





# INNER WEST

## SUPPLEMENTARY PANEL REPORT

<b>Application No.</b>	DA/2020/0136
<b>Address</b>	62 Alfred Street ANNANDALE NSW 2038
<b>Original Proposal</b>	New garage and secondary dwelling over to rear and associated works
<b>Amended Proposal</b>	Construction of a two-storey structure at rear of site comprising lower level storage area for canoes and kayaks and an upper level studio
<b>Date of Lodgement</b>	28 February 2020
<b>Applicant</b>	Billie Harkness C/- Saturday Studio Pty Ltd
<b>Owner</b>	Billie B Harkness Mr Wilson DR Cuervo
<b>Number of Submissions</b>	One (1)
<b>Value of works</b>	\$120,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation to FSR exceeds 10%
<b>Main Issues</b>	Impacts on Conservation Area Contrary to pattern of development and desired future character Unsatisfactory on-site and off-site amenity impacts Unacceptable flood risk Adverse impacts on existing vegetation Variation to FSR and Site Coverage Site suitability.
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Amended Plans
<b>Attachment B</b>	Without Prejudice Conditions of Consent (if approved)
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards – Site Coverage
<b>Attachment D</b>	Original IWLPP Report and Architectural Plans



### LOCALITY MAP

Subject Site		Objectors		N ↑
Notified Area		Supporters		

## 1. Summary

This report concerns an assessment of amended plans and additional supporting documentation submitted to Council on the 28 September 2020 in response to the resolution of the Inner West Local Planning Panel (IWLPP) meeting of 8 September 2020 in relation to a Development Application for new garage and secondary dwelling at 62 Alfred Street, Annandale. The application was originally reported to the IWLPP with a recommendation for refusal, however the Panel resolved to defer the application to allow for the submission of amended plans to address the reasons for refusal.

The applicant now proposes a two-storey structure at the rear of the site comprising lower level storage area for canoes and kayaks and an upper level studio of a similar form, scale and design as the original proposal. Given the largely similar building envelope as compared to the original design, the amended plans did not require renotification.

In addition to the amended plans, the applicant also submitted:

- an amended Arboricultural Impact Assessment report
- a consent letter from the owners of No. 52 Alfred Street to trim the tree at the rear of their site, and a Root Investigation Report
- an amended Flood Risk Management Report
- an amended Heritage Impact Statement
- an amended Statement of Environmental Effects and
- a Clause 4.6 request relating to the Site Coverage development standard.

The amended proposal has not satisfactorily addressed the majority of Council's previous recommended reasons for refusal, and hence, the application remains unsupportable. Refusal of the application remains recommended.

## 2. Background

A report assessing Development Application for a new garage with secondary dwelling over and associated works at 62 Alfred Street, Annandale was considered by the IWLPP at its meeting on 8 September 2020.

As per the original assessment report (Attachment D), the original proposal was recommended for refusal for the following reasons:

1. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
  - a) Clause 1.2 – Aims of the Plan\
  - b) Clause 2.3 – Zone objectives and Land Use Table
  - c) Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
  - d) Clause 4.4 – Floor Space Ratio
  - e) Clause 4.6 – Exceptions to Development Standards
  - f) Clause 5.10 – Heritage Conservation
  - g) Clause 6.3 – Flood Planning
2. The proposed development does not comply with Clause 22(3) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

3. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
  - a) Clause C1.0 - General Provisions
  - b) Clause C1.3 – Alterations and Additions
  - c) Clause C1.4 – Heritage Conservation Areas and Heritage Items
  - d) Clause C1.11 Parking
  - e) Clause C1.14 – Tree Management
  - f) Clause C1.18 – Laneways
  - g) Clause C.2.2.1.1: Young Distinctive Neighbourhood
  - h) Clause C3.1 - Residential General Provisions
  - i) Clause C3.2 - Site Layout and Building Design
  - j) Clause C3.3 - Elevation and Materials
  - k) Clause C3.8 - Private Open Space
  - l) Clause C3.9 - Solar Access
  - m) Clause C3.11 - Visual Privacy
  - n) Part E1.3.1 - Flood Risk Management
4. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
5. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

At the IWLPP Meeting of 8 September 2020, the Panel resolved to defer the determination of the application as follows:

*“The applicant submitted a request for this matter to be deferred to the next Panel meeting. The Panel agrees to defer this matter, provided that an amended application is submitted by Tuesday, 29 September 2020.*

*Reasons for deferral:*

1. *There are environmental management issues in relation to flooding and the protection of significant native trees which need to be properly resolved.*
2. *The Panel agrees with Council’s assessment that residential amenity issues such as overlooking remain unresolved and could be readily addressed by an amended design.*

*The decision of the panel was unanimous.”*

### 3. Amended Plans and Additional Information

Compared to the original scheme, the amended proposal has carried out the following amendments:

- Nominates the lower ground floor as a storage area for canoes and kayaks;
- Deletion of the slatted timber wall to the eastern elevation of the lower ground floor level;
- Nominates the first floor as “habitable space” or as a studio (no room names are nominated on the submitted plans); and
- Provides a shallower pitch to the southern roof plane of the new building.

The proposal is otherwise of a similar form, scale and design and appearance as the original proposal.

Submitted with the amended plans were an amended Arboricultural Impact Assessment report, a consent letter from the owners of No. 52 Alfred Street to trim the tree at the rear of their site, a Root Investigation Report, an amended Flood Risk Management Report, an amended Heritage Impact Statement, an amended Statement of Environmental Effects and a Clause 4.6 Exceptions to Development Standards request relating to the Site Coverage development standard prescribed in Clause 4.3A(3)(b) of the Leichhardt Local Environmental Plan 2013 (LLEP2013).

### 4. Planning Assessment

As part of this supplementary assessment, Council officers have reviewed each of the original concerns/ reasons for refusal as outlined in the original report within Attachment D against the applicant's amended plans and information, and provides the following responses:

1. *The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:*
  - a) *Clause 1.2 – Aims of the Plan*
  - b) *Clause 2.3 – Zone objectives and Land Use Table*
  - c) *Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1*
  - d) *Clause 4.4 – Floor Space Ratio*
  - e) *Clause 4.6 – Exceptions to Development Standards*
  - f) *Clause 5.10 – Heritage Conservation*
  - g) *Clause 6.3 – Flood Planning*

This reason for refusal has not been resolved by the amended plans and additional information submitted by the applicant. Additional assessment is provided below regarding the specific LEP Clauses.

#### Clause 1.2 – Aims of the Plan

Due to the concerns raised below with respect to breaches of development standards, adverse streetscape and heritage impacts, incompatibility with the existing pattern of development, unsatisfactory off-site amenity outcomes, flood risk management and adverse impacts on existing vegetation, the proposal does not demonstrate compliance with parts (c), (d), (l), (u), (v) and (w) of Clause 1.2 of the LEP as set out in the original assessment report.



Clause 2.3 - Land Use Table and Zone Objectives

The proposal is considered to be incompatible with the streetscape, Heritage Conservation Area and pattern of development in the area. The proposal also has not adequately resolved flood risk for the future occupants of the studio, adverse impacts on existing vegetation and adverse bulk and scale and overshadowing and privacy impacts on adjoining properties. In light of the above, the proposal does not achieve compliance with the following objectives of the zone.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

Clause 4.3A(3)(b) – Site Coverage

A maximum site coverage of 60% of the total site area or 136.56sqm applies to the site as prescribed in Clause 4.3A(3)(b) of the LLEP 2013. Based on Council's calculations, the proposal will result in a Site Coverage of 64.74% or 147.35sqm which equates to a 7.90% breach of the Site Coverage standard.

A Clause 4.6 Exception to Development Standard has been provided in relation to Site Coverage and is assessed below under *Clause 4.6 Exceptions to Development Standards*.

Clause 4.4 – Floor Space Ratio

An FSR of 0.8:1 applies to the site as prescribed in Clause 4.4 of the LLEP 2013. The applicant's Statement of Environmental Effects (SEE) states that the proposed FSR will be 0.76:1. A dimensioned set of plans that included calculations for FSR was provided by the applicant which shows that the canoe/kayak store (garage) was not included in FSR calculations. Given that the canoe/kayak store (garage) is enclosed on more than 2 sides and not contained in a basement, it is required to be included in FSR calculations. Based on Council's calculations, the proposal will result in a Floor Space Ratio of 0.9:1 (205.25sqm) which equates to a 12.73% variation of the FSR development standard prescribed in Clause 4.4 of the LLEP 2013.

Notwithstanding the numerical non-compliance, it was the conclusion of the original assessment that the proposed bulk and scale of the new development, particularly at the upper level, was not in keeping with the surrounding character and would result in amenity impacts. By attempting to make reductions in GFA at the ground floor (albeit unsuccessfully, in Council's assessment), the applicant has not adequately resolved this original impact.

No Clause 4.6 Exception to Development Standard has been provided in relation to the Floor Space Ratio variation. On this basis alone, the application is unsupportable.

Clause 4.6 Exceptions to Development Standards

As noted above, the proposal results in a breach of the following development standard in which a Clause 4.6 Exceptions to Development Standards variation has been submitted:

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

### Site Coverage

The applicant seeks a variation to the site coverage development standard under Clause 4.3A(3)(b) of the Leichhardt LEP by 7.90% or 147.35sqm.

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

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

A written request has been submitted to Council in accordance with Clause 4.6(3) of the applicable local environmental plan justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposal achieves the zone objectives notwithstanding the proposed contravention because it provides for the housing needs of the community and does not cause unacceptable streetscape or amenity impacts, as explained in the submitted statement of environmental effects.*
- *The proposal retains a substantial tree and provides more than the required amount of soft landscaping, and therefore achieves the landscaping objective notwithstanding the proposed contravention in relation to site coverage.*
- *The proposal contributes to the provision of a landscaped corridor by providing landscaping in between the dwelling and the rear structure as well as retaining the substantial tree.*
- *The proposed rear structure assists in maintaining the streetscape character of the rear lane by providing a structure that addresses and relates to the lane.*
- *The proposal complies with relevant hydraulic requirements, as demonstrated in documentation accompanying the development application.*
- *The proposal complies with the relevant density standard.*
- *The proposal provides more than adequate soft landscaping and private open space notwithstanding the proposed contravention.*
- *The proposal results in a better outcome than a form of development that would comply with the site coverage standard because the proposal requires the proposed amount of site coverage in order to provide an adequate storage area accessible from the rear lane. That adequate storage area is appropriate for meeting the needs of occupants of the dwelling house and represents a good use of the rear lane, in that way in which rear lanes are traditionally used. If strict compliance were required, it would become untenable for there to be such a structure on the subject site adjacent to the rear lane, because such a structure would become too small to be reasonably usable.*

The applicant's written rationale has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, or that there are insufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is not in the public interest because it is not consistent with the objectives of the R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The proposal does not provide development that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- The proposal does not protect and enhance the amenity of existing and future residents and the neighbourhood.

It is considered the development is not in the public interest because it is inconsistent with the following objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan:

- a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- b) *to maintain and encourage a landscaped corridor between adjoining properties,*
- c) *to ensure that development promotes the desired future character of the neighbourhood,*
- d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- e) *to control site density,*
- f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

As a result, and as originally recommended, the Clause 4.6 request to contravene the Site Coverage development standard is not supported.

#### Clause 5.10 – Heritage Conservation

The amended/ additional information was referred to Councils Heritage officer who provided the following comments:

*The revised drawings, Revision No. 01, prepared by Saturday Studio, were reviewed as part of this assessment.*

*The revised drawings do not address any of the previous concerns. Therefore, the previous comments in the Heritage Referral, dated 1 May 2020, still apply.*

*The revised drawings do include a Schedule of Exterior Finishes. Colorbond “Wallaby” is proposed for the roofing, which is acceptable. The proposed GB honed block, charred wood cladding and timber screen and the natural grey, micaceous iron oxide on steel for the rear fence are not acceptable. As previously advised, greys and blacks are not acceptable and must be avoided.*

*A HIS has been prepared by Heritage 21. The conclusion that there are no aspects of the proposal which could be detrimental to the significance of the Annandale HCA is disagreed with. The proposed form, shape materials and fenestration are not sympathetic, nor characteristic to the Annandale HCA. Therefore the proposal is not consistent with the desired future character of the Young Distinctive Neighbourhood, which is inconsistent with Objective O1 of C2.2.1.1 of the DCP.*

This matter is not resolved by the amended plans and additional information submitted by the applicant. Original concerns outlined within Attachment D remain valid and unresolved. The proposal continues to result in a build form and development outcome which presents as an unsympathetic two-storey structure and is not in keeping with the character of the Annandale Heritage Conservation Area or the development controls set out by Council.

Clause 6.3 – Flood Planning

The amended plans and information were referred to Council's Engineer who provided the following comments:

*The proposed development is not supported as proposed for the following reasons:*

- *The site is a flood control lot with habitable studio proposed within a high hazard flood area in the 100-year flood event. The proposal should be amended to provide an evacuation route from the studio that is at least flood free to the Flood Planning Level 100-year flood level plus 500mm freeboard) which is at or about RL8.95m AHD in accordance with Section E1.3.1 (Controls C1, C2, C8 and C9) of DCP 2013.*
- *A Stormwater Drainage Concept Plan (Section E1.1.3) incorporating on site detention (OSD) and/or on site retention for rainwater reuse (OSR) in accordance with Section E1.2.3 (C2 and C3) for a new dwelling is required.*

Council's Engineers have advised that, in order to satisfy Point 1, an evacuation route (elevated above ground) would have to be provided directly from the rear of the studio to the rear yard between the studio and the main dwelling. This has not been provided by the amended scheme, nor have the potential amenity impacts (privacy) on neighbours of such an arrangement been addressed by the amended proposal. Flooding is a development issue which carries a significant risk to life and property and must be resolved prior to the granting of consent.

Given the above, the proposal has not satisfactorily addressed the flooding concerns raised in the original assessment (see attachment D). The proposal is not supportable with respect to flooding.

2. *The proposed development does not comply with Clause 22(3) of State Environmental Planning Policy (Affordable Rental Housing) 2009.*

The description of the application has been amended, proposing a first floor studio in lieu of a secondary dwelling. This reason for refusal is therefore no longer applicable to the application.

Notwithstanding, the amended design is still not supported by Council Officers, given that the amended plans and additional information have not addressed the following reasons for refusal as noted below:

3. *The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:*
  - a) *Clause C1.0 - General Provisions*
  - b) *Clause C1.3 – Alterations and Additions*
  - c) *Clause C1.4 – Heritage Conservation Areas and Heritage Items*
  - d) *Clause C1.11 Parking*
  - e) *Clause C1.14 – Tree Management*

- f) *Clause C1.18 – Laneways*
- g) *Clause C.2.2.1.1: Young Distinctive Neighbourhood*
- h) *Clause C3.1 - Residential General Provisions*
- i) *Clause C3.2 - Site Layout and Building Design*
- j) *Clause C3.3 - Elevation and Materials*
- k) *Clause C3.8 - Private Open Space*
- l) *Clause C3.9 - Solar Access*
- m) *Clause C3.11 - Visual Privacy*
- n) *Part E1.3.1 - Flood Risk Management*

This reason for refusal has not been fully resolved by the amended plans and additional information submitted by the applicant. Detailed commentary is provided below:

#### Clause C1.0 – General Provisions

The proposal remains incompatible with the streetscape and heritage conservation area, and will result in adverse amenity impacts on adjoining properties in terms of bulk and scale and overshadowing and privacy. The development remains an unsatisfactory response to the flooding constraints of the site and Council's tree management controls, and hence, does not satisfy Objectives O3, O4 and O6 of this clause.

#### C1.3 – Alterations and Additions

The proposal seeks consent for construction of a new building at the rear of the site, and this Clause is there not relevant to the proposal under assessment and is to be deleted as a reason for refusal.

#### C1.4 Heritage Conservation Areas and Heritage Items, C1.18 Laneways, C.2.2.1.1: Young Distinctive Neighbourhood and C3.3 Elevation and Materials

As noted above, the proposal is of a similar form, scale and design and appearance as the original proposal. Therefore, the same concerns as raised in the original report and raised by Council's Heritage Advisor remain relevant, and the following elements of the design are unsatisfactory:

- The building alignment of the new two storey structure;
- The angled form of the western elevation of the new two storey structure;
- The mansard roof form of the new two storey structure;
- Elevational treatment including the proposed large window openings and non-traditional design of window opening; and
- Non-contributory materials and finishes of the new structure.

Given the above, it is considered that the bulk, scale, form, materials, and general design and appearance of the proposed building will result in a development that is detrimental to the

Heritage Conservation Area and contrary to the provisions and objectives of the above Clauses of the LDCP2013.

#### Clause C1.11 - Parking

As previously noted, the plans nominate the lower ground floor being used as a storage space for canoes and kayaks, however, the design at lower ground floor (with the exception of the removal of the east facing timber slat wall) remains the same design and configuration as previously proposed, with a garage door to the laneway. The lower ground floor has therefore been considered as a garage space as nothing is precluding its future use as a garage.

The application was referred to Councils Engineer who provided the following comments with respect to the proposed canoe/kayak store (garage):

*The proposed garage dimensions do not comply with AS2890.1:2004 with respect to clear internal dimensions.*

For this and other reasons, non-compliance with Clause C1.1 of the LDCP2013 remains a valid reason for refusal.

#### Clause C1.14 – Tree Management

The application was referred to Councils Tree Management officer who provided the following comments:

*A review of the submitted Arboricultural Root Investigation Report, prepared by Urban Arbor, dated 7/09/2020 has found that the application cannot be supported in its current format.*

*The report has stated that the exploratory root mapping was unable to be completed for trench 4 due to obstruction from temporary toilet facilities. In addition, a large root was located in trench 2 measuring 220mm in diameter. Given the above, it is considered that it has not been demonstrated that the trees on site will remain viable as a result of the proposal.*

#### Clause C3.1 – Residential General Provisions

The proposal remains incompatible with the streetscape and heritage conservation area, will result in adverse amenity impacts on adjoining properties, and hence, remains an unsatisfactory response to Objectives O3, O4 and O7 (as listed in the original report) of this Clause.

#### Clause C3.2 – Site layout and Building Design

The siting, form, and side wall heights and setbacks of the original proposal remain unchanged from the original scheme, and hence, the concerns raised in the original assessment report with respect to non-compliance with the provisions of this clause remain relevant, and this remains a reason for refusal.

#### Clause C3.8 Private Open Space

The application has been amended so as to not propose a secondary dwelling, and therefore, the private open space requirements for a secondary dwelling are no longer applicable, and as such, these previously recommended reasons for refusal been resolved.

