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|  DEVELOPMENT ASSESSMENT REPORT | |
| Application No. | DA/2020/0548 |
| Address | 215 Albany Road STANMORE NSW 2048 |
| Proposal | Alterations and additions to existing dwelling including garage with studio above at the rear of the site. |
| Date of Lodgement | 15 July 2020 |
| Applicant | Innovac Dyer Architects |
| Owner | Mr Milan M Milosevic |
| Number of Submissions | No submissions |
| Value of works | \$43,000.00 |
| Reason for determination at Planning Panel | Clause 4.6 variation exceeds 10% |
| Main Issues | <ul style="list-style-type: none"> • Non-compliance with Clause 4.4 Floor space ratio • Bulk & Scale • Built form and design • Loft Structure over garage • Heritage Conservation |
| Recommendation | Refusal |
| Attachment A | Without Prejudice Draft Conditions of Consent (if not refused) |
| Attachment B | Plans of proposed development |
| Attachment C | Clause 4.6 Exception to Development Standards |



LOCALITY MAP

| | | | | |
|---------------|---|------------|---|-----|
| Subject Site |  | Objectors |  | ↑ N |
| Notified Area |  | Supporters |  | |

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing dwelling including garage with studio above at the rear of the site at 215 Albany Road, Stanmore.

The application was notified to surrounding properties and no submissions were received in response to the notification.

The main issues that have arisen from the assessment of the application include:

- Non-compliance with the maximum floor space ratio ('FSR')
- Bulk and Scale
- Built form and design of the loft structure over garage; and
- Heritage Conservation.

A formal written request for an exception to the development standard under Clause 4.6 of the MLEP 2011 was submitted to address the breach in FSR. Notwithstanding, the proposal does not conform to the pattern of development within the vicinity of the site, results in a poor planning outcome and does not comply with a number of controls contained within the MDCP 2011. As a result, the application is recommended for refusal

2. Proposal

The application seeks development consent for alterations and additions to an existing dwelling including an existing garage with studio above at the rear of the site.

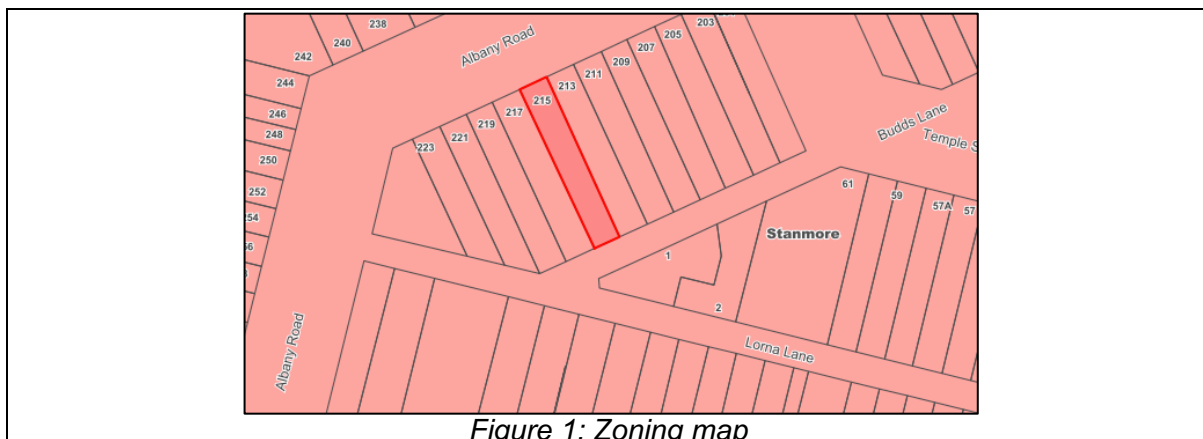
Specifically, the following works are proposed:

- Addition of stairs new bathroom on the ground floor of the garage; and
- New studio above with bathroom.

3. Site Description

The subject site is located on the southern side of Albany Road, between Temple Street and Lorna Lane, Stanmore. A laneway adjoins the site along its rear boundary known as Budds Lane. The site area is approximately 221.3 sqm with a primary frontage to Albany Road. An existing two storey terrace house is located on the site.

The land is zoned R2 Low Density Residential as shown in the figure below.



4. Background

4(a) Application history

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

| Date | Discussion / Letter / Additional Information |
|--------------------------|--|
| 15 July 2020 | Lodged |
| 30 July – 13 August 2020 | Public exhibition |
| 11 September 2020 | <p>Council wrote to the applicant raising the following concerns:</p> <ul style="list-style-type: none"> • The bulk and scale of the structure and for the structure to be designed to be more akin to a 'loft structure above a garage'. • Re-assessment of the FSR. • Improvements to the design such as materials and roof form to be sympathetic the the HCA. • Shadow Diagrams to be submitted. |
| 18 October 2020 | Applicant requested an extension of time (2 weeks) to submit the additional information. Council granted the extension until 4 November 2020. |
| 3 November 2020 | <p>Applicant provided amended plans including the following:</p> <ul style="list-style-type: none"> • The height of the overall structure has been increased from 49.48 to 49.58 according to the plans submitted. • Changes in material. <p>These amended plans are the subject of this assessment report. The amended plans did not require renotification in accordance with Council's notification policy.</p> |

The current assessment is based on the amended plans/additional information provided by the applicant on the 3 November 2020.

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*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that "the site is, or can be made, suitable for the proposed use" prior to the granting of consent.

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

5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the MLEP 2011;

| Control | Proposed | Compliance |
|---|---|----------------------------|
| Clause 1.2 Aims of Plan | By virtue of the excessive bulk and scale, lack of sympathetic design and adverse amenity impacts, the proposal is considered to be inconsistent with the following aims: <i>(h) to promote a high standard of design in the private and public domain.</i> <i>(g) to identify and conserve the environmental and cultural heritage of Marrickville,</i> | No |
| Clause 2.3 Zone objectives and Land Use Table <i>R2 Low Density Residential</i> | Dwelling houses are permissible with consent within the zone. The development is not consistent with the following objective of the R2 zone. <i>To provide for the housing needs of the community within a low density residential environment.</i> | No |
| Clause 4.3 Height <i>(Max: 9.5m)</i> | The development has a compliant building height of approximately 5.9 metres. | Yes |
| Clause 4.4 Floor Space Ratio <i>(Max: 0.9:1 or 199.17 sqm)</i> | The development proposes a floor space area of 0.99:1 or 220 sqm. This is a non-compliance of 20.83 sqm or 10.45%. | No - See discussion below |
| Clause 4.5 Calculation of floor space ratio and site area | The site areas and floor space ratios for the proposal have been calculated in accordance with the clause. | Yes |
| Clause 4.6 Exceptions to development standards | The applicant has submitted a variation request in accordance with Clause 4.6 to vary the Floor Space Ratio Development Standard. | Yes - See discussion below |
| Clause 5.10 Heritage conservation <i>C6 - Annandale Farm HCA</i> | The site is within a heritage conservation area (HCA). The design of the proposed rear structure does not adequately respond to the HCA as it results in additional bulk and scale to the rear laneway which is uncharacteristic of the HCA and employs a roof form and other design elements that do not relate well to the building forms within the HCA. As such, the development results in adverse impacts to the heritage significant of the HCA contrary to Clause 5.10. | No |

(i) Floor Space Ratio (Clause 4.4)

Clause 4.4(2A) of MLEP 2011 specifies a maximum floor space ratio for a dwelling house on land labelled “F” on the Floor Space Ratio Map. The maximum floor space ratio (FSR) of 0.9:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The property has a site area of 221.3sqm. The proposed development has a GFA of 220sqm which equates to an FSR of 0.99:1 on the 221.3sqm site which does not comply with the FSR development standard.

The applicant provided a Clause 4.6 written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 of MLEP 2011 which is discussed below.

(ii) Clause 4.6 Exceptions to Development Standards

As outlined above, the proposal exceeds the maximum floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011 by 20.8sqm or 10.45%.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the MLEP 2011 below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the MLEP 2011 justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposal is consistent with adjoining structures along Budds Lane;*
- *The proposal will not facilitate an unacceptable standard of bulk and scale;*
- *The proposal maintains a satisfactory relationship with adjoining development and the street context;*
- *The proposal FSR is contributed from the extension to the main dwelling.*

The applicant's written rationale does not adequately demonstrate compliance with the development standard is reasonable in the circumstances of this particular case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

In addition, it is considered the development is not in the public interest because it is not consistent with the relevant objectives of the R2 – Low Density Residential, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposal is not consistent with the zone objective for the following reason:

- The proposal results in an unacceptable built form which is not in keeping with its neighbourhood and adverse amenity impacts to neighbouring, low density residential properties.

The objectives of the Floor Space Ratio development standard under MLEP 2011 are:

- (a) to establish the maximum floor space ratio,*
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain.*

It is considered the development is not in the public interest because it is not consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the MLEP 2011 for the following reasons:

- The design is not sympathetic to the pattern of development located within the vicinity of the site;
- The proposal results in unacceptable bulk and scale impacts to neighbouring properties;
- The proposal is not sympathetic to the HCA; and
- The proposal results in a poor planning outcome to the public domain.

The proposal thereby does address the objective of Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the MLEP 2011. For the reasons outlined above, there are not sufficient environmental planning grounds to justify the departure from the Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be refused.

