterations and additions to the existing dwelling and associated works. It includes internal alterations including a bathroom within the second room from the front (Bedroom 2), where the existing stairs to the attic are located, and a rear addition extending across the side passage to the western boundary towards the rear of the property. It includes a first floor addition to the rear of the roof which abuts the rear chimney of the dwelling. The stairs are proposed to be relocated perpendicular to the rear of the main structure, enlarge the attic bedroom and includes an ensuite in the attic. A horizontal rectangular window is proposed in the new bathroom, towards the front of the dwelling.

The amended plans were submitted as part of the assessment process and the design was not substantially changed.

The amendments include:

Ground Floor:

- Stairs to attic relocated adjacent to the rear wall of the main dwelling to remove additional first floor bulk to rear;
- Raised rear paved and side passage levels to assist with the gravity kerb to outlet;
- Removed pitched roof and propose flat roof with skylights to reduce bulk.

Attic level:

- Minor changes to layout to accommodate new stair entry;
- External wall dimensions reduced to comply with side setback control of 500m.

Roof design:

- Rear roof over attic to be set back 500mm from side (retain chimney) and set-down from existing ridge line;

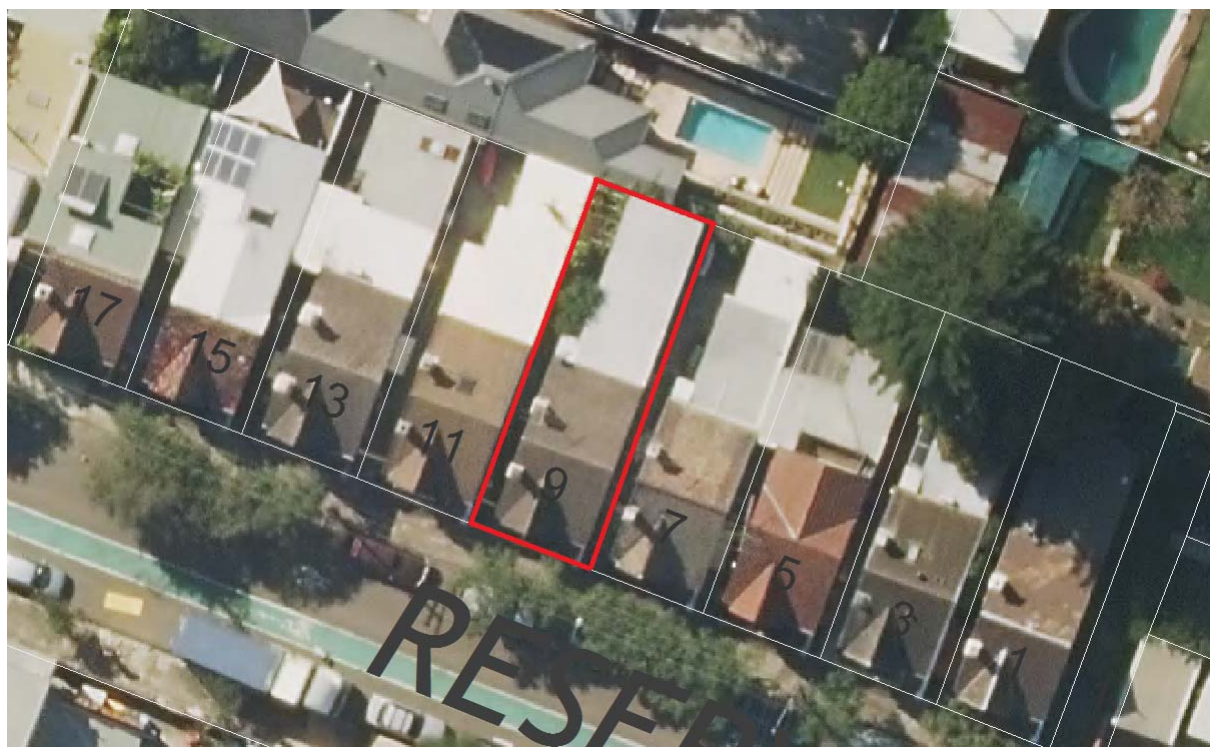
The amended plans lodged did not require re-notification as they were considered to fall within *Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013*, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lessor development have been proposed in order to address the concerns raised by Council or objectors.

3. Site Description

The subject site is located on the northern side of Reserve Street, between Annandale Street and Johnston Street. The site consists of one allotment with a total area of 134.8 m2 and is legally described as Lot A DP 110227.

The site has a frontage to Reserve Street of approximately 6.705 metres.

The site supports single storey dwelling with a roof attic. The adjoining properties support residential dwellings that are similar in form.



The property is located within a conservation area.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
BA/1993/654	Ground and First floor additions	10.3.93

Surrounding properties

Application	Proposal	Decision & Date
DA 496/85	<u>5 Reserve St, Annandale</u> First floor addition	8.1.86
BC/2003/41	<u>5 Reserve St, Annandale</u> Building Certificate	07-Mar-2003
D/2013/209	<u>7 Reserve Street, Annandale</u> Alterations and Additions to existing dwelling at first floor and ground floor.	31-Jul-2013
D/2004/522	<u>15 Reserve Street, Annandale</u> Ground and first floor additions and alterations to the existing dwelling.	20-Jul-2005
BA/1995/815	<u>17 Reserve Street, Annandale</u> Alterations and additions to dwelling	05-Mar-1996

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
17 April 2018	Request for withdrawal of application letter sent.
25 May 2018	Amended plans submitted to council.

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 (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Coastal Management) 2018
- Leichhardt Local Environmental Plan 2013

The proposal is consistent with the environmental planning instruments listed above, the following provides clarification in relation to State Environmental Planning Policy (Coastal Management) 2018:

State Environmental Planning Policy (Coastal Management) 2018

The application has been considered against the SEPP for Coastal Management.

The subject site is not located within “the coastal zone” pursuant to CI 5 of the draft SEPP, as identified on the map to the SEPP. Consequently, the draft SEPP is not applicable.

5(a)(i) Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.9 – Preservation of trees or vegetation
- Clause 5.9AA – Trees or vegetation not prescribed by development control plan
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.9:1]	0.74:1 345m ²	0%	Yes
Landscape Area [15% of Site Area]	5%* 7 m ²	65%	No, see below
Site Coverage [60% of Site Area]	68.3% 92 m ²	13.75%	No

* It should be noted that there is no existing landscape area and the proposal will result in an addition 7 m² in landscaped area.

The following provides further discussion of the relevant issues:

Clause 4.3A(3)(a) – Site Coverage for residential development in Zone R1

The application has been assessed as having a Site Coverage of 68.3% thereby resulting in a 13.75% breach of the development standard for Site Coverage that stipulates a maximum of 60% of the Site Area.

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

The applicant seeks a variation to the Site Coverage development standard under 4.3A(3)(b) of the applicable local environmental plan by 13.75% (11.1 sqm).

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 applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan justifying the proposed contravention of the development standard which is summarised as follows:

- The proposal generally meets the objectives of each standard. The proposed additions require minor increases to existing footprint.
- The proposed non-compliance has little or no impact on adjoining properties and compliments existing cottage within conservation zone.
- All works are proposed behind existing ridgeline and are only partially visible from Reserve Street and adjoining properties.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 General Residential Zone, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

The relevant objectives of the standard are:

- (a) *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, and the objectives for development within the zone.*

In this regard, it is considered that the exceptions to developments can be supported for the following reasons:

- Despite the non-compliance, the proposed development will retain a private open space that meets the relevant provisions in DCP2013 and is of an acceptable size for recreational purposes.
- The proposal will comply with amenity controls in relation to solar access, visual privacy and will not result in any loss of views.
- The proposed site coverage is consistent with the site coverage of developments in the surrounding area.

It is considered the development is in the public interest because it is consistent with the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

The objectives of this clause are as follows:

- (a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- (b) *to maintain and encourage a landscaped corridor between adjoining properties,*
- (c) *to ensure that development promotes the desired future character of the neighbourhood,*

- (d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- (e) *to control site density,*
- (f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

- The proposal will comply with amenity controls in relation to solar access, visual privacy and will not result in any loss of views.
- It is considered that the proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the applicable local environmental plan.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from [the development standard] and it is recommended the Clause 4.6 exception be granted.

Clause 6.8 – Development in areas subject to aircraft noise

As the site is located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

A condition will be recommended that requires an acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

5(b) Draft Environmental Planning Instruments

- Draft Environment SEPP

The Draft Environment Planning Instrument listed above is not applicable to this application.

5(c) Development Control Plans

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

Part	Compliance
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	N/A
C1.3 Alterations and additions	See below
C1.4 Heritage Conservation Areas and Heritage Items	See below
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	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
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	
Suburb Profile	
C2.2.1.2 Annandale Street Distinctive Neighbourhood	See below
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	See below
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes, subject to conditions
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	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	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	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and additions, C1.4 Heritage Conservation Areas and Heritage Items, C2.2.1.2 Annandale Street Distinctive Neighbourhood

Heritage Status:

The subject property is located within the Annandale Heritage Conservation Area (Annandale Street) (C1 in Schedule 5 of the Leichhardt LEP 2013). The site is not listed as a heritage item, nor is it in the vicinity of any heritage items.

Heritage Significance:

The subject dwelling is considered to be contributory to the streetscape within the Annandale Heritage Conservation Area and to be part of a contributory group of 10 Victorian Rustic Gothic style cottages in Reserve Street.

The Statement of Significance for the Annandale Heritage Conservation Area from the Leichhardt DCP 2013 is below:

- *One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important as a well planned nineteenth-century suburb, and for illustrating development particularly from 1880s–1890s, aimed initially at the middle class market. The surviving development from this period forms the major element of its identity along with an area of 1910s–1930s development at its northern end.*
- *Demonstrates the vision of John Young, architect, engineer and property entrepreneur.*
- *Demonstrates, arguably, the best and most extensive example of the planning and architectural skills of Ferdinand Reuss, a designer of a number of Sydney's Victorian suburbs, including South Leichhardt (the Excelsior Estate) and Birchgrove.*

- *Clearly illustrates all the layers of its suburban development from 1878, through the 1880s boom and resubdivision, the 1900 slump and the appearance of industry, and the last subdivision around Kentville/Pritchard Streets to the 1930s, with the early 1880s best illustrated along Johnston and Annandale Streets.*
- *Demonstrates a close relationship between landform and the physical and social fabric of the suburb.*
- *In its now rare weatherboard buildings it can continue to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around Rozelle Bay and their effect on the building of the suburbs of Leichhardt.*
- *Displays a fine collection of large detached Victorian Italianate boom period villas with most decorative details still intact, set in gardens.*
- *Displays fine collection of densely developed Victorian commercial buildings.*
- *Through the absence/presence of back lanes, changes in the subdivision pattern, and the range of existing buildings it illustrates the evolution of the grand plan for Annandale, in response to the market, from a suburb of middle class villas to one of terraces and semis for tradesmen and workers.*

Property Description:

The property is located on the northern side of Reserve Street, east of Annandale Street. The dwelling is part of a row of 10 modest Victorian Rustic Gothic style late 19th century cottages (Nos. 1 to 19 Reserve Street). It is a freestanding rendered dwelling with a single storey presentation to the street and includes an existing attic bedroom and storage areas within the gabled roof form of the house. This is accessed via a stairs inserted into the living room (as marked on the existing floor plan).

