

INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0676
Address	4 King Lane BALMAIN NSW 2041
Proposal	Rear two storey addition and internal changes
Date of Lodgement	18 August 2020
Applicant	Oikos Architects
Owner	Ms Corinne G Patching
Number of Submissions	Initial: 1
Value of works	\$199,400.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	FSR variation, heritage
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for rear two storey addition and internal changes at 4 King Lane, Balmain. The application was notified to surrounding properties with one submission received in response.

The main issues that have arisen from the application include the variation to the site coverage and FSR development standard, visual bulk impacts to the adjoining property at the rear and heritage.

The non-compliances are considered acceptable given that the amenity impacts of the proposal can be adequately addressed by conditions of consent. The proposed works are suitably scaled so as not to detract from the streetscape or the HCA whilst ensuring that the internal amenity of the dwelling is improved on the undersized site.

It is recommended that the first floor side extension at the rear is modified to minimise visual bulk impacts to the rear neighbours. In addition, it is recommended that the proposed front fence is amended to be uniform in design so as not to detract from the streetscape and ensure the private open space (POS) area retains adequate visual privacy.

Subject to these changes, the application is recommended for approval.

2. Proposal

The proposed development seeks consent for alterations and additions to the existing building, specifically the proposal consists of the following:

- Reconfiguration of the ground floor to include the deletion of the existing bathroom/laundry to accommodate a living/kitchen area;
- Demolition and reconstruction of first floor veranda adjacent to King Lane elevation bedroom;
- Demolition of first floor rear balcony and construction of new bedroom;
- Reconfiguration of first floor to accommodate new bathroom;
- Installation of three windows at the ground floor to the living room with sun hoods at the King Street elevation;
- Installation of a balcony door opening with railing and external shutters at the first floor to the bedroom at the King Street elevation;
- Installation of hoist on the first floor at the King Street elevation;
- Construction of a new front fence.

3. Site Description

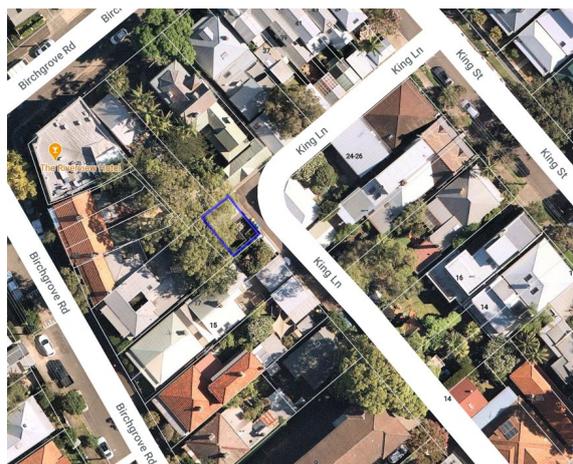
The subject site is located at the north western corner of King Lane. The site consists of a single allotment and is generally rectangular in shape with a total area of 60sqm.

The site has a frontage to King Lane of 9.2 meters and a lot depth of 6.4 meters. The site supports a two-storey dwelling that has a 'L shaped' footprint with its POS area located at the north eastern corner of the side within its front setback. With the exception of the dwelling at 2 King Lane to the south-east of the site, generally the adjoining structures with a frontage to King Lane area limited to garages and outbuildings to dwellings that have a primary frontage to Birchgrove Road and King Street. The dwellings within the immediate context of the site include single and two storey dwellings with a residential flat building located at 9 Birchgrove Road.

The subject site is located within the Iron Cove HCA.



Land zoning map extract (subject site highlighted in red)



Aerial extract (subject site outlined in blue)

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 – 4 King lane Balmain

Application	Proposal	Decision & Date
D/2013/596	Alterations and additions including indoor pool at rear of 33 Birchgrove, demolition of existing structures at 4 King Lane and erection of self contained dwelling/garage/storage accessed from King Lane. Consolidation of 33 Birchgrove Road and 4 King Lane into one lot.	Refused, 14/05/2014

Surrounding properties – 17 Birchgrove Road, Balmain

Application	Proposal	Decision & Date
D/2007/414	Ground floor alterations and additions to the rear including new deck.	Approved, 18/12/2007
M/2008/139	Section 96 application to modify D/2007/414 which approved ground floor alterations and additions to the rear including new deck. Modification seeks to delete condition 4 and retain existing roller door and crossing to enable vehicle access.	Approved, 4/08/2008

Surrounding properties – 19 Birchgrove Road, Balmain

Application	Proposal	Decision & Date
D/2001/143	Strata subdivision of an existing building into two strata lots.	Approved, 14/05/2001

Surrounding properties – 31 Birchgrove Road, Balmain

Application	Proposal	Decision & Date
D/2010/215	Alterations and additions to an existing dwelling including demolition of part of rear store and family room. Raise part of rear roof to adjoining level and ground floor additions with skylights.	Approved, 22/07/2010

4(b) Application history

Not applicable

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

The following provides further discussion of the relevant issues:

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

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

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

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards

- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

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

The site is zoned R1 – Low Density Residential Zone under the *LLEP 2011*. The *LLEP 2013* defines the development as alterations and additions to an existing dwelling house:

“dwelling house means a building containing only one dwelling”

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R1 - Low density Residential Zone.

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

Standard	Proposal	Non compliance	Complies
Floor Space Ratio Maximum permissible: 1:1 or 60sqm	1.26:1 or 75.8sqm	15.8sqm or 26.3%	No
Landscape Area Minimum permissible: 15% or 9sqm	16.7% or 10sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 36sqm	69.7% or 41.8sqm	5.8sqm or 16.1%	No

(ii) Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(b) - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio

Site Coverage

The applicant seeks a variation to the Site Coverage development standard under Clause 4.4A(3)(b) of the Leichhardt Local Environmental Plan by 16.1% (5.8sqm).