5(b) Draft Environmental Planning Instruments

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

Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 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 LEP Amendment are not especially relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

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

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

The Draft IWLEP 2020 contains amended Aims of Plan under Clause 1.2. These aims are very similar to the existing aims of MLEP 2011. In particular, aim (i) seeks “to achieve a high-quality urban form and open space in the public and private domain by ensuring new development exhibits architectural and urban design excellence”.

The proposal is considered to be contrary to the aims of Draft IWLEP 2020 in that the design of the studio and garage will result in adverse amenity impacts to neighbouring properties and is inconsistent with the character of the laneway.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011. The following provides discussion of the relevant issues:

| Control | Proposed | Compliance |
|--|--|------------|
| <i>Part 2 – Generic Provisions</i> | | |
| Part 2.1 – Urban Design | Refer to discussion below | No |
| Part 2.7 – Solar Access and Overshadowing | <p>Part 2.7 of MDCP 2011 contains objectives and controls relating to solar access and overshadowing.</p> <p>Although shadow diagrams were not submitted with the application, it is not considered that the proposal will affect adjoining properties along Albany Road or to the Lorna Lane properties (across Budds Lane). The shadows cast will be either to existing structures to the Albany Road properties, on Budds Lane or to areas to non-protected areas of the dwelling at Lorna Lane.</p> <p>For these reasons, the proposal is acceptable with regard to Part 2.7 of MDCP 2011.</p> | Yes |
| Part 2.10 – Parking | <p>Part 2.10 of MDCP 2011 requires one car parking space be provided for a dwelling house. Two car parking spaces are proposed.</p> <p>The second car parking space has been included as part of GFA which is noted under Clause 4.4 of the report. Notwithstanding, the two car parking spaces within the garage is existing and the application is not altering this arrangement.</p> <p>The issue of parking and access is discussed further under “Part 4 – Residential Development (Section 4.1.7)”.</p> | Yes |
| <i>Part 4.1 – Low Density Residential Development</i> | | |
| Part 4.1.4 – Good Urban Design Practice | Refer to discussion below | No |
| Part 4.1.5 – Streetscape and Design | Refer to discussion below | No |
| Part 4.1.6.1 - Floor Space Ratio and Height | Refer to discussion below | No |
| Part 4.1.6.2– Built form and character | Refer to discussion below | No |
| Part 4.1.7 Car Parking | The development satisfies the car parking controls outlined in MDCP 2011 in that the parking is located at the rear of the dwelling, accessed via Budds Lane and the structure proposed would be consistent with other developments in the vicinity of the site. | Yes |
| Part 4.1.7.5 – Loft Structures Over Garages | Refer to discussion below | No |
| <i>Part 8 – Heritage</i> | | |
| Part 8.2.8 – Annandale Farm Heritage Conservation Area | Refer to discussion below | No |

| <i>Part 9 – Strategic Context</i> | | |
|---------------------------------------|---------------------------|----|
| Part 9.3 –Stanmore North (Precinct 3) | Refer to discussion below | No |

Part 2.1 – Urban Design

As discussed throughout this report, it is not considered the proposal is consistent with the following urban design principles:

Principle 5: Urban Form

Principle 9: Sense of place and character in streetscapes and townscapes

Part 4.1.4 – Good Urban Design Practice

The development does not adequately satisfy this part for the following reasons:

- The scale of the proposed rear structure is not appropriate for the site given the proposal results in adverse impacts to the streetscape within the laneway; and adverse visual bulk and scale impacts to the neighbouring dwellings due to the two storey structure having excessive height, bulk and scale created by the height and pitch of the roof of the rear structure; and
- The proposal has not demonstrated that the development is of a design that complements or enhances the character of the area.

As a result, it is not considered to satisfy the following urban design practices:

- *Consider the characteristics of the site and the adjoining development by undertaking a site and context analysis;*
- *Ensure new development maintains the established setback and enhances the streetscape character of the locality;*
- *Ensure the scale of development is appropriate for the site; and*
- *Ensure the development is designed and uses materials and finishes which complement the locality.*

Part 4.1.5 – Streetscape and Design

The development does not adequately satisfy this part for the following reasons:

- The proposal is not sympathetic to the uniformity in bulk, scale and height of the locality;
- The proposal is not characteristic of the streetscape and the proposal provides unreasonable bulk and scale impacts to the adjoining properties due to its height;
- The proposal has a complex, unsympathetic roof form which is not consistent with the roof form typology within the vicinity;
- The proposal has not demonstrated that the development is of a design that complements or enhances the character of the area;
- The roof shape and pitch of the proposal does not respond to the cues and characteristics of other developments within the vicinity.

As a result, it is not considered to satisfy the following relevant objective of this part:

O8 To ensure development in streetscape with a visual cohesiveness and an identifiable uniformity in bulk, scale and height complement that uniformity.

Part 4.1.6.1 - Floor Space Ratio and Height

The development does not adequately satisfy this part for the following reasons:

- The information submitted with the application identifies that the height has increased from 49.48 to 49.58 of the proposed design which is unsupportable as an increase in height will result in greater impacts;
- The proposal is not of a scale and form that enhances the character and quality of the streetscape;
- The proposal is excessive in terms of the surrounding street context as the bulk and scale of the first floor and roof form is not characteristic of the area;
- Overall the development is not considered to be of a scale and form that enhances the streetscape contrary to this part.

As a result, it is not considered to satisfy the following relevant objective of this part:

O10 To ensure development is of a scale and form that enhances the character and quality of streetscapes.

Part 4.1.6.2– Built form and character

The development does not adequately satisfy this part for the following reasons:

- The proposal results in significant visual bulk to the private open space of neighbouring properties with a structure of 6.1 metres presenting to the small areas of private open space resulting in unacceptable visual bulk impacts contrary to Controls 8(v) and 10 (ii);
- Whilst the first floor is setback off the laneway at the rear a few millimetres this does not achieve adequate articulation for the rear structure; and
- The shape of the roof and the unarticulated, 'boxy' profile of the first floor provides unnecessary bulk and scale impacts.

As a result, it is not considered to satisfy the following relevant objective of this part:

O14 To integrate new development with the established setback character of the street and maintain established gardens, trees and vegetation networks.

Part 4.1.7.5 – Loft Structures Over Garages

The relevant controls in this Part are:

C31 Loft structures over garages at the rear of a site may be acceptable subject to:

- v. Compliance with overall height, FSR, landscaping and parking requirements of this DCP and MLEP 2011;*
- vi. There being minimal adverse impact on amenity of the subject property, neighbouring properties and the public domain;*
- vii. The bulk and scale of the overall structure not being dominant compared with other rear lane structures or the houses in the locality; and*
- viii. The structure not adversely affecting the character of the street or laneway.*

The development is not considered to adequately satisfy the loft structure over garages controls for the following reasons:

- The height of the proposed development is 5.9 metres which is considered excessive and results in acceptable bulk and scale impacts;
- The first floor above the garage presents as a 'dominant' form to the laneway and results in a full first floor addition (2 storey form) and not a loft structure;
- The proposed bulk and scale of the development is not characteristic of surrounding development and results in adverse visual bulk amenity impacts to adjoining properties;
- The proposed roof form is not akin to a loft structure above garage design and is an atypical, unsympathetic element in the conservation area; and
- The proposal impacts the character of the laneway as a result of its scale and design.

Part 8.2.8 – Annandale Farm Heritage Conservation Area

The development does not adequately satisfy this part for the following reasons:

- The proposal's roof form does not demonstrate consistent rhythm and pitch demonstrated within the roof form typology within the vicinity;
- The proposal which is visible from the public domain does not respect the original built form and is obtrusive in the streetscape, in addition to using unsympathetic materials; and
- The height of the proposal is not appropriate for the HCA.

As a result, it is not considered to satisfy the following relevant objectives of this part:

- xi. (e) Roof forms of groups or runs of buildings demonstrating consistent pitch and rhythm;*
- xii. Intact or substantially intact built elements:*
 - a. Consistency of form and detailing to intact and substantially intact original dwellings and streetscapes; and*
 - b. Any additions visible from the public domain that are of a minor scale respect original built form and are unobtrusive in the context of the streetscape.*

Part 9.3 –Stanmore North (Precinct 3)

The property is located in the Stanmore North Planning Precinct (Precinct 3) under MDCP 2011. The proposal is not in keeping with the desired future character of the area in that:

- The proposal does not preserve the predominantly low density residential character of the precinct; and
- The proposal does not protect the values of the Annandale Farm HCA.

As a result, it is not considered to satisfy the following relevant objective of this part:

- 6. To preserve the predominantly low density residential character of the precinct.*
- 9. To protect the identified values of the Annandale Farm Heritage Conservation Area.*

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in terms of bulk and scale, and amenity.

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

It is considered that the proposal will have an adverse impact on the adjoining properties, as well as the existing and desired future character of the area and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to the surrounding properties. No submissions were received.

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.

Approval of the proposal in its current form is considered contrary to the public interest.

7. Referrals

The following internal referrals were made, and their comments have been taken into account as part of the assessment above:

- Heritage Specialist
- Development Engineering

8. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are not payable for the proposal.

Conclusion

The proposal generally does not comply with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and *Marrickville Development Control Plan 2011*.