The dwelling has a steeply pitched gable roof clad in concrete tile (originally clad in slate; dwellings at Nos. 1 and 7 still retain their original slate roofs). The window in the front façade sits under a projecting gable to the street with decorative timber barge boards and a cast iron lace frieze to the entry porch. It has two rendered brick chimneys on the western elevation. Both the front rooms in the main part of the dwelling retain their chimney breasts (also marked on the existing floor plans).

The dwelling is set back from the street behind a small front garden and is built up to the eastern boundary of the lot. The front garden is bounded to east and west by original rendered brick walls with curved tops terminating in rendered brick piers with decorative capitals. The front fence is an original iron palisade fence on a sandstone base with cast iron gates. The existing dwelling extends to the rear boundary, which is characteristic of other dwellings within the group.

The lot is rectangular in shape and is approximately 134.8m². The streetscape includes single and two storey dwellings. The dwellings on the southern side of Reserve Street predominantly address perpendicular streets, with only Nos. 2 and 4 (also later 19th century houses) facing Reserve Street.



View of No. 7, No. 9 and No. 11 Reserve Street from Reserve Street.



View of Rear of No. 9 Reserve Street



View of the subject rear roof plane from the backyard of the adjoining property at No. 11 Reserve Street.

Application history:

The subject Development Application D/2018/85 for ground and first floor alterations and additions to an existing residence and associated works at 9 Reserve Road, Annandale, were lodged with Council on 20 February 2018.

The application was reviewed by Council's Heritage Advisors who raised concern with the proposal's impact on the existing dwelling and its contribution to the conservation area. Specifically concern was raised with the form of the first floor addition, a dormer style addition was suggested to allow the original roof form to be interpreted.

A request for design amendment and additional information relating to stormwater was sent to the applicant on 17 April 2018.

The applicant submitted amended plans on 25 May 2018 which addressed the stormwater concerns and several heritage elements. Notwithstanding the amended plans several issues remain outstanding.

Revised Proposal:

The original proposal includes ground and first floor alterations and additions to the existing dwelling and associated works to create an enlarged first floor level

As part of the assessment process amended plans were submitted. The amendments include:

Ground Floor:

- Stairs to attic relocated adjacent to the rear wall of the main dwelling to remove additional first floor bulk to rear;
- Raised rear paved and side passage levels to assist with the gravity kerb to outlet;
- Removed pitched roof and propose flat roof with skylights to reduce bulk.

Attic level:

- Minor changes to layout to accommodate new stair entry;
- External wall dimensions reduced to comply with side setback control of 500m.

Roof design:

- Rear roof over attic to be set back 500mm from side (retain chimney) and set-down from existing ridge line;

The applicant advised their heritage consultant is to provide evidence to support the removal of the fireplaces (not yet received).

Heritage Comments:

The dwelling contributes to the Annandale Heritage Conservation Area as it illustrates the suburban growth in the later nineteenth century with the group of 10 dwellings it is part of. The revised proposed alterations and additions are not acceptable as the scale is still too large and does not respect the existing roof form and scale. The amended design still proposes the demolition of the internal chimney breasts, fire places and ceilings which is not acceptable. In particular, the following details need to be implemented in the design for the proposal to be acceptable from a heritage perspective:

- Retain original roof form at the rear. To achieve this, the proposed roof needs to be redesigned to include:
 - 300mm setback from ridge;
 - 200mm setback from rear of main roof form;
 - 300mm setback from inner face of chimney (western side) and from the eastern side wall;
- Retention of the internal chimney breasts and fireplaces;
- Main floor addition to be set back behind the rear of the main roof form of the existing building, e.g. behind the northern wall of Bedroom 2;
- Omit W1 (high level horizontal window to western elevation);
- Relocate W2 to northern side of chimney breast in Bedroom 2;
- Delete raised roof to rear of dormer over proposed stairway – any new addition should be separated 300mm from the existing eaves of the main roof rom);

Proposed materials for the roofing and roofing cheeks to the dormer will need to be corrugated iron custom orb profile (colour Wallaby or Windspray). As the proposed exterior wall colour of “Grey Pail” is not considered to be satisfactory, colours would need to match existing.

The proposal in its current form is not consistent with the Leichhardt LEP 2013 heritage conservation objectives as it will not conserve the heritage significance of the Annandale Heritage Conservation Area and does not comply with the relevant objectives and controls in the Leichhardt DCP 2013.

Recommendation:

The proposed alterations and additions in the amended plans cannot be supported unless amendments are made, as outlined about, including the redesign of the first floor addition and retention of the chimney breasts and fire places in the front two rooms. The proposal is not consistent with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 as the proposal does not adequately conserve the heritage significance of the dwelling and would therefore adversely impact on the heritage significance of the dwelling as a contributory item within the Annandale Heritage Conservation Area.

A Heritage Impact Statement, as recommended in the previous heritage assessment, has not been prepared for the proposal and is not in accordance with Clause 5.10(5)(b) of the Leichardt LEP 2013.

The non-compliances with the Leichhardt DCP 2013 are listed below.

The amended design does not comply with the following controls under C1.3: *Alterations and Additions* in the Leichhardt DCP 2013:

- C1:
 - a. The proposal does not have regard to the provisions within Appendix B – Building Typologies of the DCP;
 - b. Will not be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form;
- C2: Will not preserve the consistency in architectural form of the group of 10 dwellings it is part of;
- C13: The issue concerning future side access to the rear of the site has not been addressed.
- C14: a. Will not be subordinate to the existing roof form.
 - i) Are not set 300mm below the ridgeline;

The amended design does not comply with the following objectives under C1.4: *Heritage Conservation Areas and Heritage Items* in the Leichhardt DCP 2013:

O1 Development:

- a) The proposal represents an unsympathetic alteration and addition to the dwelling;
- d) Is not compatible with the relationship of the building with the Annandale Heritage Conservation Area in terms of scale and form;
- e) The proposal will result in the removal of fabric and detail of the building that contributes to the significance of the building;
- f) The proposal does not respect the visual unity of the group of dwellings as it introduces an unsympathetic roof form to the rear and an unsympathetic new window to the western façade of the dwelling.
- g) Does not make an appropriate distinction between the existing and new parts of the building;
- i) The proposal is not sympathetic in scale, form and sitting within the Annandale Heritage Conservation Area.

The amended design does not comply with the following controls under C1.4: *Heritage Conservation Areas and Heritage Items* in the Leichhardt DCP 2013:

General:

- C1: The development does not maintain the characteristics, nor is it consistent with the objectives and controls for the relevant building type in Appendix B: Building Typologies of the Leichhardt DCP 2013.
- C2: The proposal does not conserve significant fabric of the existing building including the chimney breasts, fireplaces and ceilings.
- C3:
 - a. The proposal includes the demolition of the rear roof form for the first floor addition, including chimneys, chimney breasts and fire places.
 - b. Does not retain the main roof form and scale of the existing dwelling.

Roof forms and materials:

- C5: The proposed roof form does not have regard for the compatibility with the original roof, including its context with the group of dwellings it is part of.
- C6: The proposal does not retain the whole roof form and the addition is not subservient to the main roof (in scale, form and location). Changes to the form of the existing cannot be supported.

The amended design does not comply with the objective O1 under C2.2.1.2: *Desired Future Character for the Annandale Street Distinctive Neighbourhood* in the Leichhardt DCP 2013.

The proposal is not consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood. In particular the proposal does not comply with the following:

- C1: The proposal does not contribute to the character and identity of the neighbourhood, nor does it protect the character of the Annandale Heritage Conservation Area;
- C2: It does not maintain and enhance the scale and character of the existing dwelling;
- C8: It does not maintain the harmony and character of the neighbourhood as it is not complementary in form and materials, and reflects the cohesiveness of the streetscape, particularly the group of 10 cottages of which it is part.

In conclusion, the amended design in its current form cannot be supported. In order to address the heritage issues raised above, the design will need to be significantly amended where the first floor additions is in the form of a rear dormer which in turn will require the existing stairs to be retained and the bathroom to be relocated to another location at ground floor level. Refer to deferred commencement condition 1 in attachment A.

C3.2 Site Layout and Building Design

The proposed modifications results in variation to the building location zone in the following way:

- The adjoining property to the west of the proposed site is currently single storey only and therefore the proposed works will establish a new building location zone on first floor level. It can noted that the proposed first floor addition will extend below the first floor addition that was approved on the east adjoining property at 7 Reserve Street.

Pursuant to the provisions of this Clause, the establishment of a new building location zone can be considered where the proposed development addresses the issues in C5 of this part:

- a. *amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;*
- b. *the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;*
- c. *the proposal is compatible in terms of size, dimensions, privacy and solar access of private open space, outdoor recreation and landscaping;*
- d. *retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and*
- e. *the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.*

The amended proposal in its current form is not considered to be acceptable in regards to compatibility with the desired future character and the heritage conservation area for which the proposed site is located. It is considered that the proposed building location zone for the first floor level would only be supported subject to significant redesign of the first floor additions to be in the form of a rear dormer only.

It is considered that the proposed alterations and additions will not result in adverse impacts to adjoining properties in relation to solar access, visual and acoustic privacy and have no impacts in regards to loss of significant views.

Side Setback

The proposed modifications will result in first floor additions results in non-compliance with the side setback controls as outlined in the following table:

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Eastern	6.3	2.02	0.6	1.42
Western	6.3	2.02	1.8	0.22

Control C7 under this part states that Council may allow walls higher than that required by the side boundary setback controls where:

- a. *The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;*
- b. *The pattern of development within the streetscape is not compromised;*
- c. *The bulk and scale of development is minimised by reduced floor to ceiling heights;*
- d. *The potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*
- e. *Reasonable access is retained for necessary maintenance of adjoining properties.*

It is considered that the amended proposal in its current form is not considered to be acceptable in relation to the impacts to the heritage conservation area and consequently the pattern of development within the streetscape would be compromised. Therefore the proposed first floor additions must be significantly redesigned to be in the form of a rear dormer only.

The proposed development is considered to be acceptable in regards to solar access and visual privacy and there are no issues raised in regards to the obstruction of significant views.

It is considered that the variation to the building location and side setback controls can only be supported subject to significant design changes mentioned above. Refer to deferred commencement condition 1 in Attachment A of the report.

C3.9 Solar Access

Given the subject and adjoining sites are north-south orientated, the following solar access controls apply to the proposal in relation to solar access of affected properties:

- C13 – Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.
- C17 – Where surrounding *dwelling*s have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.
- C19 – *Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm to during the winter solstice, no further reduction of solar access is permitted.*

It should be noted that the shadow diagrams does not accurately portray the adjoining property at No. 7 Reserve Street, noting that the site is currently under construction in accordance to the approved development under D/2013/209. The amended design, which consist of a first floor addition that finishes approximately 1.4 metres beyond the existing eaves (setback approximately 8.3 metres to the rear boundary). As the amended first floor additions is setback further to the rear boundary than the rear deck of No. 7 Reserve Street,

the amended proposal will not result in any additional overshadowing impacts to the deck or private open spaces of No. 7 Reserve Street. Any additional shadows will fall within the side passage of 7 Reserve Street (which is not considered to be private open space as the width is 1.5 metres and located in the front portion of the site) or on the roof area of No. 11 Reserve Street between 9am and 3pm at winter solstice.

