



DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/242
Address	18 Ferdinand Street, BIRCHGROVE NSW 2041
Proposal	Alterations and additions to existing dwelling.
Date of Lodgement	26 June 2019
Applicant	Oikos Architects
Owner	Mr N A Hume and Ms L Le
Number of Submissions	Two (2) in objection
Value of works	\$290,000.00
Reason for determination at Planning Panel	Clause 4.6 variation/ Exceeds officer delegation
Main Issues	FSR breach Site coverage Breach Landscape Breach Heritage Conservation
Recommendation	Approved
Attachment A	Recommend Conditions of Approval
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling at 18 Ferdinand Street, Birchgrove. The application was notified to surrounding properties and two (2) submissions were received.

The main issues that have arisen from the application include:

- Privacy
- Tree impacts

The above matters are acceptable given appropriate conditions can be imposed to minimise environmental impacts and therefore the application is recommended for approval.

2. Proposal

The proposal is for a third storey addition with existing stairwell extension and minor front elevation changes, minor boundary alignment, extension to existing garage/store and new pitched lean-to roof.

3. Site Description

The subject site is located on the northern side of Ferdinand Street, between Rose and Cove Streets. The site consists of one (1) allotment and is generally rectangular-shaped with a total area of approximately 168.5m² and is legally described as Lot 1 DP 997943.

The site has a frontage to Ferdinand Street of approximately 16.5 metres.

The site supports infill double storey masonry dwelling. The adjoining properties support a mix of single and double storey dwellings, typically original and some newer infill dwellings.

The property is located within a conservation area.

There are no trees on the site impacted by the development. There are a row of 34 trees located on 28 Rose Street acting as a privacy screen on the south eastern boundary that will not be impacted by the proposal.

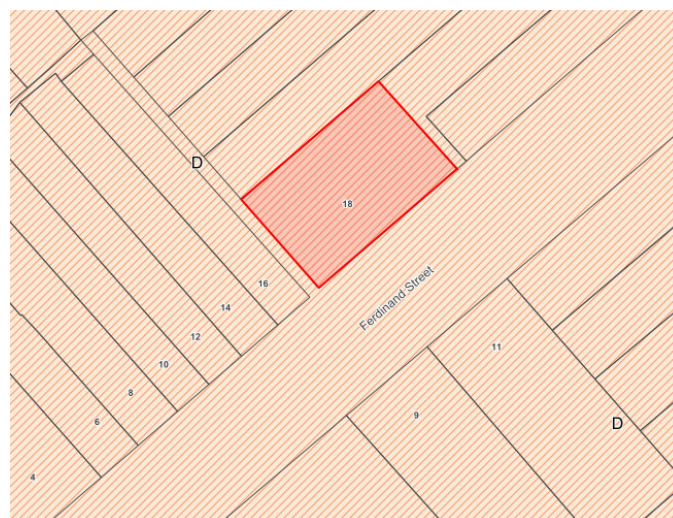


Fig 1: R1 – General Residential Zone – Heritage Conservation Area

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
D/1998/363	Demolish existing derelict house and erect new single occupancy two storey dwelling.	Approved 14/10/1998
CC/1999/82	Demolition of existing house and the erection of a new house	Approved 22/03/1999
PREDA/2018/216	New attic addition with new stair access, minor internal changes and increased height and width to garage.	Issued 13/08/2018

4(b) Application history

Not applicable

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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

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

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

5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application and is satisfactory.

5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities for the following reasons:

Not contrary to the SEPP and can be supported.

5(a)(iv) 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 2.6 – Subdivision Requirements
- 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 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.9:1] (Includes garage)	1.15:1 Or 197.54sqm	27.7%	No
Landscape Area	6.48sqm (no change)	56.8%	No
Site Coverage	115sqm or 67%	11.6%	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

- 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 4.6 specifies that Development consent may be granted for development even though the development would contravene a development standard “to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”

The applicant seeks development consent for addition of a third level and rebuilding of existing garage with a steeper pitched roof form. The addition of the third level involves a variation to the FSR standard in Clause 4.4 of the LEP by 27.7% or 43.55sqm. The development entails breaches to the Landscaped Area and Site Coverage standards also, although these relate to pre-existing variations.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Written requests have been submitted by the applicant in compliance with Clause 4.6(3) of the LEP identifying the following key reasoning in seeking to justify the contravention of the standards:

Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1

- The applicant relies upon Clause 4.6 of LLEP 2013 for a variation to this standard as the landscaped area is currently in beach and is unchanged as part of the proposal.

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

- The applicant relies upon Clause 4.6 of LLEP 2013 for a variation to this standard as the site coverage area is currently in beach and is unchanged as part of the proposal.

Clause 4.4 – Floor Space Ratio

- Clause 4.4 of LLEP 2013, in conjunction with the Floor Space Ratio Map, requires that the maximum Floor Space Ratio (FSR) of buildings for the subject site shall not exceed 0.9:1. The application proposes to increase the floor space associated with the subject property by 23.63sqm (attic addition and continuation of stair), from 170.91sqm to 197.54sqm. [NB – current dwelling is already in breach of the FSR maximum].
- The proposed development achieves the objectives of the FSR standard notwithstanding noncompliance with the standard because:

The proposed development is compatible with the desired future character of the area in relation to building bulk, form and scale because the proposed development has been designed to reflect the adjoining dwelling to the South West (16 Ferdinand Street) and is lower in scale as the dwelling follows the topography of the street falling north east. In addition, there are no adverse impacts of overshadowing or privacy given that the new floor area would accommodate only a low habitable use bedroom and ensuite.

- The applicant has argued that Gross Floor Area (GFA) of the garage in the Floor Space Ratio (FSR) calculation should not be included. The Applicant argues that the addition of parking GFA to houses with garages penalises dwellings and is at odds compared to other Councils.
- The underlying objectives of the standard are to control development to ensure that the proposed built form is compatible with surrounding development, and consistent with the desired future character of the area. The development generally achieves this intent, with garage being included in this instance.

Clause 4.6(4)(a)(ii) requires the consent authority to consider whether the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and has adequately demonstrated that compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Council does not concur with the matter raised about excluding garage floor area from calculations of FSR. Notwithstanding, the proposal will not result in unacceptable environmental impacts or a detrimental impact on the public interest and will satisfy the objectives of the development standards and R1 General Residential zoning as demonstrated below:

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale
- The siting of the building is within the building location zones when it can be reasonably assumed development can occur.
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel. In light of the above, the applicant’s request to vary the development standards is considered reasonable in the circumstances and is supported.

5(b) Draft Environmental Planning Instruments

Nil of relevance.

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
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A

C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandas 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	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	N/A
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 C: Place – Section 4 – Non-Residential Provisions	
	N/A
Part D: Energy	
Section 1 – Energy Management	
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	
D2.2 Demolition and Construction of All Development	
D2.3 Residential Development	
D2.4 Non-Residential Development	
D2.5 Mixed Use Development	
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	N/A
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
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.14 Tree Management

There are several trees located on the South eastern boundary of No. 28 Rose Street. An objection was submitted in relation to the protection of these trees. The trees will not be impacted by the development; however a standard condition will be imposed to ensure protection during the construction of the proposal.

C3.2 Site Layout and Building Design

There is a further technical breach of side boundary setback to the north east elevation on the south west boundary. It is currently in breach as this two storey elevation is located on the boundary. Assessment of the environmental impacts has concluded that overshadowing is minimal to nil and the issue of bulk and scale is also negligible as it is adjacent to a double storey terrace (16 Ferdinand Street) and has an effectively lower ridge height due to the topography and fall of the site to the north east.

C3.3 Elevation and Materials

The etched glazed panels proposed to the Ferdinand street veranda elevation are not supported on heritage streetscape grounds and are recommended to be deleted by way of condition of consent.

C3.4 Dormer Windows

Council’s Heritage specialist commented on the proposed round headed termination of the dormer to the Ferdinand Street elevation. It is not supported, as it is not considered traditional, and therefore is recommended to be conditioned to have a more traditional form.

C3.11 Visual Privacy

An objection was received in relation to the ongoing protection of privacy from the subject sites front veranda overlooking the rear yard of No, 25 Rose Street. A condition is recommended to be imposed to replace the proposed etched glass screen (not supported – see C3.3) with timber battens ensuring compliance with the control for 75% obscuration which will ensure ongoing protection of privacy.

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 General 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 LDCP2013 for a period of 14 days to surrounding properties. A total of two (2) submissions were received.

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

- Tree Protection – see Section 5(c) – C1.14
- Privacy implications from change of material from ground floor veranda – see Section 5(c) - C3.11

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.

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

Supported subject to the following conditions.

Acceptable with the following conditions of consent:

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with amended architectural drawings demonstrating that the following elements have been removed from the drawings:

- *The round headed termination of the front dormer is to be deleted.*
- *Any infill of the front verandah is to be deleted.*

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with plans indicating that new roofing material of the rear garage must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb in a colour equivalent to Colorbond's "Windspray" or "Wallaby."

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. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/242 for alterations and additions to an existing dwelling at 18 Ferdinand Street, Birchgrove subject to the conditions listed in Attachment A below.

Attachment A - Conditions of consent

Conditions of Consent

Fees

1. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

2. Security Deposit - Standard

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,152.50
Inspection Fee:	\$230.65

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

General Conditions

3. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Drawing No.: 2018-031-A00	Site and Roof Plan	Nov 2019	Brenchley Architects
Drawing No.: 2018-031-A01	Floor Plans	Nov 2019	Brenchley Architects
Drawing No.: 2018-031-A02	Elevation/Section (a)	Nov 2019	Brenchley Architects
Drawing No.: 2018-031-A03	Elevation/Section (b)	Nov 2019	Brenchley Architects
4589R001.J.G190528	Aircraft Noise Intrusion Assessment Report	31 May 2019	Acousticdynamics
BASIX Certificate No.: A348802	Basix Certificate	08 July 2019	Expressrate Pty Ltd
	Schedule of Finishes	Nov 2019	Brenchley Architects
Drawing No. C003 Rev D	Stormwater Plan (a)	2 December 2019	CHRISP Consulting
Drawing No. C004 Rev C	Stormwater Plan (b)	2 December 2019	CHRISP Consulting
Drawing No. C005 Rev C	Stormwater Plan (c)	2 December 2019	CHRISP Consulting

As amended by the conditions of consent.

4. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

5. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

6. Standard Street Tree Protection

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

7. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

8. Boundary Alignment Levels

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

9. Design amendments

- a) Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with amended architectural drawings demonstrating that the following elements have been removed from the drawings:
 - i. The round headed termination of the front dormer is to be deleted.
 - ii. The etched glass infill of the front verandah is to be delete
 - iii. Side of the front veranda facing the rear of 24 Rose Street is to have no etched glass and have screening to a minimum height of 1.8m with 75% obscurity
- b) Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with plans indicating that new roofing material of the rear garage must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb in a colour equivalent to Colorbond's "Windspray" or "Wallaby

10. Works Outside the Property Boundary

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

11. Tree Protection (private)

The trees located on the south eastern boundary at 28 Rose Street are to be protected

12. Tree Protection (public)

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

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

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

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

Prior to any Demolition**13. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

14. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

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

Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

Prior to Construction Certificate

15. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a 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. The certificate must 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.

16. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

17. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

18. Storm water Drainage System – Minor Developments

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans, certified by a suitably qualified Civil Engineer. The Stormwater Drainage Concept Plan must comply with the following specific requirements:

- a) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (ARR), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- b) Stormwater runoff from pervious and impervious areas of the proposed dwelling must be collected and discharged under gravity via OSD to Ferdinand Street.
- c) Charged or pump-out stormwater drainage systems are not used including for roof drainage.
- d) The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm

event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);

- e) 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;
- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- g) Only a single point of discharge is permitted to the kerb and gutter.
- h) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

During Demolition and Construction

19. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

20. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

Prior to Occupation Certificate

21. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

22. Works as Executed – Site Storm water Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably qualified Civil Engineer that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

On-going

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

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

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i.the name and licence number of the principal contractor, and
 - ii.the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i.the name of the owner-builder, and
 - ii.if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip Bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street veranda over the footpath

9 of 14

- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Chartered/Registered Engineer

An engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

Public Domain

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 must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

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

Noise

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

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the*
10 of 14

Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

Tree Pruning or Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire

Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Asbestos Removal

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

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm
	www.basix.nsw.gov.au
Department of Fair Trading	13 32 20
	www.fairtrading.nsw.gov.au
	Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100
	www.dialprior-toyoudig.com.au
Landcom	9841 8660
	To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441
	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406
	www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro
	www.diysafe.nsw.gov.au
	Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555

www.environment.nsw.gov.au

Sydney Water 13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions

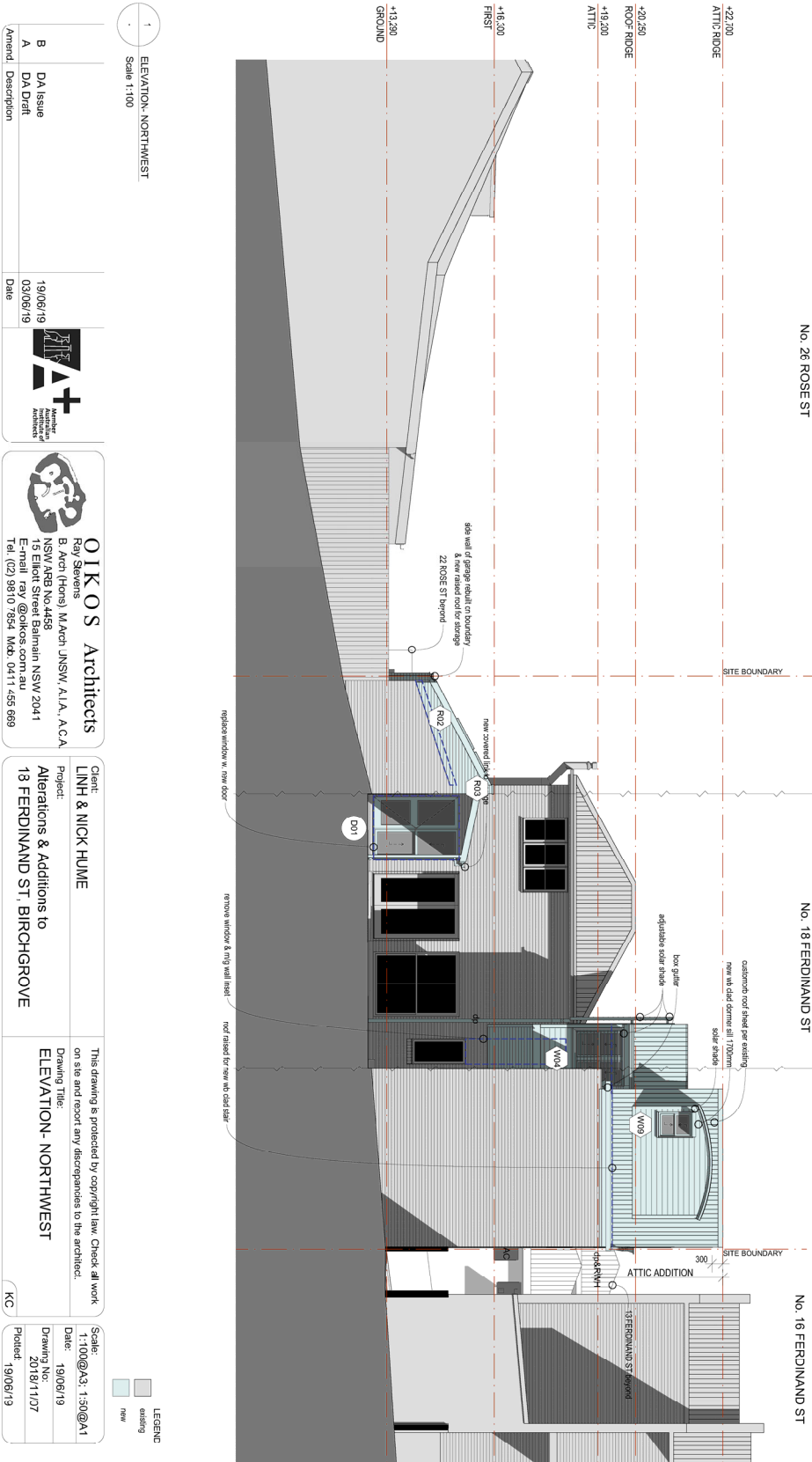
www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.