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 Leichhardt LEP justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposal allows for an improved and contemporary dwelling on a small lot;*

- *The proposed development continues the use of the site as residential and is consistent with the character in the area that would have to be one of extreme diversity.*
- *Landscaped area will be provided in compliance with the development standard when currently there is none.*

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

It is considered the development is in the public interest because it is consistent with the relevant objectives of the R1 - Low Density Residential Zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The proposal development is a suitably designed to accommodate a dwelling house with reasonable internal amenity, POS area and landscaped area on smaller lot, a typical within the immediate context of the area;
- The proposed development introduces a landscaped area compliant with the minimum requirements under the development standard;
- The proposed development is compatible with the existing dwelling and does not detract from the character and pattern of development within the immediate area.

It is considered the development is in the public interest because it is consistent with the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt Local Environmental Plan for the following reasons:

- *(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,*
Comment: The proposed development seeks to remove a portion of the paved area within the front setback to accommodate soft permeable landscaping in compliance with the development standard. The new landscaped area on the subject site is of a substantial size to accommodate tree planting. The proposal is consistent with this clause.
- *(c) to ensure that development promotes the desired future character of the neighbourhood,*
Comment: The proposed development has been suitably designed to remain consistent with the objectives of the HCA and the Birchgrove Distinctive Neighbourhood. The proposal is consistent with this clause.
- *(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,*
Comment: The proposed development seeks to retain the 'L shaped' configuration on site and as such will not adversely obstruct the flow of water within the site. The proposed landscaped area within the front setback will improve the retention and absorption of water on site. The proposal is consistent with this clause.
- *(e) to control site density,*
- *(f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*
Comment: The proposal development is a suitably designed to accommodate a dwelling house with reasonable internal amenity, POS area and landscaped area on smaller lot, atypical within the immediate context of the area. The proposal is consistent with this clause.

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

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

Floor Space Ratio (FSR)

The applicant seeks a variation to the FSR development standard under Clause 4.4 of the Leichhardt Local Environmental Plan by 26.3% (15.8sqm).

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 Leichhardt LEP justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposal allows for an improved and contemporary dwelling on a small lot;*
- *The proposed development continues the use of the site as residential and is consistent with the character in the area that would have to be one of extreme diversity.*
- *Landscaped area will be provided in compliance with the development standard when currently there is none.*
- *The proposal requires an increase in room sizes to be a viable dwelling.*
- *There is a proposed increase in bulk however it has been minimized.*
- *Ceiling are generally 2.7m and wall height for the 1st floor is 2.4m.*

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

It is considered the development is in the public interest because it is consistent with the relevant objectives of the R1 - Low Density Residential Zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The proposal development is a suitably designed to accommodate a dwelling house with reasonable internal amenity, POS area and landscaped area on smaller lot, a typical within the immediate context of the area;
- The additional FSR is predominately located at the rear of the site where the existing first floor balcony is located. It is noted that the existing balcony is in effect enclosed by a 1.8m high solid privacy screen at its southern (rear) and eastern (side) elevation. The new first floor extension has been designed to minimise ceiling heights and subsequently bulk where possible to reduce the extent of the impacts to the adjoining properties to the rear and side.
- The proposed development introduces a landscaped area compliant with the minimum requirements under the development standard.
- The proposed development is compatible with the existing dwelling and does not detract from the character and pattern of development within the immediate area.

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

To ensure that residential accommodation -

- *(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
Comment: The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale. The additional GFA is located to the rear of the site and is not likely to detract from the King Lane streetscape. The proposal is consistent with this clause.
- *(ii) provides a suitable balance between landscaped areas and the built form, and*
Comment: The proposal development is a suitably designed to accommodate a dwelling house with reasonable internal amenity, POS area and landscaped area on smaller lot, a typical within the immediate context of the area. The proposal is consistent with this clause.
- *(iii) minimises the impact of the bulk and scale of buildings,*
Comment: The proposed development employs minimal ceiling heights where possible to minimise visual bulk impacts to the adjoining properties. The proposal is consistent with this clause.

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

(iii) Clause 5.10 - Heritage Conservation

The subject site falls within the Iron Cove Heritage Conservation Area. The proposal is generally compliant with the heritage provisions under Clause 5.10 of the LLEP 2013 and DCP 2013. The proposal was referred to Council's Heritage officer for comment, to ensure that the proposed works do not detract from the HCA and remain consistent with the character of development King Lane. The design concerns raised have been summarised below:

- *The cantilevered element of the first floor over the ground floor is not characteristic of development within the HCA and as such is not supported.*
Comment: It is noted that cantilevered elements are generally not typical within the HCA. Despite this, the existing first floor balcony is currently cantilevered 500mm over the ground floor. The proposal seeks to maintain the existing 500mm cantilevered design to ensure that dwelling will have improved internal amenity on the first floor without compromising the POS and proposed landscaping at the ground floor. Given that the King Lane streetscape is dominated by garages and outbuildings to dwellings that have a primary frontage to Birchgrove Road and King Street, the cantilevered design although visible from the southern end of King Lane will not visibly detract from the streetscape pattern. The design change recommended by Council's Heritage officer is therefore not included as part of the recommended conditions.
- *The wall height of the north east elevation of the first floor addition is to be lowered to the wall height on the south west elevation, or the wall height on the south west elevation is to be increased to the wall height on the north east elevation, so the gable end in the south east elevation is symmetrical.*
Comment: The overall height of the addition is generally acceptable as it sits below the ridgeline of the main roof form. The new first floor side extension is to have an internal ceiling height of 2.1m at its rear (south west) elevation and 2.4m the King Lane (north east) elevation with a gabled ended roof form to the side (south east) elevation. The first-floor extension seeks to maintain the same rear and side setbacks of the ground floor, this being a nil setback. To minimise the visual bulk impacts of the proposal to the adjoining POS areas, namely 19B, 19A and 17 Birchgrove Road, it is recommended that the new side addition is amended to a skillion roof form pitching from 2.1m wall height above the FFL of the first floor at the rear (south west) elevation to a wall height no greater than 2.4m above the FFL of the first floor at the King lane (north east) elevation. The proposed design change will eliminate the visual bulk of the roof form of the new addition whilst ensuring the internal amenity of the bedroom is maintained. The skillion roof form is subordinate in

scale compared to that of the existing design and will not detract from the objectives of the HCA. The design change recommended by Council's Heritage officer is therefore not included as part of the recommended conditions.