Due to the location of the proposed first floor additions (and associated stairs), no north facing glazing will be impacted by the first floor additions (side windows of No. 7 Reserve Street is not protected by the controls) and

Therefore the proposed works will not result in adverse solar access impacts to the adjoining properties. However, it cannot be supported in its current form due to heritage issues raised above.

C3.11 Visual Privacy

The following controls are applicable:

C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.

C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).

In regards to the proposed new windows at first floor level, the windows are not associated with living areas or private open spaces (the first floor windows are associated with bedrooms and stairs) and the proposed windows will not result in any sightlines into another window within 9 metres 45 degrees.

Therefore the proposed works will comply with visual privacy controls under this part. However, it cannot be supported in its current form due to heritage issues raised above. The recommended conditions will result in a dormer with windows that are setback approximately 9.8 metres away from the rear boundary and associated with a bedroom and therefore sightlines are not required to be restricted.

E1.2.2 Managing Stormwater within the Site

The applicant proposes to raise the side passageway in lieu of providing a side boundary setback to allow an overland flow path from the rear of the property to the Reserve Street frontage.

A condition will be recommended where the applicant will need to ensure that the raised levels within the passageway are constructed appropriately as not to obstruct or impede the ventilation or damp course of the subject and adjacent dwelling.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Leichhardt DCP 2013 for a period of 14 days to surrounding properties. A total of two (2) objections were received.

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

- Issues in relation to solar access - see Section 5(c) – C3.9 Solar Access
- Issues in relation to Privacy – see Section 5(c) - C3.11 Visual Privacy

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

Issue: That the exterior wall on our adjoining common boundary (63 Annandale Street) remains untouched, and not damaged, during the construction process

Comment: The proposed site plan indicates that the existing boundary wall is being retained and a condition will be recommended to amend the elevations to clearly indicate this. It should be noted that damages to property is a civil matter between the parties involved, however, conditions requiring dilapidation reports pre and post construction will be recommended as conditions of consent.

Issue: That there is no increase in height to the current structure that immediately adjoins our common boundary (63 Annandale Street)

Comment: As discussed above, the existing boundary wall is proposed to be retained. The ground floor additions that is located directly behind this wall has a maximum ridge height of RL37.15 which will result in similar bulk and scale impacts to the existing ground floor structures currently existing in that location.

Issue: That the aluminium external blind that is currently part of the design, remains as part of the DA if there is any subsequent amendment to the DA.

Comment: Issues in relation to visual privacy is discussed in more detail in an earlier section of the report. The recommended conditions will result in a dormer with windows that is setback approximately 9.8 metres away from the rear boundary and associated with a bedroom and therefore sightlines are not required to be restricted.

Issue: Number 5.7. and 9 Reserve St Annandale were built of the same size and material. In short they were originally replicas of one another. Over the years Number 5 has made modifications and extensions to the roof line at the rear of the house and following this a DA was granted for Number 7 to extend the roof line (pursuant to a DA) in the same manner and height as Number 5.

Comment: As amended by conditions, the resultant first floor addition will be similar in form and scale to the first floor additions at No. 5 and No. 7 Reserve Street.

Issue: Amenity impacts to No. 7 Reserve St – Loss of sunlight, Damp issues due to loss of light. Visual privacy concerns due to the addition located beyond rear alignment of No. 7 Reserve Street

Comment: Issues in relation to solar access and visual privacy are discussed in section 5 of this report. As recommended by conditions, the first floor additions will be amended to be of a form of a rear dormer similar in form and location of the first floor additions of No. 7 Reserve Street.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest subject to the proposed design amendments.

6 Referrals

6(a) Internal

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

- Heritage Officer – The proposal is not acceptable in its current form. The proposal is only supportable via deferred commencement conditions where the first additions will be modified to be in the form of a rear dormer to the rear roof plane.
- Development Engineer – The proposal is considered to be acceptable subject to conditions in Attachment A of the report.

6(b) External

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

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013 subject to a deferred commencement condition that requires significant redesign. The development subject to the redesign will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority support the variation to 4.3A(3)(b) Site Coverage under the provisions of Clause 4.6 exceptions to development standards.
- B. That the Inner West Local Planning Panel exercise the function of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant deferred commencement approval to Development Application No: D/2018/85 for Ground and first floor alterations and additions to existing residence and associated works at 9 Reserve Street, Annandale subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

1. The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.
 - a) Amended plans are to be submitted incorporating the following amendments:
 - i) Retain original roof form at the rear. To achieve this, the proposed first floor additions need to be redesigned to be in the form of a rear dormer which includes:
 - 300mm setback from ridge;
 - 200mm setback from rear of main roof form;
 - 300mm setback from inner face of chimney (western side) and from the eastern side wall.
 - Size of the windows to the dormer a maximum of 3 metres (width) x 1.4 metres (height) to be consistent with originally notified proposal.
 - ii) Retention of the internal chimney breasts and fireplaces;
 - iii) Main floor addition to be set back behind the rear of the main roof form of the existing building, e.g. behind the northern wall of Bedroom 2;
 - iv) Omit W1 (high level horizontal window to western elevation);
 - v) Relocate W2 to northern side of chimney breast in Bedroom 2;
 - vi) Delete raised roof to rear of dormer over proposed stairway – any new addition should be separated 300mm from the existing eaves of the main roof form);
 - vii) Internal alterations to be carried out to accommodate the changes above. This will require the existing stairs to be retained, the ground floor toilet to be relocated and the first floor bathroom to be deleted.
 - viii) Proposed materials for the roofing and roofing cheeks to the dormer will need to be corrugated iron custom orb profile (colour Wallaby or Windspray). As the proposed exterior wall colour of “Grey Pail” is not considered to be satisfactory, colours would need to match existing.
 - b) An amended BASIX Certificate to be provided to reflect the changes required above.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

2. Development must be carried out in accordance with Development Application No. D/2018/85 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
A102 – Site Analysis Plan	Cad Draft P/L	25-5-18
A105 - Ground Floor Plan	Cad Draft P/L	25-5-18
A106 - Attic Floor Plan	Cad Draft P/L	25-5-18
A107 – North + South Elevations	Cad Draft P/L	25-5-18
A108 – East + West Elevations	Cad Draft P/L	25-5-18
A109 – Sections	Cad Draft P/L	25-5-18
A110 – Sections	Cad Draft P/L	25-5-18
A111 – Materials + Finishes	Cad Draft P/L	25-5-18

Document Title	Prepared By	Dated
Stormwater Plans	Prepared By	Dated
A114 – Stormwater Concept Plan	Cad Draft P/L	25-5-18

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

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

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

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

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

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

Elements	Location
Structures associated with the existing dwelling	As indicated on the approved drawings

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

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.

- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.

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

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

4. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

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

5. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) Charged or pump-out stormwater drainage systems are not permitted.
 - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system.
 - c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - d) As there is no overland flow/flood path available from the rear courtyard to the Reserve Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
 - iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
 - e) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 *Plumbing and Drainage – Stormwater Drainage*
 - f) 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.
 - g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - h) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- j) New kerb outlets in stone kerb shall be carefully cored through the existing kerb stone such that the kerb outlet is perpendicular (a 90° angle) with the gutter. The pipe under the footpath shall end 30mm within the kerb stone with mass concrete around the pipe connection to the kerb stone. Purpose made pipe fittings and bends or welded joints shall be used where necessary to align the discharge pipe with the kerb outlet. Non-compliance with this condition will result in loss of your security deposit.
- k) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

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

- 6. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
- 7. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

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

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

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

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

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

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

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

10. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management

Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.

- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

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

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

- 17. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

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

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

Security Deposit (FOOT)	\$2,100.00
Inspection fee (FOOTI)	\$225.00

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

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

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

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

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

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

19. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall 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
 - 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.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate

PRIOR TO THE COMMENCEMENT OF WORKS

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

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location

certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

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

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

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

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

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

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

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

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

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

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

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

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

23. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.
24. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
25. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.

26. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

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

DURING WORKS

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

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

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

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

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

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

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

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

31. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - at no time on Sundays or public holidays.

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

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

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

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

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

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

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

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

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

35. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
36. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.
- The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.
- Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.
- The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.
37. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.
- Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.
38. It must be ensured that the raised levels within the passageway are constructed appropriately as not to obstruct or impede the ventilation or damp course of the subject and adjacent dwelling.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

39. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
40. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
41. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
42. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Non-compliance with this condition will result in loss of your security deposit.

43. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 shall be at no cost to Council and undertaken before the issue of an Occupation Certificate
44. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
45. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

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

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

ONGOING CONDITIONS OF CONSENT

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

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

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

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

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

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

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

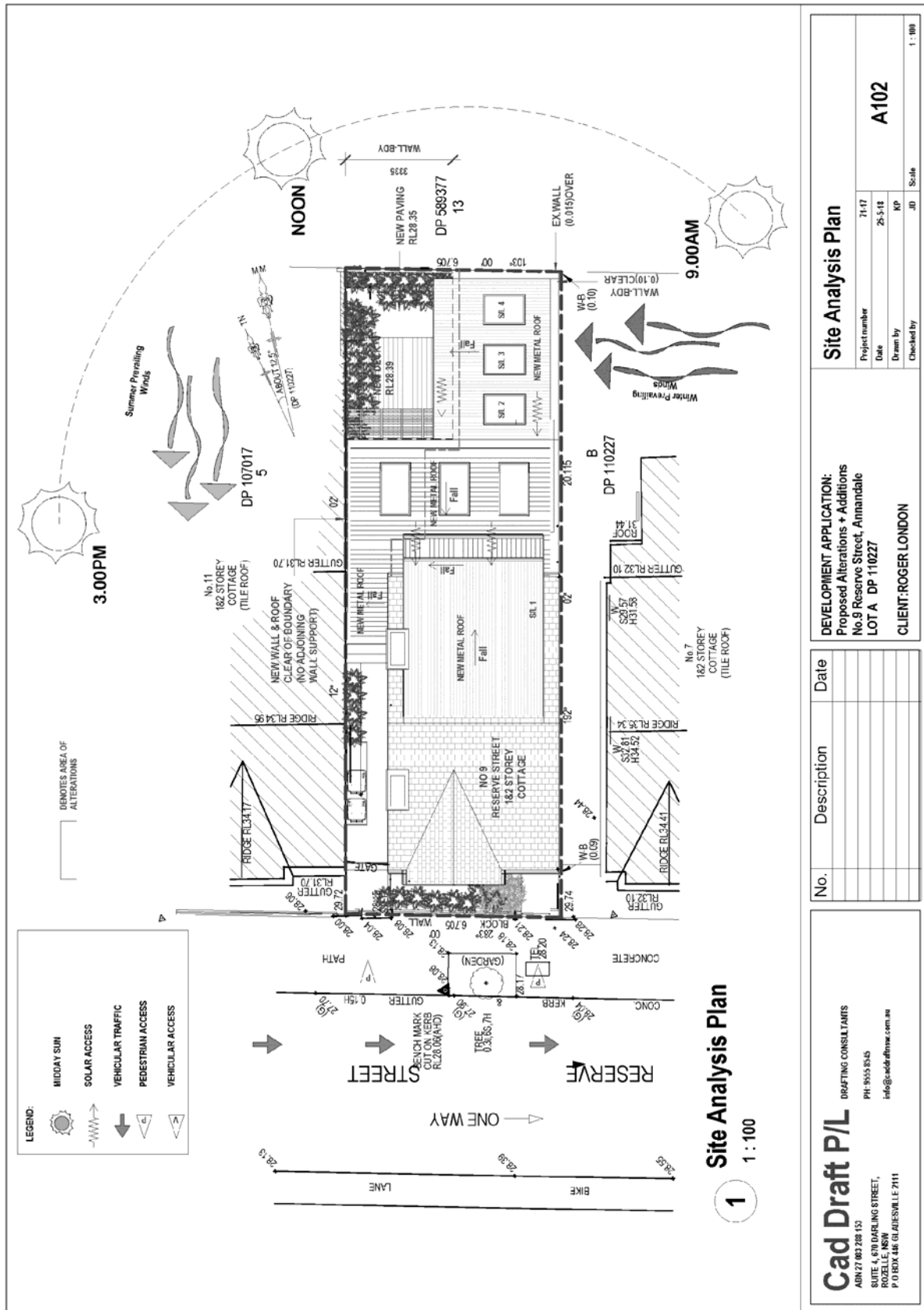
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.