#### Clause C3.9 Solar Access

As previously noted, the proposal has been amended to reduce the pitch of the southern roof plane of the new building at the rear of the site. Subsequently, the applicant submitted amended shadow diagrams. The submitted shadow diagrams are inconsistent with Council's requirements in that shadow diagrams must distinguish the extent of shadows cast by all

existing and proposed buildings, including fences and buildings on adjoining land and areas of private open space of those buildings where relevant. It is noted that the shadows cast by the existing boundary fence of No. 52 Alfred Street have not been identified. Notwithstanding, and in accordance with the original solar access assessment in Attachment D, it can be reasonably determined that shadows cast by the existing boundary fence will result in solar access being less than one hour between 9am to 3pm during the winter solstice to 50% of the POS of No. 52 Alfred Street, and as such, does not comply with the following controls:

- C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

It is considered that the solar access non-compliances and impacts have not been adequately addressed by the amended design and as such the proposal is recommended for refusal.

#### Clause C3.11 Visual Privacy

The amended plans and additional information have proposed no change to the previous design in order to resolve the outstanding issues regarding visual privacy. The external stair design, elevation and orientation and entry landing have not been amended, and as such, is considered that the visual privacy impacts raised in the original assessment have not been adequately addressed.

#### E1.3.1 - Flood Risk Management

As noted previously, flooding related issues remain unresolved, and therefore, this remains a reason for refusal.

4. *The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.*

This concern has not been resolved. The amended proposal results in minimal change to the originally proposed building envelope or its impacts, and as such, the above reason for refusal remains.

5. *The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.*

Given the original non-compliances and impacts upon the neighbouring properties have not been addressed through the amended plans and additional information, it is considered that the approval of this application would be contrary to the public interest.

## **5. Conclusion**

Regarding the items referred to within the record of deferral, the proposal has not addressed all items satisfactorily. The Panel made specific mention of *environmental management issues in relation to flooding and the protection of significant native trees* which are discussed in detail above. Council's Engineers and Arborists have assessed the revised plans and information and advise that these matters are not adequately addressed to the point where a recommendation for approval could be made.



This supplementary report provides the additional information and considerations the IWLPP has requested. For reasons discussed previously in this report, refusal of the application remains recommended.

## 6. Recommendation

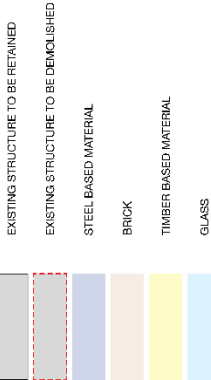
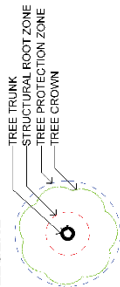
- A. That the Inner West Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. DA/2020/0136 for construction of a two-storey structure at rear of site comprising lower level storage area for canoes and kayaks and an upper level studio at 62 Alfred Street, Annandale for the following reasons.
  1. The proposed development is inconsistent and has not demonstrated compliance with the following relevant sections of the Leichhardt Local Environmental Plan 2013:
    - a) Clause 1.2 – Aims of the Plan
    - b) Clause 2.3 – Zone objectives and Land Use Table
    - c) Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
    - d) Clause 4.4 – Floor Space Ratio
    - e) Clause 5.10 – Heritage Conservation
    - f) Clause 6.3 – Flood Planning.
  2. The Clause 4.6 request to vary the development standard for the Site Coverage development standard prescribed in Clause 4.3A(3)(b) of the Leichhardt Local Environmental Plan 2013 does not demonstrate sufficient environmental planning grounds to vary the standard and the variation is not consistent with the objectives of the development standard or the zone in which the development is to be carried out.
  3. A Clause 4.6 request to contravene the development standard for Floor Space Ratio as prescribed in Clause 4.4 of the Leichhardt Local Environmental Plan 2013 is required but has not accompanied the application and, as such, there is a lack of jurisdiction to approve the application.
  4. The proposed development is inconsistent and has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
    - a) Clause C1.0 - General Provisions
    - b) Clause C1.4 – Heritage Conservation Areas and Heritage Items
    - c) Clause C1.11 Parking
    - d) Clause C1.14 – Tree Management
    - e) Clause C1.18 – Laneways
    - f) Clause C.2.2.1.1- Young Distinctive Neighbourhood
    - g) Clause C3.1 - Residential General Provisions
    - h) Clause C3.2 - Site Layout and Building Design

- i) Clause C3.3 - Elevation and Materials
  - j) Clause C3.9 - Solar Access
  - k) Clause C3.11 - Visual Privacy
  - l) Part E1.3.1 - Flood Risk Management
5. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
6. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

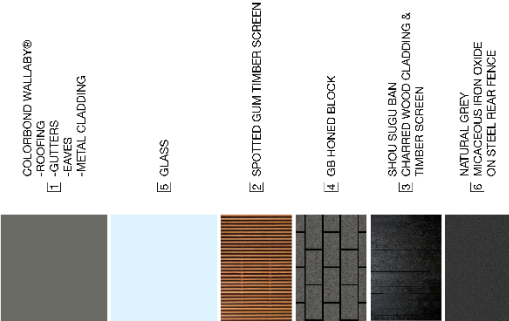
Attachment A – Amended Plans

62 ALFRED STREET ANNANDALE 43 SEC 25 DP 1225	
SITE AREA	227.6m <sup>2</sup>
EXISTING FLOOR AREA	144m <sup>2</sup>
PROPOSED FLOOR AREA	28m <sup>2</sup>
PROPOSED GROSS FLOOR AREA	142m <sup>2</sup>
ALLOWABLE FSR	0.8:1
PROPOSED FSR	0.75:1
MINIMUM REQ'D LANDSCAPE	34m <sup>2</sup>
PROPOSED LANDSCAPE	70m <sup>2</sup>
ALLOWABLE SITE COVERAGE(60%)	138m <sup>2</sup>
PROPOSED SITE COVERAGE	140m <sup>2</sup>
PROPOSED SITE COVERAGE	64m <sup>2</sup>
VARIATION TO SITE COVERAGE	4% (10m <sup>2</sup> )

LEGEND

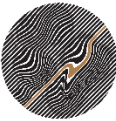


SCHEDULE OF EXTERIOR FINISHES

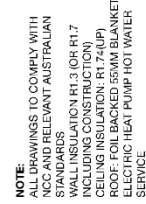



Saturday  
Studio

REYES HARKNESS  
62 ALFRED STREET ANNANDALE NSW  
DEVELOPMENT APPLICATION







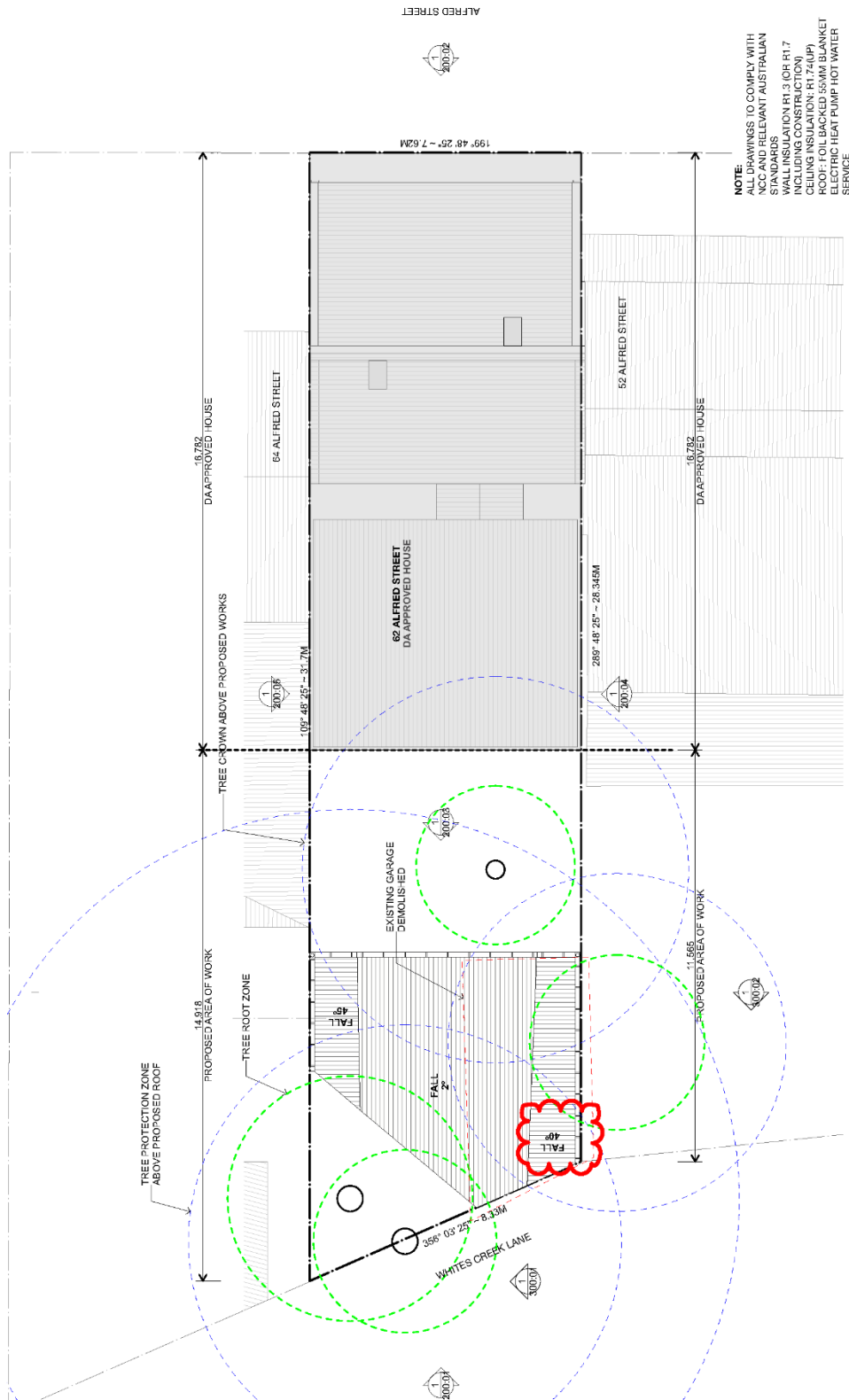
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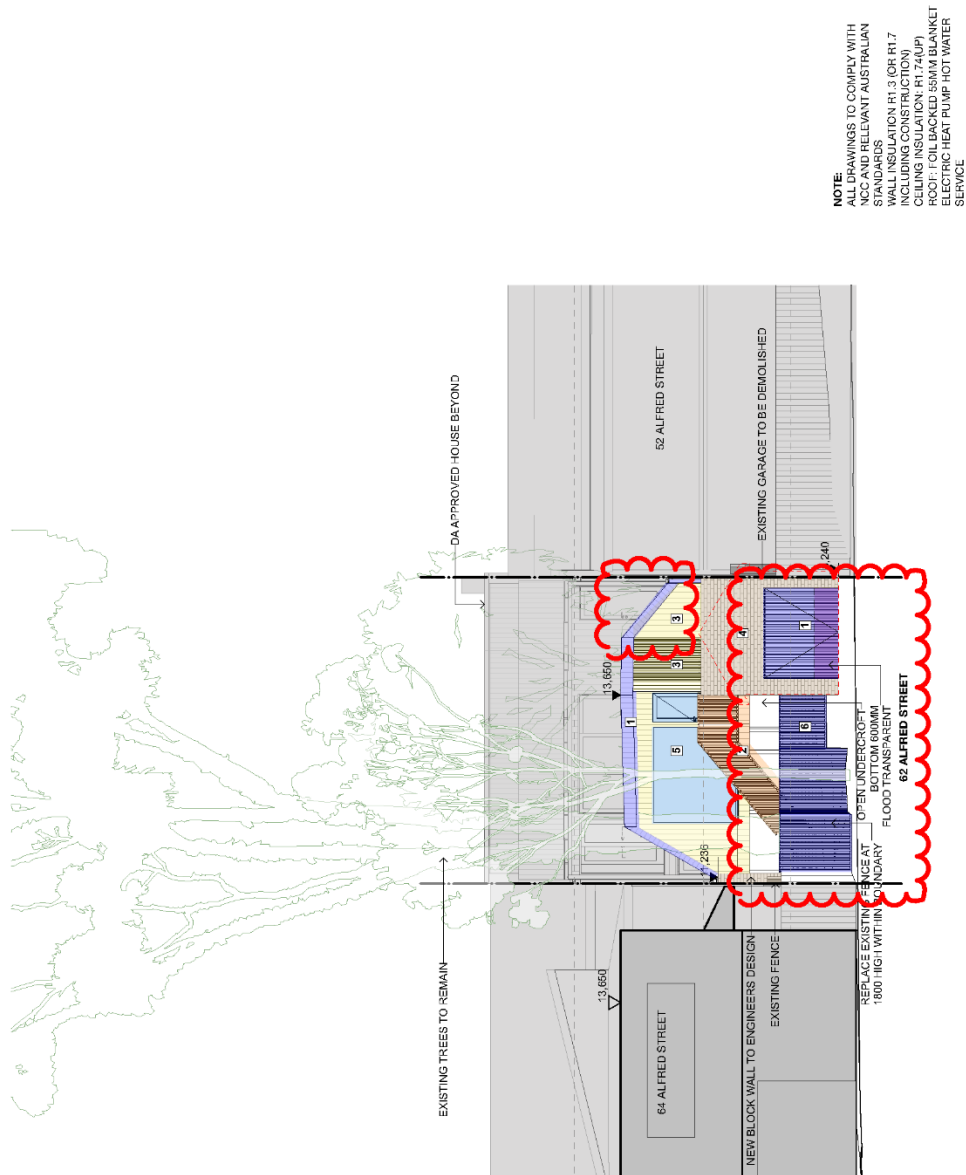
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INCLUDING CONSTRUCTION)  
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ELECTRIC HEAT PUMP HOT WATER  
SERVICE