- The proposed openings proposed in the north east elevation, including the replacement of the first floor window with French doors and the 3 new high level window openings to the ground floor, must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame);*
Comment: The three windows proposed on the ground floor at the King Lane elevation have a sill height of 1.6m above the FFL. The streetscape character of Kings Lane is generally limited to garages and outbuildings to dwellings that have a primary frontage to Birchgrove Road and King Street. The windows proposed are suitably scaled to ensure the primary living areas receive natural light and ventilation without being adversely impacted by light spill from the vehicles utilising the primary function of the laneway. The proposed French doors are vertically proportioned and sympathetic with the remainder of the dwelling. The design change recommended by Council's Heritage officer is therefore not included as part of the recommended conditions.
- The verandah roof over the first floor balcony is to be lowered so it sits below the existing eave and gutter of the roof plane on the south east elevation;*
Comment: The provisions under C3 b. and C6 of Part C1.4 of the LDCP 2013 require developments within HCAs to retain whole roof forms. It is recommended that the verandah roof over the first floor balcony is lowered so it sits below the existing eave and gutter of the roof plane.
- The skylight proposed in the south east roof plane to the bathroom is to be relocated to the north west roof plane; and*
Comment: The proposed skylight to the first floor bathroom is setback at the rear of the subject site and is suitably scaled so as not to detract from the existing dwelling or streetscape. The design change recommended by Council's Heritage officer is therefore not included as part of the recommended conditions.
- The timber fence with random height tops and widths to palings proposed to the front boundary with King Lane is to be a timber paling fence with no gaps between palings and a level top to complement other timber paling fences in the vicinity.
Comment: It is recommended that the front fence is amended to a timber paling fence with no gaps between palings with a maximum height of 1.8m above the NGL.

5(b) Draft Environmental Planning Instruments

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

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

The amended provisions contained in the Draft IWLEP 2020 are not particularly relevant to the assessment of the application. The subject site will remain within the Iron Cove] HCA under the draft IWLEP 2020. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

LDCP2013	Compliance
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Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion above
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.17 Minor Architectural Details	Yes – see discussion
C1.18 Laneways	Yes – see discussion
Part C: Place – Section 2 Urban Character	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes – see discussion
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
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
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A

The following provides discussion of the relevant issues:

C1.17 Minor Architectural Details

The proposed development seeks to install a new hoist above the French doors and two folded sun hoods over the ground floor windows at the King Lane elevation. The new hoist and replacement sun hoods will encroach within the King Lane laneway. The proposed

encroachments are supported as they a minor architectural details that do not result in any loss of public amenity of safety or compromise the function of the laneway.

C1.18 Laneways

In accordance to the provisions under this Part King Lane is defined as a narrow lane as the width of the carriageway is between 2.5m-5m. The proposed development will not impede on the service functions of the laneway, this being vehicular access. The existing dwelling does not comply with the laneway envelope controls under this part, however as the proposal seeks to maintain the built form and envelope at the King Lane elevation the objectives under this part are satisfied.

C3.2 Site Layout and Building Design

Side Setbacks

The proposal seeks to maintain the existing rear and side setbacks at the ground floor for the new first floor addition, this being a nil setback from both the rear (south west) and side (south east) boundaries. The proposal will breach the side setback provisions, in this regard, the following table outlines the location / extent of proposed side setback breaches:

Elevation	Wall height	Required setback	Proposed setback	Complies
Side (south eastern) (adjacent to 17 Birchgrove Road)	5.6m	1.6m	Nil	No - Acceptable

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:

- ***The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.***
- Comment: Acceptable. Detached dwellings have varied lot widths and setbacks to the side boundaries respectively. The subject site is located within a HCA and as such the proposal has been designed so as not to detract from the King Lane streetscape and objectives of the HCA whilst minimising visual bulk, overshadowing and visual privacy impacts to the adjoining properties where possible. The form and scale of the proposal (as reinforced via the recommended conditions) and its architectural style, materials and finishes will be complementary with, and will remain consistent with the existing surrounding development and will maintain the character of the area.
- ***The pattern of development is not adversely compromised.***
- Comment: Acceptable. With the exception of the dwelling at 2 King Lane to the south-east of the site, generally the pattern of development along King Lane consists of garages and outbuildings to dwellings that have a primary frontage to Birchgrove Road and King Street. Properties that have rear lane access to King Lane vary in lot size between approximately 170sqm to 380sqm. The subject site, has a total area of 60sqm whilst the 2 King Lane has an approximate lot area measuring 165sqm, these are the only two properties whose primary and only frontage is to King Lane. It is evident that the subject site is an undersized allotment within the immediate context and subsequently pattern of development. To address the outstanding heritage and visual bulk concerns it is recommended on any consent issued that the roof form of the new first floor extension is amended from a gable to a skillion roof form. Contemporary roof forms are permitted with the HCA where deemed appropriate. The skillion roof form is subordinate in scale compared to that of the existing

design and will not detract from low scale general pattern of development within the immediate context of the site.