1	ELEVATION- NORTHWEST	Scale 1:100
A	DA Issue	19/06/19
B	DA Draft	03/06/19
Amend. Description		Date

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Architects
Member of the Institute of Architects

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Tel. (02) 981 0784 Mob. 0411 455 689

Client: **LINH & NICK HUWE**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

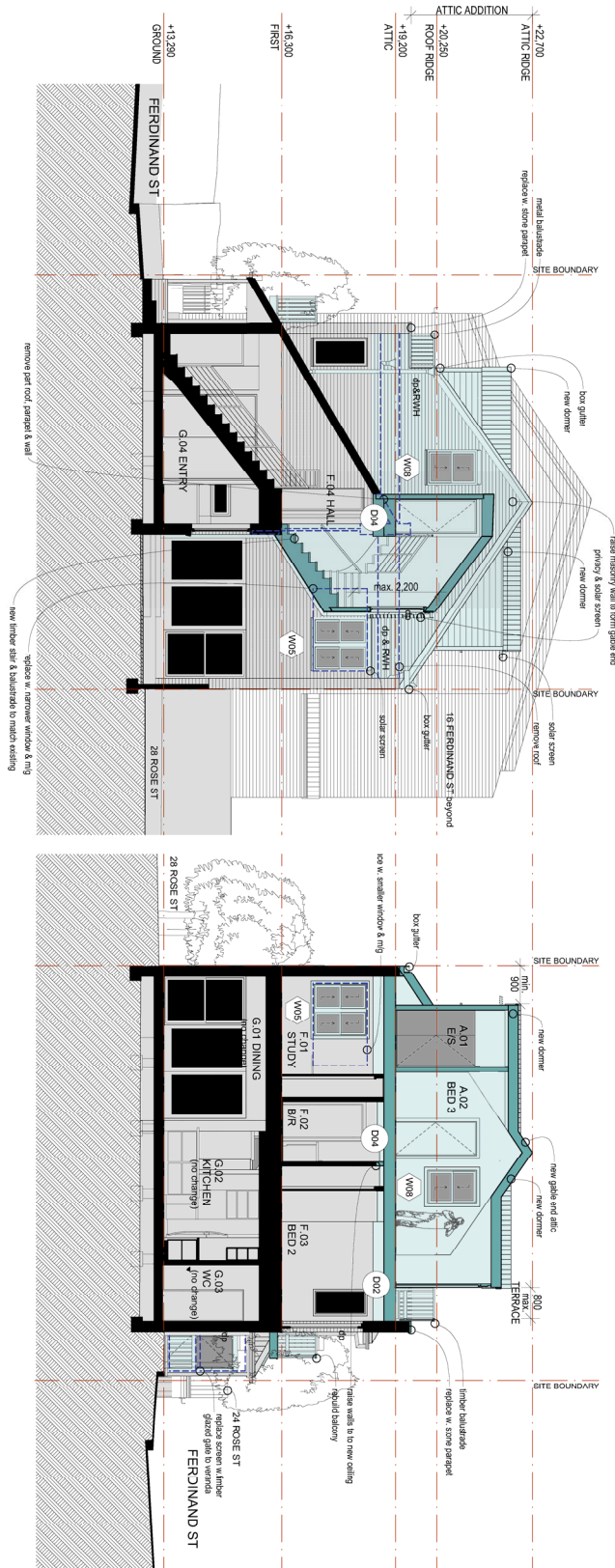
This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.
Drawing Title: **ELEVATION- NORTHWEST**

Scale:	1:100@A3, 1:50@A1
Date:	19/06/19
Drawing No.:	2018/1107
Plotter:	19/06/19

LEGEND

existing

new



1 SECTION AA
Scale 1:100

2 SECTION BB
Scale 1:100

LEGEND

	existing
	new

1	SECTION AA	.	Scale 1:100
B	DA Issue	19/06/19	Date
A	DA Draft	03/06/19	Date
Amend. Description			

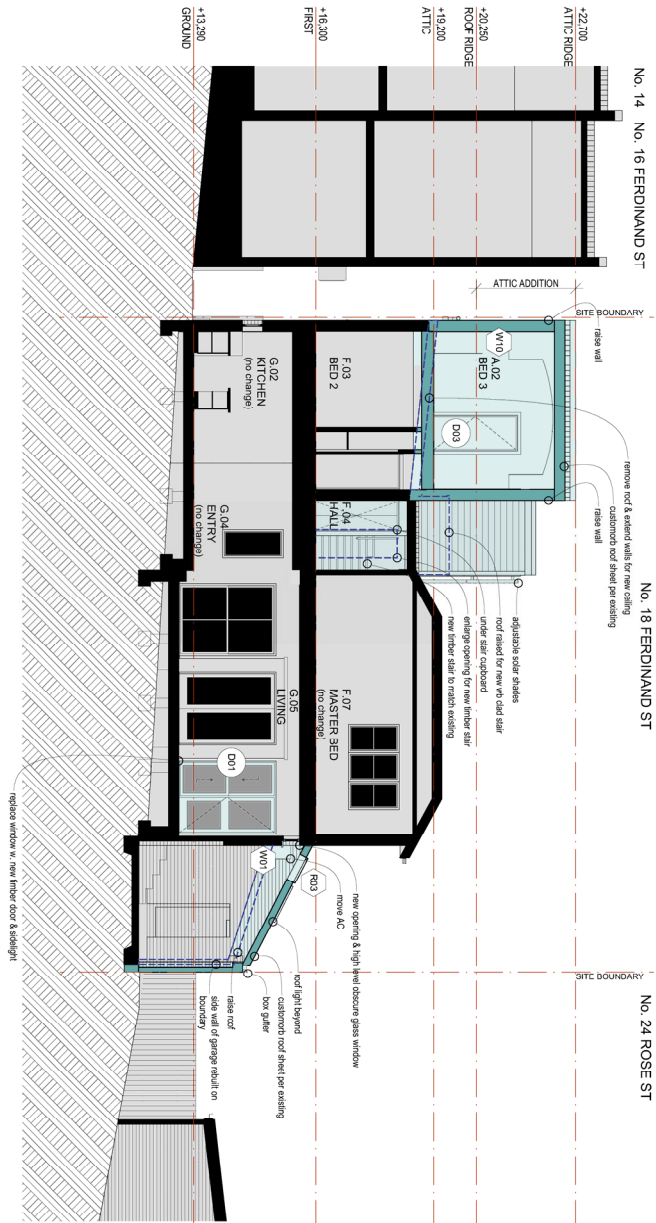
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Client: **LINH & NICK HUIE**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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Drawing Title: **SECTIONS- AA & BB**

Scale: 1:100@A3, 1:50@A1
Date: 19/06/19
Drawing No: 2018/11/29
Plotter: 19/06/19



SECTION CC	1
Scale	1:100
Amend.	Description
A	DA Issue
B	DA Draft

Date	19/06/19
Date	03/06/19

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Client: **LNH & NICK HUME**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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Drawing Title: **SECTION CC**

Scale:	1:100@A3 1:50@A1
Date:	19/06/19
Drawing No:	2018/1110
Plotter:	19/06/19

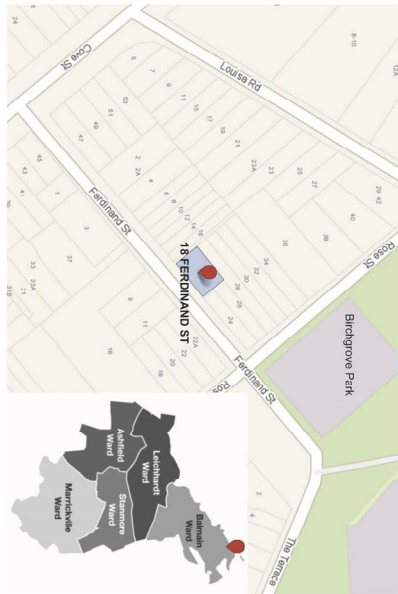
LEGEND

existing

new

Layout No: **DRAWING INDEX:**

01	COVER
02	PLANS- SITE, RCOF, SITE ANALYSIS & AREA SCHEDULE
03	PLAN- GROUND FLOOR
04	PLAN- FIRST FLOOR
05	PLAN- ATTIC
06	ELEVATION- SOUTHEAST (Ferdinand St)
07	ELEVATION- NORTHWEST
08	ELEVATIONS- SOUTHWEST & NORTHEAST
09	SECTIONS- AA & BB
10	SECTION CC
11	SHADOW DIAGRAM- Jun 21 9am
12	SHADOW DIAGRAM- Jun 21 12 noon
13	SHADOW DIAGRAM- Jun 21 3pm
14	FINISHES SCHEDULE



1 LOCATION PLAN
Not to Scale



2 18 FERDINAND ST MODEL- EXISTING
Not to Scale



3 18 FERDINAND ST MODEL- PROPOSAL
Not to Scale

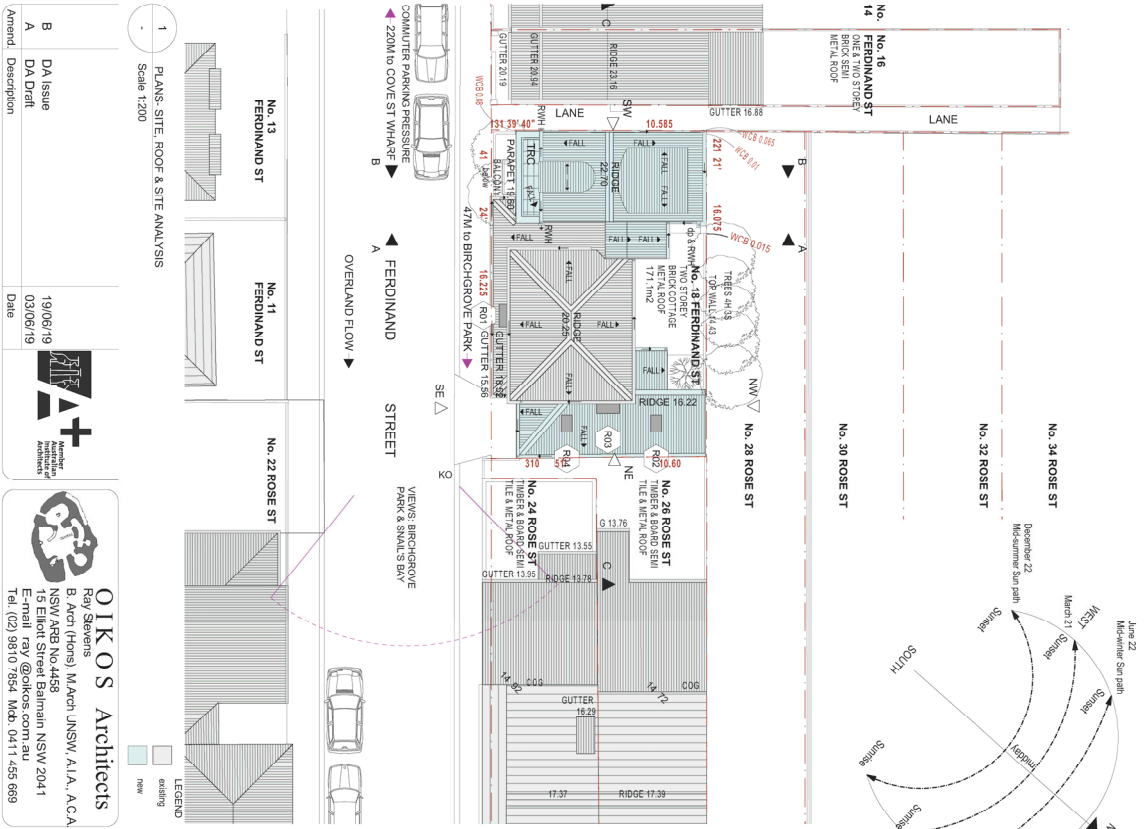
GENERAL LEGEND

	existing wall
	new wall
	demition lines
	bedroom floor
	balcony floor
	apartment floor
	existing pool levels
	existing floor levels
	proposed finished floor level
	refers to new door number
	refers to new window number
	refers to new roof light number
	new work
BED	bedroom
BIR	balcony
DR	dryer
DR	domestic
E/S	entrance
F	ficus cement
FL	floor level
FL	floor slabs into
GFA	gross floor area
KO	kitchen
LA	landscaped area
LEP	local environment plan
mg	maine good
OB	obscure
PP	patio
R	refrigerator
RWH	rain water head
SEE	statement of environmental effects
SKR	skimmer
SMP	storm water pit
TWC	tenure
TK	top of kerb
VC	vehicle crossing
W	wall
WCB	waterboard
wo	windward
w	window
WM	washing machine

B	DA Issue	19/06/19	
A	DA Draft	03/06/19	
Amend. Description		Date	

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111/111-1111
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Client:	LNH & NICK HUME
Project:	Alterations & Additions to 18 FERDINAND ST, BIRCHGROVE
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Drawing Title:	COVER
Scale:	1:200@A3
Date:	19/06/19
Drawing No:	2018/11/01
Plotter:	19/06/19
KC:	



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Client: LNH & NICK HUME
Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE
Scale: 1:200@A3
Date: 19/06/19
Drawing No: 2018/11/22
Plotter: 19/06/19

AREA SCHEDULE

Site Area	171.1m ²
Site Cover	m ²
Existing Site Cover	115.90 m ²
Proposed Site Cover	117.41 m ²
DCP Site Cover max	121.05 m ²
Existing	60% / 102.7m ²
Proposed	67.7%
Proposed complies?	No- refer SEE

FLOOR SPACE RATIO (FSR)

Gross Floor Area	76.02 m ²
GFA-GROUND Existing	67.43 m ²
GFA-Proposed	143.45 m ²
GFA-GROUND	76.02 m ²
GFA-ATTC	71.67 m ²
GFA-ATTC	23.63 m ²
LEP FSR max	0.50:1 / 154.0m ²
FSR proposed:	1.00:1.0
Complies?	No- refer SEE

LANDSCAPED AREAS (no change)

LA 1	3.32 m ²
LA 2	6.48 m ²
LA 1	3.6 m ²
LA 2	03.8%
LEP 2013 min. requirement	15% / 25.7m ²
Complies?	No- refer SEE

AREA SCHEDULE LEGEND

- Site cover
- gross floor area
- landscaped area

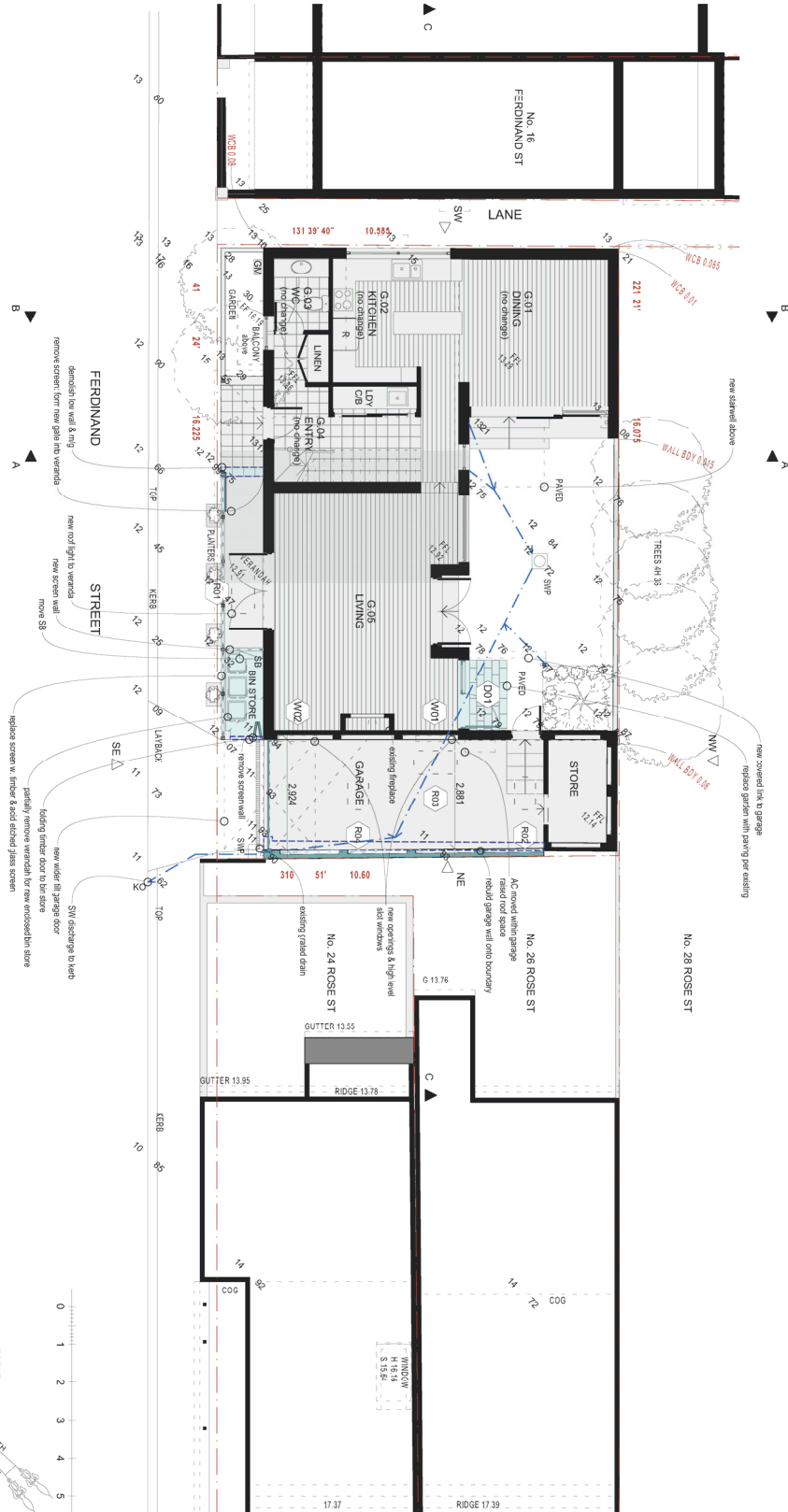
AREA SCHEDULE: GROUND
Scale 1:200

AREA SCHEDULE: FIRST
Scale 1:200

AREA SCHEDULE: ATTC
Scale 1:200

DIMENSIONS ARE CLEAR SIZES

4420 VOS	1714 VOS	1917 270	1917 230
4420 VOS	1714 270	1917 270	1917 230
5.940 VOS	700	652	1800
		1287	1800
		287	287



1 PLAN- GROUND FLOOR
Scale 1:100

Amend.	Description	Date
B	DA Issue	19/06/19
A	DA Draft	03/06/19

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Client: LNH & NICK HUME
Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE

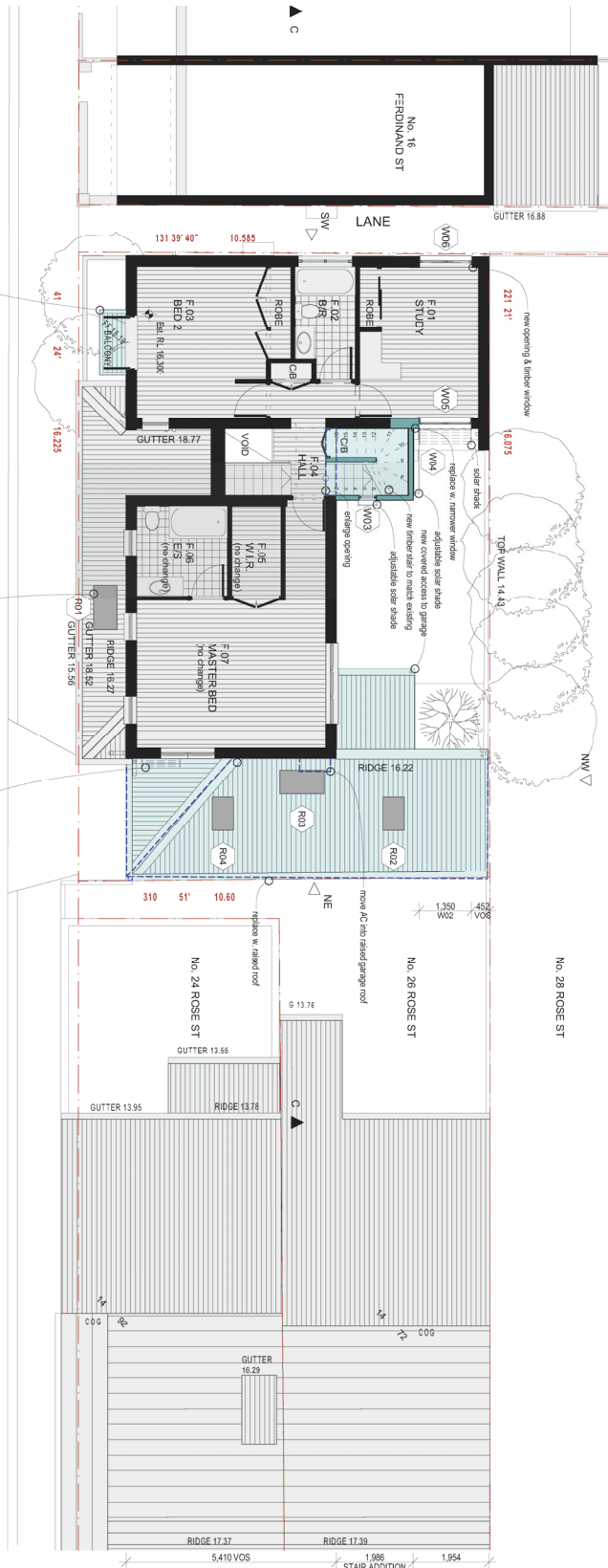
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Drawing Title: PLAN- GROUND FLOOR

Scale: 1:100@A3 1:50@A1
Date: 19/06/19
Drawing No: 2018/11/03
Plotter: 19/06/19

DIMENSIONS ARE CLEAR SIZES

4.80 VOS	1.94 STAIR	3.85	2.10 VOS
4.80	1.80	3.85	2.10
3.80 VOS	1.74	6.02	2.0



1 PLAN- FIRST FLOOR
Scale 1:100

B	DA Issue	19/06/19
A	DA Draft	03/06/19
Amend. Description		

AI+
Amend Architects

AI+
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Client: **LNH & NICK HUME**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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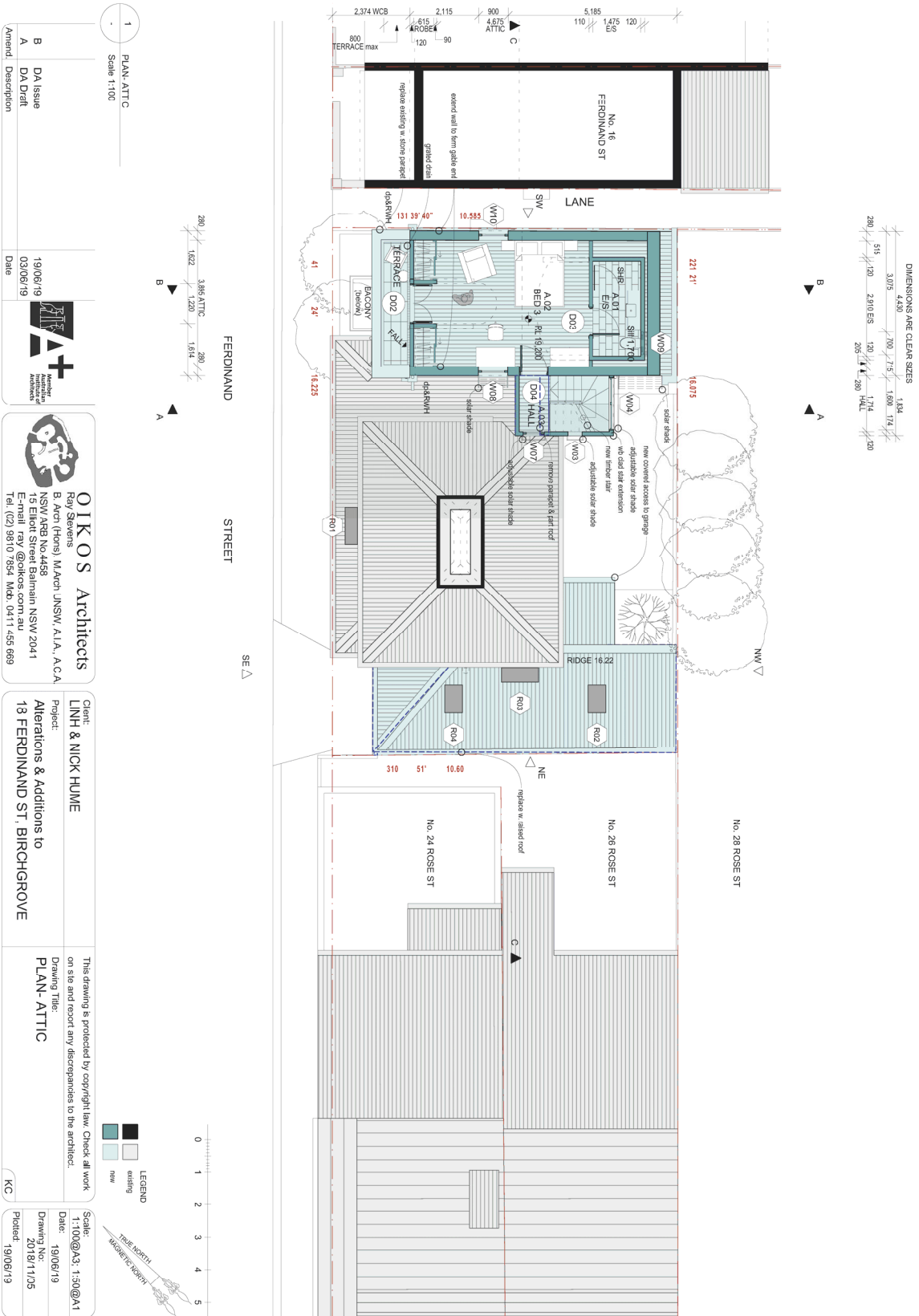
Drawing Title: **PLAN- FIRST FLOOR**

Scale: 1:100@A3 1:50@A1
Date: 19/06/19
Drawing No: 2018/1104
Project: 19/06/19

LEGEND

	existing
	new





DIMENSIONS ARE CLEAR SIZES

3.015	5.450	1.124
515	120	2.910 EIS
280	120	1.774
205	280	1.141
120	174	1.774
280	120	1.141
120	280	1.774

1	PLAN- ATTIC
Scale 1:100	
B	DA Issue
A	DA Draft
Amend.	Description

19/06/19	Date
03/06/19	Date

A+ Architectural Architects

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Client: **LNH & NICK HUME**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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Drawing Title: **PLAN- ATTIC**

Scale: 1:100@A3, 1:50@A1
Date: 19/06/19
Drawing No: 2018/11/05
Project: 19/06/19

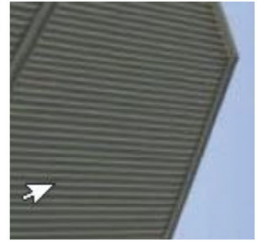
LEGEND

Existing	Existing
New	New





A Acid etched glass to custom pattern



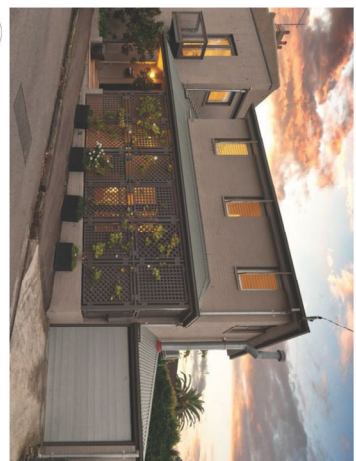
B Colours to match existing COULDRIBOND Mangrove or similar for custom orb roof sheeting



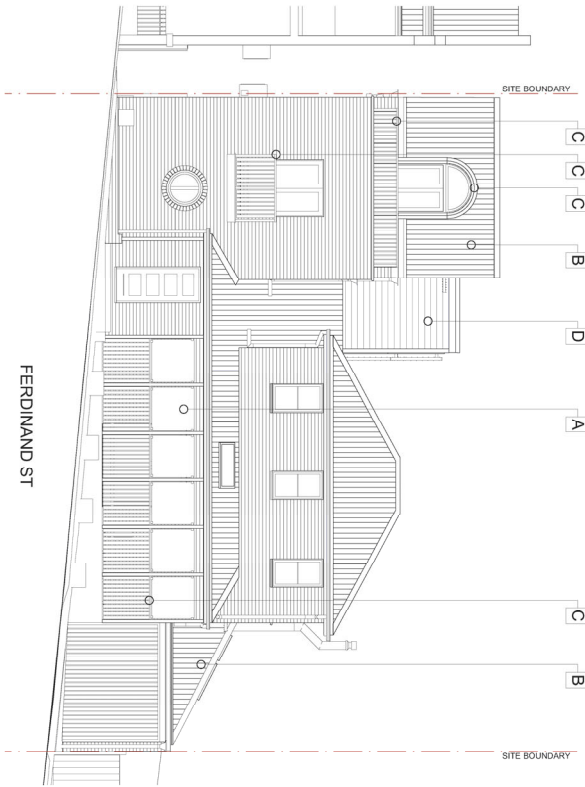
C Colours to match existing DULUX Networker or similar for shagged brickwork & weatherboards



D Colours to match existing DULUX Mermaid or similar for trim & balustrades

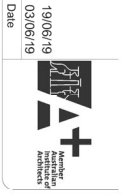


2 18 FERDINAND ST as at May 2012
Source: RealEstate.com.au



1 FINISHES SCHEDULE
Scale 1:100

Amend.	Description	Date
B	DA Issue	19/06/19
A	DA Draft	03/06/19



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Client: **LINH & NICK HUVE**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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Drawing Title: **FINISHES SCHEDULE**

Scale: 1:100@A3, 1:50@A1
Date: 19/06/19
Drawing No: 2018/11/4
Plotter: 19/06/19

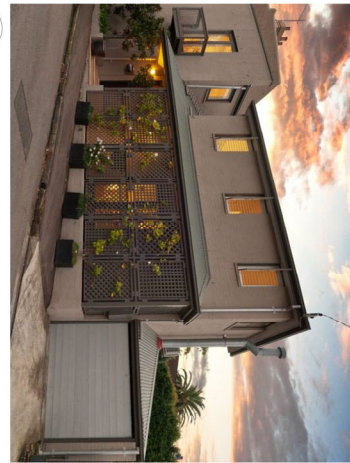
Layout No: DRAWING INDEX:

01	COVER & PLANS- LOCATION, SITE & ROOF
02	PLAN- GROUND FLOOR
03	PLAN- FIRST FLOOR
04	ELEVATION- SOUTHEAST (Ferdinand St)
05	ELEVATION- NORTHWEST
06	ELEVATIONS- SOUTHWEST & NORTHEAST
07	SECTIONS- AA & BB

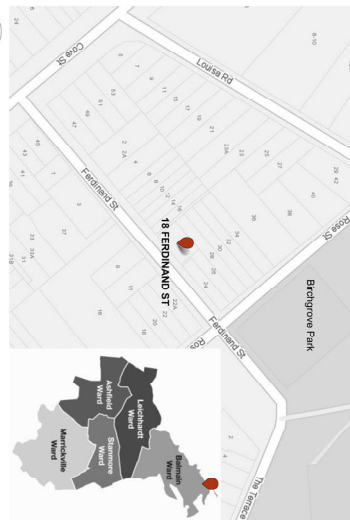
GENERAL LEGEND

existing wall

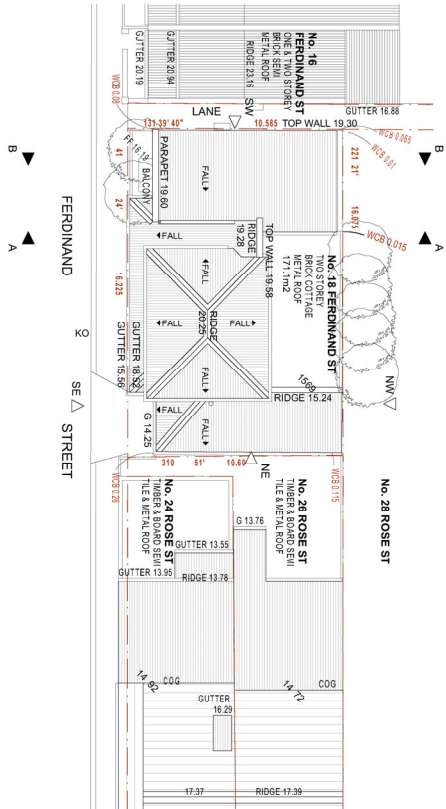
- site boundary
- - - overhead lines
- existing spot levels
- existing floor spot levels
- R.A.S.8
- R.A.S.4
- R.A.S.2
- R.A.S.1
- R.A.S.0
- R.A.S.-1
- R.A.S.-2
- R.A.S.-3
- R.A.S.-4
- R.A.S.-5
- R.A.S.-6
- R.A.S.-7
- R.A.S.-8
- R.A.S.-9
- R.A.S.-10
- R.A.S.-11
- R.A.S.-12
- R.A.S.-13
- R.A.S.-14
- R.A.S.-15
- R.A.S.-16
- R.A.S.-17
- R.A.S.-18
- R.A.S.-19
- R.A.S.-20
- R.A.S.-21
- R.A.S.-22
- R.A.S.-23
- R.A.S.-24
- R.A.S.-25
- R.A.S.-26
- R.A.S.-27
- R.A.S.-28
- R.A.S.-29
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- R.A.S.-31
- R.A.S.-32
- R.A.S.-33
- R.A.S.-34
- R.A.S.-35
- R.A.S.-36
- R.A.S.-37
- R.A.S.-38
- R.A.S.-39
- R.A.S.-40
- R.A.S.-41
- R.A.S.-42
- R.A.S.-43
- R.A.S.-44
- R.A.S.-45
- R.A.S.-46
- R.A.S.-47
- R.A.S.-48
- R.A.S.-49
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- R.A.S.-96
- R.A.S.-97
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- R.A.S.-99
- R.A.S.-100