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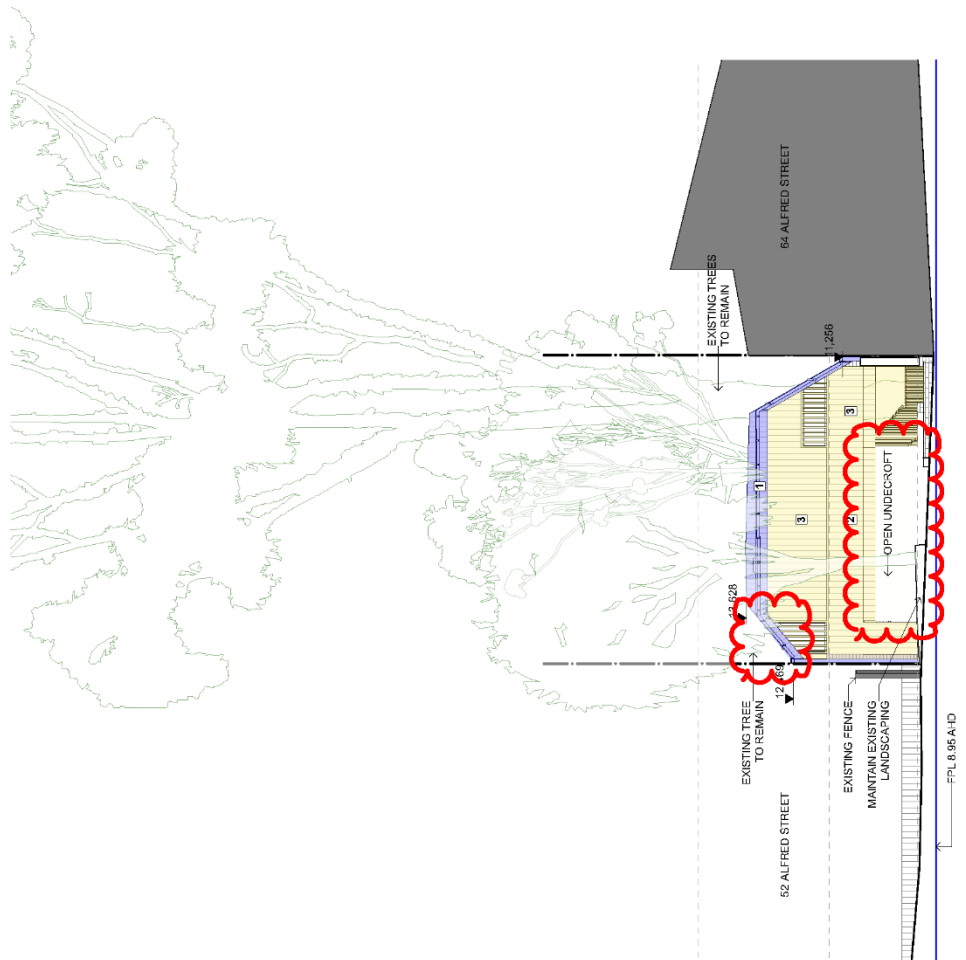
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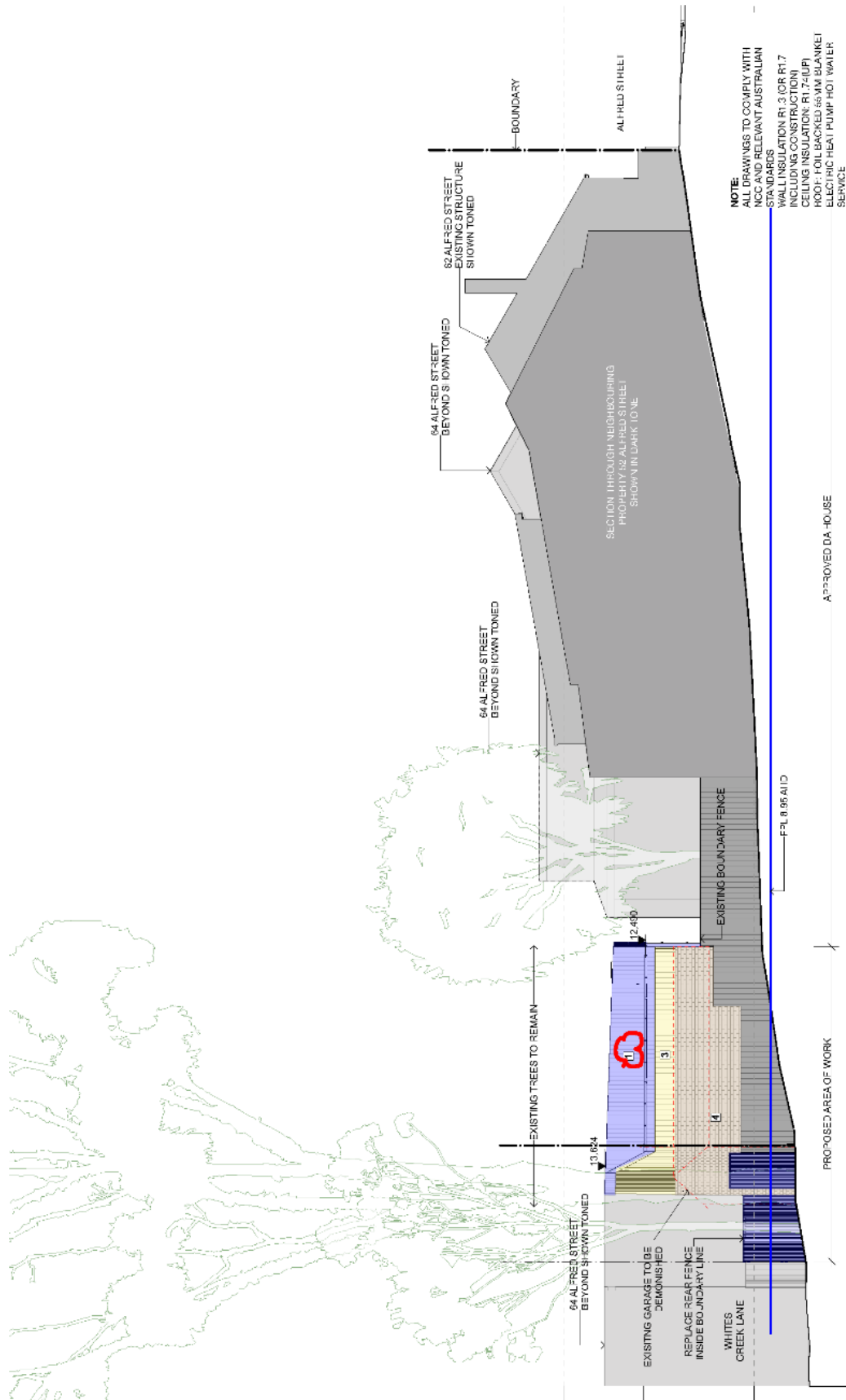
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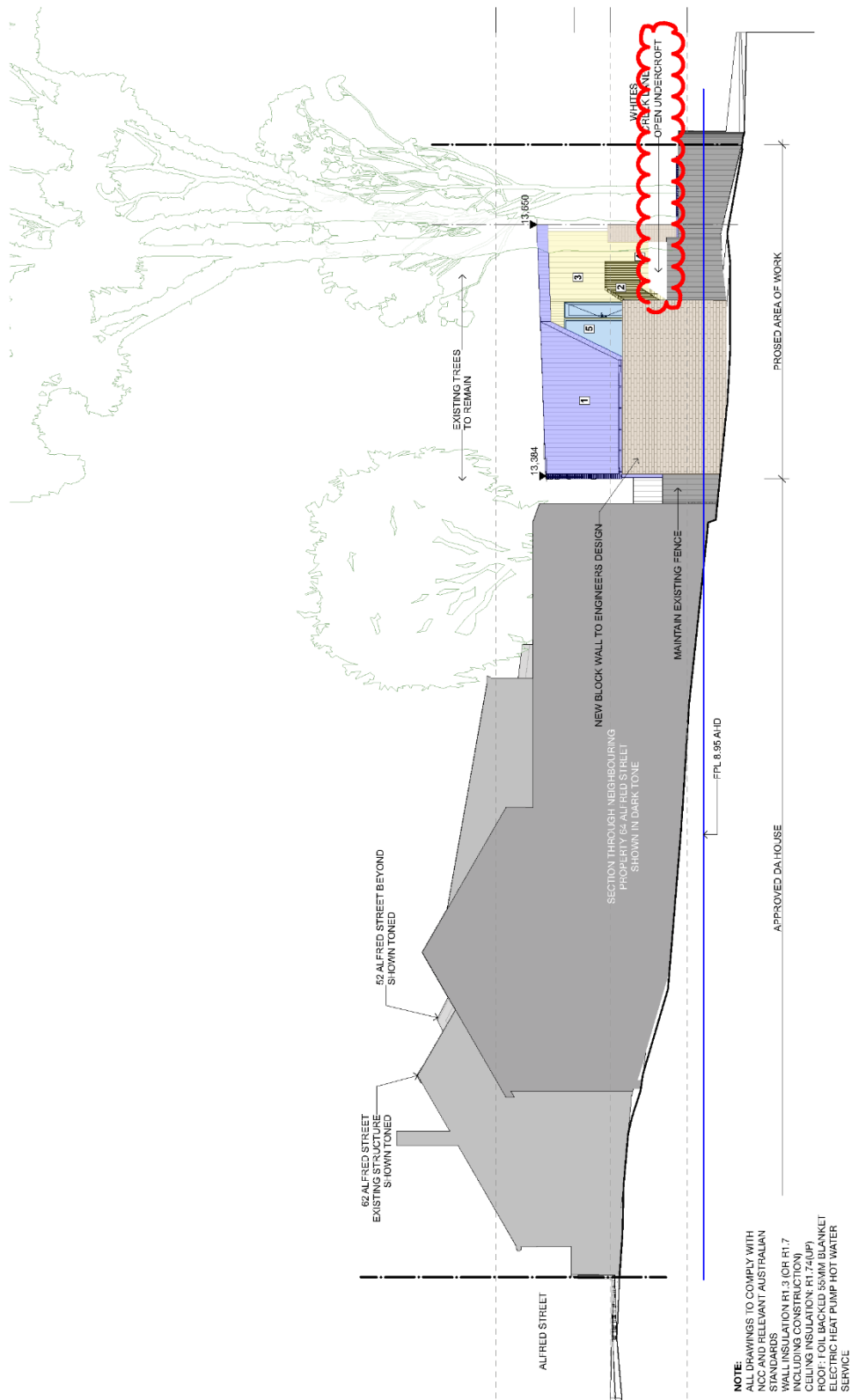
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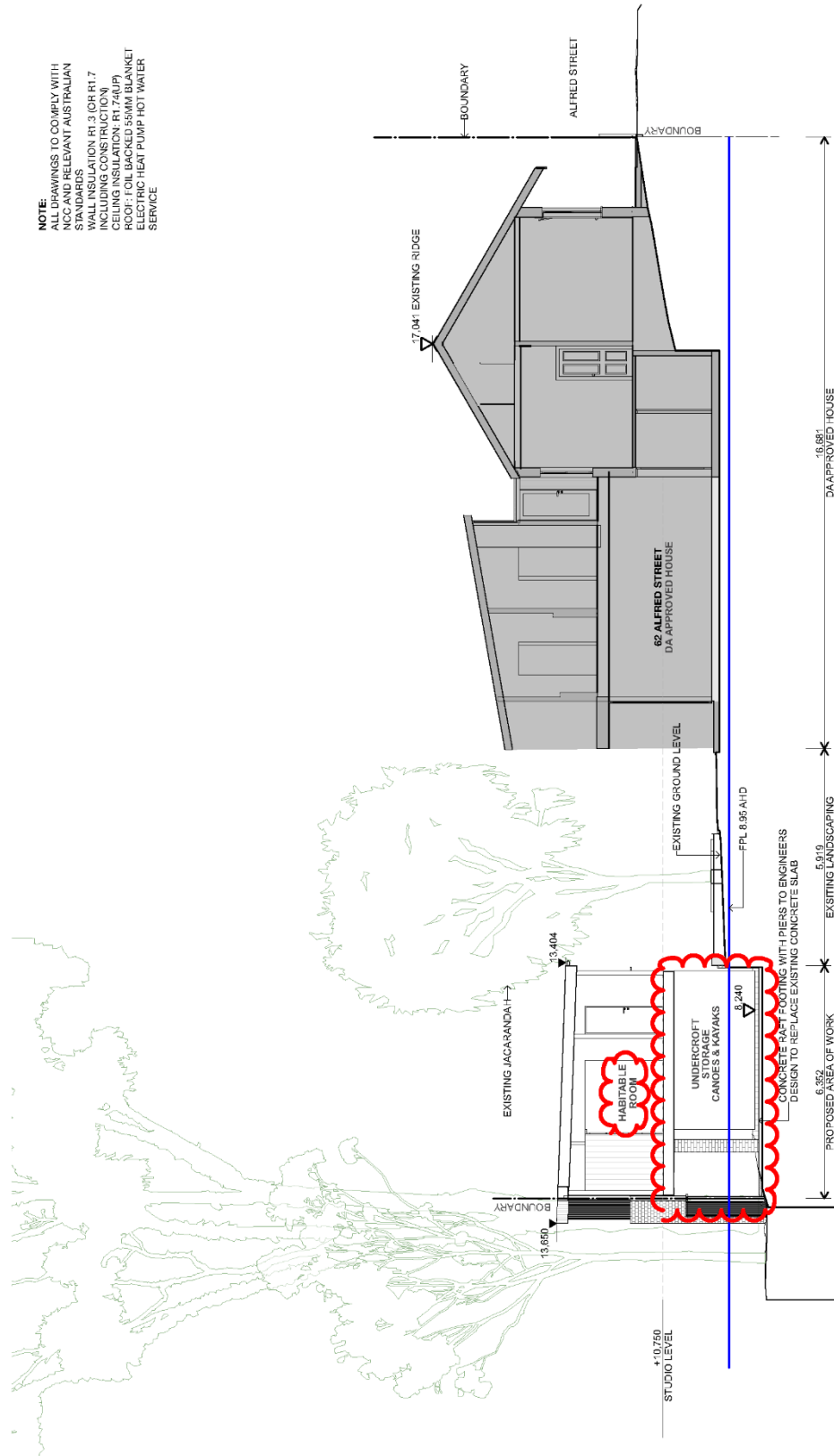
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ELECTRIC HEAT PUMP HOT WATER  
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<b>SAUNDERS STUDIO PTY LTD</b> 10/100 WILSON STREET, WILSON NEWCASTLE NSW 2300 PHONE: 08 9521 3333 FAX: 08 9521 3334 EMAIL: SAUNDERS@SAUNDERSSTUDIO.COM.AU		<b>DATE:</b> 10/07/19 <b>DESCRIPTION:</b> FOR INNER WEST COUNCIL		<b>DATE:</b> 10/07/19 <b>DESCRIPTION:</b> FOR INNER WEST COUNCIL	
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<b>PROJECT NO:</b> 19008 <b>SCALE:</b> 1:100 <b>PRINT SIZE:</b> A3 <b>PRINT DATE:</b> 24/08/20		<b>PROJECT NAME:</b> ANNANDALE TREE HOUSE <b>CLIENT:</b> REYES HARKNESS <b>SITE:</b> 62 ALFRED STREET ANNANDALE NSW		<b>DRAWING TITLE:</b> G-05 EAST ELEVATION <b>DRAWING NO:</b> 200/03 <b>REVISION NO:</b> B	

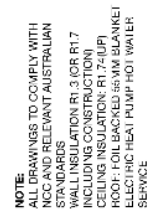


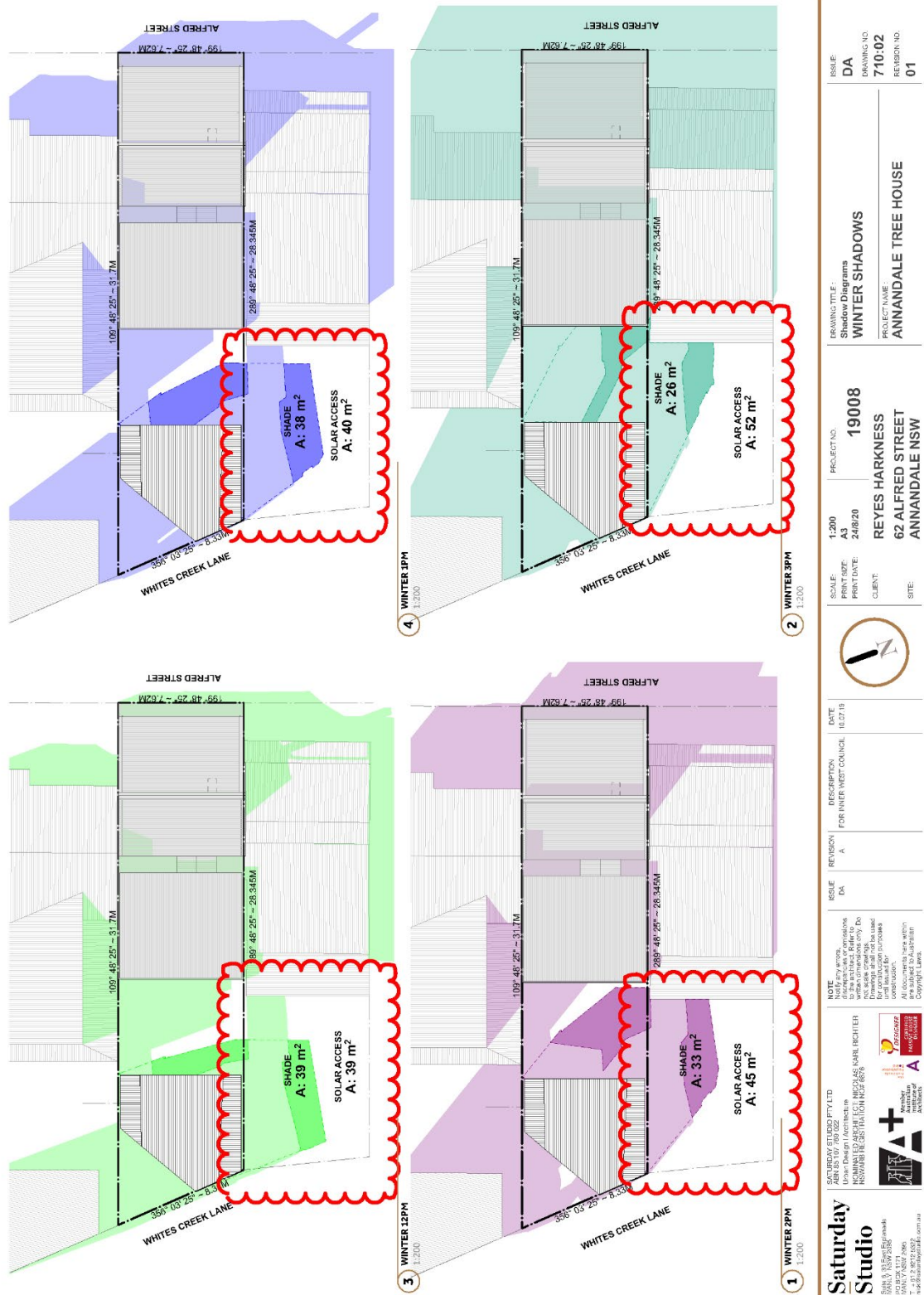


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<p><b>Saturday Studio</b>                  Suite 3, 15/201 Eganville                  Maitland NSW 2320                  Tel: 08 8340 2999                  info@saturdaystudio.com.au</p>	<p><b>REVISION</b>                  REVISION NO. 1                  REVISION DATE 10/07/19</p>	<p><b>DATE</b>                  DATE 10/07/19</p>	<p><b>DESCRIPTION</b>                  FOR INNER WEST COUNCIL</p>	<p><b>REVISION</b>                  A</p>	<p><b>ISSUE</b>                  DA</p>	<p><b>SCALE</b>                  1:100  <b>PRINT DATE</b>                  24/8/20</p>	<p><b>PROJECT NO.</b>                  19008  <b>CLIENT</b>                  REYES HARKNESS                  62 ALFRED STREET                  ANNANDALE NSW</p>	<p><b>DEVELOPER</b>                  ANNANDALE TREE HOUSE</p>	<p><b>ISSUE</b>                  DA  <b>DRAWING NO.</b>                  300/01  <b>REVISION NO.</b>                  B</p>
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## Attachment B – Without Prejudice Conditions

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Print Date	Prepared by
100.01 Rev B	Site Plan	24/8/20	Saturday Studio
100.03 Rev B	Lower Ground Floor	24/8/20	Saturday Studio
100.04 Rev B	Upper Ground	24/8/20	Saturday Studio
100.05 Rev B	Roof Plan	24/8/20	Saturday Studio
200.01 Rev B	Lane West Elevation	24/8/20	Saturday Studio
200.03 Rev B	E-05 East Elevation	24/8/20	Saturday Studio
200.04 Rev B	E-03 South Elevation	24/8/20	Saturday Studio
200.05 Rev B	E-04 North Elevation	24/8/20	Saturday Studio
300.01 Rev B	Section Long	24/8/20	Saturday Studio
300.02 Rev B	Section Cross	24/8/20	Saturday Studio
-	Cover Sheet/Schedule of Ext. Finishes.	24/8/20	Saturday Studio
-	Arboricultural Root Investigation Report	7 September 2020	Urban Arbor
200901	Addendum to Arboricultural Impact Assessment Report	1 September 2020	Urban Arbor
200907	Addendum to Arboricultural Impact Assessment Report	7 September 2020	Urban Arbor
1909126	Certificate of existing Stormwater Drainage	15/01/2020	Northern Beaches Consulting Engineers
P170830-RP-FL-001-0	Flood Risk Management Report	02 September 2020	Stellen Civil Engineering

As amended by the conditions of consent.

#### DESIGN CHANGE

##### 2. Design Change

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

- a. The garage must have minimum clear internal width of 3000 mm. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.

### **FEES**

#### **3. 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.

#### **4. Security Deposit**

Prior to the commencement of demolition works or 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.

<b>Security Deposit:</b>	<b>\$3500</b>
<b>Inspection Fee:</b>	<b>\$230.65</b>

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**

#### **5. 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 (RVMP) in accordance with the relevant Development Control Plan.

**6. 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.

**7. 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.

**8. Works Outside the Property Boundary**

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

**9. Tree Protection**

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

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

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

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

The trees identified below are to be protected in accordance with the conditions of consent and approved tree protection measures as outlined in section 10 and 11 of the submitted *Arboricultural Impact Assessment Report*, prepared by *Urban Arbor*, dated 23/01/2020 throughout the development :

Tree No.	Botanical/Common Name	Location
1	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Rear property.
2	<i>Eucalyptus grandis</i> (Flooded Gum)	Rear property.
3	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear property.
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Adjoining property.
5	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Road reserve.

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- Green for trees to be retained;
- Red for trees to be removed;
- Blue for trees to be pruned; and
- Yellow for trees to be transplanted.