- ***The bulk and scale of the development has been minimised and is acceptable.***
Comment: Acceptable. The proposed development has been designed with consideration to the objectives of the desired future character. The overall bulk of the development is modest in scale and has been minimised so as not to result in unreasonable overshadowing impacts or view loss for the adjoining dwellings to the side and rear of the subject site respectively. Suitable conditions are recommended on any consent issued to amend the roof form at the first floor from a gable to a skillion.
- ***The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.***
Comment: Acceptable. Subject to recommended conditions on any consent issues, the proposal complies with applicable solar access and privacy controls and will result in no loss of views.
- ***The proposal does not unduly obstruct adjoining properties for maintenance purposes.***
Comment: Acceptable.

C3.6 Fences

The proposed development seeks to demolish the existing brick fence and construct a new timber fence with random height tops and widths to palings. The provisions under this Part require front fences to have a maximum height no greater than 1.2m. Given the site context and footprint of the dwelling the POS area is located within the front setback of the subject site. To ensure that the POS area is suitably screened from the laneways Council raises no objection to a 1.8m high timber paling fence to be erected at the front elevation. Suitable conditions are recommended on any consent issued to amend the front fence so that there are no gaps between the palings, this is to ensure visual privacy is maintained and does not detract from the HCA.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. One submission was received in response to the initial notification. The submission raised the following concerns which are discussed under the respective headings below:

Issue: Overshadowing impacts to the POS area of 19B Birchgrove Road to the rear of the subject site

Comment: The shadow diagrams provided with illustrate the proposal will not result in additional overshadowing impacts to the adjoining POS area at 19B Birchgrove Road. It is recommended on any consent issued that the roof form and wall heights of the first floor extension are amended to reduce visual bulk impacts to the adjoining POS areas.

5(g) The Public Interest

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

6 Referrals

6(a) Internal

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

- Heritage and Urban Design
- Development Engineering
- Urban Forest

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1,994.00 would be required for the development under Leichhardt Section 94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clauses 4.3A(3) Landscaped areas for residential accommodation in Zone R1 and 4.4 Floor space ratio. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variations. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out. (KL)
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0676 for a rear two storey addition and internal changes at 4 King Lane BALMAIN NSW 2041 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
2020/17/1.2, Rev D	Plan - Ground Floor	6/08/2020	Oikos Architects
2020/17/1.1, Rev C	Plans - Site, Roof, Site Analysis	16/07/2020	Oikos Architects
2020/17/1.3, Rev C	Plan - First Floor	16/07/2020	Oikos Architects
2020/17/2.1, Rev C	Elevation - North East (King Lane)	16/07/2020	Oikos Architects
2020/17/2.2, Rev C	Elevation (South West)	16/07/2020	Oikos Architects
2020/17/2.3, Rev C	Elevation (South East)	16/07/2020	Oikos Architects
2020/17/2.4, Rev C	Elevation - North West	16/07/2020	Oikos Architects
2020/17/3.1, Rev C	Section A-A	16/07/2020	Oikos Architects
2020/17/3.2, Rev C	Sections BB and CC	16/07/2020	Oikos Architects
2020/17/5.2, Rev C	Finishes and Colours Schedule	16/07/2020	Oikos Architects

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 first floor side addition is to be amended from a gable to a skillion roof form. The skillion roof form is to pitch from a 2.1m wall height above the FFL of the first floor at the rear (south west) elevation to a wall height no greater than 2.4m above the FFL of the first floor at the King lane (north east) elevation.
- b. The verandah roof over the first floor balcony is to be lowered so it sits below the existing eave and gutter of the roof plane.
- c. The front fence is amended to a timber paling fence with no gaps between palings with a maximum height of 1.8m above the NGL

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security

deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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.

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

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

Note:

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

Payment amount*:

\$1,994.00

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. Long Service Levy

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

GENERAL CONDITIONS**6. Boundary Alignment Levels**

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

7. 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. OR Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, 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.

8. 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.

9. 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.

10. 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.

11. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**12. 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.

13. 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.

14. 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.

15. 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**16. 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.

17. 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.

18. 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

DURING DEMOLITION AND CONSTRUCTION**19. Construction Hours – Class 1 and 10**

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

20. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**21. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal 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, balconies, sunhoods or hoists approved by Council.

22. Protect Sandstone Kerb

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

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.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Lead-based Paint