The development would result in adverse impacts in terms of bulk and scale and amenity impacts and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. The applicant has made a written request under Clause 4.6 of the *Marrickville Local Environmental Plan 2011* to vary Clause 4.4 Floor Space Ratio. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the standard is unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to support the variation. The proposed development will not be in the public interest because the exceedance is inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, **refuse** Development Application No. DA/2020/0548 for additions to an existing dwelling including garage with studio above at the rear of the site at 215 Albany Road, Stanmore for the following reasons:
1. The Clause 4.6 request which accompanies the application fails to adequately demonstrate sufficient environmental planning grounds to justify contravention of the Floor Space Ratio development standard. Exceeding the standard in this instance would not be consistent with the objectives of the standard or the zone in which the development is to be carried out, in light of the amenity and built form impacts of the design.
 2. The proposal is inconsistent and has not demonstrated compliance with the following clauses of *Marrickville Local Environmental Plan 2011*, having regard to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 1.2 - Aims of Plan;
 - b. Clause 4.4 - Floor Space Ratio.

3. The proposal has not demonstrated compliance with the aims of Draft Inner West Local Environmental Plan 2020, having regard to Section 4.15 (1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*.
4. The proposal is inconsistent with the Marrickville Development Control Plan 2011, having regard to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
 - a. Part 2.1 - Urban Design;
 - b. Part 4.1 - Low Density Residential Development;
 - c. Part 8 – Heritage;
 - d. Part 9 - Strategic Context.
5. The proposal will result in adverse environmental impacts in the locality, having regard to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. The application has not demonstrated that the site is suitable for the development, having regard to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
7. The proposal has not demonstrated it is in the public interest, having regard to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment A – Without Prejudice conditions of consent (in the event that the Panel grants consent)

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

| Plan, Revision and Issue No. | Plan Name | Date Issued | Prepared by |
|------------------------------|------------------------------|-----------------|--------------|
| DA1 | Site Plan and Landscape Plan | 8 June 2020 | Innovac Dyer |
| DA2 | Ground Floor Plan | 8 June 2020 | Innovac Dyer |
| DA3A | First Floor Plan | 1 November 2020 | Innovac Dyer |
| DA5A | North Elevation | 1 November 2020 | Innovac Dyer |
| DA6A | South Elevation | 1 November 2020 | Innovac Dyer |
| DA7A | East Elevation | 1 November 2020 | Innovac Dyer |
| DA8A | West Elevation | 1 November 2020 | Innovac Dyer |
| DA9A | Longitudinal Section | 1 November 2020 | Innovac Dyer |

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of

carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

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

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

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

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

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

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

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.

GENERAL CONDITIONS**4. Stormwater Drainage System – Simple**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

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 (RWMP) 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. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**8. 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.

9. 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.

10. 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.

11. 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

12. 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.

13. Parking Facilities - Domestic

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

1. 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;
2. The stairs within the garage shall be designed so as not to encroach within the design envelope of a parked vehicle as outlined in Figure 5.2 of AS2890.1; and
3. The external form and height of the approved structures must not be altered from the approved plans.

14. Structural Certificate for retained elements of the building

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

15. Acoustic Report – Aircraft Noise

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

DURING DEMOLITION AND CONSTRUCTION**16. 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.

17. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**18. 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:

- a. The repair of any damaged public infrastructure resulting from the development works; and
- b. 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".

19. 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.

20. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

21. 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.

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.

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Lead-based Paint

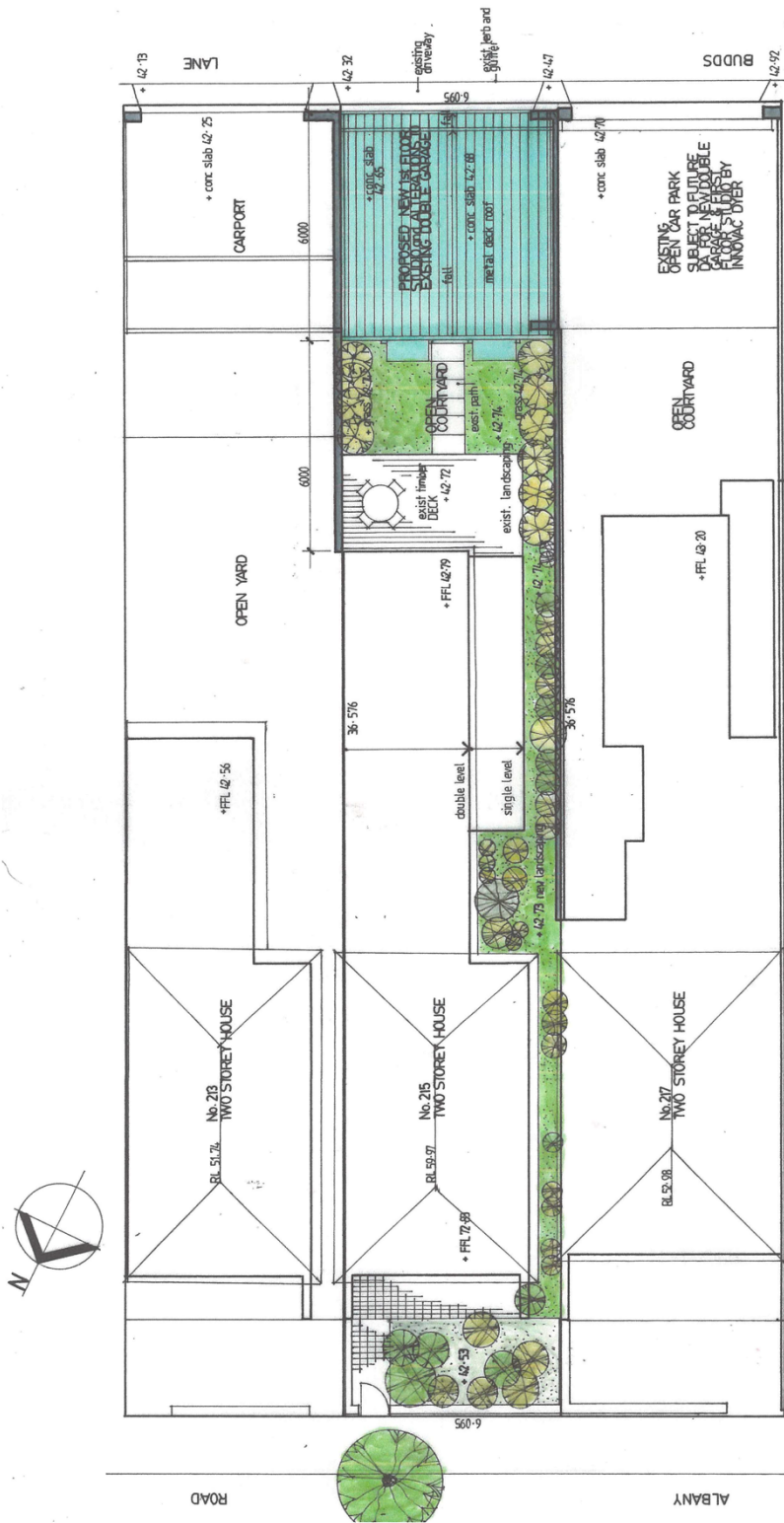
Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings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

Useful Contacts

| | |
|----------------------------|--|
| BASIX Information | 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au |
| Department of Fair Trading | 13 32 20 www.fairtrading.nsw.gov.au |
| Dial Prior to You Dig | Enquiries relating to Owner Builder Permits and Home Warranty Insurance. 1100 www.dialprior toyoudig.com.au |
| Landcom | 9841 8660 |

| | | | |
|--|----------|--------------|--|
| | | | To purchase copies of Volume One of "Soils and Construction" |
| Long Service Corporation | Payments | 131441 | www.lspc.nsw.gov.au |
| NSW Food Authority | | 1300 552 406 | www.foodnotify.nsw.gov.au |
| NSW Government | | | www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au |
| | | | Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage | | 131 555 | www.environment.nsw.gov.au |
| Sydney Water | | 13 20 92 | www.sydneywater.com.au |
| Waste Service - Environmental Solutions | SITA | 1300 651 116 | www.wasteservice.nsw.gov.au |
| Water Efficiency Labelling and Standards (WELS) | | | www.waterrating.gov.au |
| WorkCover Authority of NSW | | 13 10 50 | www.workcover.nsw.gov.au |
| | | | Enquiries relating to work safety and asbestos removal and disposal. |
| Dial before you dig | | | |
| Contact "Dial Prior to You Dig" prior to commencing any building activity on the site. | | | |