**10. Project Arborist**

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

**PRIOR TO ANY DEMOLITION****11. 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.

**12. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**13. Advising Neighbors Prior to Excavation**

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

**14. Construction Fencing**

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

**PRIOR TO CONSTRUCTION CERTIFICATE****15. Dilapidation Report – Pre-Development – Minor**

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

**16. Stormwater Drainage System – OSD is required**

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

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any

- rainwater tank(s) and OSD/OSR tanks, by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system ;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's Leichhardt DCP2013;
  - c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage ;
  - d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
  - e. 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;
  - f. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
  - g. OSD/OSR tanks must be suitably raised as not to block overland flow paths including 100 year event floodway or flood storage areas.
  - h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
  - i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
  - j. An overland flowpath must be provided between the rear of the dwelling and the White Creek Lane frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath;
  - k. Where there is no overland flow/flood path available the design of the sag pit and piped drainage system is to meet the following criteria:
    - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
    - b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
    - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
  - l. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
  - m. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
  - n. No nuisance or concentration of flows to other properties;
  - o. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
  - p. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;

- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- s. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm;
- t. No impact to adjacent tree(s) consistent with suitably qualified arborist advice.

#### 17. Sydney Water – Tap In

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

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

#### 18. Acoustic Report – Aircraft Noise

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

#### 19. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved garage, rear addition, northern block wall and boundary fences utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunks of the following trees:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Corymbia citriodora</i> (Lemon Scented Gum)	6.1m
2	<i>Eucalyptus grandis</i> (Flooded Gum)	11m
3	<i>Jacaranda mimosifolia</i> (Jacaranda)	5.5m
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	4.8m

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain).

#### 20. Slabs/Decking/paving Within the Vicinity of Trees

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the garage and decking within the specified radius of the trunks of the following trees are constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved. When preparing an area for paving with the specified radius, the soil surface must not be skimmed or excavated. The new surface and subgrade must be 100mm above existing levels.

Tree No.	Botanical/Common Name	Radius in Metres
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1	<i>Corymbia citriodora</i> (Lemon Scented Gum)	6.1m
2	<i>Eucalyptus grandis</i> (Flooded Gum)	11m
3	<i>Jacaranda mimosifolia</i> (Jacaranda)	5.5m
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	4.8m

#### 21. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
  - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
  - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
  - iii. Flood warning signs/depth indicators for areas that may be inundated;
  - iv. A flood evacuation strategy; and
  - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- b. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan.
- c. All fencing or structures within the existing overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flow paths.
- d. The parking space must be enclosed and/or bollards and/or other structures must be provided along the 'free' perimeter of the parking spaces (excluding the vehicle entry on one side only) at 1.2m intervals.
- e. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
  - i. Building Code of Australia;
  - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
  - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
  - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

#### 22. Amended Architectural Plans to Reflect Flood Risk Management Plan

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



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

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

### **23. Engineering Design - Structural Engineer Plans and Certification**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that incorporate the recommendations of the Flood Risk Management Plan required by this consent.

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

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

### **24. Parking Facilities - Domestic**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1:2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent;
- b. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- c. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- d. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- e. The garage/carport/parking space must have minimum clear internal dimensions of 5700 x 3000 mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- f. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004;
- h. The parking space must be suitably enclosed or surrounded by bollards or other structures along the 'free' perimeter (excluding the vehicle entry on one side only) at 1.2m intervals to comply with flood risk management requirements ; and

- i. The external form and height of the approved structures must not be altered from the approved plans.

#### 25. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

### **DURING DEMOLITION AND CONSTRUCTION**

#### 26. 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.

#### 27. 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.

#### 28. Tree Protection

To protect the following trees, ground, trunk and branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
1	<i>Corymbia citriodora</i> (Lemon Scented Gum) located in rear property.
2	<i>Eucalyptus grandis</i> (Flooded Gum) located in rear property.
3	<i>Jacaranda mimosifolia</i> (Jacaranda) located in rear property.
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush) located in adjoining property.

#### 29. Inspections by Project Arborist

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

Tree No./ Botanical/ Common Name/ Location	Time Inspection of	Key stage/ Hold point
Trees 1-5 as listed in the submitted Arboricultural Impact Assessment	Prior to commencement of works	<ul style="list-style-type: none"> <li>Inspection and sign off installation of tree protection measures.</li> </ul>

Report, prepared by Urban Arbor, dated 23/01/2020.	During Works	<ul style="list-style-type: none"> <li>• Supervise all site preparation and demolition works within the TPZ;</li> <li>• Supervise all works inside or above the TPZ;</li> <li>• Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ;</li> <li>• Supervise all tree work.</li> </ul>
		<ul style="list-style-type: none"> <li>• In accordance with the section 10, 11 and 12 of the the submitted Arboricultural Impact Assessment Report, prepared by Urban Arbor, dated 23/01/2020.and section 4 of AS4970—<i>Protection of trees on development sites</i>.</li> </ul>

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

### 30. Canopy and Root Pruning

Canopy pruning of the following trees which is necessary to accommodate the approved building works must be undertaken by a minimum AQF Level 3 Arborist under the direct supervision of the Project Arborist.

Tree No.	Botanical/Common Name	Pruning Works
2	<i>Eucalyptus grandis</i> (Flooded Gum)	As per section 9.3 of the submitted Arboricultural Impact Assessment Report, prepared by Urban Arbor, dated 23/01/2020.
3	<i>Jacaranda mimosifolia</i> (Jacaranda)	As per section 9.4 of the submitted Arboricultural Impact Assessment Report, prepared by Urban Arbor, dated 23/01/2020.
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	As per section 9.5 of the submitted Arboricultural Impact Assessment Report, prepared by Urban Arbor, dated 23/01/2020.

The person acting on this consent has approval under Council's Tree Management Controls to prune selected branches to achieve a clearance of the structure.

### 31. Limited Root Pruning

No tree roots of 40mm or greater in diameter located within the specified radius of the trunk/s of the following trees must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Corymbia citriodora</i> (Lemon Scented Gum)	6.1m
2	<i>Eucalyptus grandis</i> (Flooded Gum)	11m
3	<i>Jacaranda mimosifolia</i> (Jacaranda)	5.5m
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	4.8m

All excavation within the specified radius of the trunk of the following trees must be dug by hand using light weight, non motorised hand tools or by using either pneumatic or hydraulic tools only (e.g. *Airspade*® or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 40mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose* tool. The pruning must be undertaken by a practicing Arborist.

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **32. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- Concrete kerb and gutter and/or asphalt restoration along the rear frontage of the site;
- Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

#### **33. No Encroachments**

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

#### **34. Aircraft Noise –Alterations and Additions**

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

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

#### **35. Project Arborist Certification**

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

#### **36. Works as Executed – Site Stormwater Drainage System**

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

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

**37. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities including any reuse pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

**38. Flood Risk Management Plan - Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

**39. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

**ON-GOING****40. Operation and Management Plan**

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

**41. Flood Risk Management Plan**

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**ADVISORY NOTES****Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

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

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

#### **Prescribed Conditions**

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

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

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

#### **Storage of Materials on public property**

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

#### **Toilet Facilities**

The following facilities must be provided on the site:

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

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

#### **Infrastructure**

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

#### **Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**National Construction Code (Building Code of Australia)**

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### Noise

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

#### Amenity Impacts General

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

#### 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.

#### Boarding House – Registration with Fair Trading

Boarding houses with two or more residents who have additional needs or five or more residents who do not have additional needs are required to register with the Department of Fair Trading.

#### 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.

**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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneypwater.com.au">www.sydneypwater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

**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.

## Attachment C - Clause 4.6 Exceptions to Development Standards – Site Coverage

Amended development application | Proposed outbuilding and associated works

Clause 4.6 written request supporting contravention of clause 4.3A(3)(b) Leichhardt Local Environmental Plan 2013

### 1. Introduction

This is a written request seeking to justify the proposed contravention of clause 4.3A(3)(b) of *Leichhardt Local Environmental Plan 2013* (LLEP2013) in relation to a proposed outbuilding and associated works at 62 Alfred Street, Annandale.

This written request is for submission with an amended development application, being the current development application number D/2020/0136 with Inner West Council. This written request is submitted pursuant to 4.6(3) of LLEP2013.

Part 2 of this written request describes the way in which the proposed development breaches the development standard. Part 3 of this written request addresses why compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. Part 4 of this written request addresses environmental planning grounds justifying the proposed contravention. Part 5 of this written request addresses the objectives of the relevant development standard and of the zone within which the subject site is located. Part 6 of this written request provides concluding comments.

### 2. Description of the proposed contravention of the development standard

The proposed contravention of the development standard is in the context of the proposed development described in the submitted statement of environmental effects, being a proposed two storey outbuilding adjacent to a laneway, Whites Creek Lane, at the rear of a property that contains an attached dwelling.

The principal environmental planning instrument relevant to the proposed development is *Leichhardt Local Environmental Plan 2013* (LLEP2013) under which the site is zoned R1 General Residential. The proposed development relates to residential accommodation.

Clause 4.3A applies to development for the purposes of residential accommodation in Zone R1. The subject lot is 227.6 square metres in area.

Subclause 4.3A(3)(a) requires at least 15 percent of the lot to include landscaped area. The proposal provides 31 percent of the site as a landscaped area and therefore readily satisfies that development standard.

Subclause 4.3A(3)(b) provides that the site coverage is not to exceed 60 percent of the site area. "Site coverage" is defined as follows:

*...the proportion of a site area covered by buildings. However, the following are not included for the purposes of calculating site coverage –*

- (a) any basement,*
- (b) any part of an awning that is outside the outer walls of an existing building and that adjoins the street frontage or any other site boundary,*
- (c) any eaves,*
- (d) unenclosed balconies, decks, pergolas and the like.*

That proposed development results in the subject site having a “site coverage” of 64 percent, based on the site coverage being 146 square metres. The proposed development exceeds the maximum permitted site coverage by 4.1 percent of a compliant amount.

3. Why compliance with the development standard is unreasonable and unnecessary in the circumstances of the case

Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because:

- The proposal achieves the zone objectives notwithstanding the proposed contravention because it provides for the housing needs of the community and does not cause unacceptable streetscape or amenity impacts, as explained in the submitted statement of environmental effects.
  - The proposal retains a substantial tree and provides more than the required amount of soft landscaping, and therefore achieves the landscaping objective notwithstanding the proposed contravention in relation to site coverage.
  - The proposal contributes to the provision of a landscaped corridor by providing landscaping in between the dwelling and the rear structure as well as retaining the substantial tree.
  - The proposed rear structure assists in maintaining the streetscape character of the rear lane by providing a structure that addresses and relates to the lane.
  - The proposal complies with relevant hydraulic requirements, as demonstrated in documentation accompanying the development application.
  - The proposal complies with the relevant density standard.
  - The proposal provides more than adequate soft landscaping and private open space notwithstanding the proposed contravention.
  - The proposal results in a better outcome than a form of development that would comply with the site coverage standard because the proposal requires the proposed amount of site coverage in order to provide an adequate storage area accessible from the rear lane. That adequate storage area is appropriate for meeting the needs of occupants of the dwelling house and represents a good use of the rear lane, in that way in which rear lanes are traditionally used. If strict compliance were required, it would become untenable for there to be such a structure on the subject site adjacent to the rear lane, because such a structure would become too small to be reasonably usable.
4. Environmental planning grounds justifying the proposed contravention
- The proposal provides a storage area that is accessible off the rear lane and therefore provides a functional purpose for the site’s relationship to the rear lane. Making appropriate use of a laneway such as in the manner proposed represents good design and the orderly and economic use and development of land, in accordance with the objects of the Act.
  - The proposed studio facilitates a home office in an appropriately separate location from the main dwelling house. That is an essential aspect to a dwelling given the

situation with Covid 19. The current site coverage standard has been devised prior to Covid 19 and the provision of flexibility to allow for a development with a studio is an appropriate adaptive response to current circumstances.

- The proposal provides an interesting built form presenting to the rear lane. The rear of the main dwellings do not form a particularly orderly streetscape presentation and the proposed rear lane structure provides for a more aesthetically pleasing streetscape outcome.
- The positive aspects of the proposal in making good use of the laneway; in providing a needed home office space; and in contributing to the quality of the laneway streetscape; all arise from the form of the proposed development which involves a minor contravention in the site coverage standard. That contravention should be allowed to occur so as to allow those positive aspects of the proposal to be realised.

5. Objectives of the relevant development standard and of the zone

The objectives of the development standard are in clause 4.3A(1). Those objectives relate both to the soft landscaping standard and to the site coverage standard. Those objectives are:

- a. to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- b. to maintain and encourage a landscaped corridor between adjoining properties,*
- c. to ensure that development promotes the desired future character of the neighbourhood,*
- d. to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- e. to control site density,*
- f. to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

The proposal complies with objective a. by providing around double the required landscaping and by retaining a substantial tree on a small site.

The proposal complies with objective b. by providing landscaping in between the proposed outbuilding and the main dwelling structure.

The proposal complies with objective c. because it provides a useable rear lane structure, which is consistent with the expected presentation of a site to a rear lane.

The proposal complies with objectives e. and f. because the proposed development complies with the maximum permissible density standard applicable to the site and because the proposal provides around double the amount of soft landscaping that is required.

Furthermore, the proposal provides a compliant amount of private open space, as recognised in the submitted statement of environmental effects.

The objectives of the R1 General Residential zone 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 compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and of the neighbourhood.*

The proposal provides improved housing on the subject site and achieves the first objective.

The proposal contributes to the variety of housing types by providing a home office space and achieves the second objective.

The third objective is not of particular relevance to the proposal.

The proposal achieves the fourth objective by providing a home office.

The proposal achieves the fifth objective because it provides double the required soft landscaping and retains a significant tree and also based upon the conclusion reached in the submitted heritage impact assessment.

The proposal achieves the sixth objective by providing double the required landscaping.







The seventh objective is not relevant to the proposal.

The proposal achieves the seventh objective because it is demonstrated in the submitted documentation that the proposal does not cause unacceptable visual privacy or unacceptable overshadowing impacts.

#### 6. Conclusion

Having regard to the foregoing, the proposed contravention of the development standard is acceptable.

## Attachment D – Original IWLPP Report and Architectural Plans

 <b>DEVELOPMENT ASSESSMENT REPORT</b>	
<b>Application No.</b>	DA/2020/0136
<b>Address</b>	62 Alfred Street ANNANDALE NSW 2038
<b>Proposal</b>	New garage and secondary dwelling over to rear and associated works
<b>Date of Lodgement</b>	28 February 2020
<b>Applicant</b>	Billie Harkness C/- Saturday Studio Pty Ltd
<b>Owner</b>	Billie B Harkness Mr Wilson DR Cuervo
<b>Number of Submissions</b>	Initial: 1
<b>Value of works</b>	\$120,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation to FSR exceeds 10%
<b>Main Issues</b>	Impacts on Conservation Area Unsatisfactory response to existing pattern of development and desired future character Unsatisfactory on-site and off-site amenity impacts Unacceptable flood risk Adverse impacts on existing vegetation Variation to FSR and Site Coverage Site suitability.
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Plans of proposed development
<b>Attachment B</b>	Arboricultural Impact Assessment Report
<b>Attachment C</b>	Flood Risk Management Report
<b>Attachment D</b>	Statement of Environmental Effect
<b>Attachment E</b>	Statement of Significance – Conservation Area
	
<b>LOCALITY MAP</b>	
<b>Subject Site</b> 	<b>Objectors</b> 
<b>Notified Area</b> 	<b>Supporters</b> 

## 1. Executive Summary

This report is an assessment of the application submitted to Council for a new garage and secondary dwelling over to rear and associated works at 62 Alfred Street, Annandale.

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

The main issues that have arisen from the application include:

- Adverse impacts on Heritage Conservation Area and unsatisfactory response to desired future character controls;
- Adverse amenity impacts – bulk and scale, overshadowing and privacy;
- Unsatisfactory on-site amenity outcomes, including non-compliance with Private Open Space controls;
- Unacceptable flood risk – site and adjoining sites;
- Adverse impacts on existing vegetation – subject and adjoining sites;
- Significant breaches of applicable Floor Space Ratio and Site Coverage development standards; and
- Site suitability.

Given the substantive issues raised by the design and unresolved concern whether the site is suitable to accommodate a secondary dwelling as identified above, Council requested that the application be withdrawn. The application has not been withdrawn as requested, and given the substantial time that has elapsed since issues were first raised with the applicant, the assessment of the proposal has proceeded. Refusal is recommended.

## 2. Proposal

The application seeks consent for a secondary dwelling over garage at the rear of the property accessed via Whites Creek Lane. The proposed secondary dwelling comprises of a single car garage and bicycle/ garden storage area on the ground floor and an artist studio/ study and bathroom on first floor. The proposed building is two storeys in form with a mansard roof and stepped façade to Whites Creek Lane, the majority of which is splayed to the lane. Access to the artist studio on the first floor is provided via an external stair which is also splayed toward the lane.

## 3. Site Description

The subject site is located at 62 Alfred Street, Annandale between Booth Street and Styles Street. The area of the site is approximately 227.6sqm and is legally described as Lot 43 Section 25 DP 1225. The site is irregular in shape, with a frontage of 7.62 metres to Alfred Street and a laneway frontage of 8.33 metres to White Creeks Lane.





Zoning of the subject site and the adjoining properties.



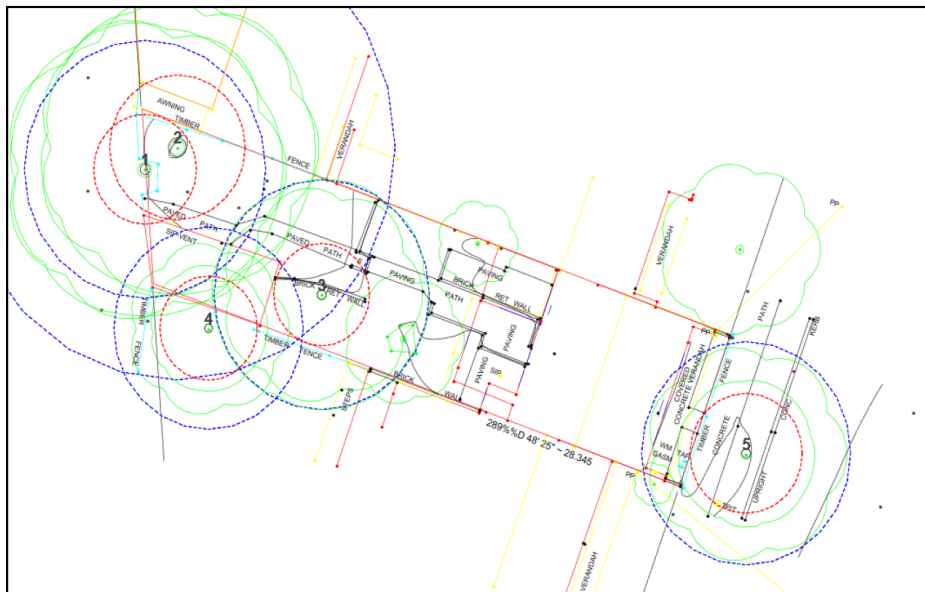
Aerial view of the subject site at 194 Short Street.