1 18 FERDINAND ST as at May 2012
Source: Realistate.com.au



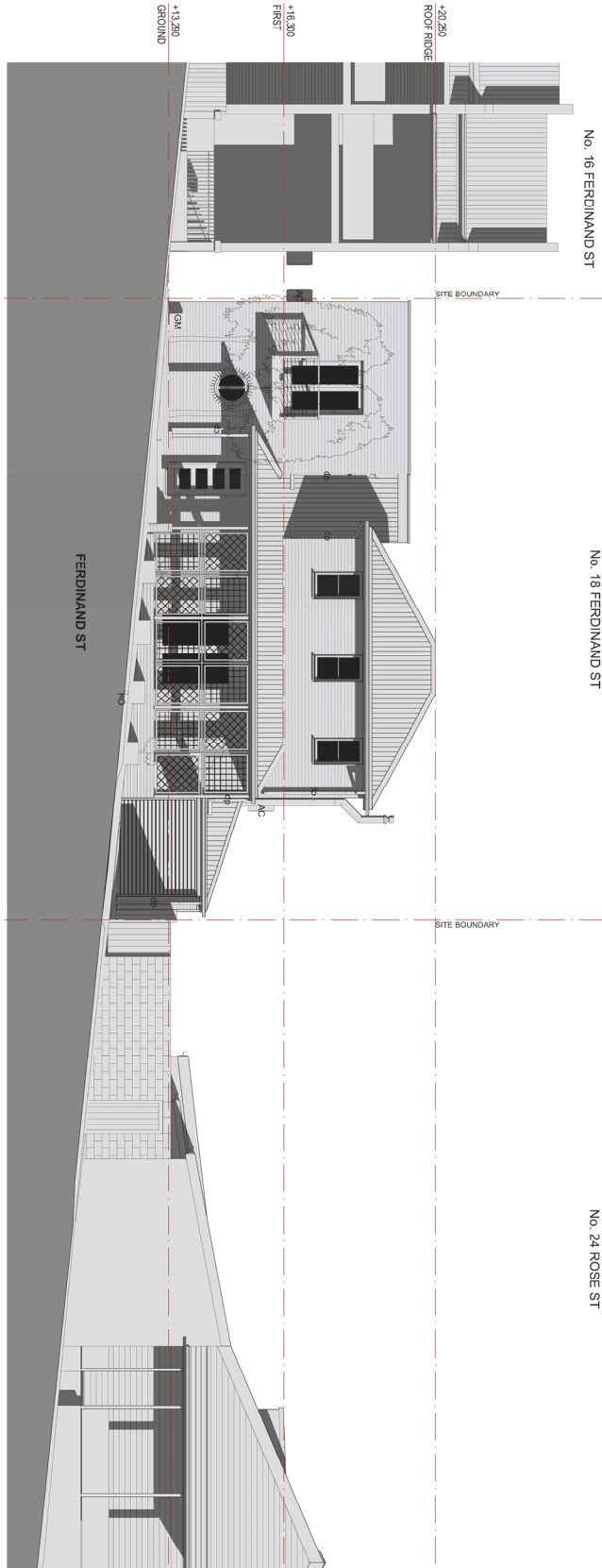
2 LOCATION PLAN
Not to Scale



3 PLANS- SITE & ROOF
Scale 1:200

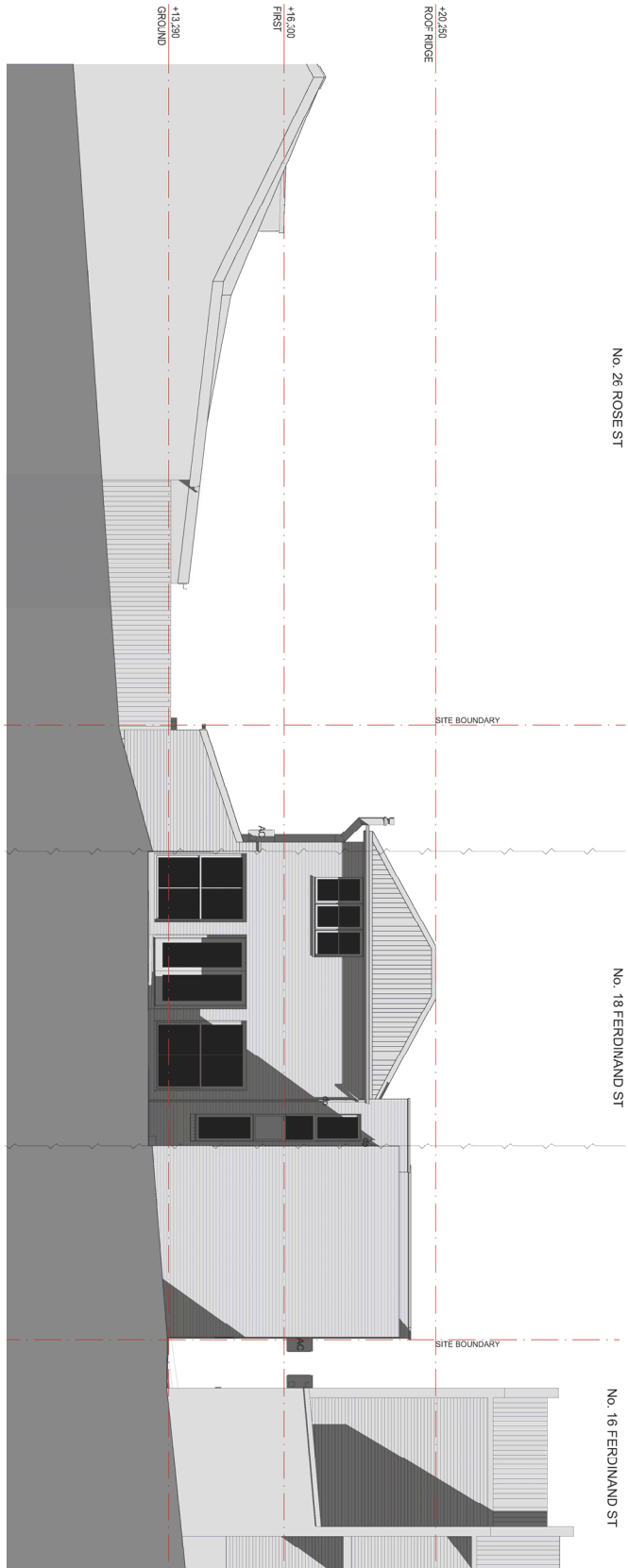


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A	Measured Drawings	28/05/19		OIKOS Architects Ray Stevens B. Arch (Hons), M. Arch JNSW, A.I.A., A.C.A. NSW A&B NO.4488 F. Elmhurst St, Bayswater NSW 2041 Tel: (02) 9810 7864 Mob: 0411 455 689	Drawing Title: COVER & PLANS- LOCATION, SITE & ROOF		Date: 28/05/19
							Drawing No: 2018/11/01
							Plotter: 28/05/19

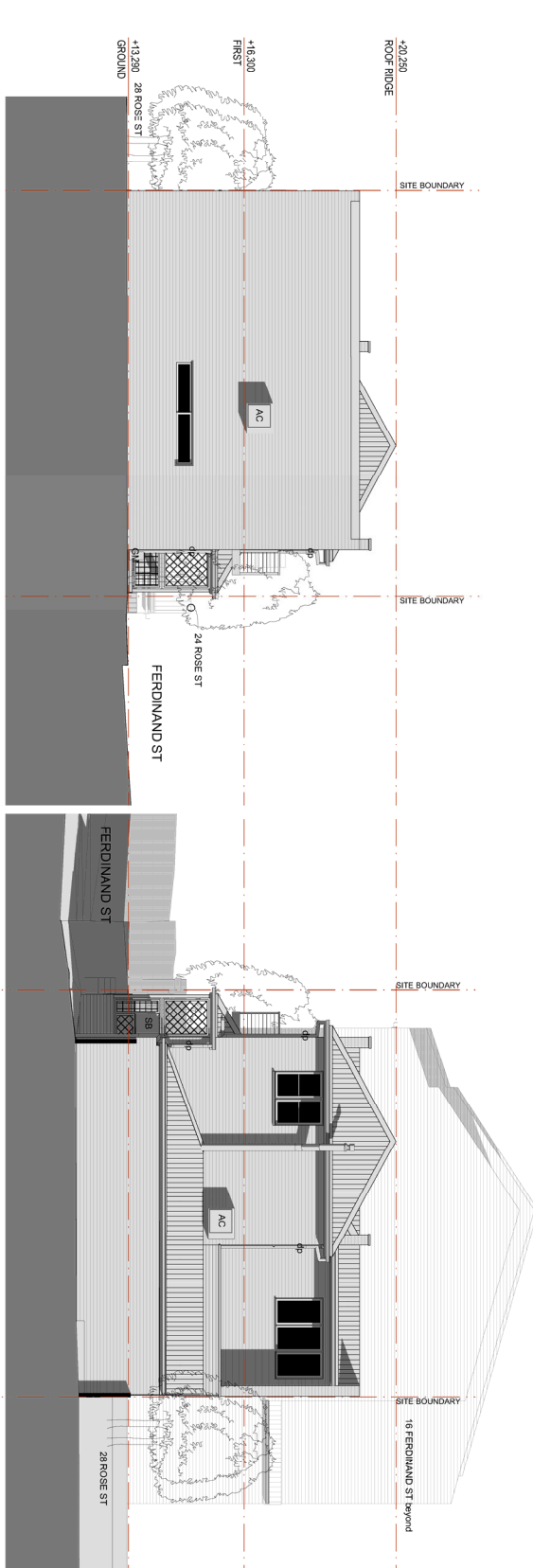


1
ELEVATION- SOUTHEAST (Ferdinand St)
Scale 1:100

Amend.	Description	Date			Client: LINH & NICK HUWE Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE	This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect. Drawing Title: ELEVATION- SOUTHEAST (Ferdinand St)	Scale: 1:100@A3, 1:50@A1 Date: 28/05/19
A	Measured Drawings	28/05/19	OIKOS Architects Ray Stevens B. Arch (Hons), M. Arch, JNSW, A.I.A., A.C.A. NSW A33 NO.4488 F. Elmer Street, Darmanin NSW 2041 Tel: (02) 9810 7854 Mob: 0411 455 689	Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE	Drawing No: 2018/1124 Date: 2018/11/24 Plotter: 28/05/19	KC	



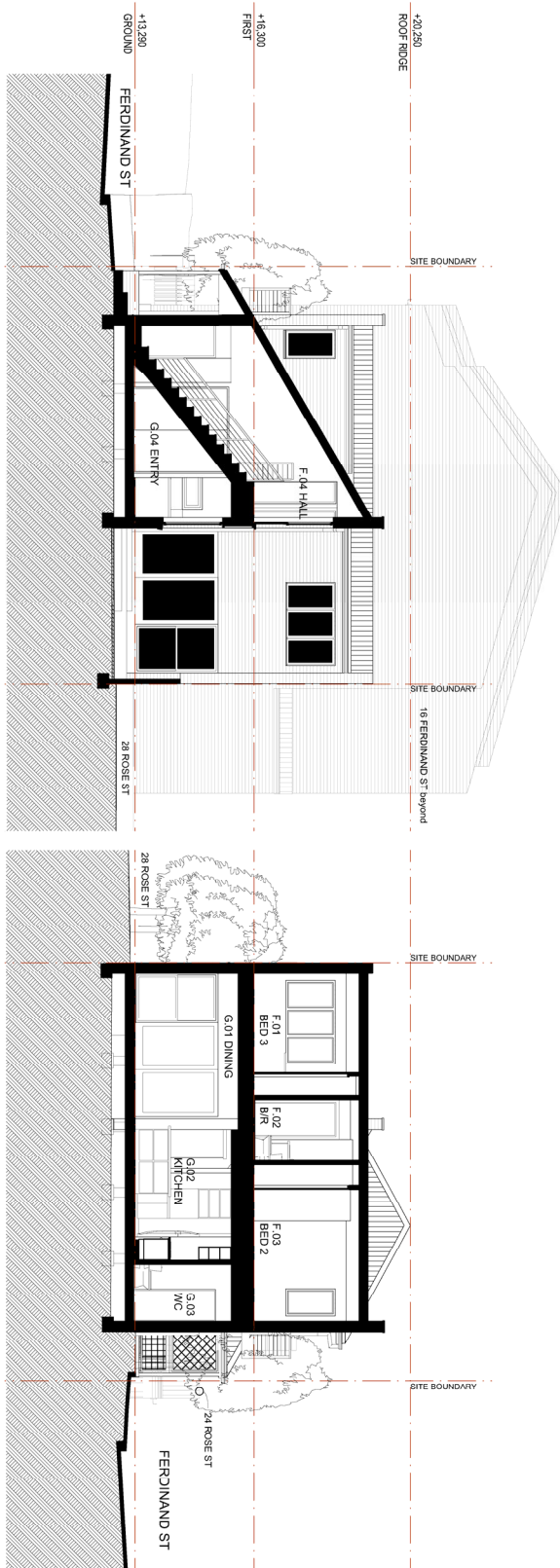
<p>1 ELEVATION- NORTHWEST Scale 1:100</p>	
<p>A Measured Drawings</p>	<p>28/05/19</p>
<p>A+ AMERICAN ARCHITECTS</p>	
<p>OKOS Architects Ray Stevens B. Arch (Hons), M. Arch JNSW, A.I.A., A.C.A. NSW A33 NO.4458 F. Elmer Street, Darmanin NSW 2041 Tel: (02) 981 0 7854 Mob: 0411 455 689</p>	
<p>Client: LINH & NICK HUVE</p>	<p>This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.</p>
<p>Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE</p>	<p>Drawing Title: ELEVATION- NORTHWEST</p>
<p>KC</p>	<p>Scale: 1:100@A3, 1:50@A1 Date: 28/05/19 Drawing No: 2018/11/25 Potted: 28/05/19</p>



1
ELEVATION: SOUTHWEST
Scale 1:100

2
ELEVATION: NORTHEAST
Scale 1:100

<p>A Measured Drawings</p>	<p>28/05/19</p>	 <p>A+ Architects Architects</p>	<p>IKOS Architects Ray Stevens B. Arch (Hons), M. Arch JNSW, A.I.A., A.C.A. NSW A33 NO.4488 F. Elmer Street, Darlington NSW 2041 Tel: (02) 9810 7854 Mob: 0411 455 669</p>	<p>Client: LINH & NICK HUWE</p> <p>Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE</p>	<p>This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.</p> <p>Drawing Title: ELEVATIONS- SOUTHWEST & NORTHEAST</p>
<p>Amend. Description</p>	<p>Date</p>	<p>KC</p>	<p>Scale: 1:100@A3 1:50@A1</p>	<p>Date: 28/05/19</p>	<p>Drawing No: 2018/11/06</p>
<p>Plotter</p>	<p>28/05/19</p>	<p></p>	<p></p>	<p></p>	<p></p>



1 SECTION AA
Scale 1:100

2 SECTION BB
Scale 1:100

Amend.	Description	Date
A	Measured Drawings	28/05/19

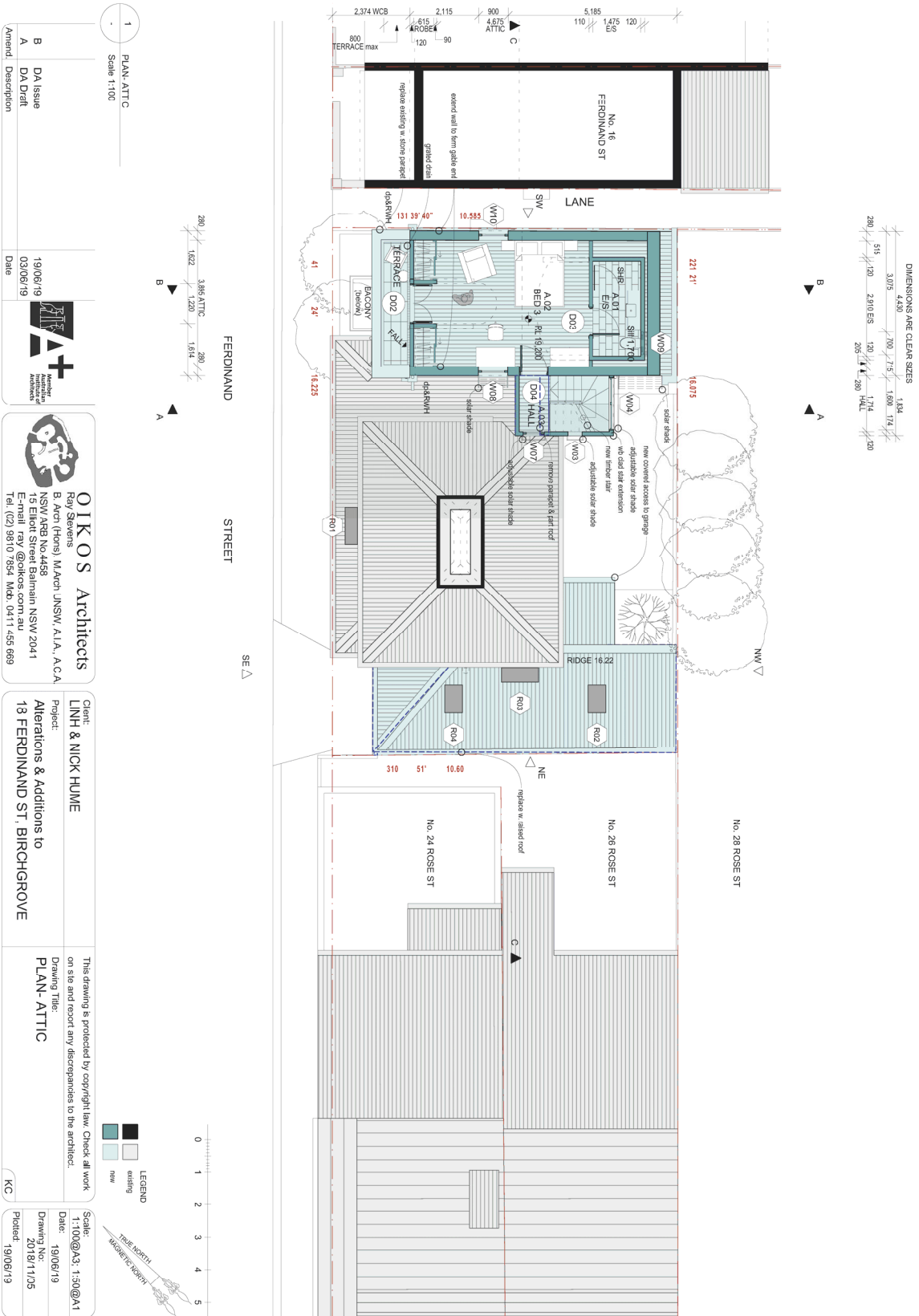
AI+
Architects
Interior
Architects
Sydney