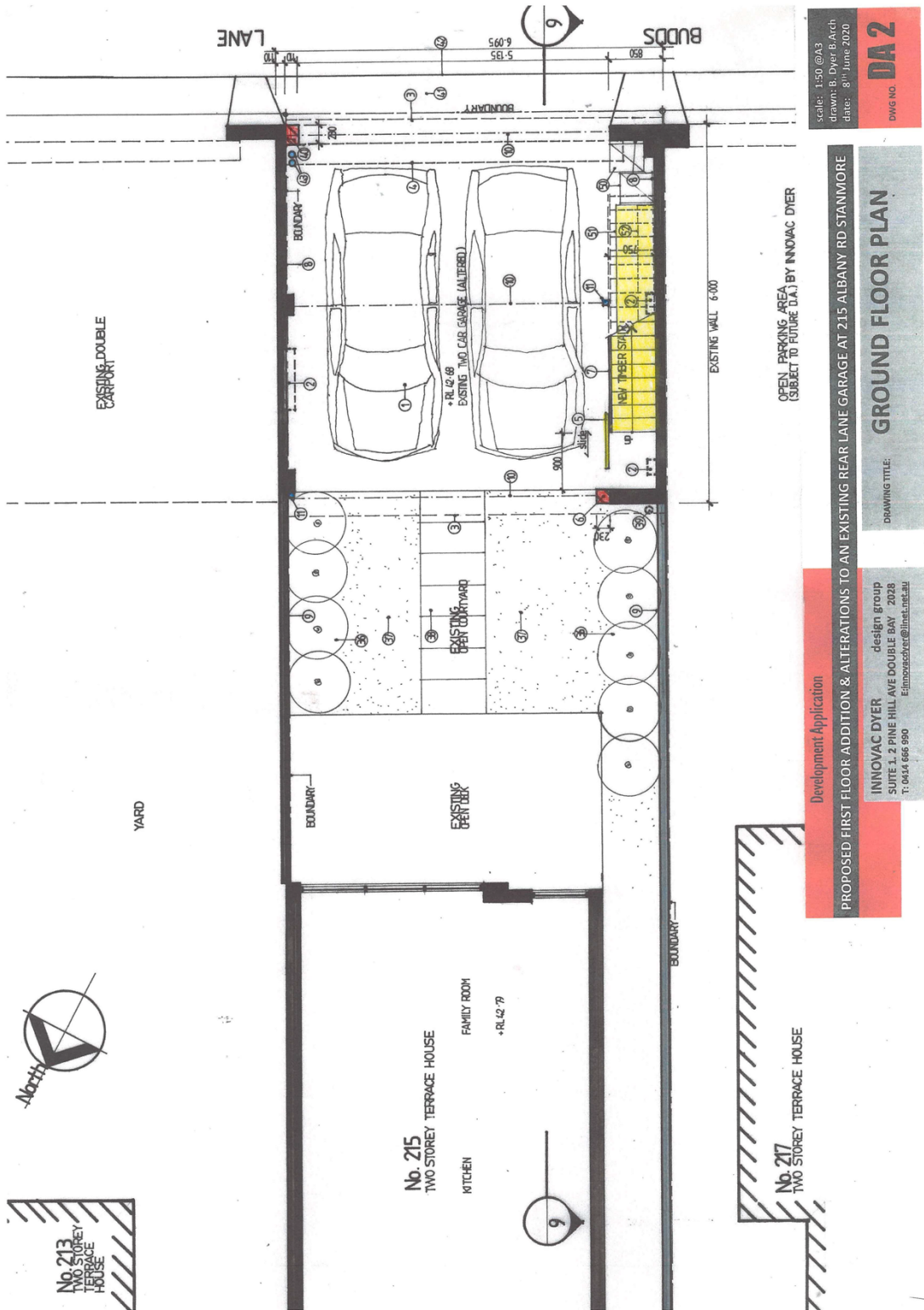
Attachment B – Plans of proposed development

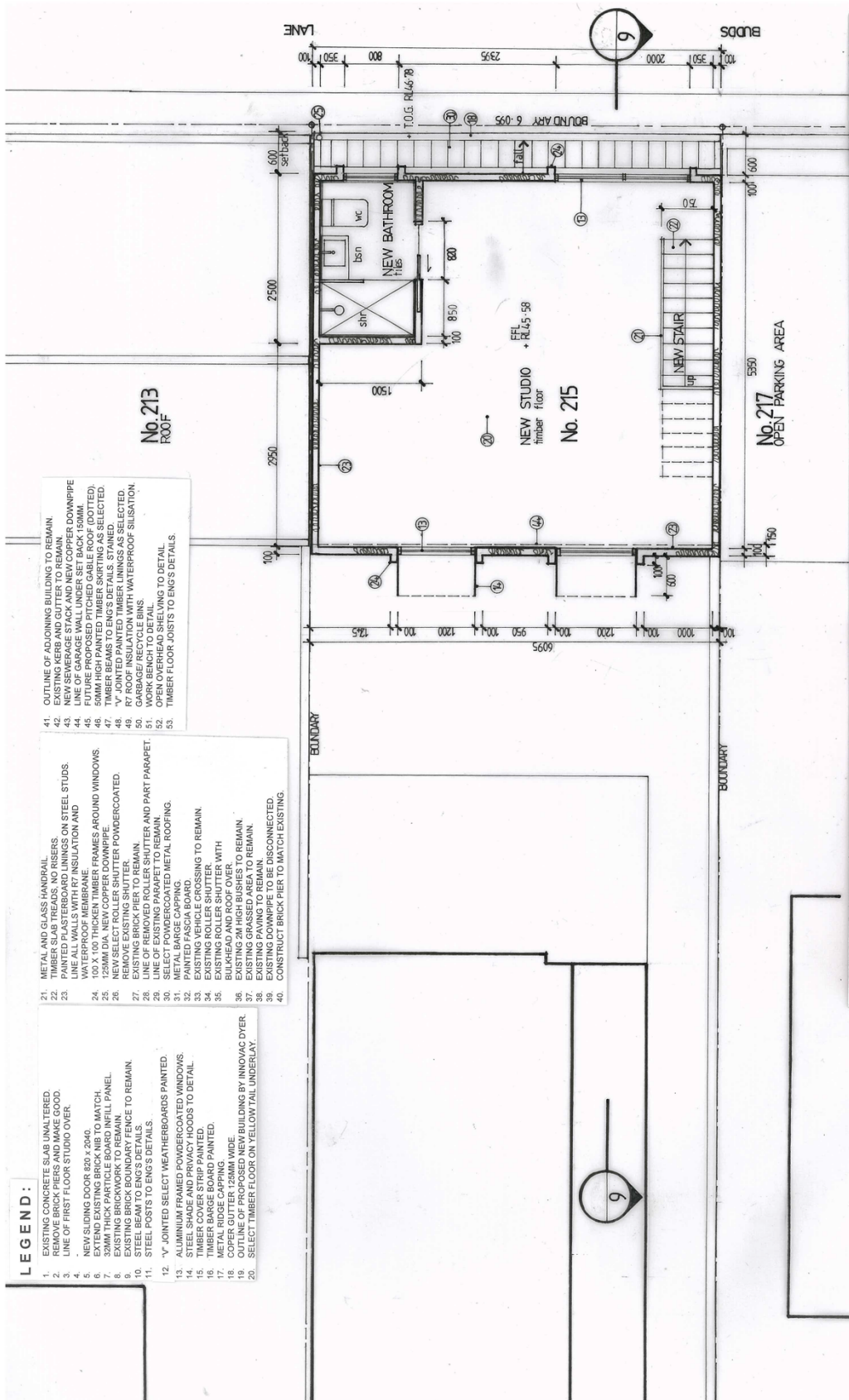


scale: 1:100 @ A3
 drawn: B. Dyer B.Arch
 date: 8th June 2020
 DWG NO. **DA 1**

PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE
 DRAWING TITLE:
SITE PLAN AND LANDSCAPE PLAN

Development Application
 INNOVAC DYER design group
 SUITE 4, 2 PINE HILL AVE DOUBLE BAY 2028
 T: 0434 666 990
 E: innovacdyer@innovacdyer.com.au





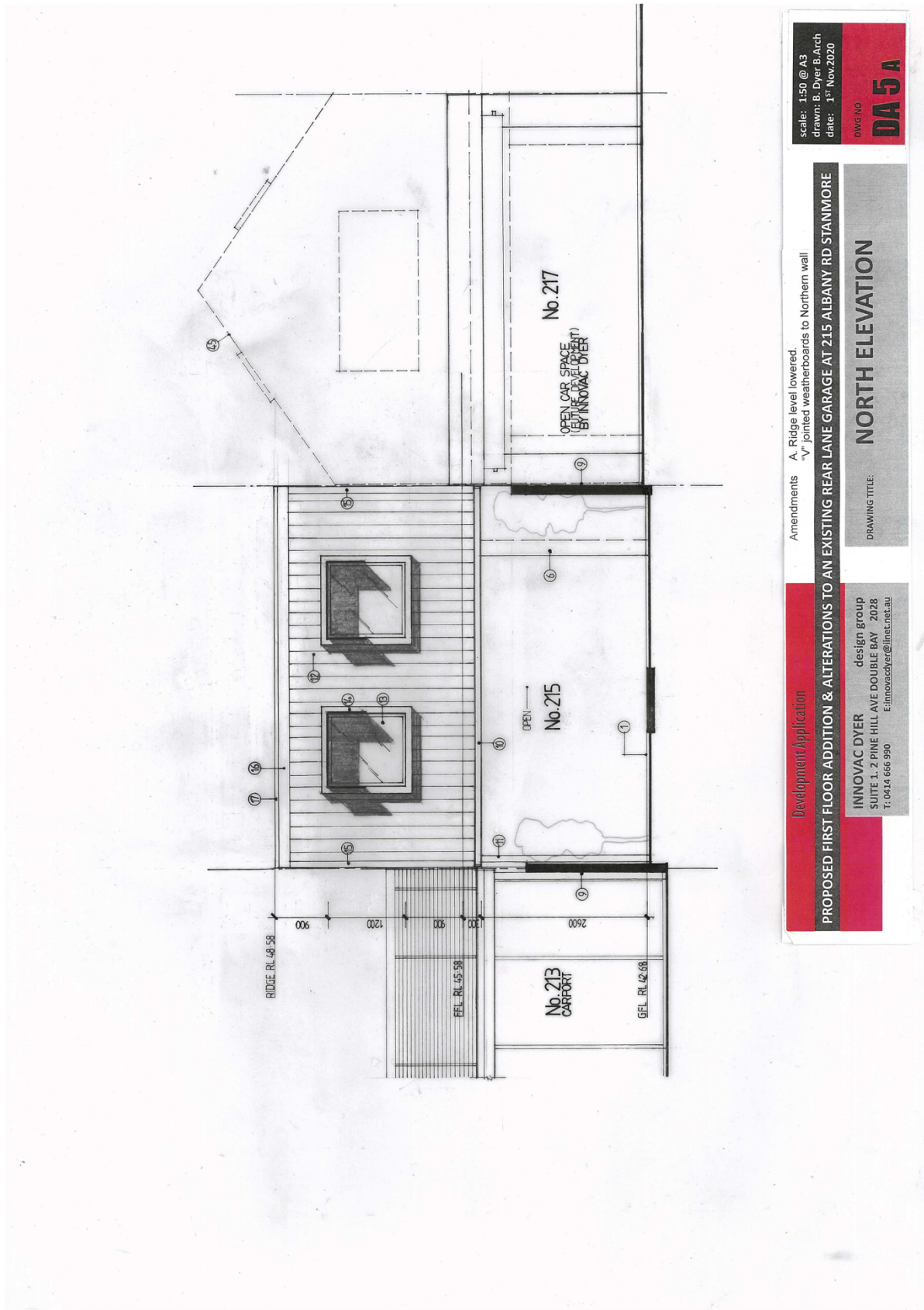
LEGEND:

- 1. EXISTING CONCRETE SLAB UNALTERED
- 2. REMOVE BRICK PIERS AND MAKE GOOD.
- 3. LINE OF FIRST FLOOR STUDIO OVER.
- 4. NEW SLIDING DOOR 600 x 2040.
- 5. EXTEND EXISTING BRICK NB TO MATCH.
- 6. 32MM THICK PARTICLE BOARD INFILL PANEL.
- 7. EXISTING BRICKWORK TO REMAIN.
- 8. EXISTING BRICK BOUNDARY FENCE TO REMAIN.
- 9. EXISTING BRICKWORK TO REMAIN.
- 10. STEEL POSTS TO ENG'S DETAILS.
- 11. 'V' JOINTED SELECT WEATHERBOARDS PAINTED.
- 12. 'V' JOINTED SELECT WEATHERBOARDS PAINTED.
- 13. METAL BARGE BOARD TO REMAIN.
- 14. STEEL SHADE AND PRIVACY HOODS TO DETAIL.
- 15. TIMBER COVER STRIP PAINTED.
- 16. TIMBER BARGE BOARD PAINTED.
- 17. METAL RIDGE CAPPING.
- 18. METAL RIDGE CAPPING.
- 19. OUTLINE OF PROPOSED NEW BUILDING BY INNOVAC DYER.
- 20. SELECT TIMBER FLOOR ON YELLOW TAIL UNDERLAY.
- 21. METAL AND GLASS HANDRAIL.
- 22. TIMBER SLAB TREADS, NO RISERS.
- 23. PAINTED PLASTERBOARD LININGS ON STEEL STUDS.
- 24. 100 X 100 X 100 INSULATION AND WATERPROOF MEMBRANE.
- 25. 100 X 100 THICKEN TIMBER FRAMES AROUND WINDOWS.
- 26. NEW SELECT ROLLER SHUTTER POWDERCOATED.
- 27. EXISTING BRICK PIER TO REMAIN.
- 28. LINE OF REMOVED ROLLER SHUTTER AND PART PARAPET.
- 29. LINE OF EXISTING PARAPET TO REMAIN.
- 30. METAL POWDERCOATED METAL ROOFING.
- 31. METAL BARGE BOARD.
- 32. PAINTED FASCIA BOARD.
- 33. EXISTING VEHICLE CROSSING TO REMAIN.
- 34. EXISTING ROLLER SHUTTER.
- 35. EXISTING BRICKWORK WITH BULKHEAD AND ROOF OVER.
- 36. EXISTING 2M HIGH BUSHES TO REMAIN.
- 37. EXISTING PAVING TO REMAIN.
- 38. EXISTING PAVING TO REMAIN.
- 39. EXISTING PAVING TO REMAIN.
- 40. CONSTRUCT BRICK PIER TO MATCH EXISTING.
- 41. OUTLINE OF ADJOINING BUILDINGS TO REMAIN.
- 42. EXISTING KERB AND GUTTER TO REMAIN.
- 43. NEW SEWERAGE STACK AND NEW COPPER DOWNPIPE.
- 44. LINE OF GARAGE WALL UNDER SET BACK 150MM.
- 45. NEW PROPOSED PITCHED GABLE ROOF (DOTTED).
- 46. 50MM INSULATION TO BE SELECTED.
- 47. TIMBER BEAMS TO ENG'S DETAILS, STAINED.
- 48. 'V' JOINTED PAINTED TIMBER LININGS AS SELECTED.
- 49. R7 ROOF INSULATION WITH WATERPROOF SILICONE.
- 50. NEW ROOF LININGS.
- 51. WORK BENCH TO DETAIL.
- 52. OPEN OVERHEAD SHELVING TO DETAIL.
- 53. TIMBER FLOOR JOISTS TO ENG'S DETAILS.

scale: 1:50 @ A3
 drawn: B. Dyer B.Arch
 date: 1st Nov. 2020
 DRAWING NO
DA3A

Amendments A. Legend altered.
PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE
 DRAWING TITLE:
FIRST FLOOR PLAN

Development Application
 INNOVAC DYER design group
 SUITE 1, 2 PINE HILL AVE DOUBLE BAY 2028
 T: 0414 666 990
 E: innovacdyer@inet.net.au



scale: 1:50 @ A3
 drawn: B. Dyer B.Arch
 date: 1st Nov. 2020
 DWG NO. **DA 5 A**

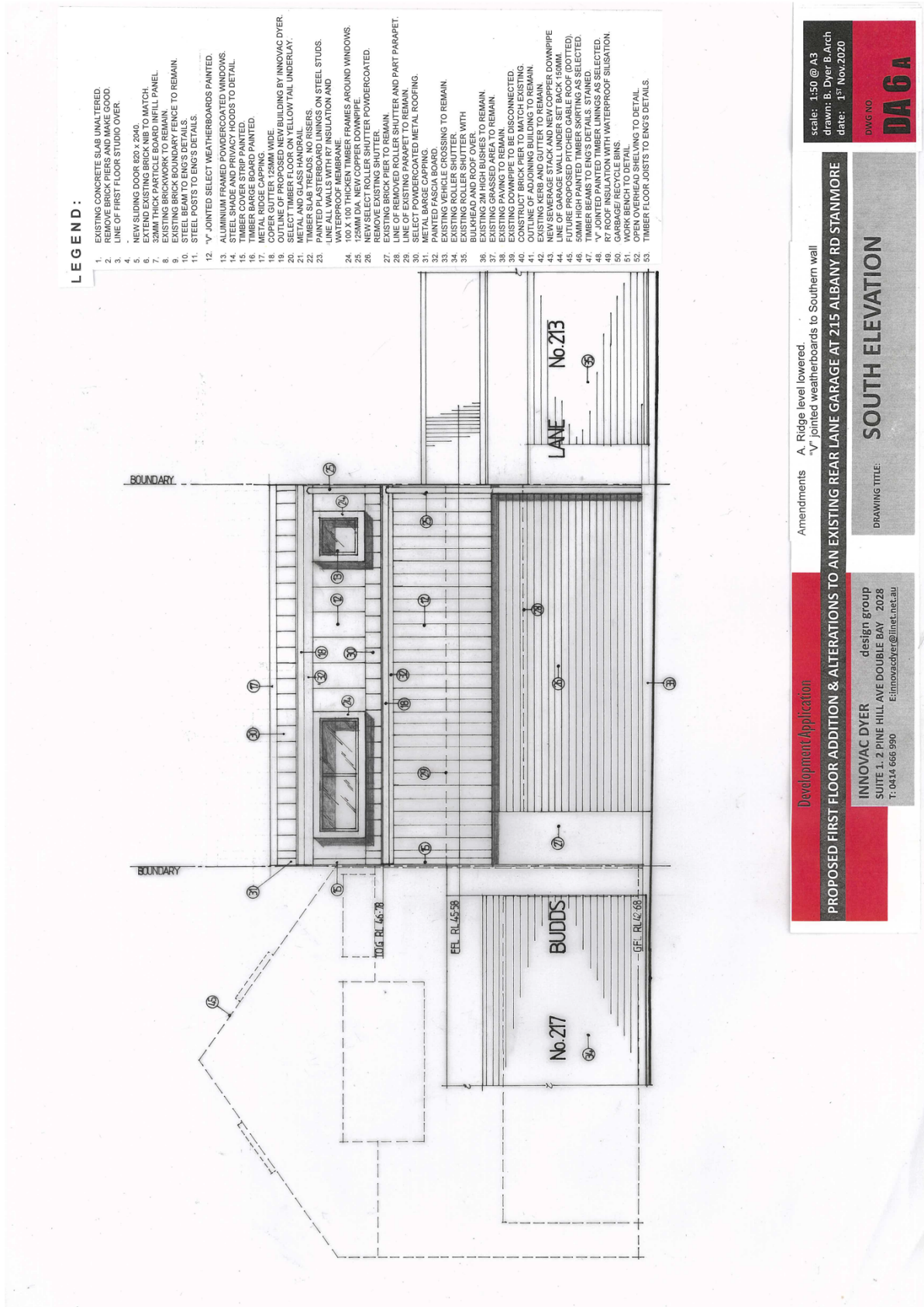
Amendments
 A. Ridge level lowered
 "V" jointed weatherboards to Northern wall

PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE

DRAWING TITLE: **NORTH ELEVATION**

Development Application

INNOVAC DYER design group
 SUITE 1. 2 PINE HILL AVE DOUBLE BAY 2028
 E: innovacdye@inet.net.au
 T: 0414 666 990



LEGEND:

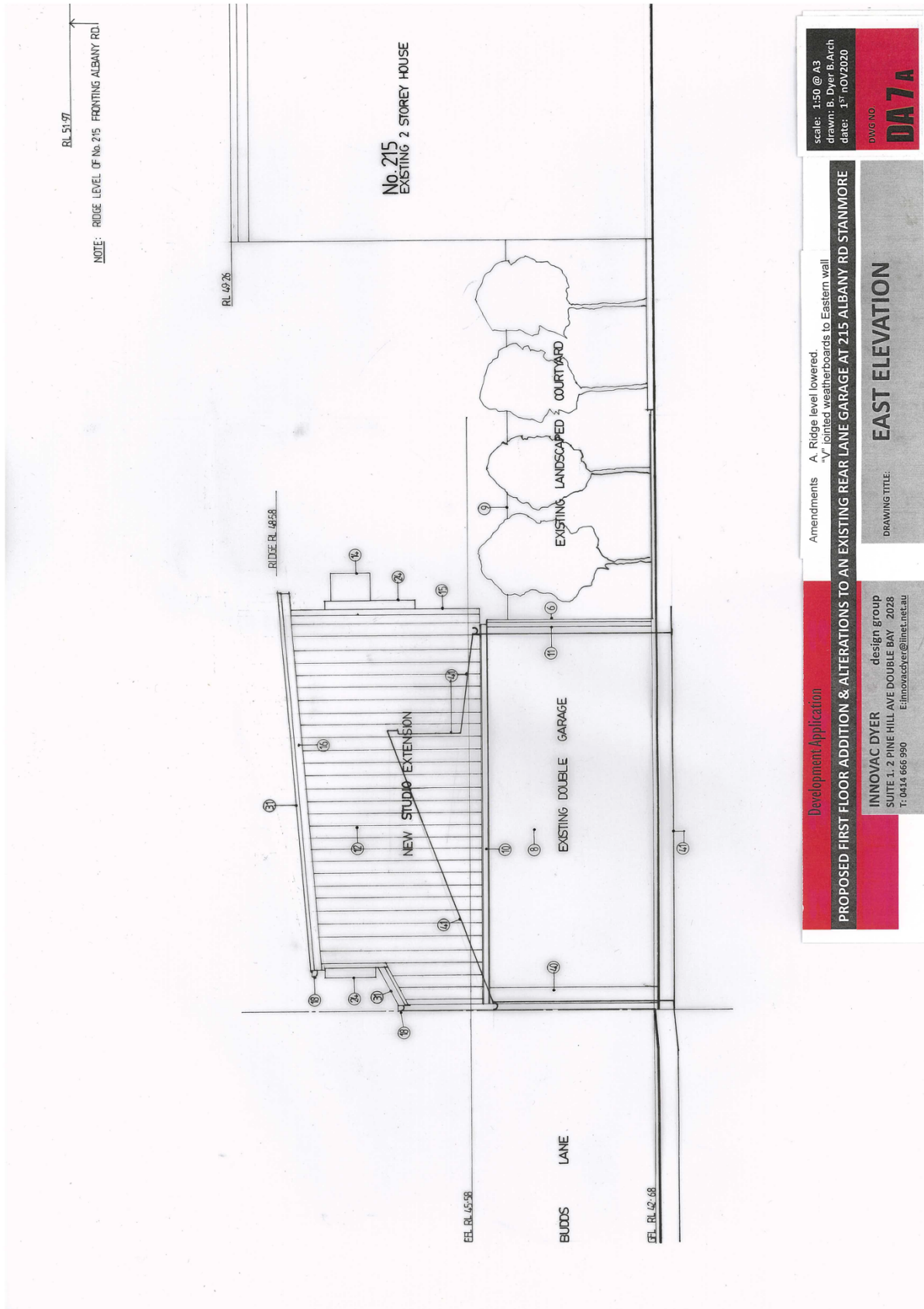
1. EXISTING CONCRETE SLAB UNALTERED.
2. REMOVE BRICK PIERS AND MAKE GOOD.
3. LINE OF FIRST FLOOR STUDIO OVER.
4. NEW SLIDING DOOR 820 x 2040.
5. EXTEND EXISTING BRICK NIB TO MATCH.
6. EXISTING BRICKWORK TO REMAIN.
7. EXISTING BRICK BOUNDARY FENCE TO REMAIN.
8. EXISTING BRICK BOUNDARY FENCE TO REMAIN.
9. EXISTING BRICK BOUNDARY FENCE TO REMAIN.
10. STEEL BEAM TO ENG'S DETAILS.
11. STEEL POSTS TO ENG'S DETAILS.
12. "Y" JOINTED SELECT WEATHERBOARDS PAINTED.
13. ALUMINUM FRAMED POWDERCOATED WINDOWS.
14. STEEL SHADE AND PRIVACY HOODS TO DETAIL.
15. ALUMINUM FRAMED POWDERCOATED WINDOWS.
16. STEEL SHADE AND PRIVACY HOODS TO DETAIL.
17. METAL RIDGE CAPPING.
18. COPPER GUTTER 12MM WIDE.
19. OUTLINE OF PROPOSED NEW BUILDING BY INNOVAC DYER.
20. REMOVE EXISTING FELLOW PAIL UNDERLAY.
21. METAL AND GLASS HANDRAIL.
22. TIMBER SLAB TREADS, NO RISERS.
23. PAINTED PLASTERBOARD LININGS ON STEEL STUDS.
24. 100 X 100 THICKEN TIMBER FRAMES AROUND WINDOWS.
25. 125MM DIA. NEW COPPER DOWNPIPE.
26. NEW SELECT ROLLER SHUTTER POWDERCOATED.
27. EXISTING BRICK PIER TO REMAIN.
28. LINE OF REMOVED ROLLER SHUTTER AND PART PARAPET.
29. LINE OF EXISTING PARAPET TO REMAIN.
30. SELECT POWDERCOATED METAL ROOFING.
31. PAINTED FASCIA BOARD.
32. EXISTING ROLLER SHUTTER WITH BULKHEAD AND ROOF OVER.
33. EXISTING VEHICLE CROSSING TO REMAIN.
34. EXISTING ROLLER SHUTTER WITH BULKHEAD AND ROOF OVER.
35. EXISTING 2M HIGH BUSHES TO REMAIN.
36. EXISTING GRASSED AREA TO REMAIN.
37. EXISTING PAVING TO REMAIN DISCONNECTED.
38. EXISTING GRASSED AREA TO REMAIN.
39. EXISTING PAVING TO REMAIN DISCONNECTED.
40. CONSTRUCT BRICK PIER TO MATCH EXISTING.
41. OUTLINE OF ADJOINING BUILDING TO REMAIN.
42. EXISTING KERB AND GUTTER TO REMAIN.
43. NEW COPPER DOWNPIPE.
44. NEW COPPER DOWNPIPE.
45. FUTURE PROPOSED PITCHED GABLE ROOF (OOTED).
46. 50MM HIGH PAINTED TIMBER SKIRTING AS SELECTED.
47. TIMBER BEAMS TO ENG'S DETAILS. STAINED.
48. GARBAGE/ RECYCLE BINS.
49. R7 ROOF INSULATION WITH WATERPROOF SULATION.
50. GARBAGE/ RECYCLE BINS.
51. WORK BENCH TO DETAIL.
52. OPEN OVERHEAD SHELVING TO DETAIL.
53. TIMBER FLOOR JOISTS TO ENG'S DETAILS.

scale: 1:50 @ A3
 drawn: B. Dyer B.Arch
 date: 1st Nov. 2020
 DWG NO
DA 6 A

Amendments A. Ridge level lowered.
 "V" jointed weatherboards to Southern wall

PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE
 DRAWING TITLE: **SOUTH ELEVATION**

Development Application
INNOVAC DYER
 design group
 SUITE 1, 2 PINE HILL AVE DOUBLE BAY 2028
 T: 0414 666 990
 E: innovacdye@innocdye.com.au