The site supports a 2-storey dwelling addressing Alfred Street as single-storey with a 2 storey form to the rear of the dwelling following the topography of the land. Adjoining the site to the north is a 2 storey dwelling at 64 Alfred Street. Adjoining the site to the south is a 2 storey dwelling at 52 Alfred Street.

The subject site is not listed as a heritage item nor located in the vicinity of any environmental heritage. The property is located within a Heritage Conservation Area. The property is identified as a flood prone lot.

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

- One (1) *Corymbia citriodora* – T1 located on the rear boundary (Whites Creek Lane)
- One (1) *Eucalyptus grandis* – T2 located adjacent to the rear and northern boundary on the subject site
- One (1) *Jacaranda mimosifolia* – T3 located on the rear middle of the subject site
- One (1) *Callistemon viminalis* – T4 located on adjacent to the southern boundary on 52 Alfred Street Annandale.



## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
T/2009/298	Complying Work only. Prune 2 x gum trees and 1 x jacaranda. Less than 25% of canopy	Approved 09/12/2009
T/2013/126	Removal of 1 <i>Eucalyptus saligna</i> tree	Refused 04/06/2013

T/2013/212	Removal of 1 Eucalyptus saligna tree	Completed 05/07/2016
D/2019/315	Alterations and additions to existing dwelling-house	Approved 24/10/2019

**Surrounding properties**

Application	Proposal	Decision & Date
<b>52 Alfred Street, Annandale</b>		
D/2006/243	Alterations and additions to existing dwelling	Approved 04/10/2006
M/2006/704	Section 96 (1A) modification of development consent D/2006/243 which approved alterations and additions to existing dwelling. Modification seeks to correct original plans that did not accurately reflect the existing arrangement of parking space and deletion of condition 2(b) which required removal of the panel lift door servicing this car space.	Approved 31/01/2007
M/2008/24	Section 96 modification of development consent D/2006/243 which approved alterations and additions to existing dwelling. Modification seeks to delete proposed dining room and retain existing laundry, new window to kitchen and privacy screen to deck.	Approved 27/05/2008
<b>62 Alfred Street, Annandale</b>		
D/2007/475	Alterations and additions to an existing dwelling including ground and first floor additions. Please note: Amended plans.	Approved 04/12/2008
M/2010/216	Section 96 application to modify D/2007/475 which approved alterations and additions to an existing dwelling including ground and first floor additions. Modification seeks to replace existing single garage with new single garage and construction of a new dormer window facing Alfred Street.	Approved 07/04/2011

**4(b) Application history**

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

Date	Discussion / Letter / Additional Information
28/02/2020	Application lodged.
22/05/2020	Letter sent to applicant. The applicant was advised that the application could not be supported by Council due to a number of non-compliances and concerns and was requested to withdrawal the application. Applicant given 21 days to advise Council in writing of their intentions otherwise Council would determine the application accordingly.
15/06/2020	Applicant requested an update of how the application was progressing.
15/06/2020	Applicant was informed that an email was sent on 22 May requesting withdrawal of application and that the 21 day period to respond had already expired.
15/06/2020	Applicant requested an additional 7 day extension to respond/withdraw which Council granted.
16/06/2020	Applicant requested a meeting to be held with Council on 19 June 2020 to discuss withdrawal letter which Council granted.

19/06/2020	<p>Council held a meeting with the applicant to discuss withdrawal letter. Fundamental issues were discussed including:</p> <ul style="list-style-type: none"> <li>• Flooding</li> <li>• Streetscape/Heritage</li> <li>• Amenity Impacts</li> <li>• FSR non-compliance</li> </ul> <p>Applicant given until 29 June 2020 to formally withdraw the application</p> <p>Council called the applicant shortly after 29 June 2020 regarding the applicant's response. The applicant verbally informed Council that the wanted the application to be determined.</p>
28/07/2020	<p>Applicant advised further information being submitted for consideration by the Panel and requested details with respect to deadline for submission of this information.</p> <p><u>Note:</u> This was not requested by Council.</p>
30/07/2020	<p>Council responded that the applicant will be advised of the future Panel date that the matter will be reported.</p>
10/10/2020	<p>Council advised the applicant that the matter will be reported to the September Planning Panel and the deadline for submission of further information was Tuesday 11<sup>th</sup> August 2020 (to allow the finalising of the assessment within reporting deadlines) of 12 August 2020.</p>
10/10/2020	<p>Applicant responded that additional information was being prepared and this deadline could not be met.</p>
10/10/2020	<p>Council responded that the deadline for reports to be finalised was on 12 August 2020. Given this, that Council did not formally request amended plans and further information (and that withdrawal requested), the age of the application, the substantial planning issues to be resolved, and the considerable time that has elapsed since the meeting of 19 June 2020, and given a report is in the final stages of being completed, Council was unable to give any further extensions of time.</p>
10/10/2020	<p>Applicant responded that he was still preparing a submission for the Panel's consideration.</p> <p><u>Note:</u> At the time of finalising the report / reporting deadline, additional information had not been provided.</p>

## 5. Assessment

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

### 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*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Leichhardt Local Environmental Plan 2013*

**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. 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 land. 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 satisfying the requirements of SEPP BASIX 2004.

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

The subject site is not within the Foreshores and Waterways Area.

**5(a)(iv) State Environmental Planning Policy Affordable Rental Housing 2009****Division 2 – Secondary Dwellings**

Clause 22(3) of the SEPP prescribes the following:

- (3) *A consent authority must not consent to development to which this Division applies unless:*
- (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
  - (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

Clause 4.4 of LLEP 2011 prescribes a maximum floor space ratio of 0.8:1 for development for the purpose of a dwelling house on the site. The development has an FSR of 0.9:1 on the site which does not comply with Clause 22(3)(a) of the SEPP and is non-complaint in this regard.

The total floor area of a secondary dwelling measures 45sqm which complies with Clause 22(3)(b) of the SEPP and is acceptable notwithstanding the total FSR of the primary and secondary dwellings.

Given the above, the development is non-compliant having regard to the relevant provisions of the ARH SEPP and as such is recommended for refusal.

**5(a)(v) State Environmental Planning Policy (Vegetation in Non-Rural Areas (2009))**

State Environmental Planning Policy (Vegetation in Non-Rural Areas 2009) which concerns the protection of trees identified under Leichhardt Development Control Plan 2011.

The application seeks consent for works within close proximity to a number of trees that are protected under LDCP 2011. The issue of tree management is discussed later in this report under the provisions of Clause C1.14 – Tree Management.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A(3)(a) - Landscaped areas for residential accommodation in Zone R1
- Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.2 - Earthworks
- Clause 6.3 - Flood Planning
- Clause 6.4 - Stormwater management

The proposal does not comply with a number of the controls prescribed above as detailed below:

Clause 1.2 – Aims of the Plan

Due to the concerns raised later in this report with respect to development standard breaches, adverse streetscape / heritage impacts and incompatibility with the existing pattern of development, unsatisfactory on-site and off-site amenity outcomes, flood risk management and adverse impacts on existing vegetation, the proposal does not comply or has not demonstrated compliance with the following provisions of Clause 1.2 of the LEP:

- (c) *to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,*
- (d) *to promote a high standard of urban design in the public and private domains,*
- (l) *to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,*
- (u) *to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design,*
- (v) *to ensure that existing landforms and natural drainage systems are protected,*
- (w) *to ensure that the risk to the community in areas subject to environmental hazards is minimised,*

Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 – General Residential and secondary dwellings are permissible in the zoning.

The Objectives of the zone are as follows:

- *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 compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposal is considered to be incompatible with the streetscape, Heritage Conservation Area and pattern of development in the area. The proposal also results in poor amenity outcomes on the site, an unacceptable flood risk for the future residents of the secondary dwelling, adverse impacts on existing vegetation and adverse bulk and scale and overshadowing and privacy impacts on adjoining properties. In light of the above, the proposal does not achieve compliance with the following objectives of the zone.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

Clause 4.3A, 4.4 and 5.4 – Development Standards

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

Standard	Proposal	non compliance	Complies
<b>4.3A(3)(a) Landscape Area</b> Minimum permissible: 15% or 34.14sqm	21.60% or 49.17sqm	-	Yes
<b>4.3A(3)(b) Site Coverage</b> Maximum permissible: 60% or 136.56 sqm	65.51% or 149.09sqm	9.18%	No
<b>4.4 Floor Space Ratio</b> Maximum permissible: 0.8:1 or 182.08sqm	0.90:1 or 205.25 sqm	12.73%	No



<b>5.4(9) Miscellaneous Permissible Uses</b> <b>Secondary Dwellings</b> Maximum permissible: 60sqm	45.39sqm	-	Yes
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The following provides further discussion of the relevant issues:

#### Clause 4.3A(3)(b) – Site Coverage

A maximum site coverage of 60% of the total site area or 136.56sqm applies to the site as prescribed in Clause 4.4A(3)(b) of the LLEP 2013. Based on Council's calculations, the proposal will result in a Site Coverage of 65.51% or 149.09sqm which equates to a 9.18% breach of the Site Coverage standard.

No Clause 4.6 Exception to Development Standard had been provided in relation to Site Coverage. On this basis alone, the application is unsupportable.

#### Clause 4.4 – Floor Space Ratio

As noted above, an FSR of 0.8:1 applies to the site as prescribed in Clause 4.4 of the LLEP2013.

The applicant's Statement of Environmental Effects (SEE) provides that the proposed FSR will be 0.78:1 being in compliance with the standard. A dimensioned set of plans that included calculations for FSR were not provided by the applicant verifying the above calculation.

Based on Council's calculations, the proposal will result in a FSR of approximately 0.90:1 (205.25m<sup>2</sup>), which equates to a 12.73% breach of the FSR development standard prescribed in Clause 4.4 of the LEP.

No Clause 4.6 Exception to Development Standard had been provided in relation to FSR. On this basis alone, the application is unsupportable.

#### Clause 4.6 Exceptions to Development Standards

The proposal results in a breach of the following development standard/s:

- *Clause 4.3A(3)(b)- Site Coverage for residential accommodation in Zone R1*
- *Clause 4.4 – Floor Space Ratio*

As noted above, the applicant has not provided a Clause 4.6 Exception to Development Standards for either applicable development standard. For this and other reasons, the application is recommended for refusal.

#### Clause 5.10 – Heritage Conservation

The subject property at 62 Alfred Street, Annandale, is a contributory dwelling located within the Annandale Heritage Conservation Area (C1 in Schedule 5 of the Leichhardt LEP 2013).

An assessment of the proposal against the heritage provisions of the Leichhardt LEP2013 has been carried out in Section 5(c) of this report. In summary, the design, building alignments, roof form and materials and finishes are inconsistent with the established pattern and character of development along Whites Creek Lane, and as such, will result in a development that is detrimental to the Heritage Conservation Area and contrary to the provisions and



objectives of Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 which seek to conserve the heritage significance of Heritage Conservation Areas, including settings and views.

#### Clause 6.3 – Flood Planning

The site is a flood lot and as such Clause 6.3 applies to the proposal. For reasons discussed later in this report under heading “E1.3.1 - Flood Risk Management”, the proposal results in unacceptable flood risks for future residents of the secondary dwelling and adjoining properties and is considered non-compliant with the following Flood Planning Objectives:

- (1) The objectives of this clause are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

For this and other reasons, the proposal is unsupportable.

#### 5(b) Draft Environmental Planning Instruments

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

- Draft Inner West Local Environmental Plan 2020

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

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application.

#### 5(c) Development Control Plans

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

LDCP2013	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes

<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	No - see discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes / No – see discussion
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	No – See discussion
C1.12 Landscaping	No – see discussion
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	No – see discussion
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	No – see discussion
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
<b>Part C: Place – Section 2 Urban Character</b>	
C.2.2.1.1: <i>Young Distinctive Neighbourhood</i>	No – see discussion
C2.2.2.6(a) Louisa Road Sub Area	
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	No – see discussion
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	No
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	N/A
C3.11 Visual Privacy	No – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A

<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	N/A
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	No – see discussion
E1.1.4 Flood Risk Management Report	No – see discussion
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	No
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	No
E1.3.1 Flood Risk Management	No – see discussion
E1.3.2 Foreshore Risk Management	N/A
<b>Part F: Food</b>	N/A
<b>Part G: Site Specific Controls</b>	N/A

The following provides discussion of the relevant issues:

#### Clause C1.0 – General Provisions

As discussed elsewhere in this report, the proposal is considered to be incompatible with the streetscape and heritage conservation area. The proposal will result in on and off-site amenity impacts with regard to secondary dwelling amenity, flood risk, tree management and overshadowing. Therefore, it is considered to be inconsistent with the following objectives under this part:

- *O3 Adaptable: places and spaces support the intended use by being safe, comfortable, aesthetically appealing, economically viable and environmentally sustainable and have the capacity to accommodate altered needs over time.*
- *O4 Amenable: places and spaces provide and support reasonable amenity, including solar access, privacy in areas of private open space, visual and acoustic privacy, access to views and clean air.*

- *O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.*

C1.4 Heritage Conservation Areas and Heritage Items, C.2.2.1.1: Young Distinctive Neighbourhood

*Clause 5.10: Heritage Conservation from the Leichhardt LEP 2013 and C1.4: Heritage conservation areas and heritage items and C.2.2.1.1: Young Distinctive Neighbourhood from the Leichhardt DCP 2013 applies to the proposal.*

The application was referred to Councils Heritage Officer who provided the following comments:

*"The drawings dated 10 September 2019, and the Heritage Impact Statement, n.d., both prepared by Saturday Studio, were reviewed as part of this assessment.*

*The proposal includes demolition of the existing garage and construction of a new garage with a secondary dwelling above, to the rear of the site.*

*Whites Creek Lane is generally a service lane with timber paling fences and roller doors accessing garages and carports. There are some garages and 2 with lofts to the north of the site. The setback of the garages with the lofts do not follow the angle of the boundary to the laneway, so they are not perpendicular. Instead, they are stepped back, so they are at an angle to the lane.*

*C7 of Part C2.2.1.1. of the DCP requires that the harmony/character of the neighbourhood is maintained by ensuring development is complementary in form and materials, and reflects the cohesiveness of the streetscape.*

*The garage and studio must be redesigned so that it is aligned with the established alignment of the subject dwelling and the garages and studios to the north at Nos. 68, 70 and 72 Alfred Street. The western elevation of the garage and studio must be stepped in from the rear boundary. No angles will be permitted as this is out of character with the established character of similar buildings to the laneway. Walls of the structure must be at 90° to each other.*

*C5 of Part C2.2.1.1 of the DCP requires that upper floors are contained within the roof form, so they are not to be visible from the street frontage. The roof form of the garage and studio must be redesigned so it is a complementary simple gable roof form with the gable end facing the laneway and the studio located within the roof, similar to the garages with studios above, to the north.*

*Large expanses of glass are not to be used in areas visible from the public domain, e.g. from Whites Creek Lane. Openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Dominancy must be given to masonry/solid elements rather than glazed areas.*

*Materials, finishes, textures and colours must be appropriate to the historic context. Reflective wall cladding is not acceptable. They must be similar to the characteristic materials, finishes, textures and colours of the original contributory buildings within the streetscape. Greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour*

*equivalent to Colorbond colours "Windspray" or "Wallaby". Fencing along the rear boundary must be vertical timber paling. A colours and materials schedule will need to be submitted for consideration."*

Given the concerns raised by Council's Heritage Advisor, the following elements of the design are unsatisfactory:

- The building alignment of the garage and studio;
- The angled form of the western elevation of the garage and studio;
- The mansard roof form of the garage and studio
- Elevational treatment including the proposed large window openings and non-traditional design of window opening; and
- Non-contributory materials and finishes of the dwelling and rear fencing.

Given the above, it is considered that the bulk, scale, form, materials, and general design and appearance of the proposed secondary dwelling will result in a development that is detrimental to the Heritage Conservation Area and contrary to the provisions and objectives of the above Clauses of the LDCP2013. Despite Council requesting modifications to address these issues, the design has not been amended to be more sympathetic.

#### C1.11 Parking

The proposed car space is irregular in shape. The parking space has a width of 2.6m and has lengths of 5.45m (southern) and 6.7m (northern). Clause C1.11.4 – *Minimum Car Parking Dimensions* of the LDCP 2013 states that the minimum dimensions for a single car space must be an unobstructed 6.0m length by 3.0m width. As such, the proposal does not meet the minimum requirements and is not supportable in its current form.

Notwithstanding the above, the proposed rear garage and studio above is unsupportable due to flooding risk management issues discussed later in this report. Given the issues discussed earlier and later in this report relating to heritage, amenity and flood risk impacts of the proposed structure, the proposal is non-compliant with the following objectives of Clause C1.11:

*O12 Vehicle access, manoeuvring and parking will:*

- a. not visually dominate the building façade or streetscape;*
- b. integrate with overall site and building design;*
- c. provide for a high level of residential amenity for the site and protect existing residential amenity of adjoining sites; and*
- d. enable the safe, convenient and efficient movement of vehicles, pedestrians and cyclists.*

Given the above, the proposal is recommended for refusal.

#### C1.14 – Tree Management

There are three (3) significant trees on the site. The proposal does not seek the removal of any trees on the site.