AIKOS Architects
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Client: **LINH & NICK HUWE**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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Drawing Title: **SECTIONS- AA & BB**

Scale: 1:100@A3, 1:50@A1
Date: 28/05/19
Drawing No: 2018/1107
Plotter: 28/05/19



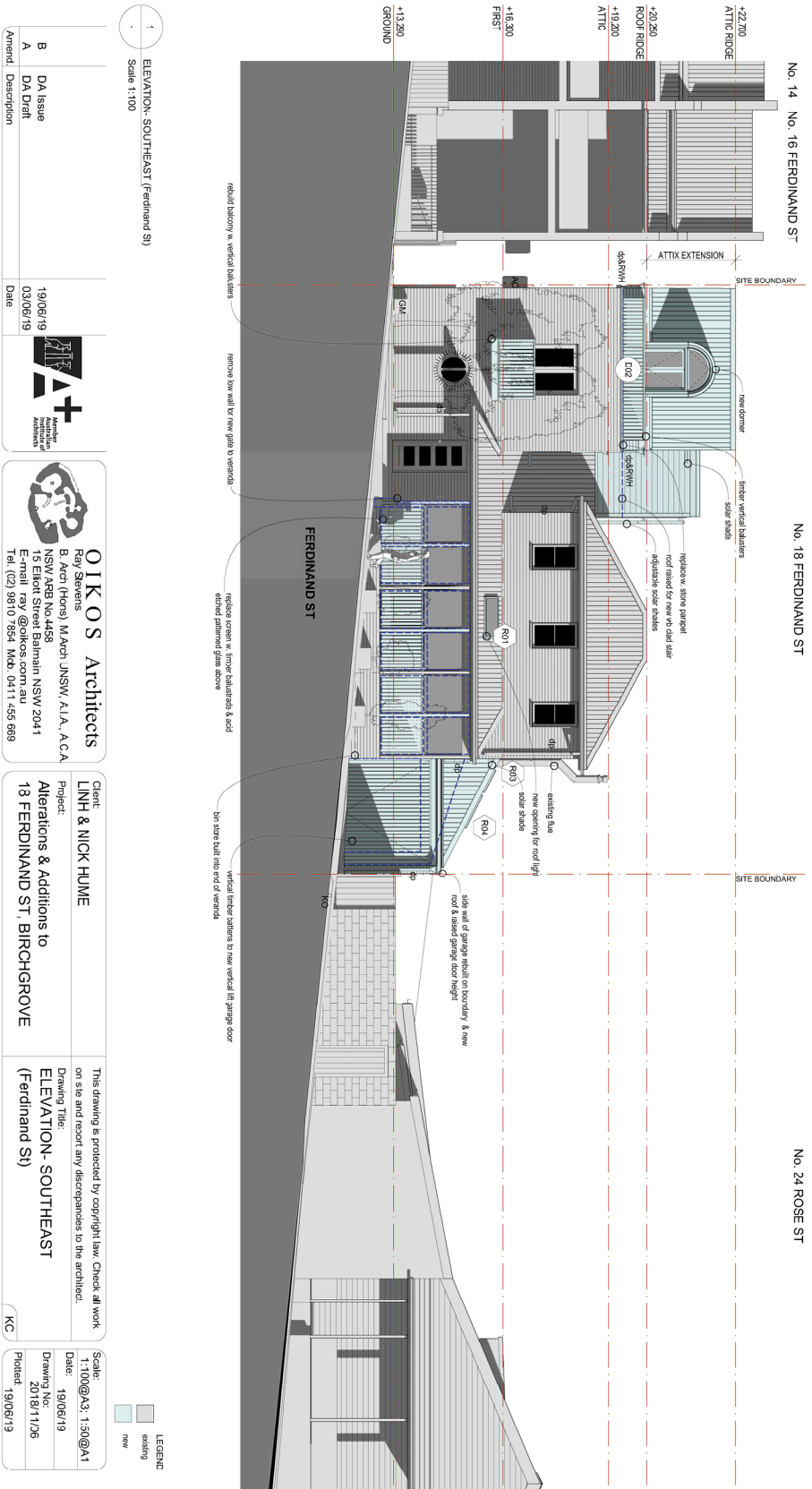
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B	DA Issue	19/06/19
A	DA Draft	03/06/19

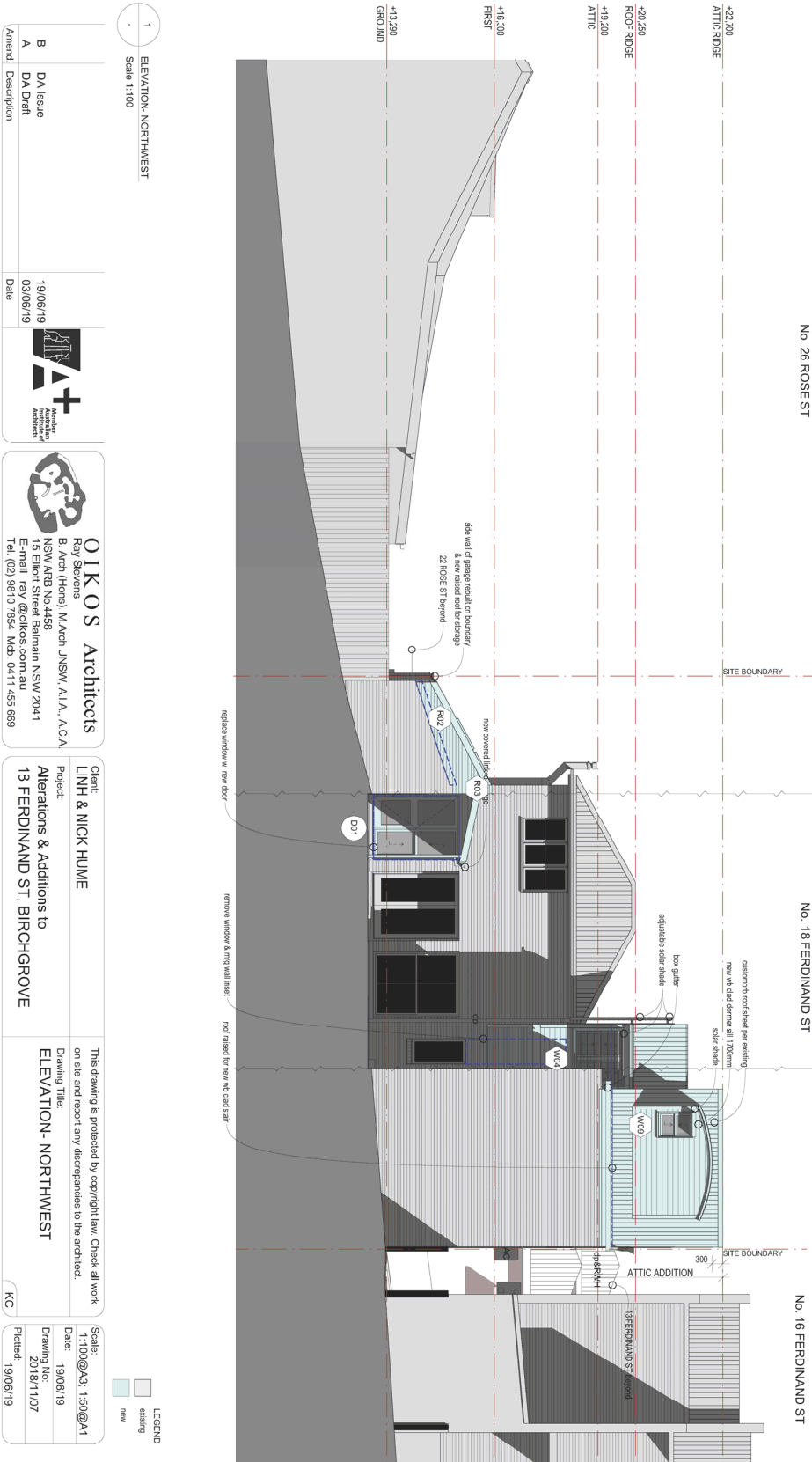
AI+
 Architectural
 Interiors
 Architects

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Client: LNH & NICK HUME
Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE

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Drawing Title: PLAN- ATTIC
 KC





1		ELEVATION- NORTHWEST	
A		Scale 1:100	
B	DA Issue	19/06/19	
A	DA Draft	03/06/19	
Amend. Description		Date	

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Client: **LINH & NICK HUWE**
 Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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 Drawing Title: **ELEVATION- NORTHWEST**

Scale:	1:100@A3, 1:50@A1
Date:	19/06/19
Drawing No:	2018/11/07
Plotter:	19/06/19



1 ELEVATION: SOUTHWEST
Scale 1:100

1	DA Issue	19/06/19
2	DA Draft	03/06/19

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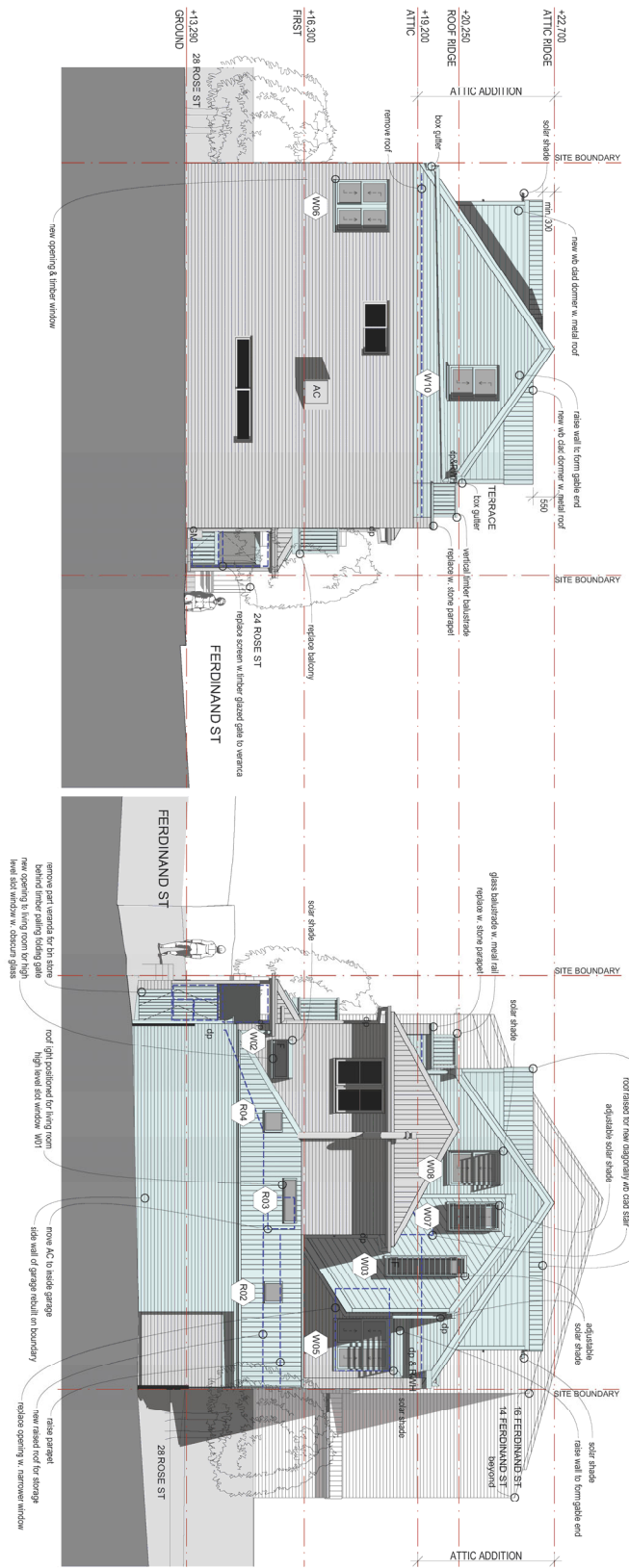
Client: LNH & NICK HUME
Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE

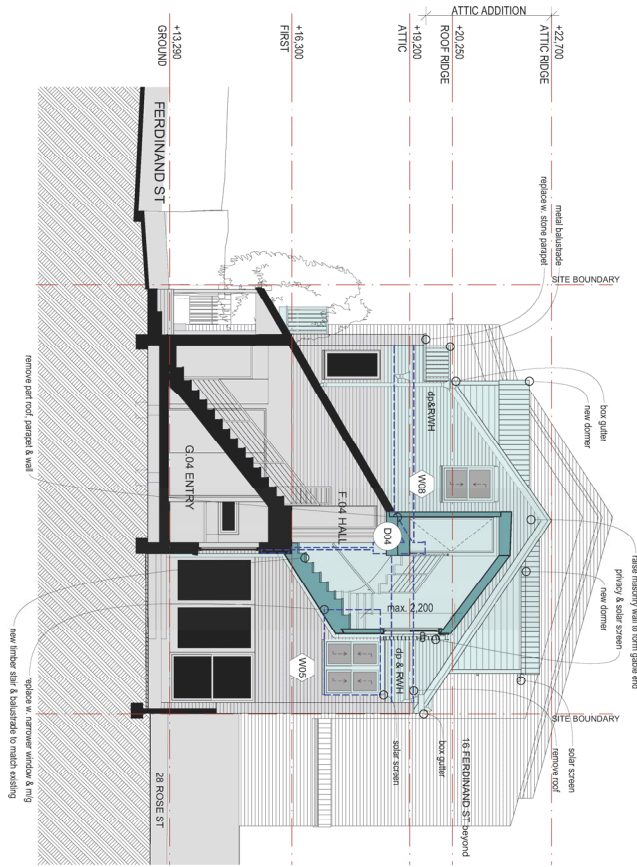
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Scale: 1:100@A3 1:50@A1
Date: 19/06/19
Drawing No: 2018/1128
Plotter: 19/06/19