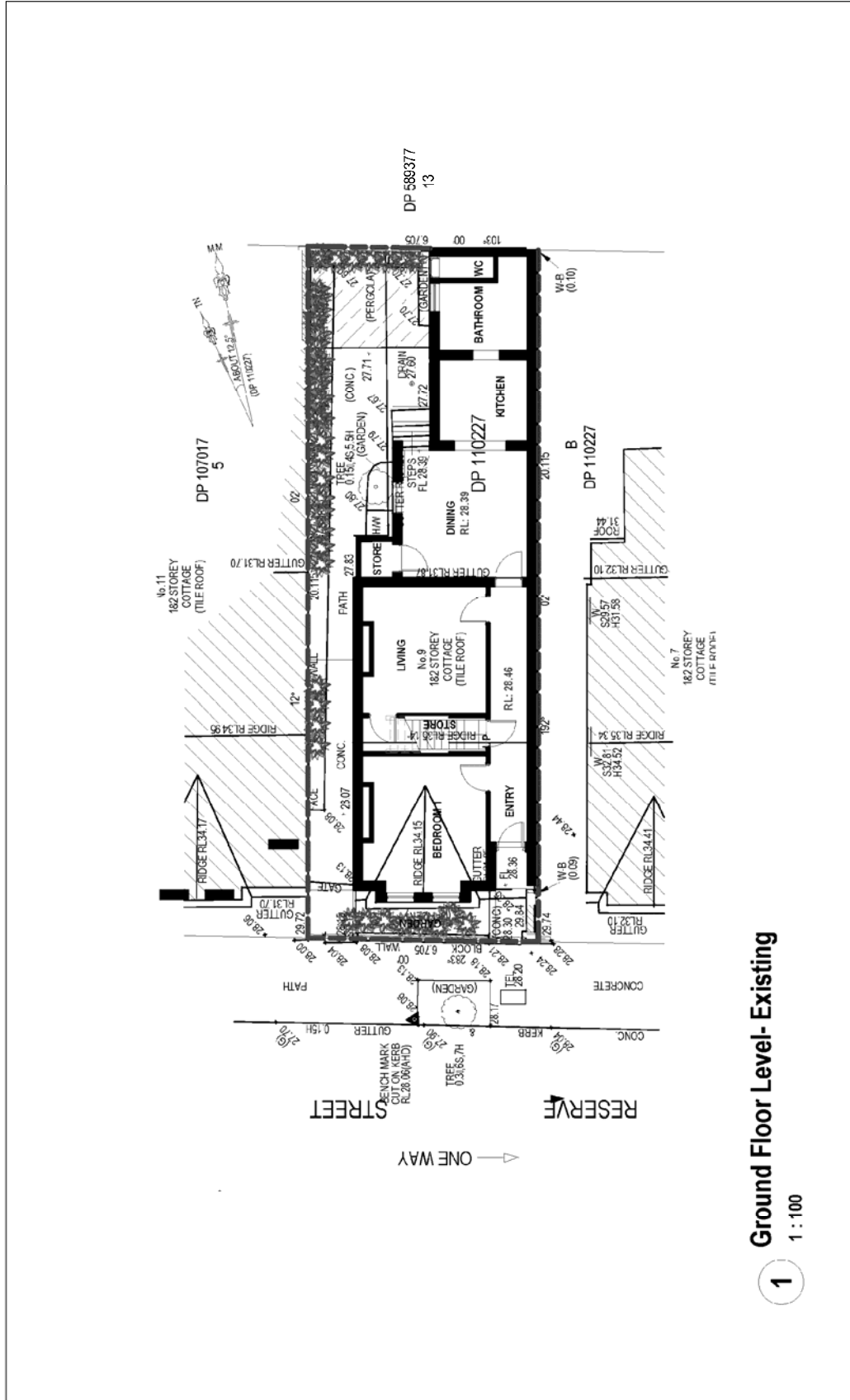
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Have you made a political donation?

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at www.leichhardt.nsw.gov.au/Political-Donations.html. If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.

Attachment B – Plans of proposed development





Ground Floor Level- Existing

1 : 100

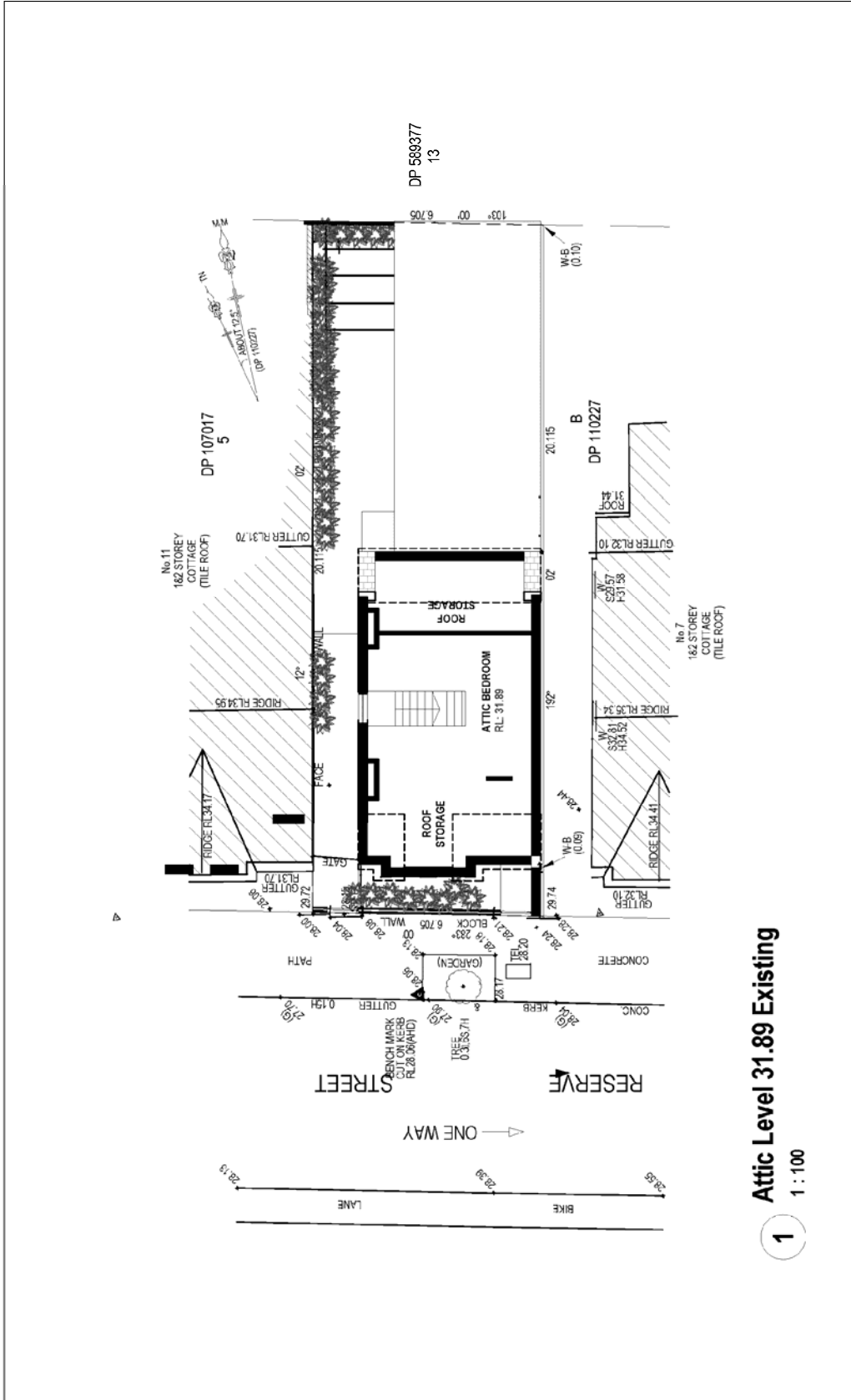
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Existing Ground Floor Plan			
Project number	71-17		
Date	25-5-18		
Drawn by	JP		
Checked by	JD		
			1 : 100

DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.9 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
 DRAFTING CONSULTANTS
 A/NZ 71 80 228 153
 PH: 9555 8345
 SUITE 1, 670 DARLING STREET,
 ROSELLE, NSW
 P O BOX 438, GLADSVILLE, NSW 7111
 info@cad-draft.com.au