The application was referred to Council's Tree Management Officer who provided the following comments:

*A review of the submitted Architectural Plan Set, prepared by Saturday Studio and Arboricultural Impact Assessment Report, prepared by Urban Arbor, dated 23/01/2020 has been undertaken.*

*It is noted in section 10.7 Recommendations of the submitted AIA, the Arborist has not assessed any underground service plans.*

*The submitted Ground Floor Drainage Plan, prepared by NB Consulting Engineers depicts service pipes and pits within the TPZ of trees to be retained on site.*

*It is requested that the appointed Arborist have the opportunity to review these plans and provide comment. Further root mapping is required where excavation is proposed to install new services within the TPZ of trees T1, T2 and T3.*

*Root mapping documentation must be prepared in accordance with Council's Development Fact Sheets located at:*

*<https://www.innerwest.nsw.gov.au/live/information-for-residents/trees/trees-on-your-property-pruning-or-removing>*

*The above documentation must include clear coloured photographs that demonstrate the depth of all exploration trenches/test holes as well as the diameter measurements of all roots identified.*

*It is acknowledged in clause 6.4 Stormwater Management of the submitted Statement of Environmental Effects, prepared by Saturday Studio, states that new downpipes will connect to the existing stormwater system however, the detail in the submitted plans are unclear.*

- Full owners consent will be required for the pruning of T4 Callistemon viminalis (Weeping Bottlebrush) located on adjoining property.*
- Verification is required to ascertain if T1 Corymbia citriodora (Lemon Scented Gum) is located on the subject site or on Council land.*
- Further recommendations are required by the Arborist relating to site specific tree protection for trees during the construction of the new block wall along the northern boundary and new boundary fence. Additional root mapping may be required.*
- Clarification is required to ascertain the distance between the top of existing ground levels and the bottom of the proposed suspended slab within the TPZ of trees T1, T2 and T3. Further recommendations by the Arborist relating to water infiltration and requirements of gaseous exchange for tree roots are required."*

In summary, Council's Tree Officer does not support the proposal as submitted due to insufficient information and concerns about the on-going health of the existing trees on the subject site and adjoining properties due to the works proposed.

For these and other reasons, the proposal is recommended for refusal.

### C1.18 – Laneways

Whites Creek Lane has a width of approximately 13m which classifies it as a Wide Lane. Due to the streetscape / heritage and pattern of development concerns raised above and below in this report, the development as proposed is inconsistent with the following objectives and controls of the part:

- *O1 Development:*
  - (a) *respects the existing and desired future use, form and character of the laneway consistent with the laneway hierarchy as shown in Table C11 Laneway hierarchy;*
  - (b) *Achieves an appropriate level of amenity, access, security and landscaping;*
- *C4 Building adjacent to the laneway have a simple form and minimal façade detailing*
- *C9 The bulk and scale of development does not significantly diminish the dominance of the primary building on the same lot.*
- *C10 Building are generally built to the laneway alignment*
- *C12 External wall are constructed in high quality materials and finishes which are compatible with fabric of the surrounding neighbourhood.*
- *C13 Roof forms are either hipped roofs, gabled roofs pitched from the side or skillion roofs located behind parapets where such development meets the laneway control envelope;*
- *C17 Sufficient on-site parking and manoeuvring space is provided without compromising the prevailing character, building form and setback of the laneway.*

Given the above, the proposal is recommended for refusal.

### C3.1 Residential General Provisions

As discussed in earlier and later sections of the report, the proposal is considered to be incompatible with the heritage area in which it forms a part and will result in adverse amenity impacts on adjoining properties, and therefore, is considered to inconsistent with the following objectives under this part:

- *O3 To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.*
- *O4 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.*
- *O7 To ensure that the amenity, including solar access and visual privacy, of the development and adjacent properties is not adversely impacted.*

### C3.2 Site Layout and Building Design

#### *Side Setbacks*

The proposed secondary dwelling will breach the side setback control graph as prescribed in this Clause as outlined in the following table:

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Southern	5.6m	1.62m	Nil	1.62m
Northern	2.9m	0.05m	Nil	0.05m

Control C8 under this part states that Council may allow walls higher than that required by the side boundary setback controls where:

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

It is considered that the proposal is not acceptable in relation to the impacts to the Heritage Conservation Area, and consequently, the pattern of development within the streetscape would be compromised. Further, as discussed later in this report, the proposed development will result in adverse amenity impacts in regard to privacy and solar access. In addition, as a result of the two storey scale and location of the development adjacent to adjoining private open space, the proposal will have intrusive bulk and dominance impacts.

#### *Building Location Zone*

The Building Location Zone (BLZ) is determined by having regard to only the main building on the adjacent properties. Given the proposal is for a secondary dwelling, the BLZ controls are not technically applicable to the site.

Notwithstanding, the above, the Part outlines objectives and controls for building siting, scale and form. Due to the uncharacteristic building alignment of the proposal, amenity impacts on the subject and adjoining properties by way of overshadowing, visual privacy, private open space and additional issues discussed previously and later in this report, the proposal is considered to be non-complaint with the following Objectives and Controls within part:

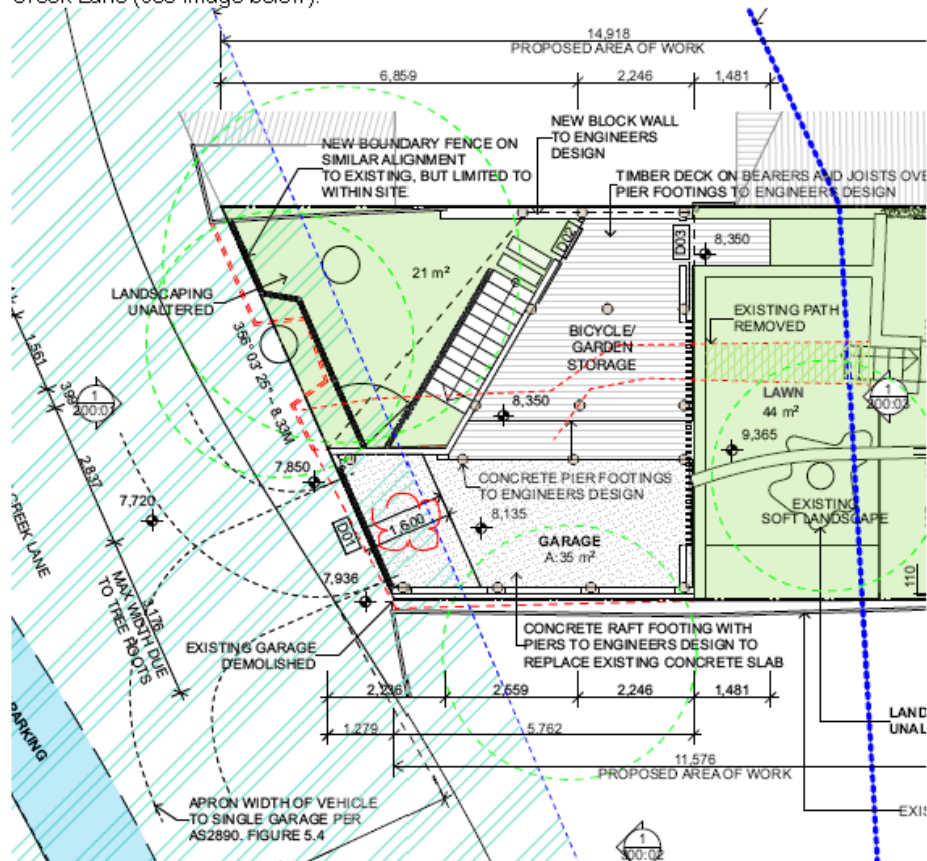
- *O1 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation.*
- *O2 To ensure the character of the existing dwelling and/or desired future character and established pattern of development is maintained.*
- *O4 To ensure that development:*
  - *reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and Leichhardt;*
  - *emphasises the street and public domain as a vibrant, safe and attractive place for activity and community interaction;*
  - *complements the siting, scale and form of adjoining development; and*
  - *creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of visual and acoustic privacy, air circulation, solar access, daylight, outlook and views.*

Given the above, the proposal is recommended for refusal.



### C3.8 Private Open Space

Control C2 of C3.8 Private Open Space states that for secondary dwellings, private open space must comprise of a minimum area of 3m x 3m located at ground level directly accessed from the living area and separated from the other dwellings within the development. The proposal provides a private open space area for the secondary dwelling that fronts Whites Creek Lane (see image below).



The private open space area is not directly accessed from the living area as such is contrary to the following objectives of this part:

- O1 Private open space: (c) integrates with and is capable of serving as an outdoor extension of the dwelling's main living area

### C3.9 Solar Access

The subject site and the surrounding lots have an east-west orientation. The following solar access controls under Clause C3.9 apply to the proposal in relation to impacts to glazing on the surrounding sites.

- *C12 Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

In addition, C3.9 also requires protection of solar access to private open spaces of adjoining properties. The subject site has east-west orientation, and therefore, the following solar access controls apply to the proposal in relation to solar access to private open spaces of affected properties:

- *C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*
- *C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

The shadow diagrams provided are generally accurate in the depiction of the proposed impacts at the winter solstice. As the proposed and impacted sites are east-west orientated, only north-facing glazing associated with living areas can be protected, and there are no impacts to the north-facing windows of No. 52 Albert Street. The provided shadow diagrams illustrate that solar access is retained for less than one hour between 9am to 3pm during the winter solstice to 50% of the POS of No. 52 Alfred Street and does not comply with Controls C18 and C19 as prescribed above. Given the non-compliances with Controls C18 and C19 above, and due to the compounding issues discussed previously and later in this report, the proposal is recommended for refusal.

#### C3.11 – Privacy

Due to the design, elevation and orientation of the stair access and entry landing of the secondary dwelling, future occupants and visitors will have a direct line of sight into the rear of No. 64 Alfred Street which is unacceptable and contrary to the objectives of Clause C3.11 of the LDCP2013 which requires development to be designed with a high level of consideration to protecting visual privacy within the dwelling, in particular the main living room, and private open space of both the subject site and nearby residential uses.

Given the above, the proposal is recommended for refusal.

#### E1.3.1 - Flood Risk Management

The site is a flood control lot. The applicant submitted a Flood Risk Management Report with the application which did not adequately address Section E1.3.1 (Controls C1, C2, C8 and C9) and Appendix E Section 2 of the LDCP 2013. The application was referred to Councils Engineering team who do not support the proposal for a number of reasons, specifically:

- The proposal will obstruct and redirect flood flows;
- The garage does not meet flood planning level requirements; and
- There is no safe flood free evacuation route from the secondary dwelling to Alfred Street (given the dwelling at the front of the site is constructed boundary-to-boundary).

Given non-compliance with the above controls within the Part, the proposal is recommended for refusal.

#### 5(d) The Likely Impacts

The key issues and concerns relating to the proposal are as follows:

- Adverse impacts on Heritage Conservation Area and unsatisfactory response to desired future character controls;
- Adverse amenity impacts – bulk and scale, overshadowing and privacy;
- Unsatisfactory on-site amenity outcomes, including non-compliance with Private Open Space controls;
- Unacceptable flood risk – site and adjoining sites;
- Adverse impacts on existing vegetation – subject and adjoining sites; and
- Significant breaches of applicable Floor Space Ratio and Site Coverage development standards.

In light of the above, and due to site suitability concerns, the application is recommended for refusal.

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

For reasons outlined above and in this report, the site is considered unsuitable to accommodate secondary dwelling in the form proposed.

#### 5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties.

1 submissions were received in response to the initial notification.

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

- Suitability of site – see Section 5 (a)(iii) - Clause 4.4 and Section 5(c)
- Tree Health – see Section 5(c) – C1.14
- Impact on Heritage Conservation Area – see Section 5(c) C1.3 and C1.4
- Safety During Flood Event – see Section 5(c) – E1.3.1
- Non-Compliance with Laneway controls – see Section 5(c) – C1.18
- Building Location Zone – see Section 5(c) - C3.2
- Loss of Privacy – see Section 5(c) - C3.11

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

##### Issue - Side Boundary Wall

*“The height of the block wall along our boundary is not accurately documented on the north elevation plan. This wall appears to be greater than 3m high, with a nil setback.”*

##### Comment

Noted. The application is not supported and is recommended for refusal.

Issue - Removal of Boundary Fence

*"The plans show the demolition of the boundary fence which we have not consented to."*

Comment

Noted. This is a civil matter between the relevant parties. Notwithstanding, the application is recommended for refusal.

**5(h) The Public Interest**

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

The proposal is contrary to the public interest as it will result in adverse amenity impacts to surrounding properties and is incompatible with the heritage conservation area.

**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 – Issues raised have not been adequately resolved.
- Engineer – Issues raised have not been adequately resolved.
- Landscape – Issue raised have not been adequately resolved.

**6(b) External**

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

**7. Section 7.11 Contributions/7.12 Levy**

Had the proposal been recommended for approval, Section 7.11 contributions would be payable for the proposal.

**8. Conclusion**

The proposal does not comply with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The approval of the application would not be in the public interest and in view of the circumstances, refusal of the application is recommended.

**9. Recommendation**

That the Inner West Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. DA/2020/0136 for a new garage and secondary dwelling over to the rear and associated works at 62 Alfred Street, Annandale for the following reasons.

1. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:

- a) Clause 1.2 – Aims of the Plan
  - b) Clause 2.3 – Zone objectives and Land Use Table
  - c) Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
  - d) Clause 4.4 – Floor Space Ratio
  - e) Clause 4.6 – Exceptions to Development Standards
  - f) Clause 5.10 – Heritage Conservation
  - g) Clause 6.3 – Flood Planning
2. The proposed development does not comply with Clause 22(3) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
3. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
- a) Clause C1.0 - General Provisions
  - a) Clause C1.3 – Alterations and Additions
  - b) Clause C1.4 – Heritage Conservation Areas and Heritage Items
  - c) Clause C1.11 Parking
  - d) Clause C1.14 – Tree Management
  - e) Clause C1.18 – Laneways
  - f) Clause C.2.2.1.1: Young Distinctive Neighbourhood
  - g) Clause C3.1 - Residential General Provisions
  - h) Clause C3.2 - Site Layout and Building Design
  - i) Clause C3.3 - Elevation and Materials
  - j) Clause C3.8 Private Open Space
  - k) Clause C3.9 Solar Access
  - l) Clause C3.11 Visual Privacy
  - m) Part E1.3.1 - Flood Risk Management
4. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
5. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

## Attachment A – Plans of proposed development

SITE AREA:	227.6m <sup>2</sup>
EXISTING FLOOR AREA:	146m <sup>2</sup>
PROPOSED FLOOR AREA:	175m <sup>2</sup>
ALLOWABLE FSR:	0.81
PROPOSED FSR:	0.771
MINIMUM REQ'D LANDSCAPE	34m <sup>2</sup>
PROPOSED LANDSCAPE:	70m <sup>2</sup>

**NOTE:**  
ALL DRAWINGS TO COMPLY WITH  
NCC AND RELEVANT AUSTRALIAN  
STANDARDS  
WALL INSULATION R1.3 (OR R1.7  
INCLUDING CONSTRUCTION)  
CEILING INSULATION R1.74(U)  
ROOF: FOIL BACKED 55MM BLANKET  
ELECTRIC HEAT PUMP HOT WATER  
SERVICE

DRAWING REGISTER		
Layout No.	Layout Name	Issue Name
100/01	COVER SHEET	DA
100/02	SITE PLAN	DA
110/01	SEGMENTATION CONTROL PLAN & ...	DA
110/02	EXISTING LOWER GROUND FLOOR	DA
110/03	EXISTING UPPER GROUND FLOOR	DA
110/04	LOWER GROUND FLOOR	DA
110/05	UPPER GROUND FLOOR	DA
200/01	ROOF PLAN	DA
200/02	LANE WEST ELEVATION	DA
200/03	E-02 STREET EAST ELEVATION	DA
200/04	E-05 EAST ELEVATION	DA
200/05	E-03 SOUTH ELEVATION	DA
200/06	E-04 NORTH ELEVATION	DA
300/01	SECTION LONG	DA
300/02	SECTION CROSS	DA
71/001	WINTER SHAOWS	DA
720/01	NOTIFICATION SITE PLAN	DA
720/02	NOTIFICATION PLANS	DA
720/03	NOTIFICATION PLAN	DA
720/04	NOTIFICATION SHAOWS	DA
720/05	WINDOW SCHEDULE	DA