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

Dial before you dig

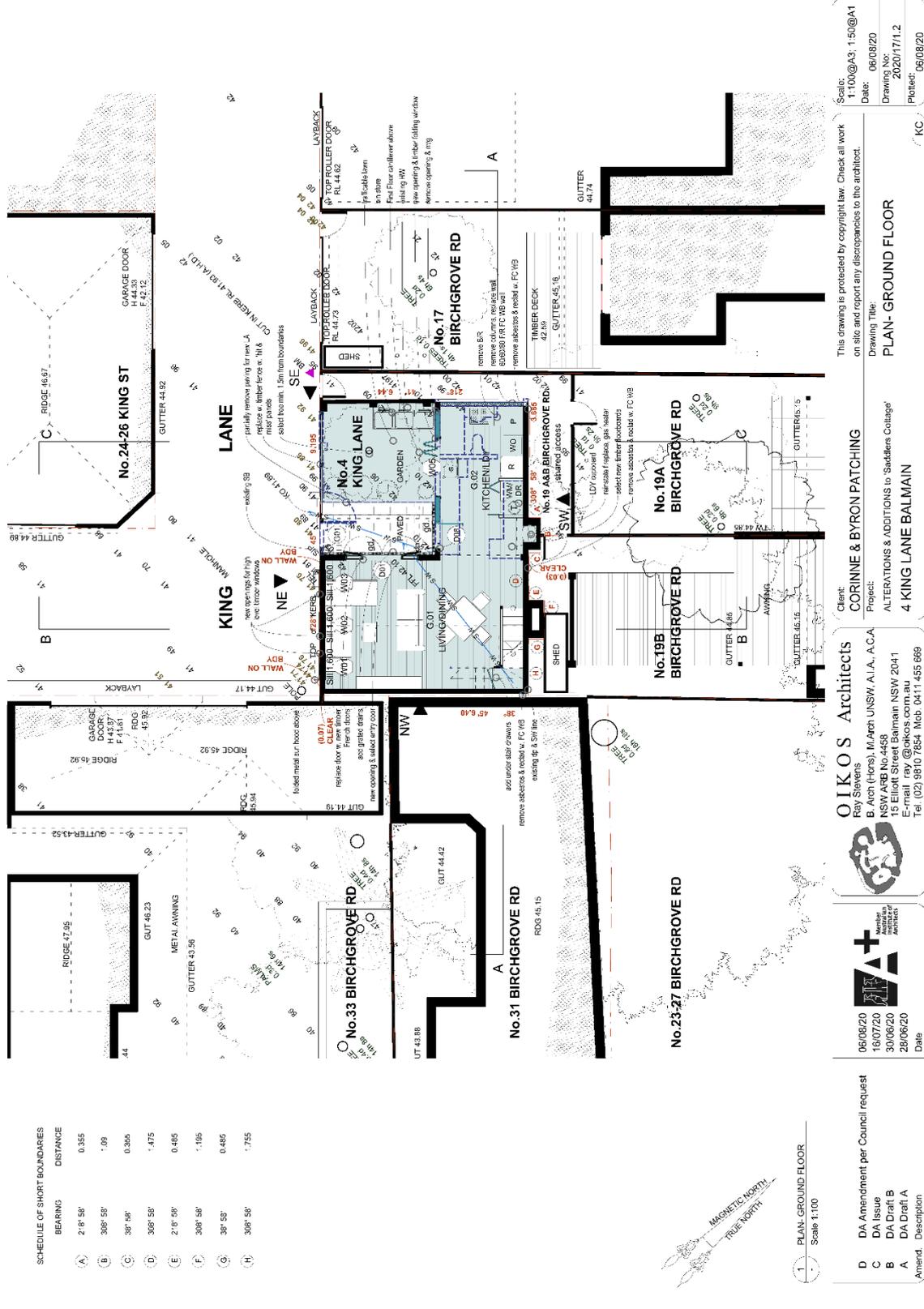
Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

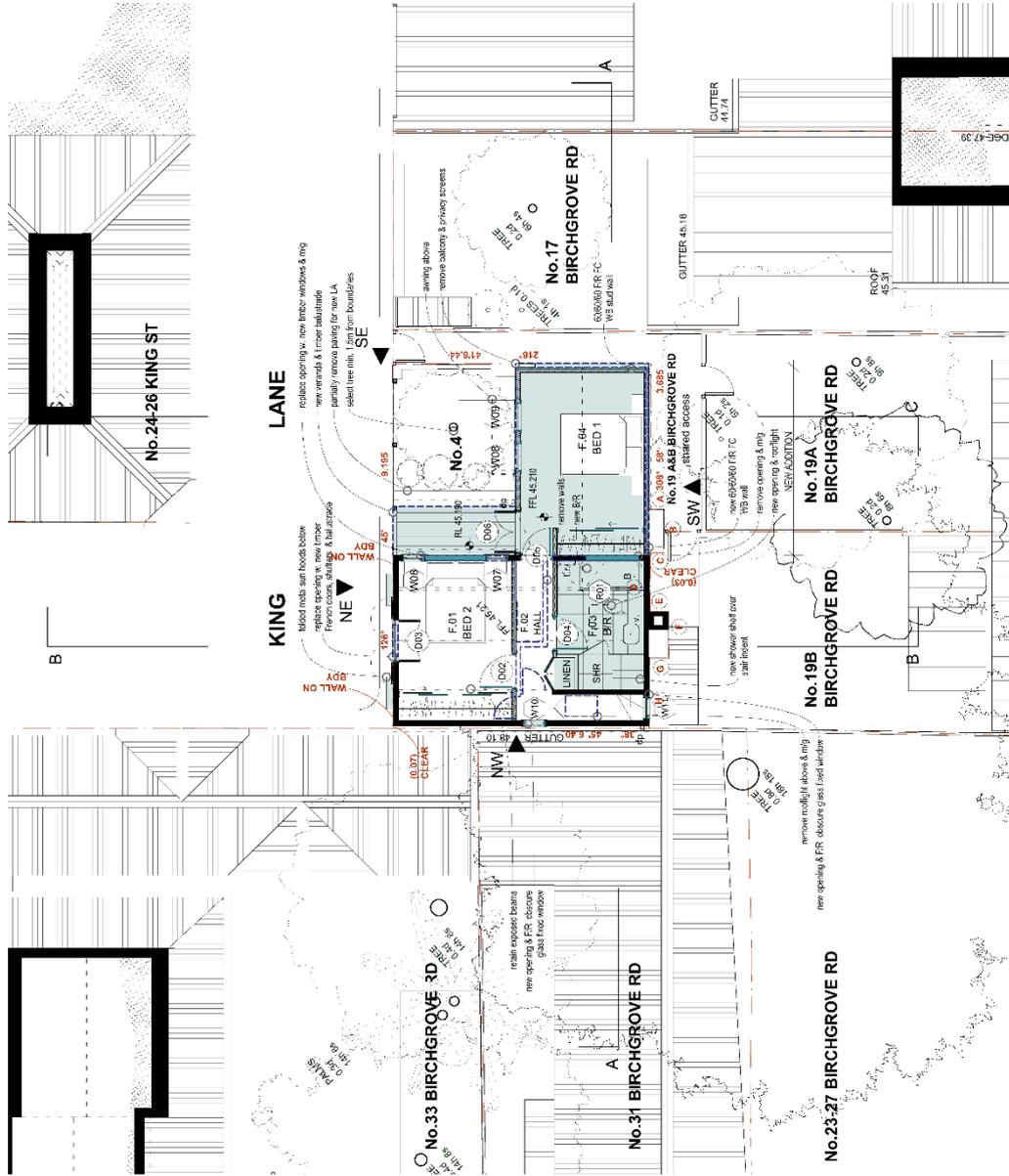
Useful Contacts

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

Long Service Payments Corporation	131441
NSW Food Authority	www.lspc.nsw.gov.au 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	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.