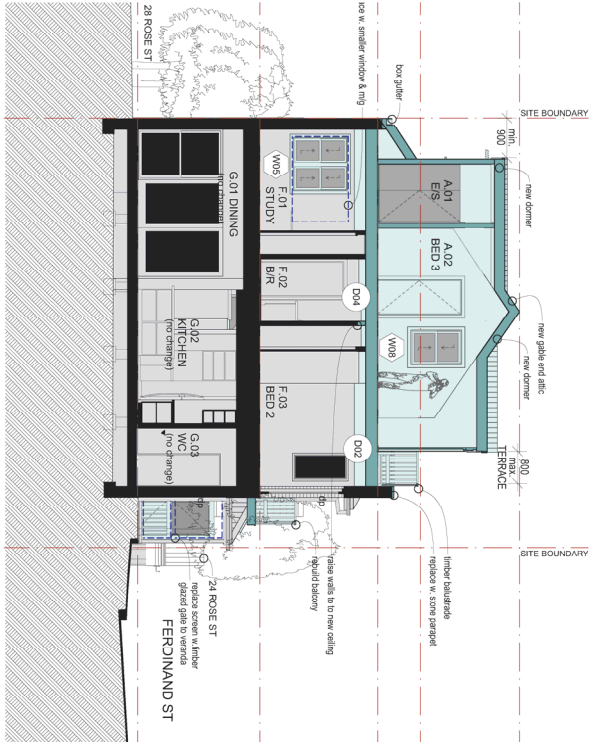
2 ELEVATION: NORTHEAST
Scale 1:100

LEGEND
existing
new





1 SECTION AA
Scale 1:100

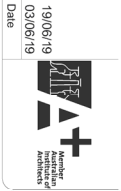


2 SECTION BB
Scale 1:100

LEGEND

	existing
	new

1	SECTION AA	.	Scale 1:100
B	DA Issue	19/06/19	Date
A	DA Draft	03/06/19	Date



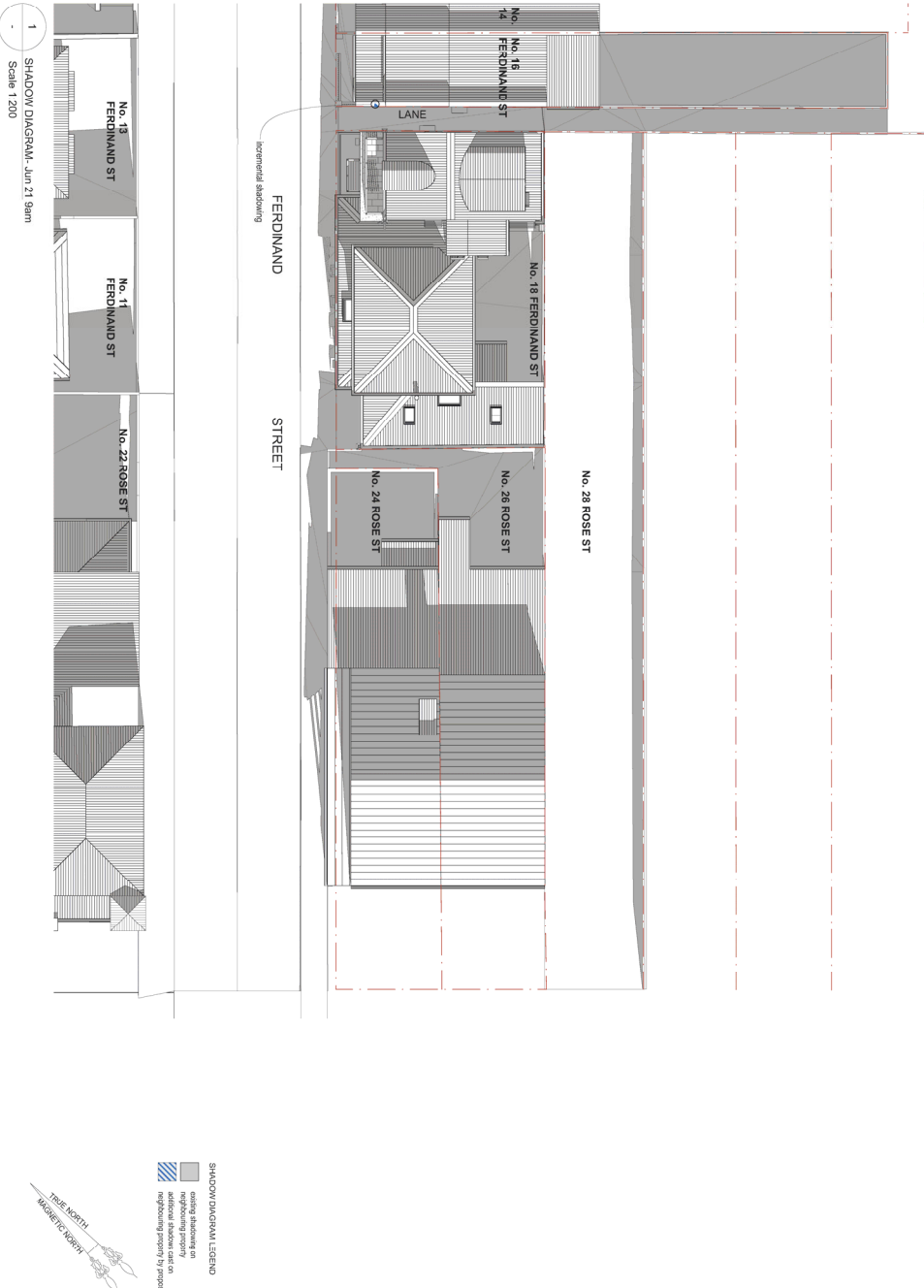
OIKOS Architects
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Tel: (02) 9810 7854 Mob: 0411 455 669

Client: **LNH & NICK HUME**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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Drawing Title: **SECTIONS- AA & BB**

Scale: 1:100@A3 1:50@A1
Date: 19/06/19
Drawing No: 2018/11/29
Plotter: 19/06/19

Amend.	Description	Date			Client: LINH & NICK HUWE	This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.	Scale: 1:200@A3
B	DA Issue	19/06/19		Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE	Drawing Title: SHADOW DIAGRAM- Jun 21 9am	Date: 19/06/19	Drawing No: 2018/11/11
A	DA Draft	03/06/19		Client: Ray Stevens B. Act (Hons), M. Arch JNSW, A.I.A., A.C.A. NSW A&B NO.4458 F. Elmer Street, Darlinghurst NSW 2041 Tel. (02) 9810 7854 Mob. 0411 455 669	Drawing No: 2018/11/11	Date: 2018/11/11	Plotter: 19/06/19



Amend.	Description
B	DA Issue
A	DA Draft

Date	19/06/19
Date	03/06/19

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Client: **LNH & NICK HUME**
 Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

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 Drawing Title: **SHADOW DIAGRAM- Jun 21 12 noon**

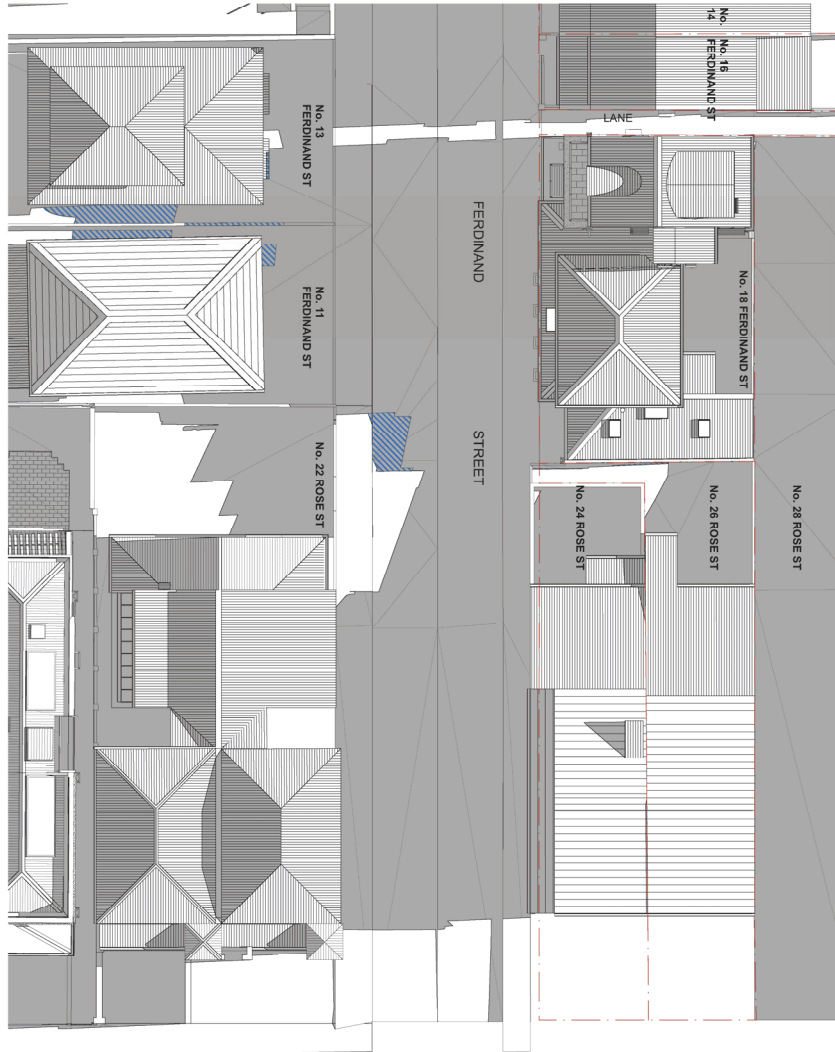
Scale:	1:200@A3
Date:	19/06/19
Drawing No.:	2018/11/12
Plotter:	19/06/19

1 SHADOW DIAGRAM- Jun 21 12noon
 Scale 1:200



SHADOW DIAGRAM LEGEND

- existing buildings or neighbouring property
- additional shadow cast on neighbouring property by proposal

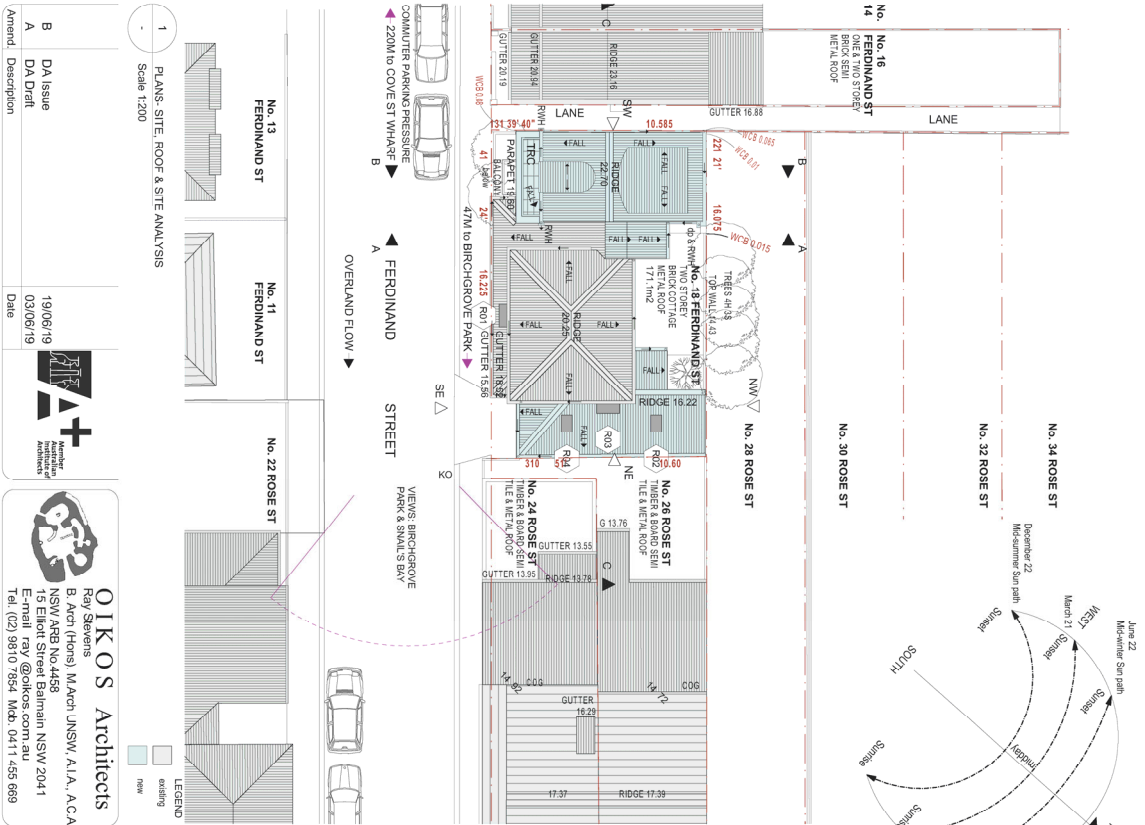


SHADOW DIAGRAM LEGEND
 existing buildings or neighbouring property
 additional shadow cast on neighbouring property by proposal



1 SHADOW DIAGRAM - Jun 21 3pm
 Scale 1:200

Amend.	Description	Date	 A+ Architects 19/06/19 03/06/19	OIKOS Architects Ray Stevens B. Arch (Hons), M. Arch JNSW, A.I.A., A.C.A. NSW A83 NO.4488 F. Edna Street, Bayswater NSW 2041 Tel: (02) 9810 7854 Mob: 0411 455 689	Client: LNH & NICK HUME Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE	This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect. Drawing Title: SHADOW DIAGRAM- Jun 21 3pm Scale: 1:200@A3 Date: 19/06/19 Drawing No: 2018/11/13 Plotted: 19/06/19 KC
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1 PLANS- SITE, ROOF & SITE ANALYSIS
Scale 1:200

Amend.	Description	Date
B	DA Issue	19/06/19
A	DA Draft	03/06/19

AT+
Architects
Member of the Architecture Institute of Australia

OKOS Architects
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AREA SCHEDULE

SITE AREA	171.1m ²
SITE COVER	m ²
SITE COVER	115.90 m ²
SITE COVER	115.90 m ²
SITE COVER FIRST PROJECTION	117.41
SITE COVER FIRST PROJECTION	3.64
DCP Silt Cover max.	121.05 m ²
Existing	60% / 102.7m ²
Proposed	67.7%
Proposed complies?	70.7%
Proposed complies?	No- refer SEE



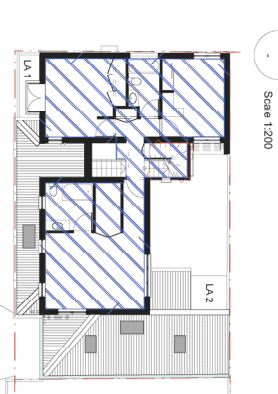
2 AREA SCHEDULE- GROUND
Scale 1:200

FLOOR SPACE RATIO (FSR)

Gross Floor Area	m ²
GFA-GROUND Existing	76.02
GFA-FIRST Existing	67.43
GFA-Proposed	143.45 m ²
GFA-GROUND	76.02
GFA-FIRST	71.67
GFA-ATTC	23.63
LFP FSR max.	171.32 m ²
FSR proposed:	0.90-1 / 154.0m ²
Complies?	1.00-1.0
Complies?	No- refer SEE

LANDSCAPED AREAS (no change)

LA 1	3.32
LA 2	6.48 m ²
LA 1	3.6
LA 2	03.8%
LEP 2013 min. requirement	15% / 25.7m ²
Complies?	No- refer SEE



3 AREA SCHEDULE- FIRST
Scale 1:200

AREA SCHEDULE LEGEND

Site cover	Blue hatched pattern
gross floor area	Red hatched pattern
landscaped area	Green hatched pattern

4 AREA SCHEDULE- ATTC
Scale 1:200

Client: **LNH & NICK HUME**

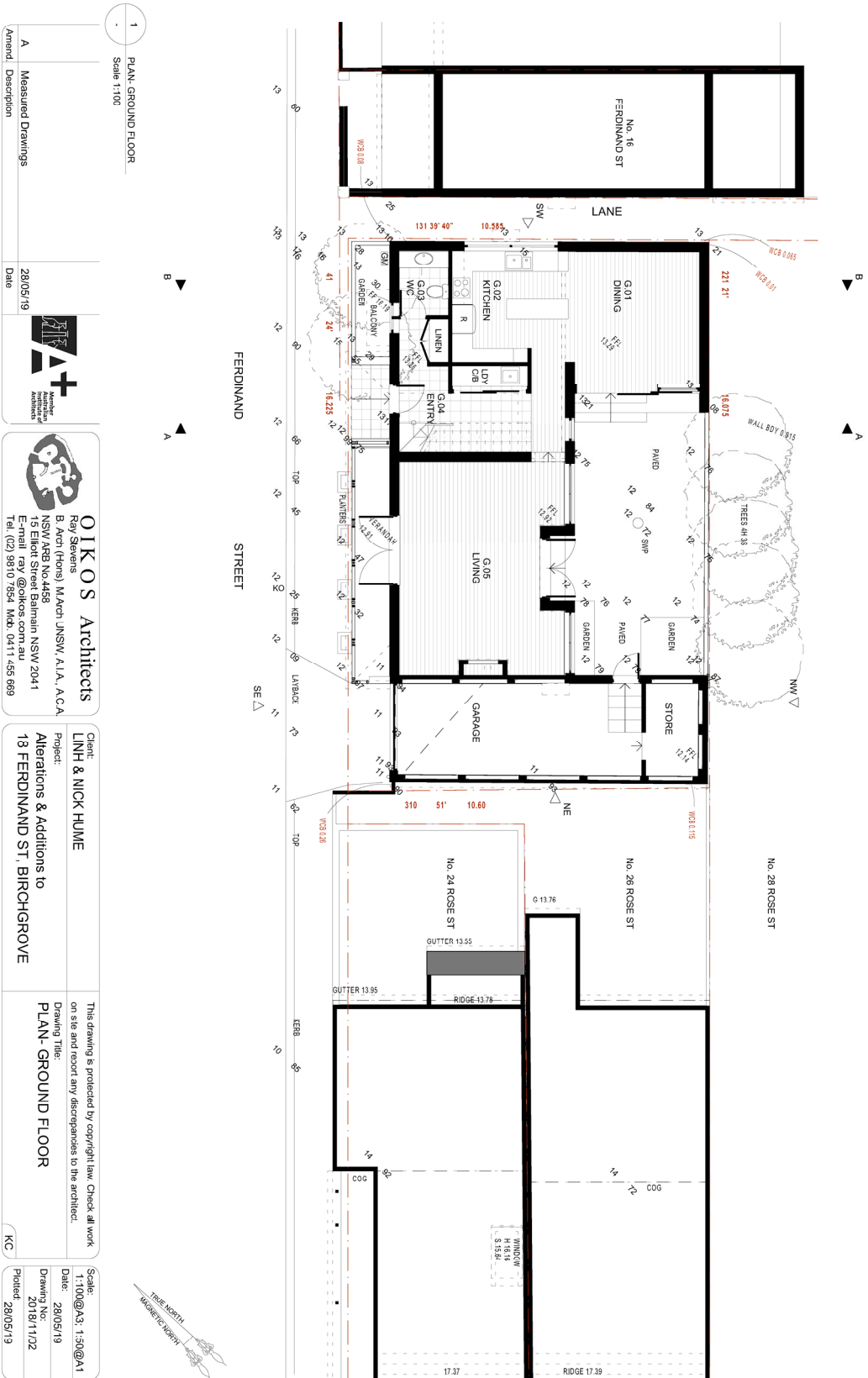
Project: **Alterations & Additions to 13 FERRIANDAND ST, BIRCHGROVE**