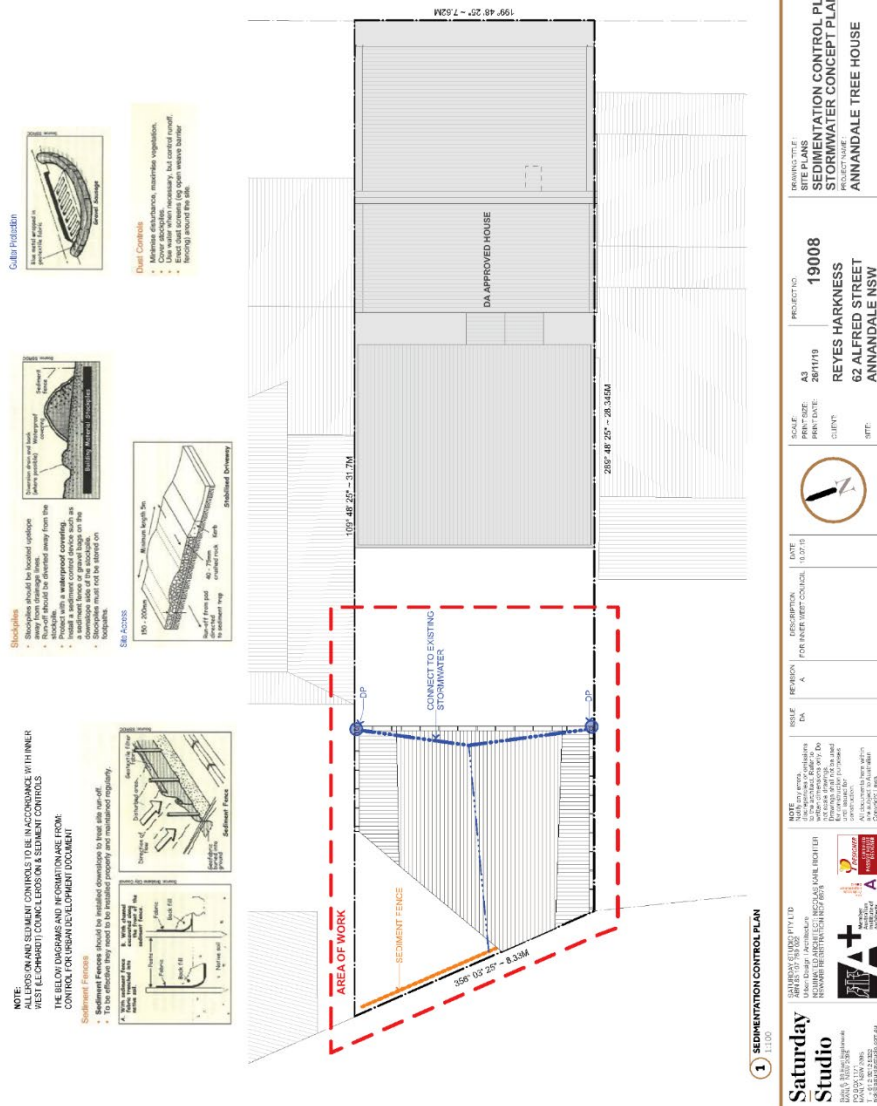


**REYES HARKNESS  
62 ALFRED STREET ANNANDALE NSW  
DEVELOPMENT APPLICATION**

# Saturday Studio





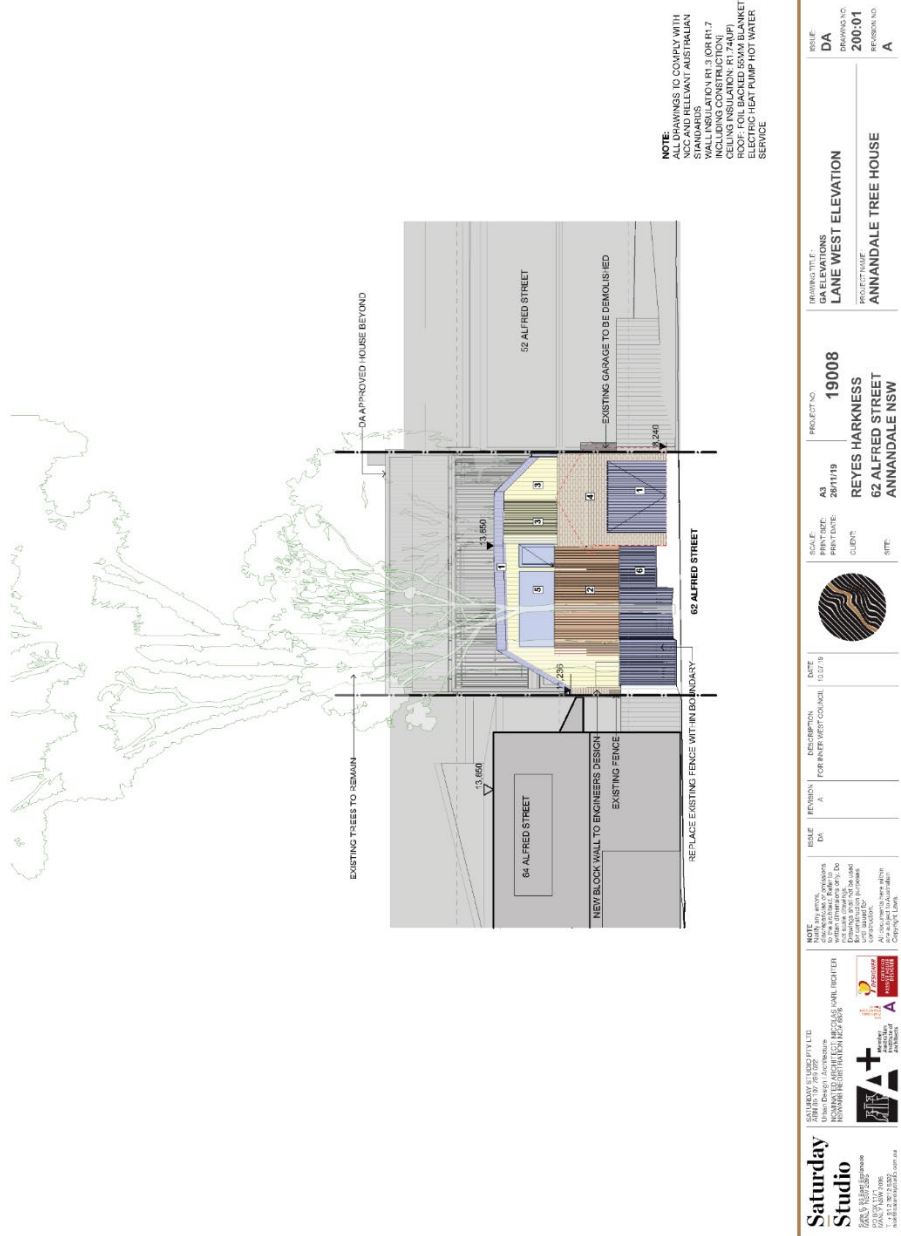


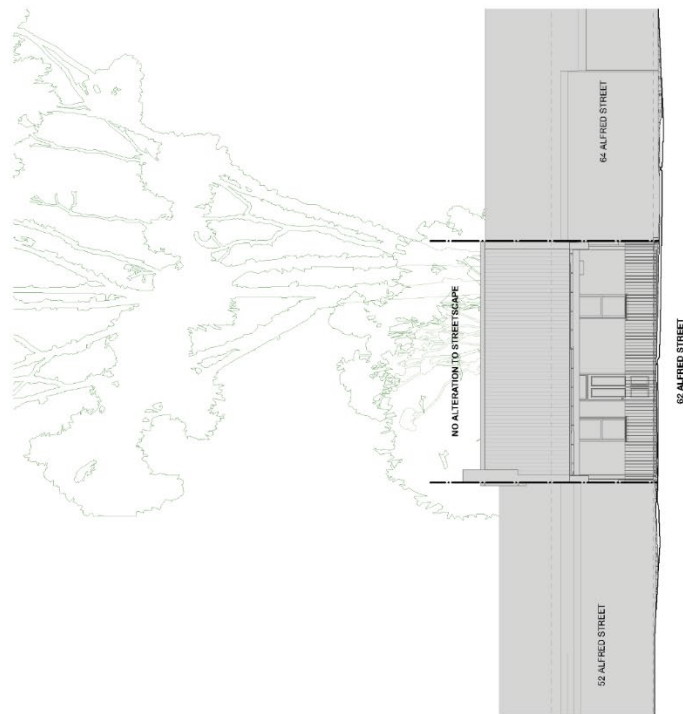






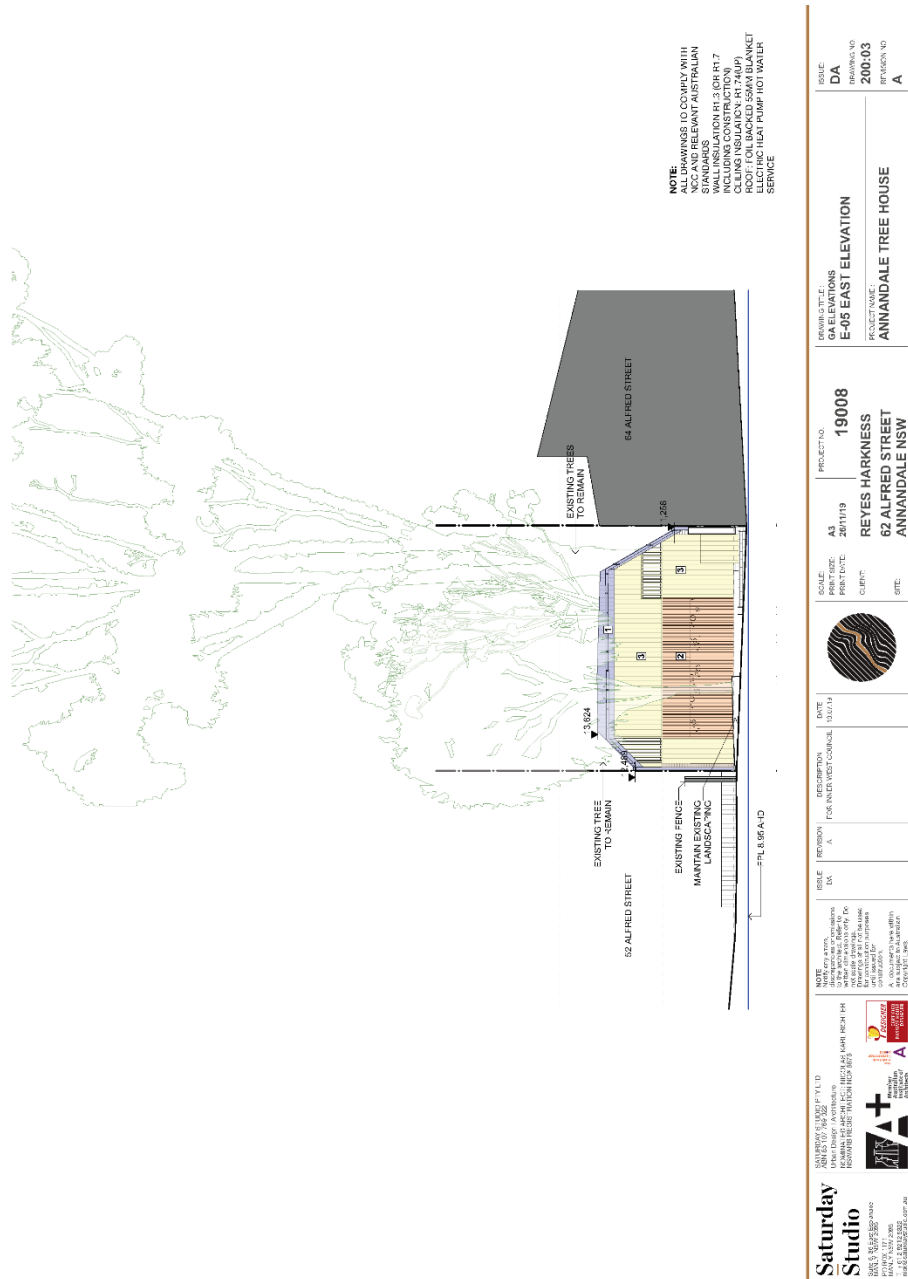


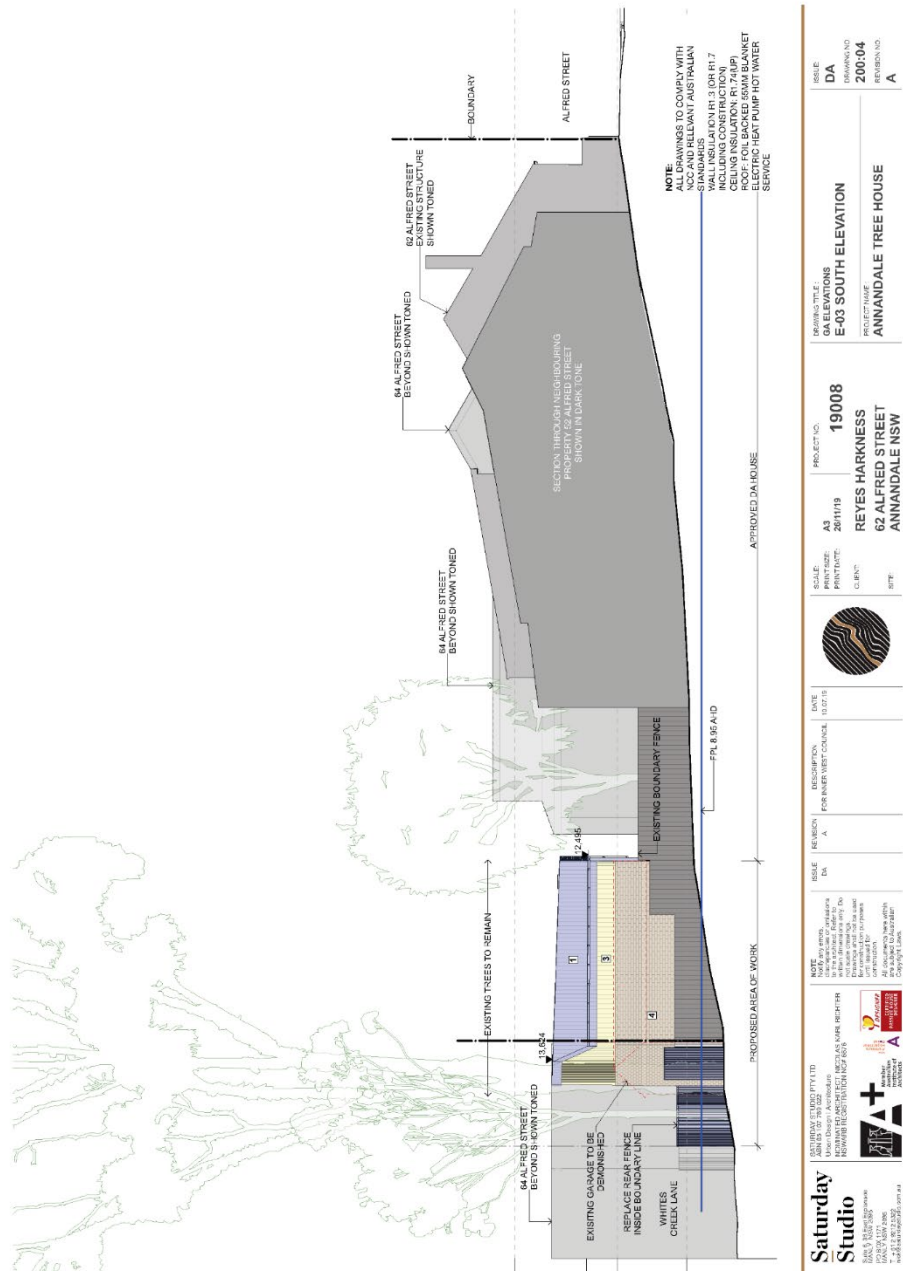


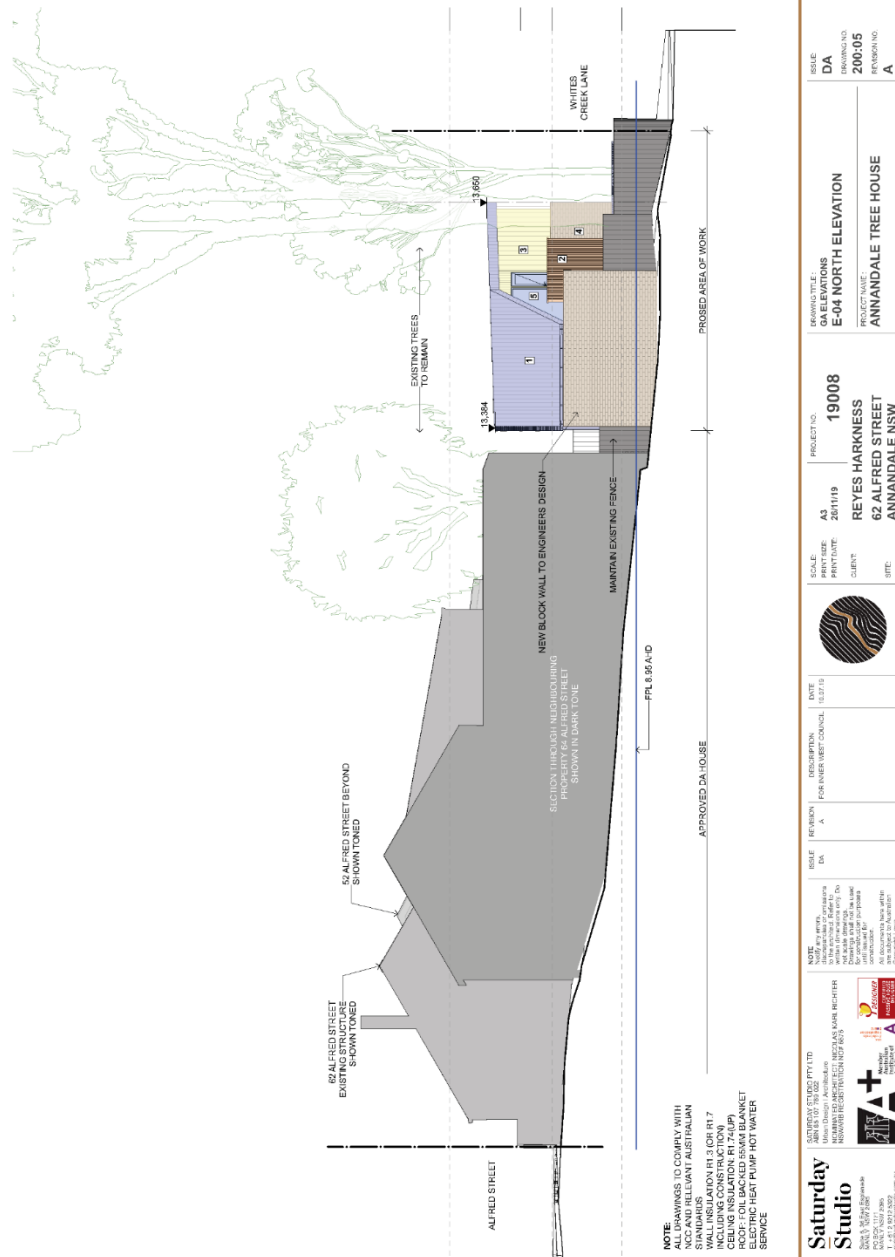


**NOTE:**  
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NCC AND RELEVANT AUSTRALIAN  
STANDARDS  
WALL INSULATION R1.3 (OR R1.7  
INCLUDING CONSTRUCTION)  
CEILING INSULATION: R1.74 (UP)  
ROOF: FOIL BACKED 55MM BLANKET  
ELECTRIC HEAT PUMP/ HOT WATER  
SERVICE

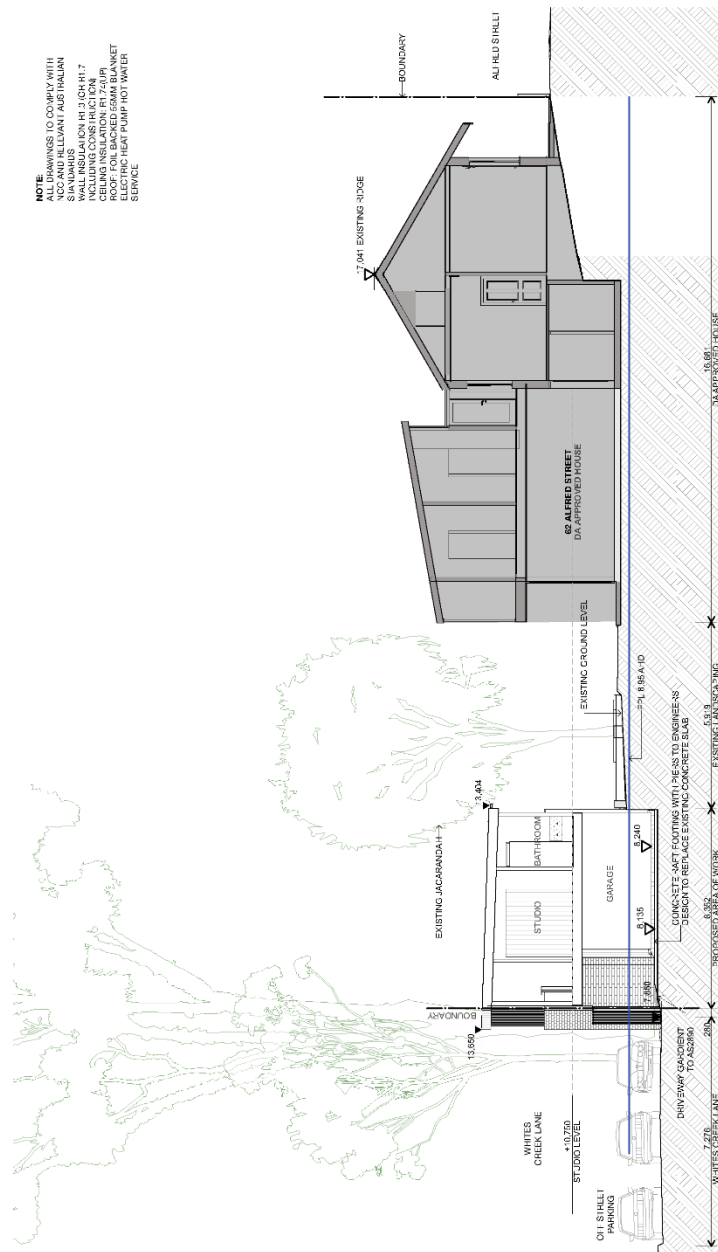
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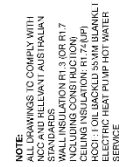