Existing Attic Level

Project number	71-17
Date	25-5-18
Drawn by	KP
Checked by	JD
Scale	1:100

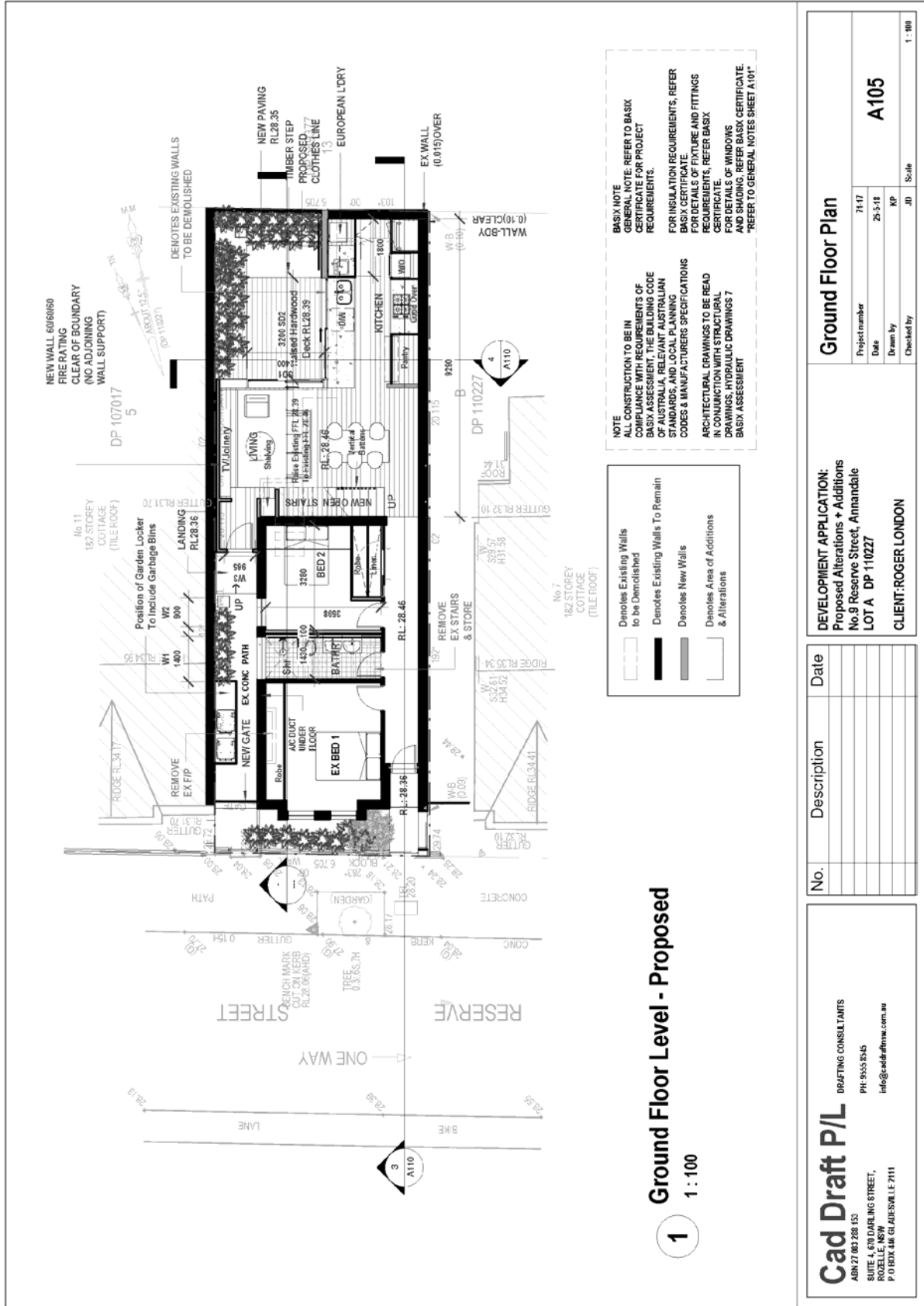
DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.8 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
 DRAFTING CONSULTANTS
 A/BN 27 003 288 153
 PH: 9555 5345
 info@cadrafftw.com.au

SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P O BOX 486, GLENHURSTVILLE 7111

1 Attic Level 31.89 Existing
 1 : 100



NOTE
 ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF BASIX ASSESSMENT, THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS, AND LOCAL PLANNING CODES & MANUFACTURERS SPECIFICATIONS
 ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS, HYDRAULIC DRAWINGS & BASIX ASSESSMENT

BASIX NOTE
 GENERAL NOTE: REFER TO BASIX ASSESSMENT FOR PROJECT REQUIREMENTS.
 FOR INSULATION REQUIREMENTS, REFER TO BASIX CERTIFICATE.
 FOR DETAILS OF FIXTURE AND FITTINGS REQUIREMENTS, REFER BASIX CERTIFICATE.
 FOR DETAILS OF WINDOWS AND SHADING, REFER BASIX CERTIFICATE.
 REFER TO GENERAL NOTES SHEET A101"

- Denotes Existing Walls to be Demolished
- Denotes Existing Walls To Remain & Alterations
- Denotes New Walls
- Denotes Area of Additions

1 Ground Floor Level - Proposed
 1 : 100

Cad Draft P/L
 DRAFTING CONSULTANTS
 PH: 9555 8345
 info@cad-draft.com.au

SUITE 4, 6/9 DARLING STREET,
 ROZELLE, NSW
 P O BOX 446 GI AHESSVILLE 7111

No.	Description	Date

DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.8 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

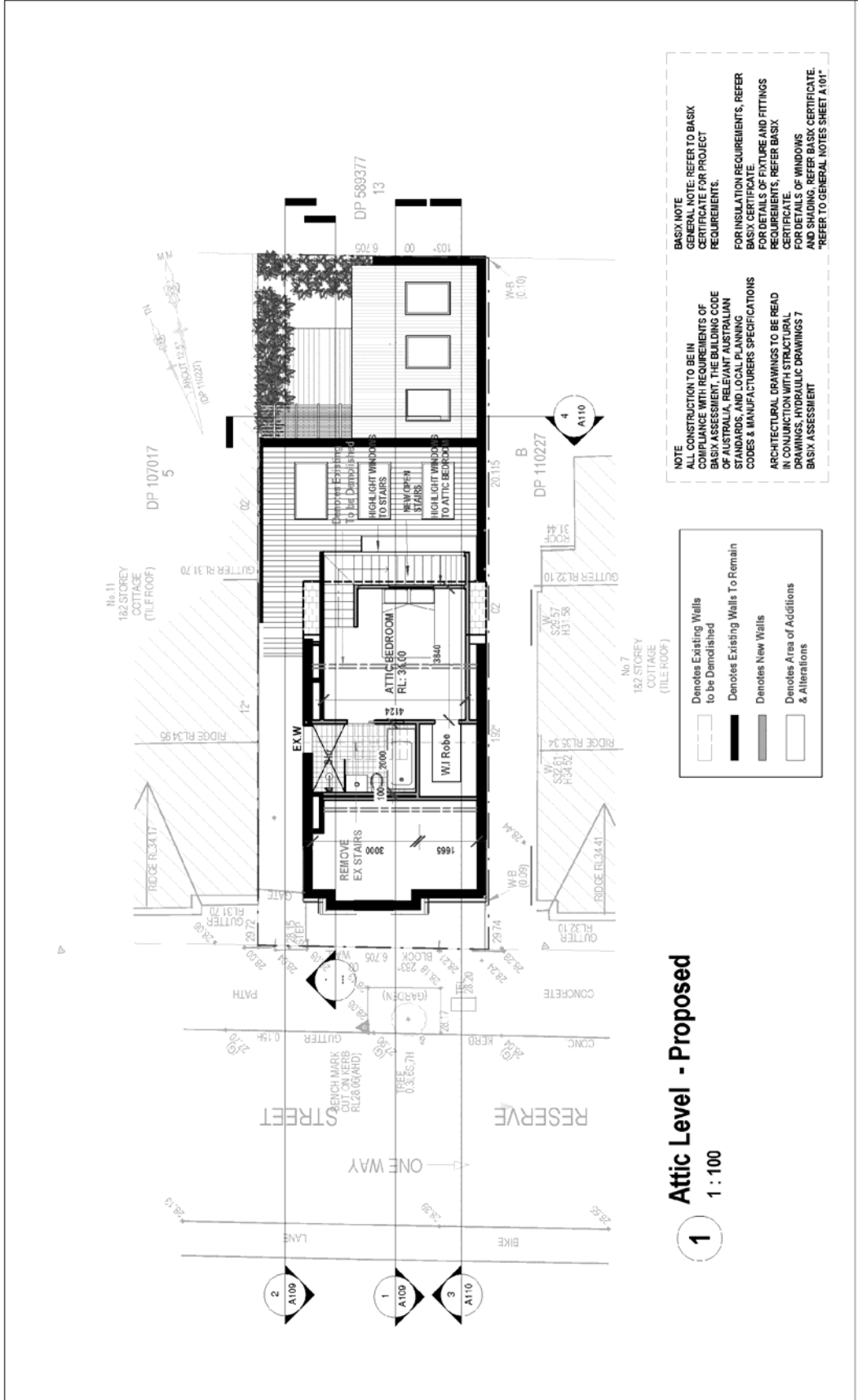
Ground Floor Plan

Project number	71-17
Date	25-5-18
Drawn by	KP
Checked by	JD
Scale	1 : 100

A105

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Attic Floor Plan

Project number	71-17
Date	25-5-18
Drawn by	KP
Checked by	JD
Scale	1 : 100

DEVELOPMENT APPLICATION:
Proposed Alterations + Additions
No.9 Reserve Street, Amundale
LOT A DP 110227
CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
 DRAFTING CONSULTANTS
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 PH: 9555 8545
 info@cad-draft.com.au

SUITE 4, 670 DARLING STREET,
 ROZELLE, NEW SOUTH WALES
 P.O. BOX 446 GLAISVILLE 7111

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South Elevation (Front)
1 : 100

North Elevation (Rear)
1 : 100

NOTE
ALL CONSTRUCTION TO BE IN COMPLIANCE WITH REQUIREMENTS OF BASIX ASSESSMENT, THE BUILDING CODE OF AUSTRALIA, THE AUSTRALIAN STANDARDS, AND LOCAL PLANNING CODES & MANUFACTURERS SPECIFICATIONS

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS, HYDRAULIC DRAWINGS & BASIX ASSESSMENT

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FOR DETAILS OF WINDOWS AND SHADING, REFER BASIX CERTIFICATE.
REFER TO GENERAL NOTES SHEET A101

No.	Description	Date
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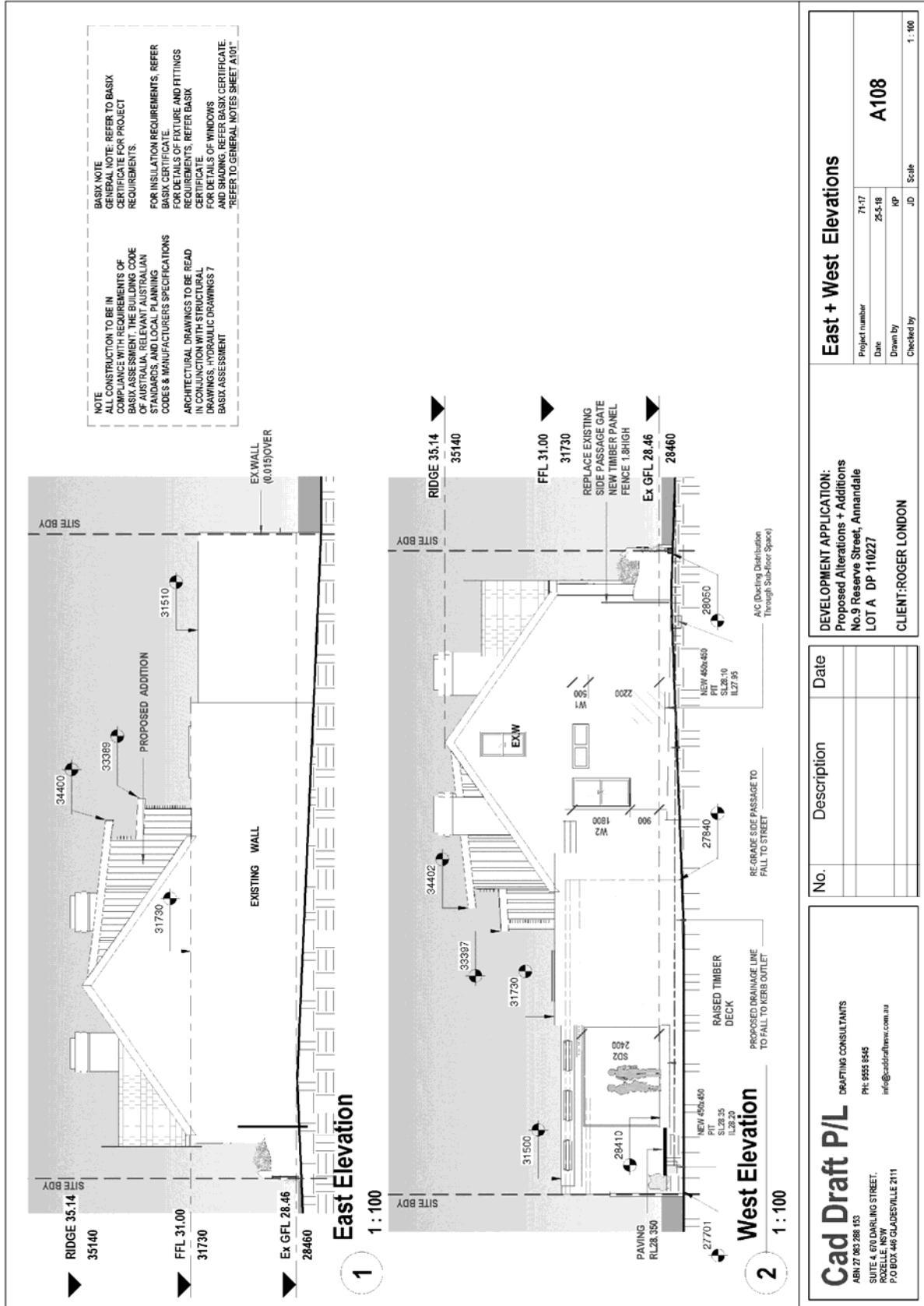
Cad Draft P/L
ABN: 27 983 286 133
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O. BOX 446 GLADESVILLE 2111