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Drawing Title: **PLANS- SITE, ROOF, SITE ANALYSIS & AREA SCHEDULE**

Scale: 1:200@A3
Date: 19/06/19
Drawing No: 2018/11/02
Plotter: 19/06/19





1	PLAN- GROUND FLOOR
Scale 1:100	

A	Measured Drawings	28/05/19
Amend.	Description	Date

AI+
Architects
Interior Architecture

AI+
Architects
Interior Architecture

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Architects
Interior Architecture

AI+
Architects
Interior Architecture

AI+
Architects
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Interior Architecture

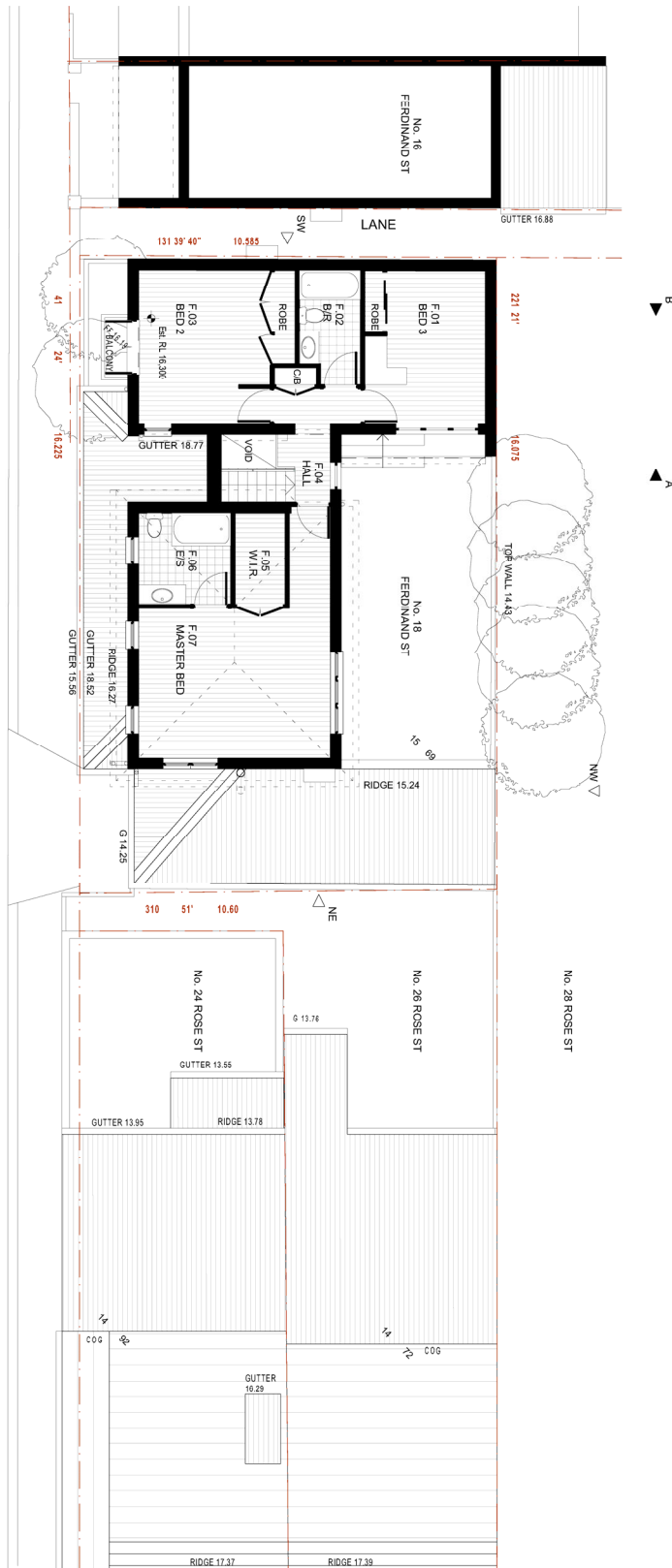
AI+
Architects
Interior Architecture

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Architects
Interior Architecture

AI+
Architects
Interior Architecture

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Architects
Interior Architecture

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Architects
Interior Architecture



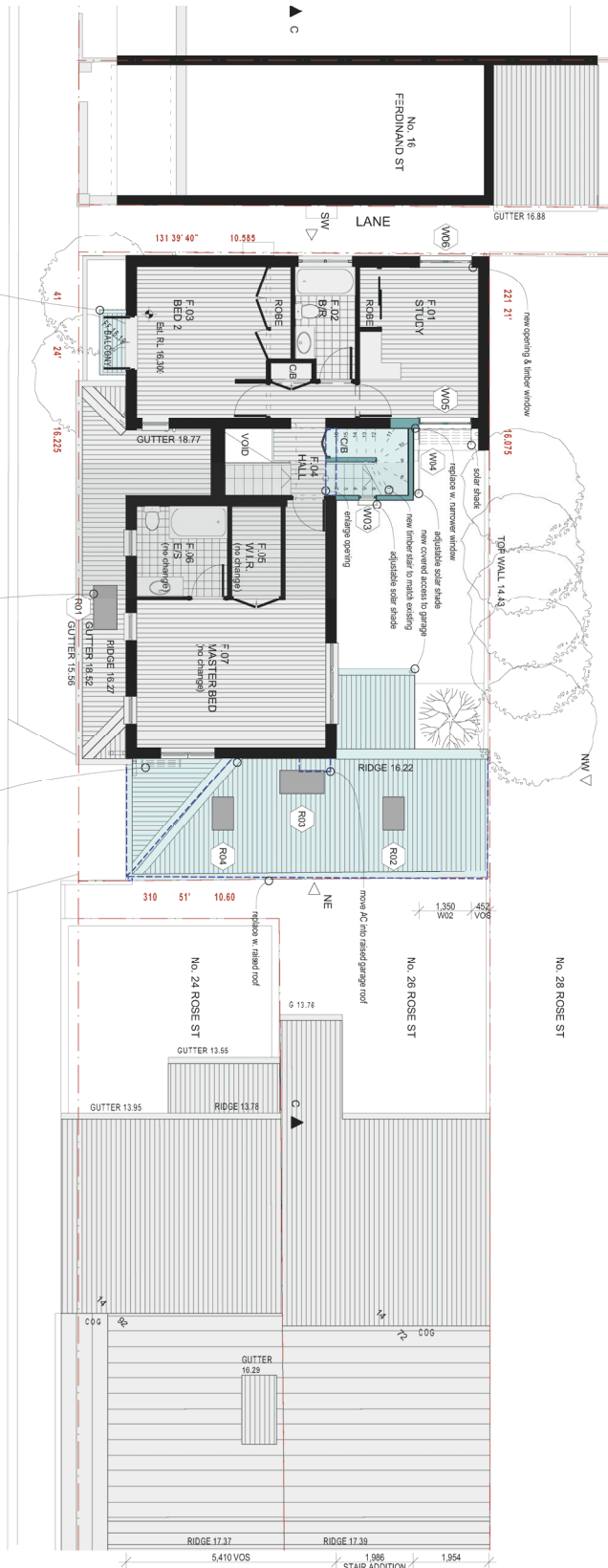
1 PLAN- FIRST FLOOR
Scale 1:100

Amend.	Description	Date			Client: LNH & NICK HUME Project: Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE	This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect. Drawing Title: PLAN- FIRST FLOOR	Scale: 1:100@A3 1:50@A1 Date: 28/05/19 Drawing No: 2018/11/03 Potted: 28/05/19
A	Measured Drawings	28/05/19	Ray Stevens NSW A&P NO.4498 F. Elmer Street, Baulkham Hills NSW 2041 Tel. (02) 9810 7864 Mob. 0411 455 689	IKOS Architects B. Acet (Phon) M. Acet JNSW, A.I.A., A.C.A. NSW A&P NO.4498 F. Elmer Street, Baulkham Hills NSW 2041 Tel. (02) 9810 7864 Mob. 0411 455 689	Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE	Drawing Title: PLAN- FIRST FLOOR	Scale: 1:100@A3 1:50@A1 Date: 28/05/19 Drawing No: 2018/11/03 Potted: 28/05/19



DIMENSIONS ARE CLEAR SIZES

4.820 VOS	1.934 STAIR	3.856	2.100 VOS
4.480	1.800	1.714	1.201
3.800 VOS	2.0	6.402	2.0



1 PLAN- FIRST FLOOR
Scale 1:100

B	DA Issue	19/06/19
A	DA Draft	03/06/19

AI+
Amoroso Architects

AI+
Amoroso Architects

AIKOS Architects
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NSW A33 NO.4438
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Tel. (02) 9810 7854 Mob. 0411 455 669

Client: **LNH & NICK HUME**
Project: **Alterations & Additions to 13 FERDINAND ST, BIRCHGROVE**

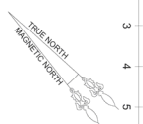
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Drawing Title: **PLAN- FIRST FLOOR**

Scale: 1:100@A3 1:50@A1
Date: 19/06/19
Drawing No: 2018/1104
Project: 19/06/19

LEGEND

	existing
	new



Attachment C- Clause 4.6 Exception to Development



Contents

1.0 Summary	2
2.0 Background	2
3.0 Proposal Summary	2
4.0 The Site	2
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6.0 Design Concept	4
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8.0 Assessment	4
8.1 Leichhardt LEP 2013	5
7.2 DCP 2013	10
8.3 Pre-DA Advice	12

1.0 Summary

This Statement of Environmental Effects (SEE) is made to the Inner West Council in support of a Development Application for alterations and upper attic additions to be carried out to an existing two storey free standing house at No. 18 Ferdinand Street Birchgrove.

2.0 Background

The existing house at No. 18 Ferdinand Street is a two storey brick dwelling built around 1998/9. The house replaced an existing single storey timber cottage. There are several deficiencies in the house and approval is sought to increase the amenity of the house as well as to allow an improved working from home opportunity for the owners.

3.0 Proposal Summary

The proposed works would include;-

Ground floor

- demolition of the Northeastern side wall to the garage and its reconstruction on the boundary to allow increased parking width inside the garage,
- raise the height of the garage door to 2.4m and reconstruct the garage roof with a steeper pitch,
- construction of a covered link from the garage to a new side entry door for all weather access to and from the garage from the house,
- removal of the lattice screen to the verandah and construction of a new part timber part glass verandah screen and
- enclosed bin store on the end of the verandah.

1st floor

- Construction of a cantilevered stair access to the attic level.

Attic floor

- construction of a pitched roof with attic bedroom over the current flat roof portion of the house.

4.0 The Site

The site is located on the Northwestern side of Ferdinand Street near the corner with Rose Street Birchgrove. The site is defined as Lot 1 of DP 9979431 and comprises a parcel of land of 171.1sqm. It is a rectangular lot with a frontage to Ferdinand Street of 16.2m and a depth of 10.6m. The site is orientated approximately Southeast/Northwest.

The site has a strong fall toward Rose Street and the Northeast. Along the Southwestern boundary there is a narrow footway that gives access to the rear houses of facing Rose Street as well as those on Ferdinand Street to the Southwest.

Statement of Environmental Effects for Alterations & Additions to
No. 18 Ferdinand Street Birchgrove

24th June 2019

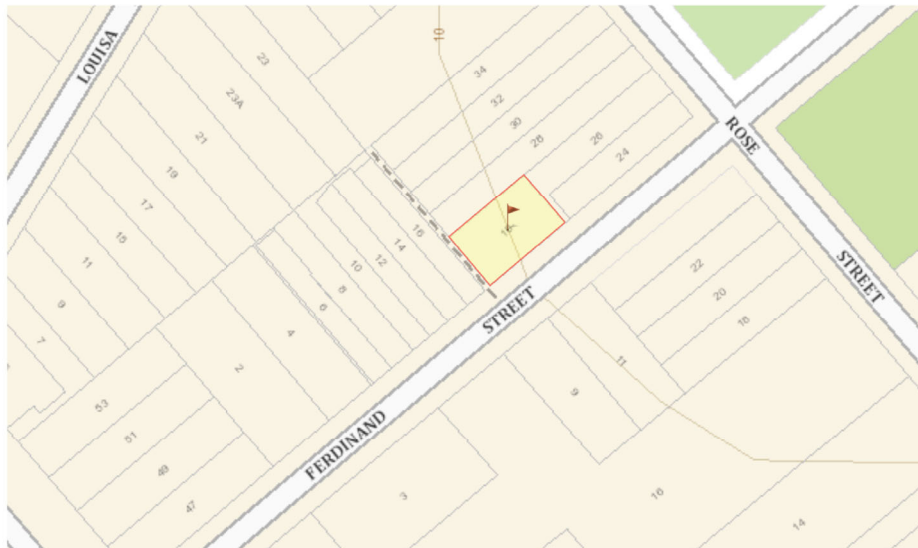


Image 2
Location plan for No. 18 Ferdinand Street Birchgrove. (Courtesy of Six Maps NSW LPI)

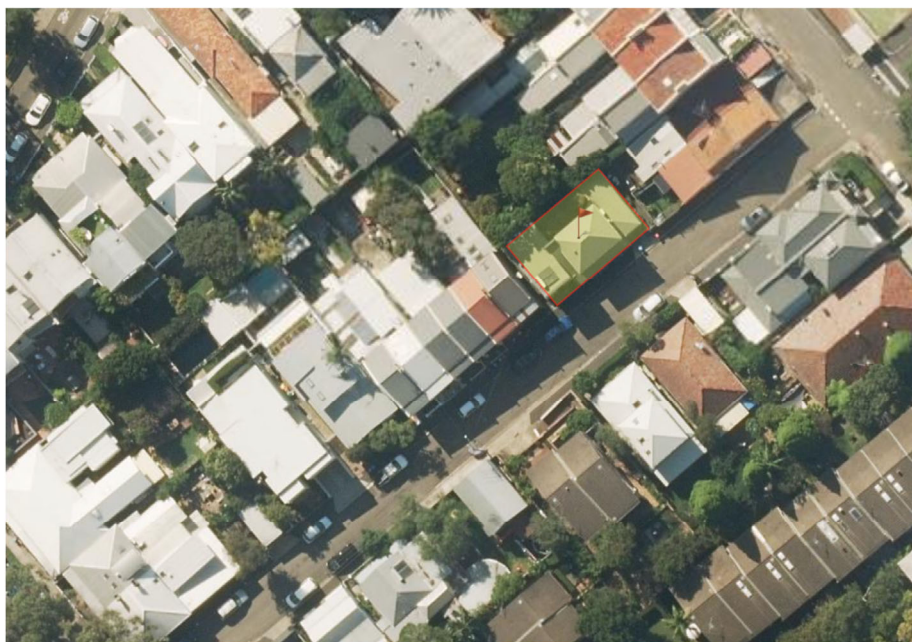


Image 3
Aerial view of No. 18 Ferdinand Street Birchgrove (Courtesy of Six Maps NSW LPI).

5.0 The Existing House

The existing house is a two storey brick dwelling built around 1998/9 and designed by Michael Robilliard & Associates Architects (refer to attached measured drawings). The house replaced an existing single storey timber cottage.

The house sits close to the street frontage and is built onto the boundaries on both sides. There is an enclosed garage on the lower Eastern side. There is a three-quarter width front verandah which is partly enclosed with lattice. The built form of the house is split into two parts with a central stair. On the left side, the two storey wing has a flat roof with a parapet and the main part of the house on the right hand side has a hipped roof.