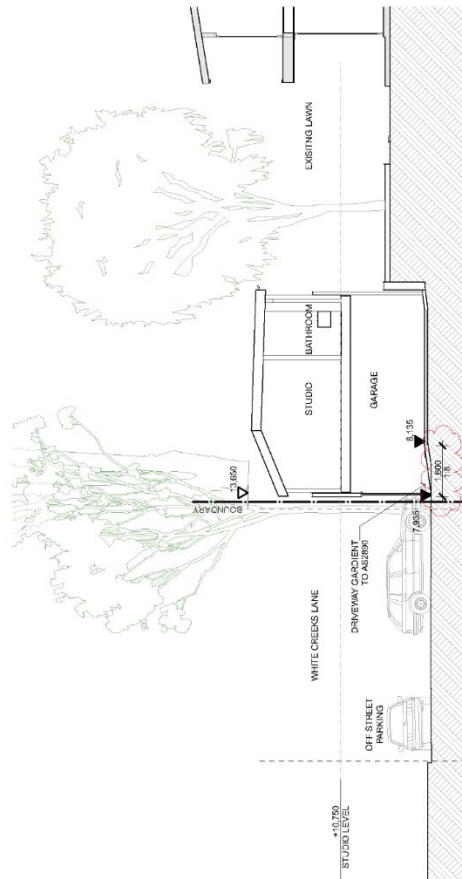










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**1** GARAGE SECTION  
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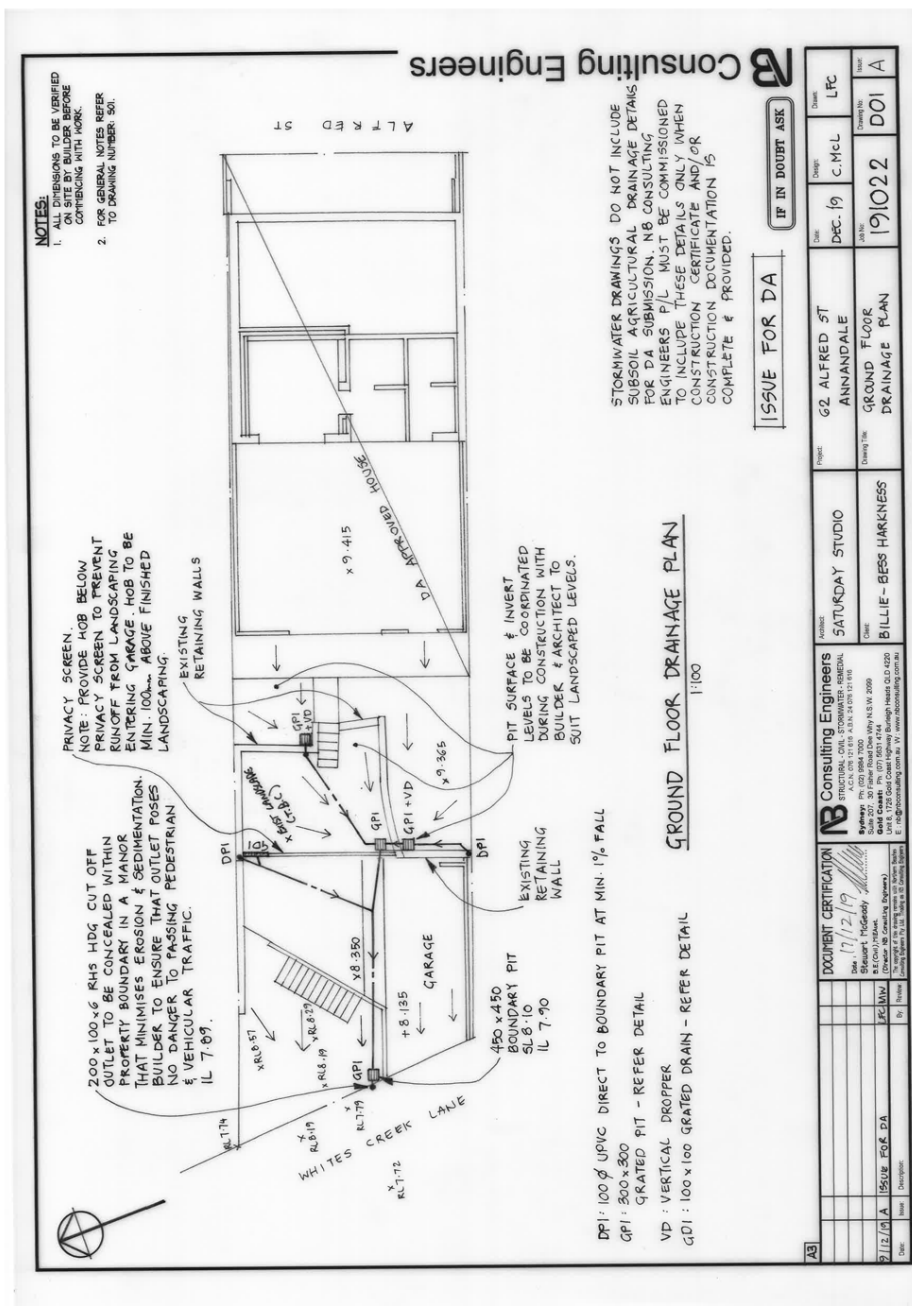
ID	Height	Width	W450	W630	W834	W926
2101	2106	820	2128	630	1712	1,812
2102	2106	820	2395	2,063	798	1,243
Front View						
			VRIDIAN COMFORT HUSH METAL TINTED GLASS SH-2 SHGC 0.51 SHADING CO 0.6	VRIDIAN COMFORT HUSH METAL TINTED GLASS SH-2 SHGC 0.51 SHADING CO 0.6	VRIDIAN COMFORT HUSH METAL TINTED GLASS SH-2 SHGC 0.51 SHADING CO 0.6	VRIDIAN COMFORT HUSH METAL TINTED GLASS SH-2 SHGC 0.51 SHADING CO 0.6
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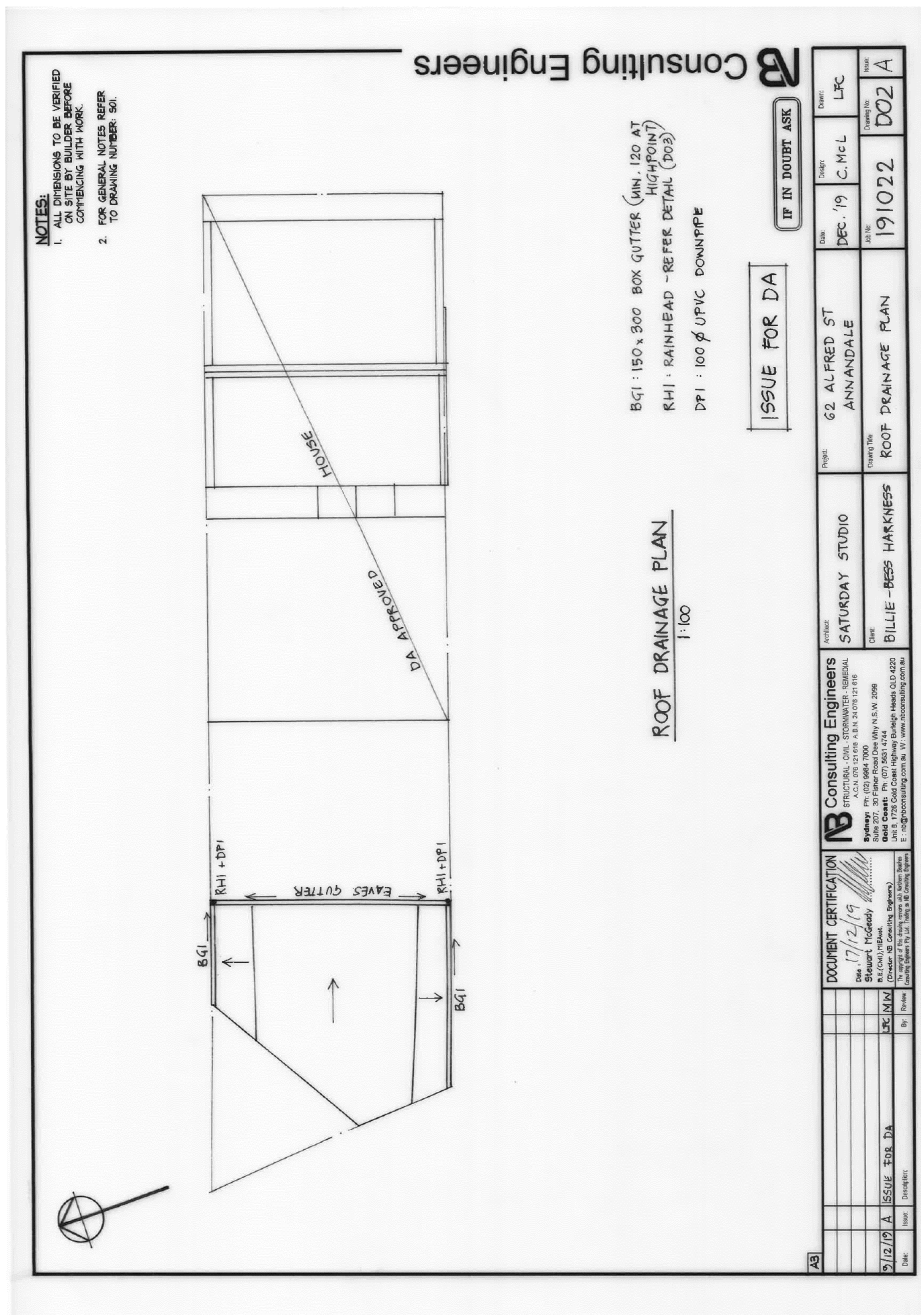
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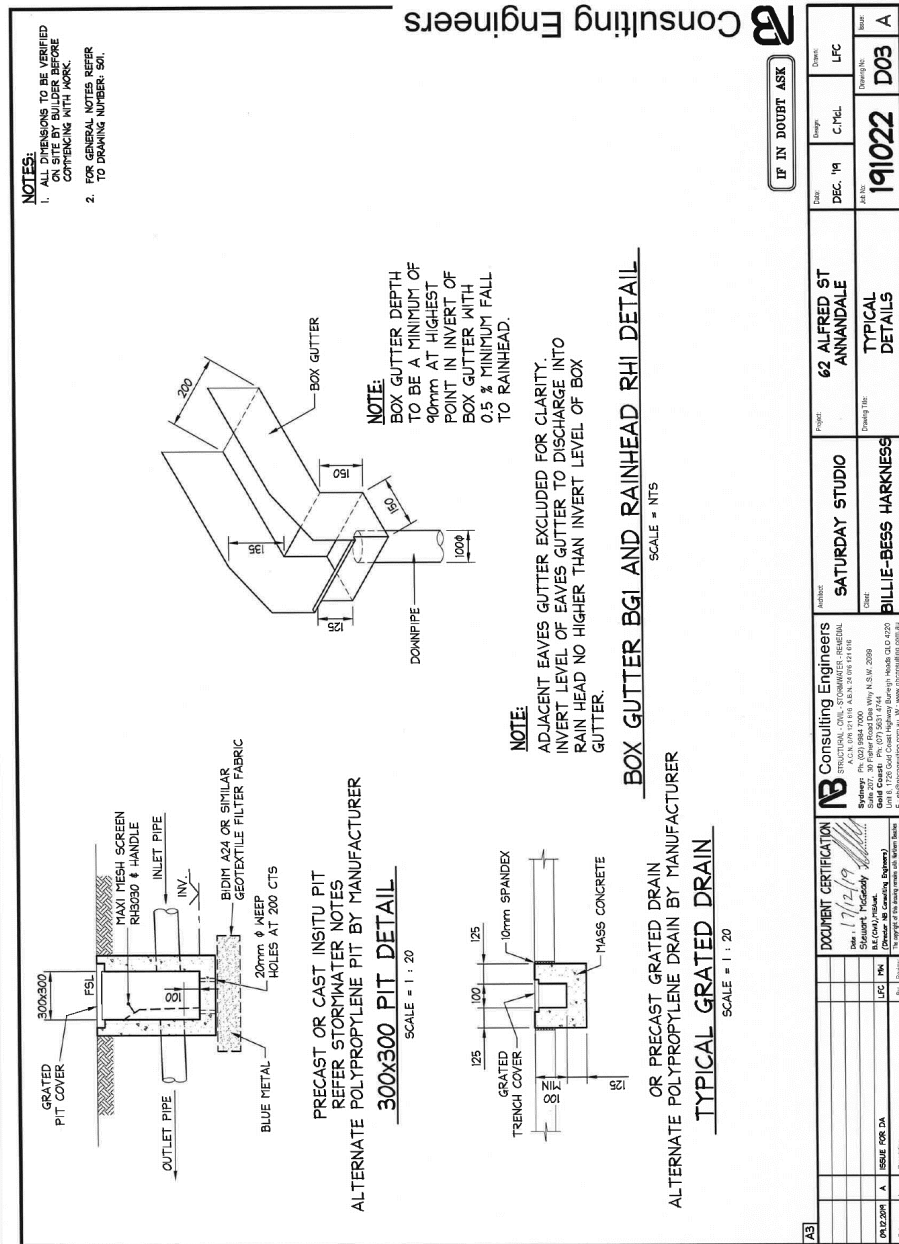
01 Window List 1:1

**NOTE:**  
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NCC AND RELEVANT AUSTRALIAN  
STANDARDS  
WALL INSULATION R1.3 (OR R1.7  
INCLUDING CONSTRUCTION)  
CEILING INSULATION R1.74(UF)  
ROOF: FOIL BACKED 50MM BLANKET  
ELECTRIC HEAT PUMP HOT WATER  
SERVICE

[illegible]







**STORMWATER NOTES:**

1. ALL PIPES TO BE 100mm Ø UNLESS NOTED OTHERWISE
2. ALL PIPES TO BE 100mm Ø UNLESS NOTED OTHERWISE
3. ALL PIPES TO BE 100mm Ø UNLESS NOTED OTHERWISE
4. ALL PIPES SHALL BE LAID ON A 75mm SAND BED, COMPACTED TO 100% S.M.D.D. BELOW PAVEMENTS. ( NO COMPACTION REQUIRED BELOW LANDSCAPING )  
COVER TO SURFACE FROM TOP OF PIPE TO BE 300mm MINIMUM.  
BACKFILL TO BE ADEQUATELY CONSOLIDATED AROUND PIPES BY METHOD OF TAMPING AND WATERING.  
5. ALL DOWN PIPES TO BE 100mm Ø UNLESS NOTED OTHERWISE.  
6. DOWN PIPE LOCATIONS ARE INDICATIVE ONLY. LOCATIONS TO BE CONFIRMED WITH ARCHITECT PRIOR TO COMMENCEMENT OF WORK.  
7. PROVIDE CLEANING EYES AT ALL DOWNPIPES.  
8. ALL PITS TO BE CAST IN SITU OR, IF PRECAST, APPROVED BY ENGINEER.  
9. CAST IN SITU PITS TO BE 100mm Ø UNLESS NOTED OTHERWISE.  
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17. CAST IN SITU PITS TO BE 100mm Ø UNLESS NOTED OTHERWISE.  
18. CAST IN SITU PITS TO BE 100mm Ø UNLESS NOTED OTHERWISE.

**NOTES:**

1. ALL DIMENSIONS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.
2. FOR GENERAL NOTES REFER TO DRAWING NUMBER 501.

**ONSITE DETENTION CALCULATIONS  
INNER WEST COUNCIL (LEIGHARDT COUNCIL AREA)**

TOTAL SITE AREA	= 227.6 m <sup>2</sup>
PRE DEVELOPED IMPERVIOUS AREA	= 152.6 m <sup>2</sup> ( 67 % )
PROPOSED IMPERVIOUS AREA	= 172.7 m <sup>2</sup> ( 76 % )
INCREASE IMPERVIOUS AREA	= 20.1 m <sup>2</sup> ( 9 % )
RAINWATER STORAGE REQUIREMENT (BASIX)	= NIL
OSD REQUIREMENT:	
AS THE DEVELOPMENT SITE IS LOCATED WITHIN A FLOOD AFFECTED AREA, ON-SITE DETENTION IS NOT RECOMMENDED FOR THIS DEVELOPMENT.	
ADDITIONAL CONCENTRATED DISCHARGE TO WHITES CREEK LANE AS A RESULT OF THE DEVELOPMENT	= 3.6 L/s

Consulting Engineers

IF IN DOUBT ASK

A3	Date: 17/12/19	Drawn: LFC	Scale: 1:100	Project: 62 ALFRED ST ANNANDALE	Client: SATURDAY STUDIO	Contract: STORMWATER NOTES & CALCULATIONS	Drawing No: D04	Sheet: A
Author: BILLIE-BESS HARKNESS	Checker: BILLIE-BESS HARKNESS	Engineer: BILLIE-BESS HARKNESS	Project: 62 ALFRED ST ANNANDALE	Client: SATURDAY STUDIO	Contract: STORMWATER NOTES & CALCULATIONS	Drawing No: D04	Sheet: A	