DRAFTING CONSULTANTS
PH: 9555 9545
info@cadrafftw.com.au

DEVELOPMENT APPLICATION:
Proposed Alterations + Additions
No.9 Reserve Street, Annandale
LOT A DP 110227
CLIENT: ROGER LONDON

North + South Elevations

Project number	71-17	Scale	1:100
Date	25-5-18	Drawn by	JP
		Checked by	JD



East + West Elevations

Project number	71-17
Date	25-5-18
Drawn by	RP
Checked by	J.D.
Scale	1:100

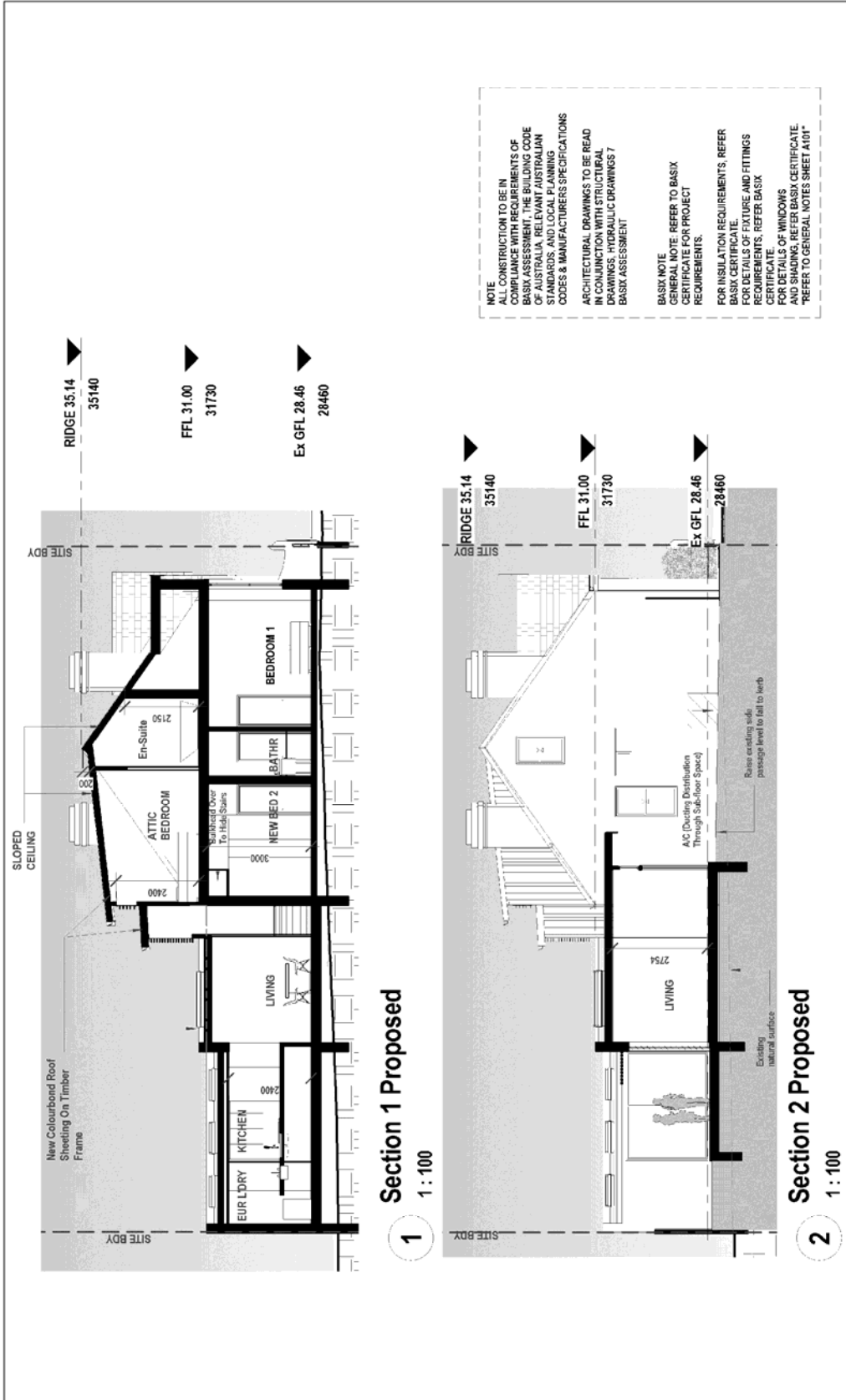
DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.9 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
 DRAFTING CONSULTANTS
 ABN 27 083 288 153
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 info@cadrafteraw.com.au

SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P.O. BOX 446 GLADESVILLE 2111

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Sections	
Project number	71:17
Date	25-5-18
Drawn by	RP
Checked by	JD
Scale	1:100

DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.9 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
 DRAFTING CONSULTANTS
 PH: 9553 8545
 info@caddraftpvl.com.au

ABN 27 062 288 153
 SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P.O. BOX 486 GLADESVILLE 2111

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Section 3 Proposed
1 : 100

NOTE
ALL CONSTRUCTION TO BE IN COMPLIANCE WITH REQUIREMENTS OF BASIX ASSESSMENT, THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS, AND LOCAL PLANNING CODES & MANUFACTURERS SPECIFICATIONS

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS, HYDRAULIC DRAWINGS & BASIX ASSESSMENT

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FOR INSULATION REQUIREMENTS, REFER TO DETAILS OF FIXTURE AND FITTINGS REQUIREMENTS, REFER BASIX CERTIFICATE FOR DETAILS OF WINDOWS AND SHADING. REFER BASIX CERTIFICATE "REFER TO GENERAL NOTES SHEET A101"

Section 4
1 : 100

NOTE
ALL CONSTRUCTION TO BE IN COMPLIANCE WITH REQUIREMENTS OF BASIX ASSESSMENT, THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS, AND LOCAL PLANNING CODES & MANUFACTURERS SPECIFICATIONS

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FOR INSULATION REQUIREMENTS, REFER TO DETAILS OF FIXTURE AND FITTINGS REQUIREMENTS, REFER BASIX CERTIFICATE FOR DETAILS OF WINDOWS AND SHADING. REFER BASIX CERTIFICATE "REFER TO GENERAL NOTES SHEET A101"

No.	Description	Date

Sections	
Project number	A110
Date	25-5-18
Drawn by	RP
Checked by	JD
Scale	
1 : 100	

DEVELOPMENT APPLICATION:
Proposed Alterations + Additions
No.9 Reserve Street, Annandale
LOT A DP 110227

CLIENT: ROGER LONDON

Cad Draft P/L
DRAFTING CONSULTANTS

ABN: 27 983 288 153 PH: 9555 8545 info@cadrafftwm.com.au

SUITE 4, 670 DARLING STREET,
ROCKDALE NSW 1588

P.O. BOX 448 GLADESVILLE 2111

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North Elevation (Rear) Materials

1 1 : 50

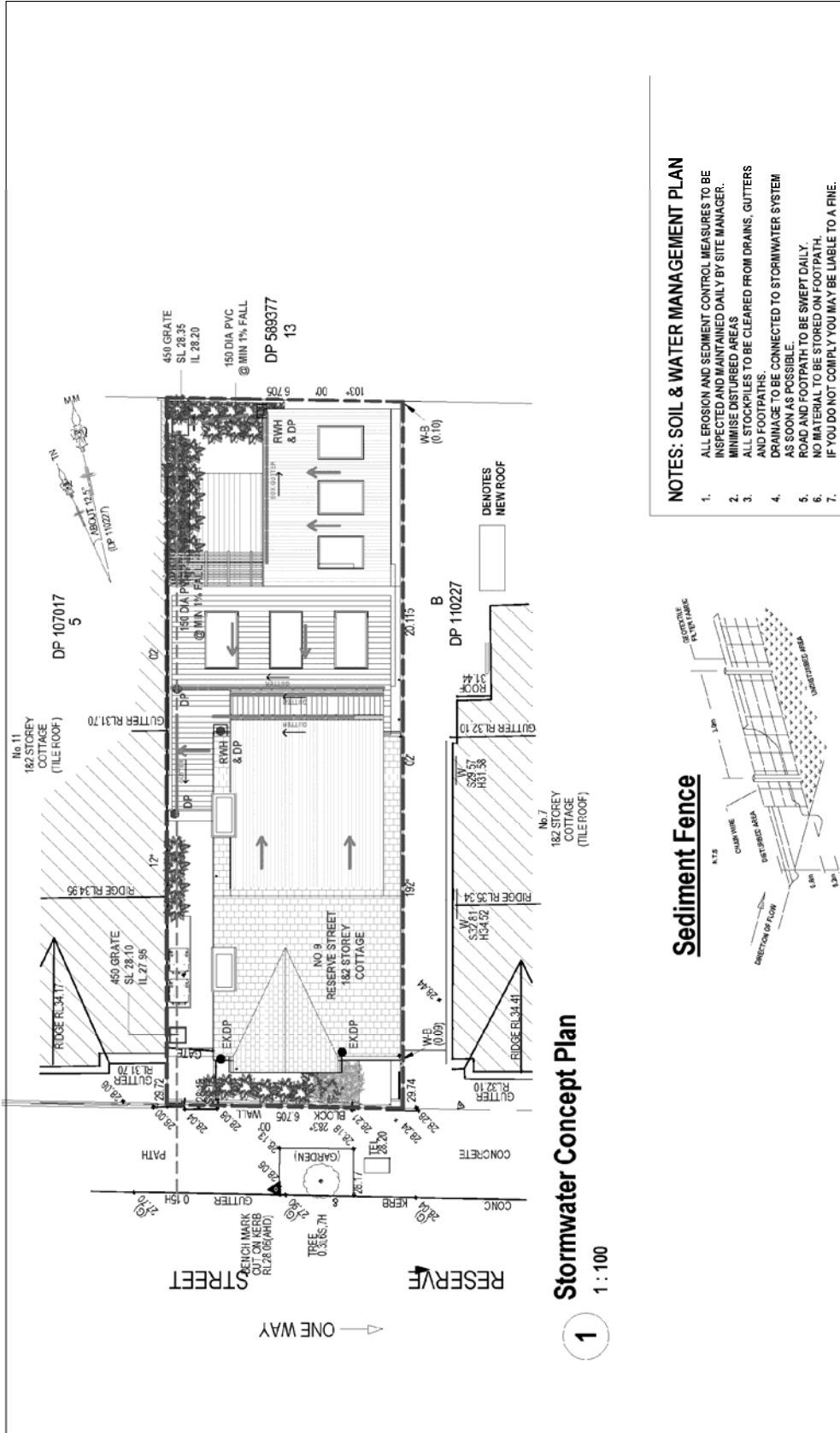
Materials + Finishes

Project number	71-17
Date	25-5-18
Drawn by	RP
Checked by	JD
A111	
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DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.9 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
 DRAFTING CONSULTANTS
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 SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P.O. BOX 446 GLADESVILLE 2111