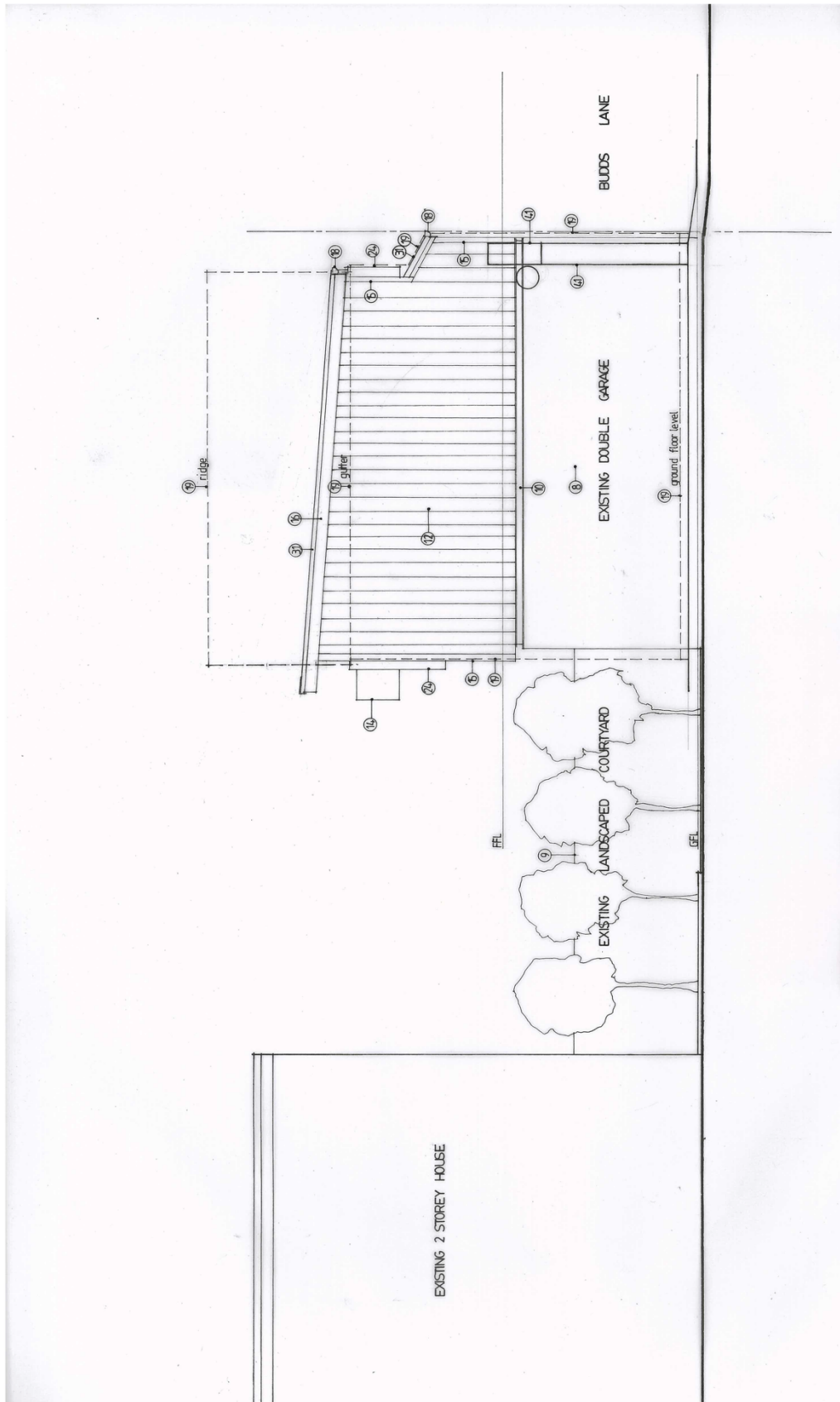
scale: 1:50 @ A3
 drawn: B. Dyer B. Arch
 date: 3rd NOV 2020
 DWG NO
DA 7 A

Amendments
 A. Ridge level lowered.
 V. Jointed weatherboards to Eastern wall

PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE.

Development Application
INNOVAC DYER design group
 SUITE 1.2 PINE HILL AVE DOUBLE BAY 2028
 T: 0414 666 990 E: innovacdyer@innoc.net.au

DRAWING TITLE:
EAST ELEVATION



Amendments A. Ridge level lowered.
"V" joined weatherboards to Western wall

Development Application

PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANNMORE

INNOVAC DYER
design group
SUITE 1. 2 PINE HILL AVE DOUBLE BAY 2028
T: 0414 666 990
E: innovacdyer@inet.net.au

scale: 1:50 @ A3

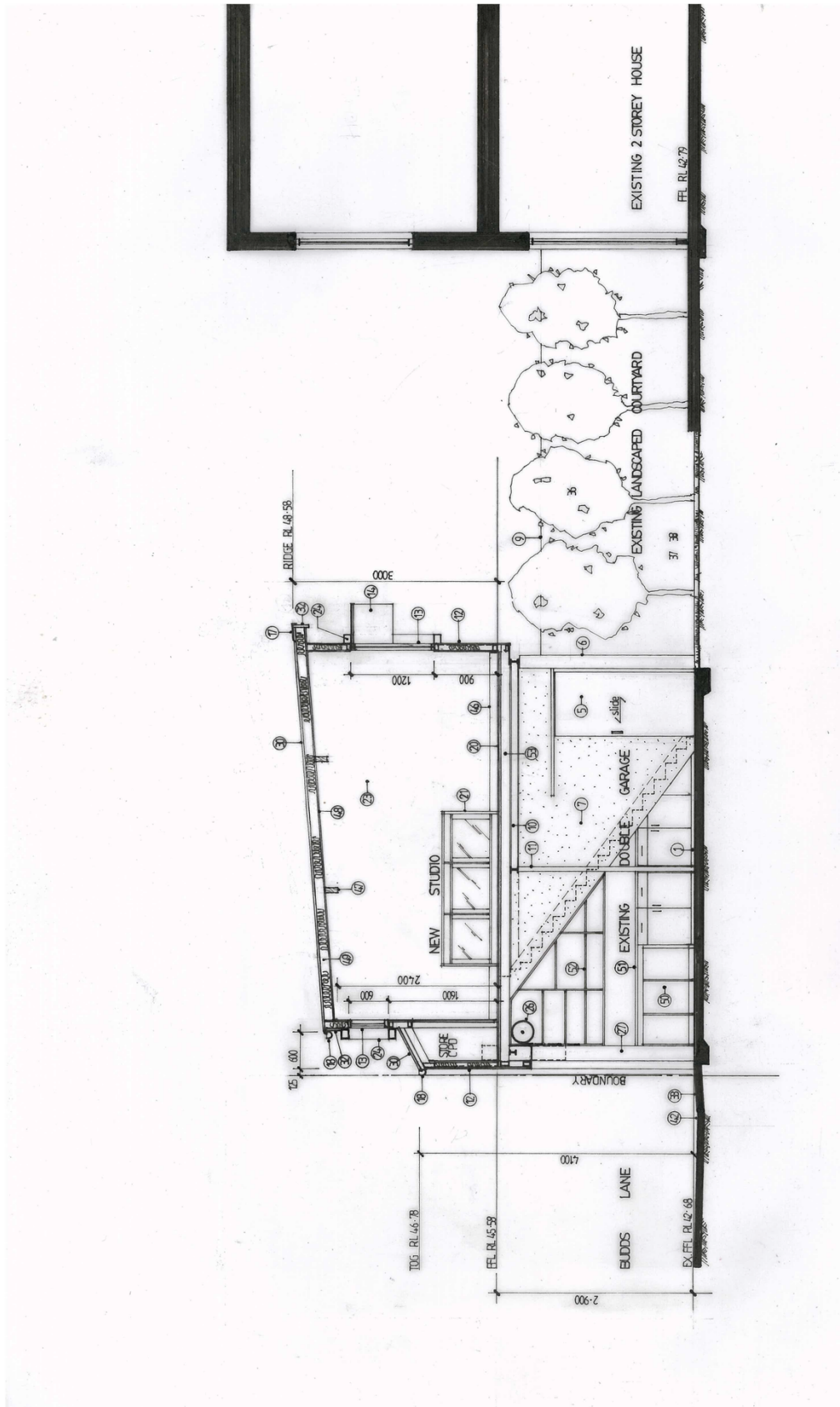
drawn: B. Dyer B.Arch

date: 1st Nov. 2020

DWG NO.

DA 8 A

DRAWING TITLE:
WEST ELEVATION



Development/Application

Amendments A. Ridge level lowered.