Attachment B – Plans of proposed development





SCHEDULE OF SHORT BOUNDARIES

BEARING	DISTANCE
A	218° 58'
B	308° 58'
C	38° 58'
D	308° 58'
E	218° 58'
F	308° 58'
G	38° 58'
H	308° 58'



PLAN - FIRST FLOOR
Scale 1:100

This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.
Drawing Title: **PLAN - FIRST FLOOR**
Scales: 1:100 @ A3, 1:50 @ A1
Date: Work in Progress
Drawing No: 2020/17/1.3
Plotted: 16/07/20
KC

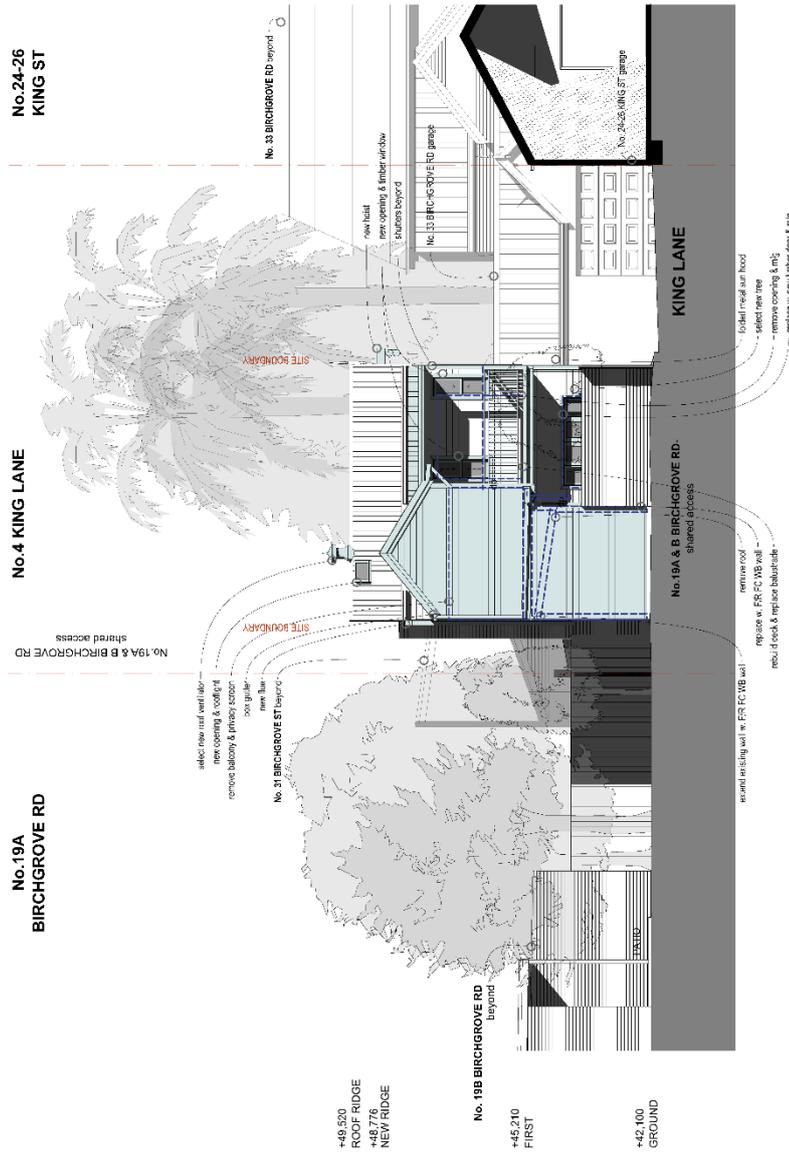
Client: **CORINNE & BYRON PATCHING**
Project: **ALTERATIONS & ADDITIONS to 'Saddlers Cottage' 4 KING LANE BALMAIN**

OIKOS Architects
Ray Stevens
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Work in Progress
30/06/20
28/06/20
Date