There is a courtyard style area of private open space at the rear facing approximately North. Internally there are three bedrooms with the third bedroom at the rear being very small in size.

6.0 Design Concept

The proposed changes to the ground floor and 1st floor levels are modest. The proposed additions to the third level are proposed to be built into the attic roof space of a new pitched roof. Currently this roof is a parapet roof. This roof form is inconsistent with all the roof forms in this end of Ferdinand Street. All of the roofs except for the new house at No. 2 Ferdinand Street have gable or hipped roofs. The proposed roof form is consistent with the adjoining row of six terrace houses at No.6-14 Ferdinand Street. The proposed gable ended roof also forms an ordered transition in height from that of No. 16 to the hipped roof of No. 18 Ferdinand Street.

The street elevation of No.18 will still read as two separate built forms one with a gable roof and the other with a hipped roof and the mediating skillion roof of the stair. The raised roof of the garage will have minimal impact on the adjoining rear yards of No. 24 and 26 Rose Street as there is an intervening right of way and also the bulk of the two storey section of the house is the predominant form as seen from their respective rear yards.

7.0 Heritage Significance

7.1 The existing house

The existing house is a contemporary dwelling and hence does not make a contribution to the heritage area. Notwithstanding, the house has been designed as a well mannered infill house to sit within the conservation area.

8.0 Assessment

In order to comply with clause 50 and Schedule 1 of the Environmental Planning and Assessment Regulation 2000, the following matters related to this development application are addressed.

The Provisions of any LEP, DCP or Proscribed Matter
Considerations under the Leichhardt LEP and DCP are discussed as follows:-

8.1 Leichhardt LEP 2013

The following relevant provisions under LEP 2013 are discussed below.

Part 2 Land use zones

The site is within a Residential Zone R1 General Residential. The proposal is a permissible form of development within the residential zone R1.

Part 4 Principal development standards

The site area is 171.1 m²
(Refer to site area calculations on the site analysis plan).

4.3A (3)(a) Landscaped area

The existing & proposed area is 6.48 m²
The percentage area is 3.8%

Notwithstanding there is no reduction a Clause 4.6 is included as the existing/ proposed area is below the standard of 15%

(3)(b) Site cover

There will be a slight increase in site cover due to the increase in the garage width and the cantilevered stair well. The building site cover area is 122.5 m² which gives a site cover of :-

The existing site cover is $117.41/171.1 = 67.7\%$.
The proposed site cover is $121.05/171.1 = 70.7\%$

This is above the standard of 60% maximum in the LEP. A clause 4.6 Exemption is included.

4.4 Floor space ratio

Proposed gross floor area:-

• ground floor	100.92 m ²
• first floor	71.36 m ²
• attic floor	23.63 m ²
Total	197.54 m ²
Proposed FSR	1.15:1

This is above the LEP standard of 0.9:1 for lots of 150-299.9 m². A clause 4.6 Exemption is therefore included.

4.6 Exemption to development standards

An exemption is sought to vary the following development standards:-

- Site Coverage – Clause 4.3A(3)(a)(ii) of LEP 2013
- Site Coverage – Clause 4.3A(3)(b) of LEP 2013
- Floor space ratio - Clause 4.4(2) of LEP 2013

The key objectives of clause 4.6 states:-

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

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

The general objectives of the Residential R1 zoning are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To improve opportunities to work from home.
- To provide housing that is complementary to and compatible with, the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.

To meet the objectives of clause 4.6 for design flexibility and to achieve better design outcomes in the particular circumstances, it is necessary to test the proposal in terms of the objectives for residential development in order to justify the contravention of the development standard.

In regard to clause 4.3A(3)(a)(ii), the proposed development has a landscaped area of 3.8%.

In regard to clause 4.3A(3)(b), the proposed development has a site cover of 70.7%.

In regard to clause 4.3A(2) of LEP 2013, the proposed development has a FSR of 1.02:1.

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

Zoning objectives

In regard to justification in meeting general objectives of the Residential R1 zoning it is argued that;

"To provide for the housing needs of the community"

The development proposal meets the housing needs of the owners and the community at large. It allows improved and contemporary housing and accommodation options on the site with options for a home office usage.

"To provide for a variety of housing types and densities"

The proposal provides a contemporary design solution to modern house that has been designed for residential use.

"To improve opportunities to work from home"

The premises are also used as a home work situation.

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

The external presentation of the premises remains compatible with the existing house with minimal detrimental impact on the streetscape and surrounding houses.

What are the environmental planning grounds that justify contravening the landscaped area and site cover standards?

In regard to justification in meeting the general objectives of the landscaped area and site cover area standards, it is argued that the residential accommodation is an existing dwelling and there is no further reduction in landscaped area. The increase in site cover occurs because of a minimal cantilevered stair that is not seen easily from the street.

"to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents"

The existing landscaped area that is well established shall remain unchanged.

"to maintain and encourage a landscaped corridor between adjoining properties"

This is will be achieved as there shall be no reduction.

"to ensure that development promotes the desired future character of the neighbourhood"

The design is consistent with the desired future character of the neighbourhood under the DCP and the Conservation Area has been respected.

"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"

This is will be achieved as there will be no reduction.

"to control site density"

There is no increase in site density resulting from the proposal.

"to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space"

The footprint is largely maintained by the proposal at ground level.

FSR objectives

In regard to the objectives of Floor Space Ratio for residential accommodation in Zone R, the LEP states in clause 4.4 :-

- (1) The objectives of this clause is as follows:
 - (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,
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,
 - (b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

What are the environmental planning grounds that justify contravening the FSR and site cover standards?

In regard to justification in meeting the general objectives of the floor space ratio standards, it is argued that the residential accommodation;

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

The proposal increases the FSR by including the extended stair and the attic bedroom. While adding another level the overall height is consistent with the height established by the adjoining row of six terrace houses as well as the town houses opposite.

The FSR would be much closer to the numeric control of 0.9:1 if the garage was excluded. Council has argued that the required parking of 0-2 cars means any garage is included in gross floor area. An alternate view is only floor area over 2 cars should be included in calculating FSR. The validity of Council's legal presumption on this point has not been tested at this point for the Inner West Council but it has in other Council LGA's and there is a strong argument it should not be included in the calculation of FSR on that basis.

The effect of including the area in FSR is in effect to penalise houses with garages this is at odds with most Council's that mandate parking. There is also an anomaly in the DCP that requires units to have parking but not single residences. At the time was constructed the definition of FSR did not include garages.

"provides a suitable balance between landscaped areas and the built form"

The landscaping is maintained and hence the balance is maintained.

"minimises the impact of the bulk and scale of buildings"

There is a slight increase to the bulk of the building. However this has been minimised by containing the attic bedroom into a roof attic style addition.

Public interest

The proposed development shall be in the public interest because it will be consistent with the objectives of the development standards and with those of the R1 Residential zone for the reasons stated above. It will also allow reasonable flexibility in the application of numeric controls to achieve a benefit for the property owners and community and to sustain the heritage character of the area.

Conclusion

The proposed application is consistent with the objectives of the development standard for landscaped area, site cover and FSR and strict compliance to the stated standards would hinder attainment of the objectives specified in Section 5(a)(i) and (ii) of the EP&A Act for the;

- (i) proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,

The application will allow the occupants to develop the land in accordance with objectives of the EP&A Act in compliance to the objectives of the LEP and strict compliance to a numeric control is unreasonable or unnecessary in the circumstances of the case.

Part 5 Miscellaneous provisions

5.9 Preservation of trees and vegetation
No trees are proposed to be removed.

5.10 Heritage conservation
The site is within the Balmain/Rozelle Conservation Area (Image 6).

There are no scheduled items of heritage, within the immediate area.
The nearest item is the Birchgrove Oval and the house cannot be easily seen from the park.



Image 6
No. 18 Ferdinand Street Birchgrove (shown with a red arrow) is located within the Balmain/Rozelle conservation area.

In regard to the LEP objectives, clause 5.10(1) states:-

- (a) to conserve the environmental heritage of Leichhardt,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The application meets these objectives by;

- the proposed additional accommodation is located to the rear and not seen from the street other than the attic addition and even then it is only seen indirectly.

- the changes to the verandah are consistent with the existing verandah which is already semi enclosed.

7.2 DCP 2013

The following relevant issues of the DCP 2013 are discussed below.

Part C Place

C1.3 Alterations & additions

In regard to the controls of C1.3, it is stated that;

- C1 The proposal is consistent with the Building Topologies.
- C7 The attic roof addition is consistent with the adjoining gable end of the row of terraces.
- C10 The rear additions are not seen from the street.

C1.4 Conservation areas

In regard to the controls of C1.4, it is stated that the application complies.

- C1 The proposal is consistent with the Building Topologies.
- C2 The house is not contributory to the conservation area due to its age.
- C5 The roof detail is a compatible contemporary form.

C1.12 Landscaping

There is no reduction in landscaped area.

C1.14 Tree management

There is are no trees that require removal or consideration.

C2.1 Suburb Profiles

The site lies within the C2.2.2.6 Birchgrove Distinctive Neighbourhood. The proposal generally meets the requirements of Desired Future Character controls in that;

- the design is sympathetic with the existing house and others in the vicinity.

C3.1 Residential general provisions

In regard to the controls of C3.1 it is stated that:-

- C1 The provisions for protection of the amenity and cultural significance are generally met.
- C2 The additions are located toward the 'rear' and are not seen from the street except for the gable roof which is consistent with the adjoining terrace house row. The additions are generally subservient to the main part of the house. The design is compatible and does not compete with the architectural character of the existing building and the surrounding houses.

C3.2 Site layout and building design

The site is atypical within the street. In regard to the controls of C3.2 it is stated that:-

- C1 The site has capacity for the additions as the proposal is located in a high density area of Balmain. There are numerous buildings of a similar height, scale and bulk in the area.
- C3 A strict application of the Building Location Zone is not appropriate in the circumstances. The upper floor is built upon the existing foot print but is also consistent with the form of the adjoining terrace house row.

C7&8 The proposed additions and alterations do not comply entirely with the side setback control. This is partly due to the topology of the house being a free standing house adjoining a narrow pedestrian lane and a right of way.

This clause allows for a site specific examination of the proposals under five heads of consideration;

a. the development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;

Comment: The proposal is consistent with the building topologies.

b. the pattern of development within the streetscape is not compromised;

Comment: The proposal is consistent with the adjoining row of terrace houses to the Southwest.

c. the bulk and scale of development is minimised by reduced floor to ceiling heights;

Comment: The bulk and scale has been minimised within the pitched roof form of the attic addition. The stair is minimised in terms of head height.

d. the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and

Comment: The impact has been minimised and is not unreasonable for an inner city location of medium density.

e. reasonable access is retained for necessary maintenance of adjoining properties.

Comment: The maintenance to the adjoining house is not impaired.

C3.3 Elevation & materials

In regard to the controls of C3.3 it is stated that:-

C4 The objectives are generally met.

C5 The front verandah is currently enclosed with lattice that is about 80/20 timber to opening and is effectively enclosed. This is largely due to the verandah being right on the front boundary and hence suffers security and privacy problems. It is argued that enclosing the verandah with a timber vertical balustrade to 900mm height with glazed panels above, will actually provide the same degree of security but will make the verandah feel more open than it currently stands.

C3.4 Dormer windows

C1 The objectives are generally met.

C2 The front dormer windows extends to about 25% of the new pitched roof form.

C4 There is 300mm set down to the top of the dormer from the ridge of the mansard roof.

C8 The dormers comply.

C3.7 Environmental performance

The controls are generally met and the design is subject to a BASIX Certificate.

C3.8 Private open space

The private open space is provided at the rear and is not diminished.

- C3.9 **Solar access**
Shadow diagrams have been included for intervals of 9:00am, noon to 3:00pm for midwinter. There are no unreasonable impacts to the adjoining side properties that would preclude approval in a dense inner-city location.
- C3.10 **Views**
There are no views that will be unreasonably affected.
- C3.11 **Visual privacy**
In regard to privacy to adjoining properties, there is no unreasonable impact on the amenity of adjoining houses..
- E1.1.1 **Water management statement**
Please refer to the included stormwater concept plans. In regard to the controls of E1.1 it is stated that:-
- a) Water conservation measures: Are covered by the required BASIX statement.
 - b) Stormwater management & treatment: The existing stormwater system shall remain and new connections will be made into the existing system leading to the front street kerb.
 - c) Stormwater management disposal: The existing system shall remain and new gutters connected to the existing downpipes, which connect into the front stormwater line discharging to the kerb on Ferdinand Street.
 - d) Other waste water measures: No other measures are proposed.
 - e) OSD: There is no increase in impervious surfaces. Also the extent of the additional area is minor and would not constitute a 'major development' under the DCP **hence No OSD is required.**
 - f) flood risk management: The site is not located within a flood zone.

8.3 Pre-DA Advice

A Pre-DA was lodged for the proposal. Key issues raised in the written advice have been addressed in this revised design based on the advice;

Heritage Issues:

Issue raised: Any front dormer must be vertically proportioned and have a contemporary design to minimise its appearance from side views along Ferdinand Street. I.e. delete any roof element.

Comment: The curved dormer is a contemporary detail and also relates to the existing feature ocular window.

Issue raised: The existing parapet is to be retained;

Comment: This has been done.

Issue raised: Any front terrace must not be more than 800mm depth when measured in Section B-B in order to minimise its appearance from side views along Ferdinand Street;

Comment: This has been met.

Issue raised: Glazed balustrade to the top terrace must be replaced with metal rail balustrades;

Comment: This has been changed to a vertical batten/balustrade. Similar detail is proposed for the replacement balustrade to the 1st floor balcony, the verandah and the garage vertical lift door..

Issue raised: The staircase is to be reduced to a maximum of 2.2m measured from tread to ceiling for its entire run. Roof lights or windows must not face Ferdinand Street elevation. N.B Alternatives to accommodate the staircase internally are recommended in order not to break the massing of the two volumes that characterise this sympathetic infill;

Comment: Relocating the stair internally is not possible without losing an entire bedroom and hence negating the proposed additional bedroom. The height to the stair has been minimised and the windows have been moved to the side.

Issue raised: Repitching of the garage roof should be an opportunity to conceal the A/C unit to the north east elevation;

Comment: This has been done.

Neighbour amenity

Issue raised: Shadow diagrams;

Comment: This has been provided and the impact is minimal.

Stormwater

Issue raised: Stormwater requirements;

Comment: This has been provided and the impact is minimal.

Vehicular access

Issue raised: Parking compliance;

Comment: No changes are proposed to the already approved garage other than making it slightly wider and hence making it more compliant than it is currently in terms of width and height. No changes to the kerb crossing will result from these very minor changes and there is no need to provide any sections as the driveway was approved by Council in its current form.

Numeric Compliance

Issue raised: Clause 4.6 required;

Comment: This has been provided.

Attachment D – Statement of Heritage Significance

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Area 12 The Valley (Rozelle and Balmain)

Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.

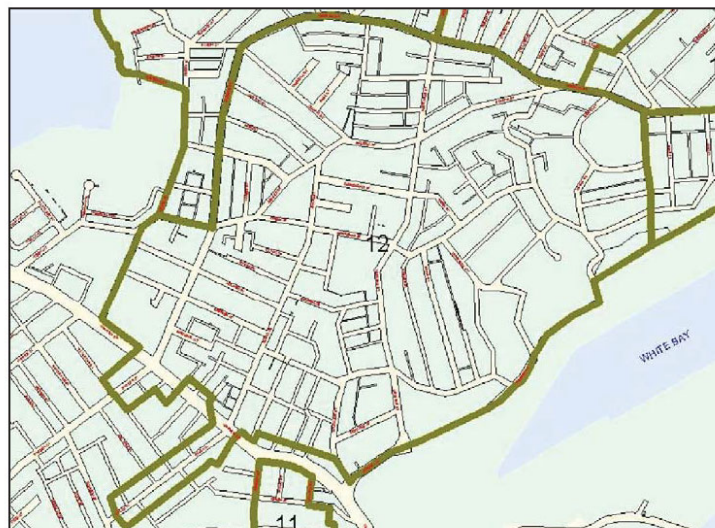


Figure 12.1 The Valley Conservation Area Map.

History

When sales of John Gilchrist's Balmain 550-acre grant were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections, using existing routes such as Darling Street, and other contour-hugging tracks, such as Beattie Street and Mullens Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

The largest of the estates put together from Langley's subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid

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pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for rentees or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archiveⁱ suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

Sources

Solling, M and Reynolds, P 1997, 'Leichhardt: on the margins of the city', *Leichhardt Historical Journal*, Vol. 22, Allen and Unwin.

Further information provided by Max Solling.

Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.

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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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Statement of Significance or Why the Area is Important

- One of a number of conservation areas which 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 for illustrating development for workers' and artisan housing particularly from 1871-1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).
- Retains evidence of all its layers of growth within that period from the late-1870s.
- Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.
- Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.
- Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.
- Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

Maintenance of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

- ¹ Solling & Reynolds, p 81.
-