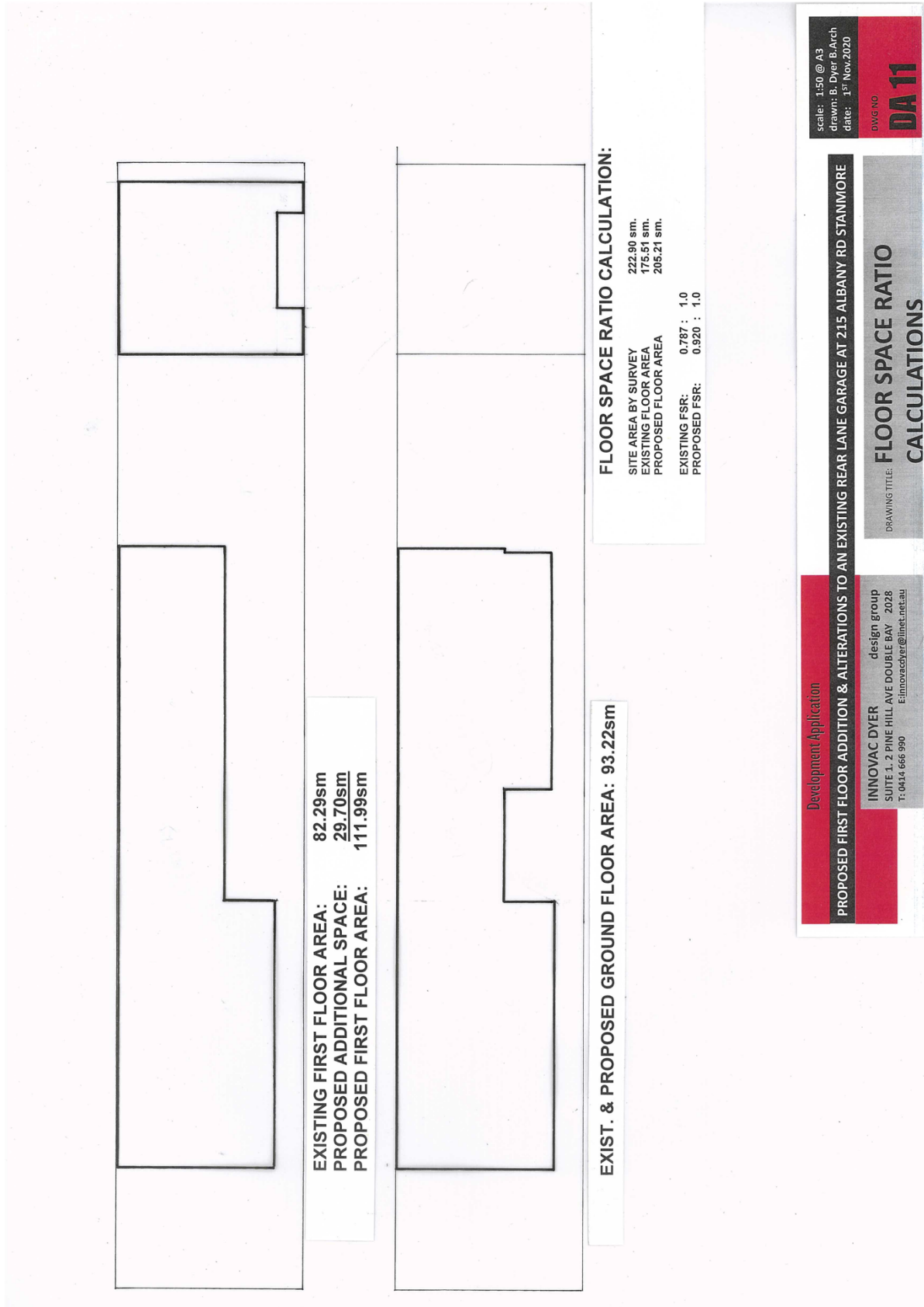
PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE

LONGITUDINAL SECTION

DRAWING TITLE:

INNOVAC DYER design group
 SUITE 1.2 PINE HILL AVE DOUBLE BAY 2028
 T: 0412 666 990 E: innovacyer@innet.net.au

scale: 1:50 @ A3
 drawn: B. Dyer B.Arch
 date: 1st Nov. 2020
 DWG NO. **DA 9A**



Development Application

PROPOSED FIRST FLOOR ADDITION & ALTERATIONS TO AN EXISTING REAR LANE GARAGE AT 215 ALBANY RD STANMORE

scale: 1:50 @ A3
drawn: B. Dyer B.Arch
date: 1st Nov.2020

DWG NO
DA 11

DRAWING TITLE:
FLOOR SPACE RATIO CALCULATIONS

INNOVAC DYER design group
SUITE 1.2 PINE HILL AVE DOUBLE BAY 2028
T:0414 666 990
E:innovacyer@inet.net.au

Attachment C - Clause 4.6 Exception to Development Standards

EXCEPTION TO A DEVELOPMENT STANDARD

FOR:
**PROPOSED
NEW STUDIO ROOM ABOVE AN EXISTING
GARAGE AND ALTER THE GARAGE.**

AT:
**215 ALBANY ROAD,
STANMORE NSW**

FOR :
MR. M. MILOSEVIC

OUR AIM IS TO " SUPPORT THE EFFICIENT USE OF LAND, TO INCREASE RESIDENTIAL AND EMPLOYMENT DENSITIES NEAR PUBLIC TRANSPORT, PROTECT RESIDENTIAL AMENITY, PROMOTE ACCESSIBLE AND DIVERSE HOUSING TYPES INCLUDING AFFORDABLE HOUSING, ENSURE THE PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT, PROMOTE A HIGH STANDARD OF DESIGN IN THE PRIVATE DOMAIN AND PROTECT AND CONSERVE THE ENVIRONMENT"

Innovac DYER DESIGN GROUP
SUITE 1. 2 PINE HILL AVENUE DOUBLE BAY NSW 2028
T: 0414 666 990 E: innovacdye@iinet.net .au

Prepared by:
Barry A. Dyer Architect
B.Arch FAIA

8th June 2020





INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF ~~LEP 2011~~ **MARRICKVILLE** LOCAL ENVIRONMENTAL PLAN ~~2011~~ **2011**

| | |
|-------------------------|--|
| About this form: | Use this form to request a variation to a development standard for a Development Application. |
| How to complete: | <ol style="list-style-type: none"> 1. Ensure that all fields have been filled out correctly. 2. Please print clearly. 3. Once completed, please refer to the lodgement details section for further information. |

Development Application Details:

| | |
|------------------------------|--|
| Address: | 215 ALBANY RD STANMORE NSW. |
| Proposed Development: | Minor alterations to an existing double garage (new stairway) and the addition of a Studio Store room above the existing garage. |

Standard sought to be varied:

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2011 2011 |
| <input type="checkbox"/> | Landscaped Area – Clause 4.3A(3)(a) of LEP 2011 2011 |
| <input type="checkbox"/> | Site Coverage – Clause 4.3A(3)(b) of LEP 2011 2011 |
| <input type="checkbox"/> | Subdivision Allotment size – Clause 4.1 of LEP 2011 2011 |
| <input type="checkbox"/> | Foreshore Building Area – Clause 6.5 of LEP 2011 2011 |
| <input type="checkbox"/> | Diverse Housing – Clause 6.13 of LEP 2011 2011 |

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

Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

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Development Applications
Exceptions to Development Standards

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

The Environmental planning grounds are that the development proposal will not facilitate an unacceptable standard of bulk and scale as the proposal is matched to similar built buildings in the row of backyard garages along Budds Lane.

The proposal maintains a satisfactory relationship with adjoining developments and the street context (see our drawing DA02 South Elevation showing the streetscape as proposed).

The FSR and the height standards that exist along Budds Lane and along Albany Road are reflected in this proposal by maintaining the same height and bulk of the buildings. All existing lots along Budds Lane are 6 meters wide and the new developments are all around 6.8-7.0m high.

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

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

The special circumstances in this proposal are:

- i) *More than 50% of the garage/ studio buildings that currently exist or are proposed are all two levels and all are approx. 6m x 6m.*
- ii) *Compliance with the FSR is unnecessary and unreasonable because the proposal does not occupy any more land space than currently exists and open space will remain unaltered.*
- iii) *The entire row of Victorian terrace houses in this block along Albany Road are all above the FSR for the area and many are considerably over the 0.6:1.0 ratio.*
- iv) *The development cannot comply with the FSR, as does the existing developments do not comply also.*
- v) *To comply with the FSR, much the old-existing extensions that currently occupying the site would have to be demolished.*
- vi) *The amenity of the area will be enhanced by providing a new studio room for the use of the occupants for exercising and storage.*


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

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

The proposed development is consistent with the objectives of the FSR standard in that it:

- i) *Facilitates an acceptable bulk and scale that matches the existing developments*
- ii) *It maintains a very satisfactory relationship with adjoining neighbours.*
- iii) *It enhances the streetscape by removing existing, unsightly, rundown garage buildings.*
- iv) *The FSR and height standards are reflected in this proposal (see South Elevation dwg DA02).*
- v) *The existing pattern of density found in this block and in Budds Lane are also repeated in this proposal.*
- vi) *The scale and form of the development is reflected in the scale and character of the design that will enhance the streetscape.*
- vii) *The development will not distract from the character of the Albany Road streetscape of Victorian Terrace Houses in any way since the development faces Budds Lane.*
- viii) *The proposal does not interrupt the provision for further landscaping and does not affect the existing open space.*
- ix) *The development will not overshadow any habitable area as it faces South onto Budds lane. Any minor shadowing that may occur will fall on the roofs of the adjoining garages only.*
- x) *The building's setback built on the rear boundary line, is consistent with that exists along the streetscape.*
- xi) *Parking and landscape requirements are unaltered as a result of the development.*
- xii) *No view will be lost whatsoever.*
- xiii) *No trees will be lost*

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Exceptions to Development Standards

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|-------------------------------|---|------------------------------|
| Applicant's signature: |  | Date: 8 / June / 2020 |
|-------------------------------|---|------------------------------|

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Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.

Instructions for applicants

This form must be lodged with your Development Application. Both an electronic and hard copy should be provided.

Lodging an application requires a completed application form.
 All relevant information and the payment of the required fee (where a fee applies).
 Application will be checked at lodgement to ensure the required information is provided.

Incomplete/illegible applications will not be accepted and will be returned to you.

Lodge by email: council@innerwest.nsw.gov.au

Lodge in person: Inner West Council's Customer Service Centres:

- Ashfield – 260 Liverpool Road Ashfield.
- Leichhardt – 7-15 Wetherill Street Leichhardt.
- Petersham – 2-14 Fisher Street Petersham.

Opening hours: Monday-Friday, 8:30am-5:00pm
www.innerwest.nsw.gov.au/ContactUs

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Development Applications
Exceptions to Development Standards

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