C DA Issue
B DA Draft B
A DA Draft A
Amend. Description
Date

Document Set ID: 3387/3371
Version: 1, Version Date: 19/09/2020



1 ELEVATION- SOUTHEAST

Scale 1:100

C	DA Issue
B	DA Draft B
A	DA Draft A
Amend.	Description

Document Set ID: 32879372
Version: 1, Version Date: 16/06/2020

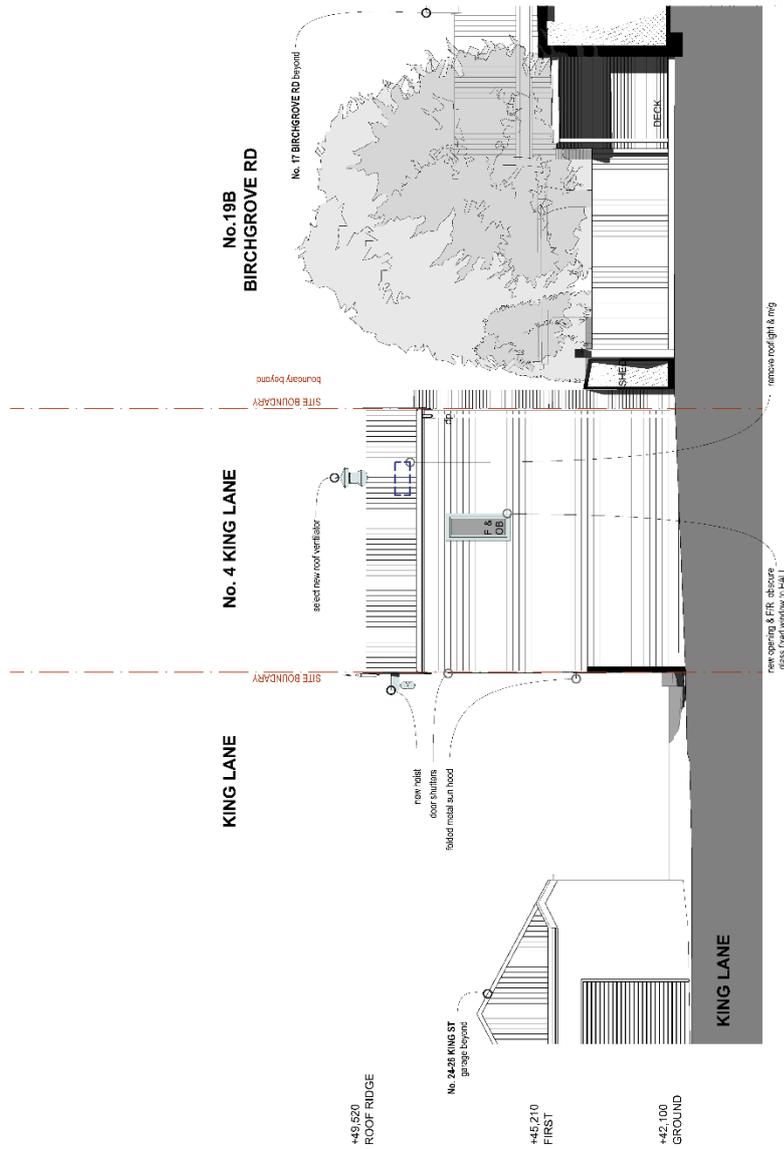


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Client: **CORINNE & BYRON PATCHING**
Project: **ALTERATIONS & ADDITIONS to 'Saddlers Cottage'**
4 KING LANE BALMAIN

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Drawing Title: **ELEVATION- SOUTHEAST**
Scale: 1:100@A3; 1:50@A1
Date: 16/07/20
Drawing No: 20201172.3
Plotted: 16/07/20

KC



1 ELEVATION- NORTHWEST
Scale 1:100

Amend	Description	Date
C	DA Issue	16/07/20
B	DA Draft B	30/06/20
A	DA Draft A	28/06/20

Document Set ID: 33879372
Version: 1, Version Date: 18/08/2020



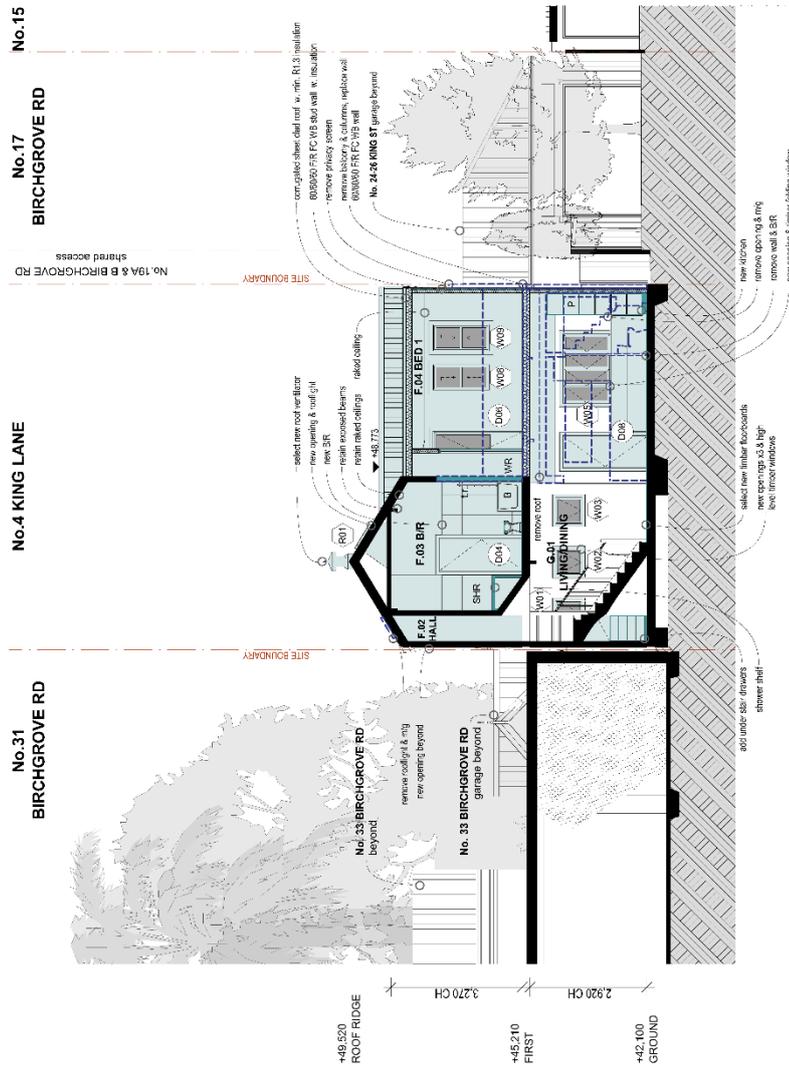
OIKOS Architects
Ray Stevens
B. Arch (Hons), M Arch UNSW, A.I.A., A.C.A.
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Client: **CORINNE & BYRON PATCHING**
Project: **ALTERATIONS & ADDITIONS to 'Saddlers Cottage'**
4 KING LANE BALMAIN

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Drawing Title: **ELEVATION- NORTHWEST**

Scale:	1:100@A3, 1:50@A1
Date:	16/07/20
Drawing No:	2020/17/2.4
Plotted:	16/07/20