Stormwater Drainage Plan

Project number	71-17
Date	25-5-18
Drawn by	RP
Checked by	JD
Scale	1:100

A114

DEVELOPMENT APPLICATION:
Proposed Alterations + Additions
No.9 Reserve Street, Annandale
LOT A DP 110227

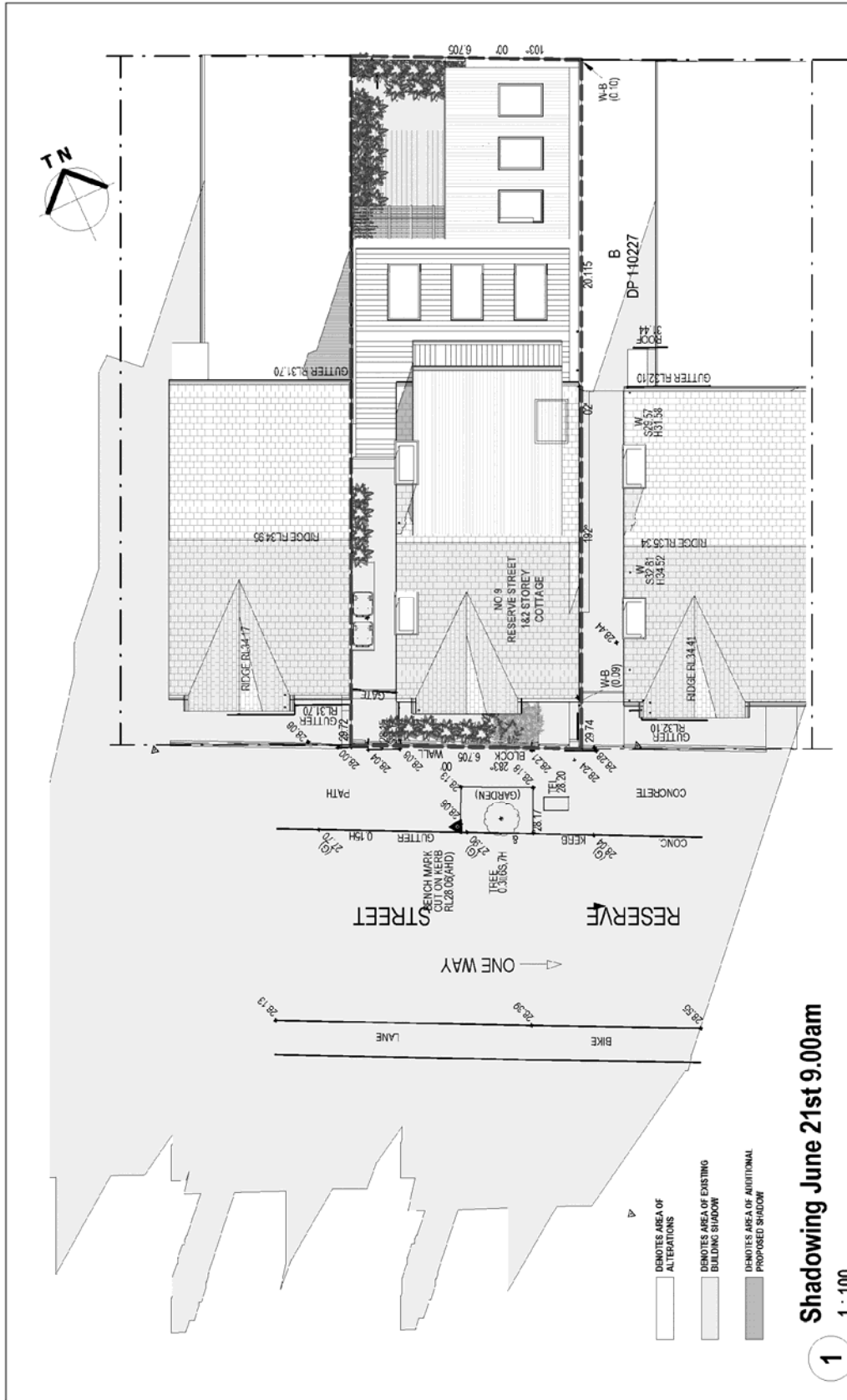
CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
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AINZ 27 007 288 153
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P.O. BOX 436, GLADSVILLE, LE 7411

25/06/2018 1:33:34 PM



Shadowing June 21st 9.00am

1 : 100

Shadowing June 21st 9.00am

Project number	71-17
Date	25-5-18
Drawn by	KP
Checked by	JD
Scale	1 : 100

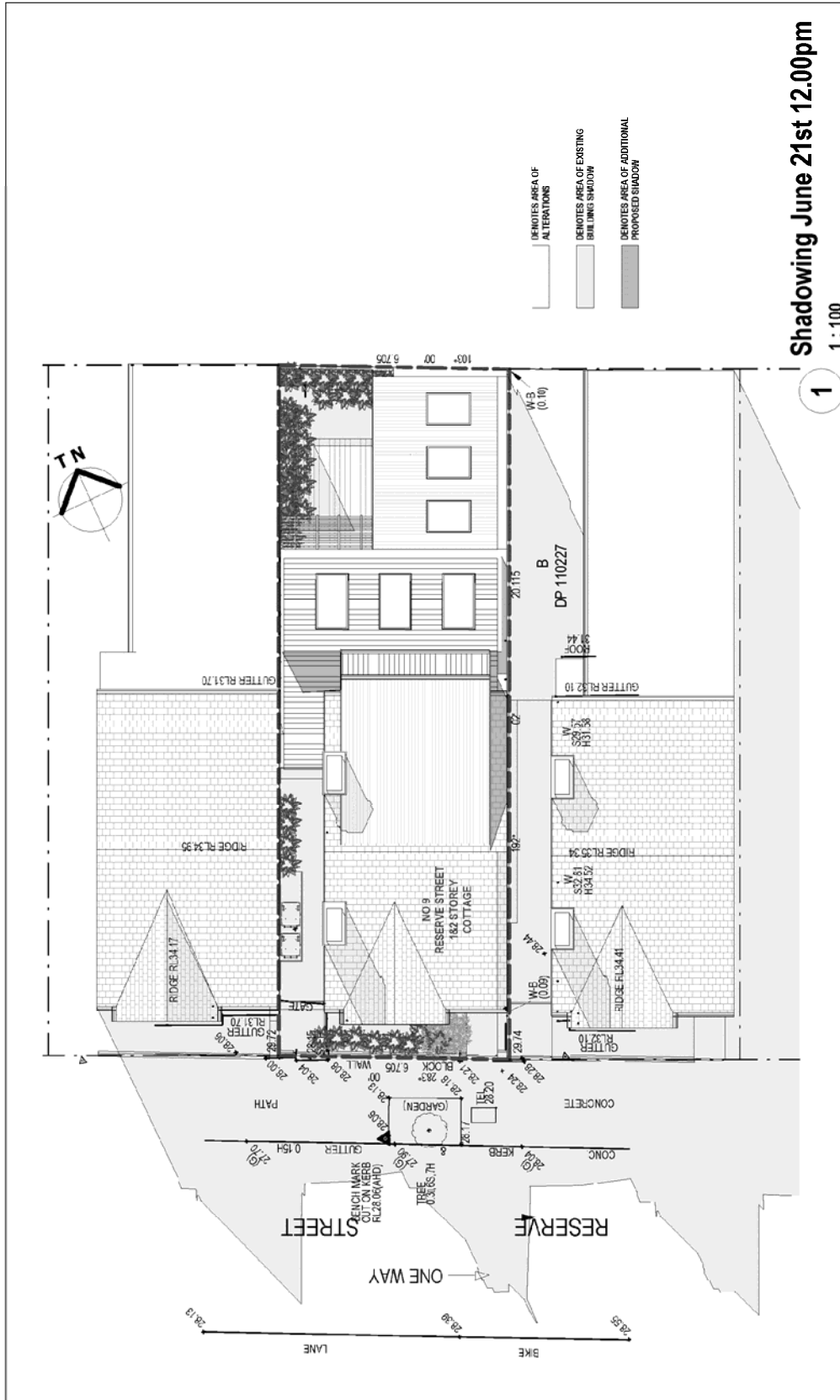
DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.9 Reserve Street, Annandale
 LOT A DP 110227
 CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
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 ROZELLE, NSW
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25/05/2018 14:43:45 PM



Shadowing June 21st 12.00pm
1 : 100

Shadowing June 21st 12.00pm	
Project number	7117
Date	25-5-18
Drawn by	KP
Checked by	JD
Scale 1 : 100	

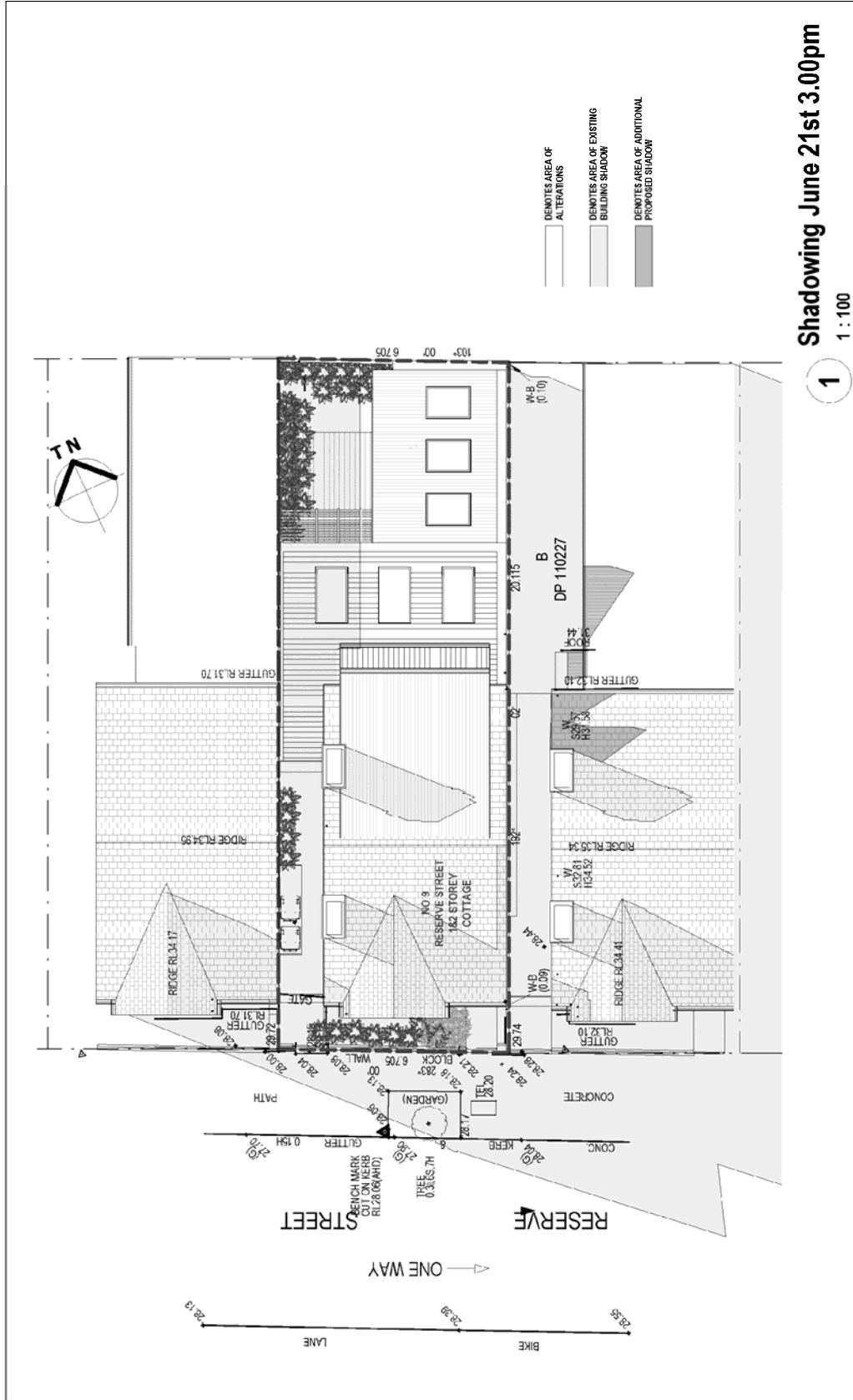
DEVELOPMENT APPLICATION:
Proposed Alterations + Additions
No.9 Reserve Street, Annandale
LOT A DP 110227
CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
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SUITE 1, 670 DARLING STREET,
ROSELLE NSW
P O BOX 448 (GADSDEN) E 7111

25/05/2018 1:43:54 PM



1
 Shadowing June 21st 3.00pm
 1 : 100

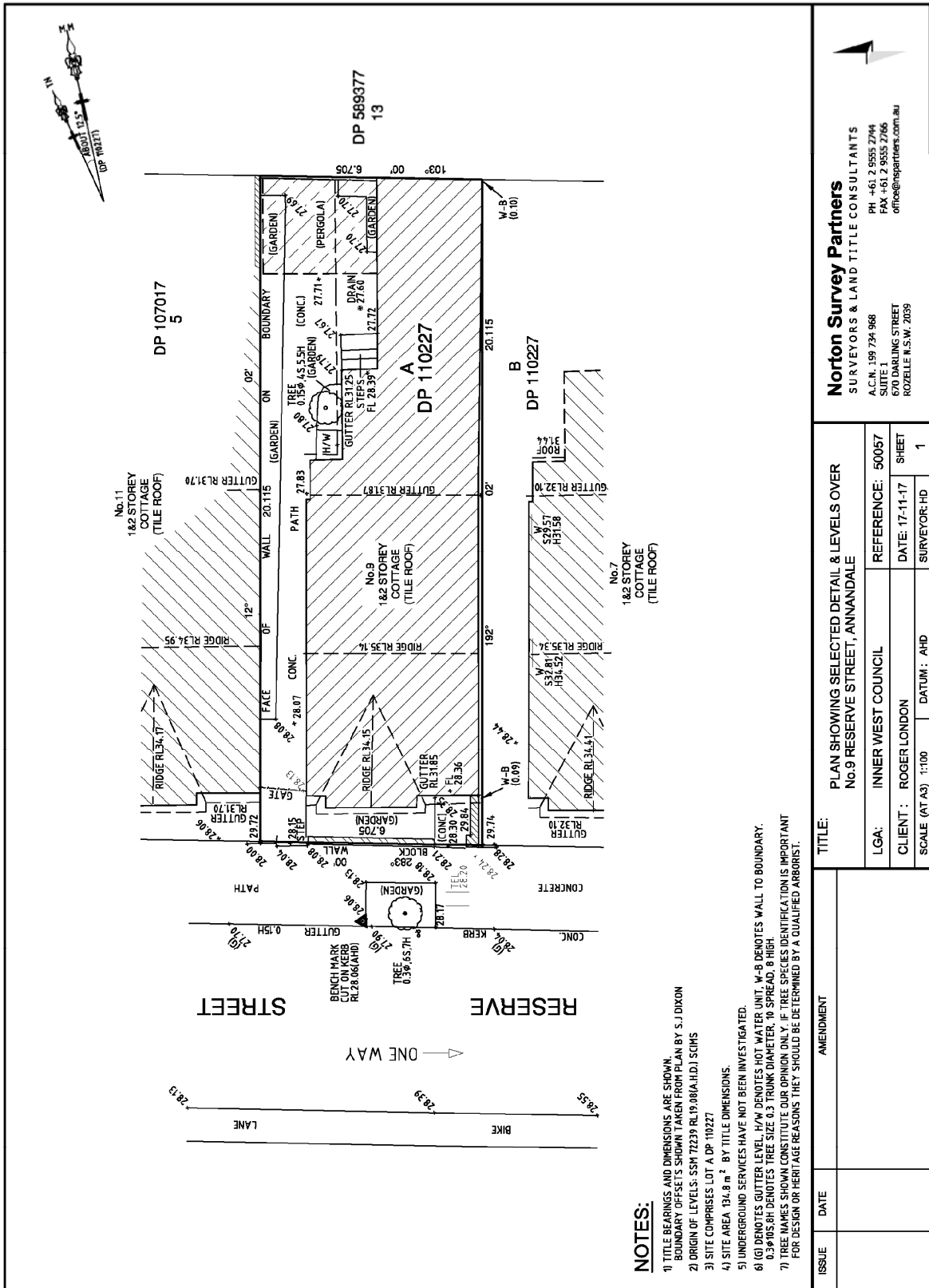
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Project number	71-17
Date	25-5-18
Drawn by	KP
Checked by	JD
Scale	1 : 100

DEVELOPMENT APPLICATION:
 Proposed Alterations + Additions
 No.9 Reserve Street, Annandale
 LOT A DP 110227
CLIENT: ROGER LONDON

No.	Description	Date

Cad Draft P/L
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 PH: 9555 5545
 info@cad-draft.com.au

SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P.O. BOX 486, GLADSVILLE, 2111



NOTES:

- 1) TITLE BEARINGS AND DIMENSIONS ARE SHOWN.
- 2) BOUNDARY OFFSETS SHOWN TAKEN FROM PLAN BY S. J. DIXON
- 3) ORIGIN OF LEVELS: SSN 72239 RL19.08(A.H.D.) SCMS
- 4) SITE COMPRISES LOT A, DP 110227
- 5) SITE AREA 134.8 m² BY TITLE DIMENSIONS.
- 6) UNDERGROUND SERVICES HAVE NOT BEEN INVESTIGATED.
- 7) (G) DENOTES GUTTER LEVEL; H/W DENOTES HOT WATER UNIT; W-B DENOTES WALL TO BOUNDARY.
- 8) (T) DENOTES TREE LEVEL; H/W DENOTES TREE SIZE 0.3 TRUNK DIAMETER, 10 SPREAD, 8 HIGH.
- 9) (S) DENOTES TREE SIZE 0.3 TRUNK DIAMETER, 10 SPREAD, 8 HIGH.
- 10) TREE NAMES SHOWN CONSTITUTE OUR OPINION ONLY. IF TREE SPECIES IDENTIFICATION IS IMPORTANT FOR DESIGN OR HERITAGE REASONS THEY SHOULD BE DETERMINED BY A QUALIFIED ARBORIST.

ISSUE	DATE	AMENDMENT
<p>TITLE: PLAN SHOWING SELECTED DETAIL & LEVELS OVER No. 9 RESERVE STREET, ANNANDALE</p> <p>LGA: INNER WEST COUNCIL REFERENCE: 50057</p> <p>CLIENT: ROGER LONDON DATE: 17-11-17 SHEET:</p> <p>SCALE (AT A3): 1:100 DATUM: AHD SURVEYOR: HD 1</p>		
<p>Norton Survey Partners SURVEYORS & LAND TITLE CONSULTANTS A.C.N. 159 734 968 PH +61 2 9555 2744 SUITE 1 FAX +61 2 9555 2766 670 DARLING STREET office@nspartners.com.au ROZELLE N.S.W. 2059</p>		

Attachment C – Clause 4.6 Exceptions to Development Standards



**DEVELOPMENT APPLICATIONS
EXCEPTIONS TO DEVELOPMENT STANDARDS**
PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

DEVELOPMENT APPLICATION DETAILS:

Address:	9 RESERVE ST, ANNANDALE
Proposed Development:	

I wish to lodge a request to vary the following development standard for the reasons indicated:

WHAT IS THE STANDARD YOU WANT TO BE VARIED?

- Floor Space Ratio** – Clause 4.4 or 4.4A of LEP 2013
- Landscaped Area** – Clause 4.3A(3)(a) of LEP 2013
- Site Coverage** – Clause 4.3A(3)(b) of LEP 2013
- Subdivision Allotment size** – Clause 4.1 of LEP 2013
- Foreshore Building Area** – Clause 6.5 of LEP 2013
- Diverse Housing** – Clause 6.13 of LEP 2013

The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which 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
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

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What are the environmental planning grounds that justify contravening the development standard?

LANDSCAPE AREA
 CLAUSE 4.3A (3)(a) LEP 2013

SITE COVERAGE
 CLAUSE 4.3A (3)(b) LEP 2013

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

THE COMPLIANCE STANDARDS IN RELATION TO EXISTING SITE CONSTRAINTS ARE UNREASONABLE. EXISTING LANDSCAPE AREAS HAVE BEEN INCREASED BY 6% WITH PROPOSED MODIFICATIONS (REMOVAL OF PAVED AREAS) EXISTING GARDEN BEDS DO NOT MEET REQUIRED MIN 1m WIDTH. SITE COVERAGE IS LIMITED BY EXISTING SMALL LOT SIZE (34.8m² (MIN 200m²) REQ. IT IS PROPOSED TO INCREASE SITE COVERAGE BY 11.4m² TO IMPROVE LIVABILITY.

Is the proposed development consistent with the objectives of the particular standard?

Is the proposal consistent with the objectives of the relevant zone?

THE PROPOSAL GENERALLY MEETS THE OBJECTIVES OF EACH STANDARD. THE PROPOSED ADDITIONS REQUIRE MINOR INCREASES TO EXISTING FOOTPRINT. THE PROPOSED NON-COMPLIANCE HAS LITTLE OR NO IMPACT ON ADJOINING PROPERTIES & COMPLIMENTS EXISTING COTTAGE WITHIN CONSERVATION ZONE. ALL WORKS ARE PROPOSED BEHIND EXISTING RIDGE LINE & ARE ONLY PARTIALLY VISIBLE FROM RESERVE RD & ADJOINING PROPERTIES.