(KC)



SECTION AA
Scale 1:100

Amend.	Description	Date
C	DA Issue	16/07/20
B	DA Draft B	30/06/20
A	DA Draft A	28/06/20

Document Set ID: 32879372
Version: 1, Version Date: 16/06/2020

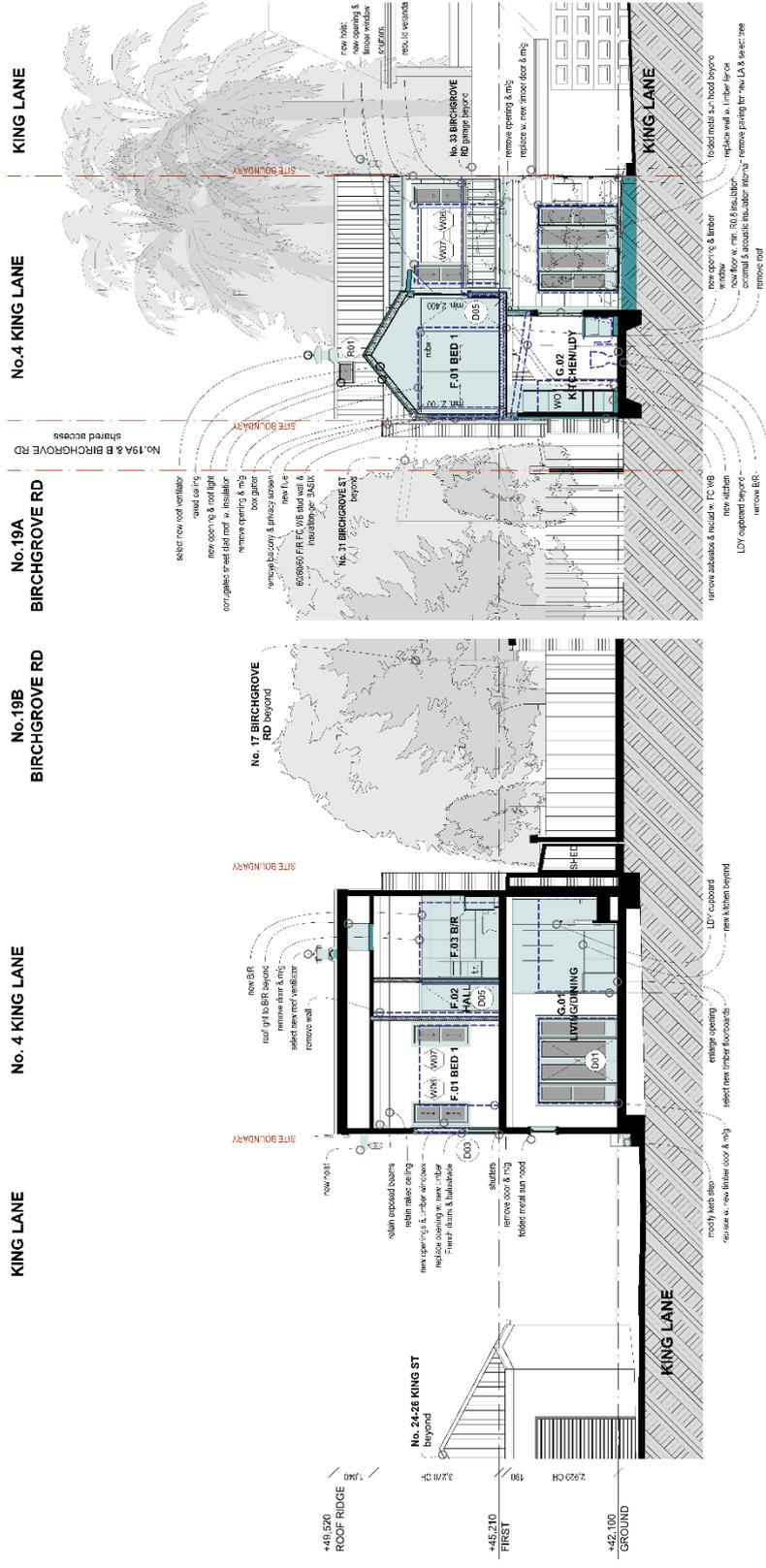
AI+ Architects
Architects
Interior Designers

16/07/20
30/06/20
28/06/20
Date

Client: **CORINNE & BYRON PATCHING**
Project: **ALTERATIONS & ADDITIONS to 'Saddlers Cottage'**
4 KING LANE BALMAIN

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Drawing Title: **SECTION-AA**
Scale: 1:100@A3; 1:50@A1
Date: 16/07/20
Drawing No: 20201173.1
Plotted: 16/07/20

KC



1 SECTION BB
Scale 1:100

2 SECTION CC
Scale 1:100

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Drawing Title:
SECTIONS- BB & CC

Client:
CORINNE & BYRON PATCHING
Project:
**ALTERATIONS & ADDITIONS to 'Saddlers Cottage'
4 KING LANE BALMAIN**

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A+
Member
Architects
Australia

C	DA Issue	16/07/20	Date
B	DA Draft B	30/06/20	
A	DA Draft A	29/06/20	

Document Set ID: 30376972
Version: 1, Version Date: 18/08/2020

Scale: 1:100@A3; 1:50@A1
Date: 16/07/20
Drawing No: 202017/3.2
Plotted: 16/07/20



A WEATHERBOARDS TO MATCH EXISTING



B CORRUGATED ROOF SHEET TO MATCH EXISTING



C STYLE OF RANDOM HEIGHT TIMBER FENCE



D STYLE OF TIMBER BALUSTRADE



E STYLE OF TIMBER FRENCH DOORS



F STYLE OF GALVANISED ROOF VENTILATOR



G STYLE OF PAINTED TIMBER SHUTTERS



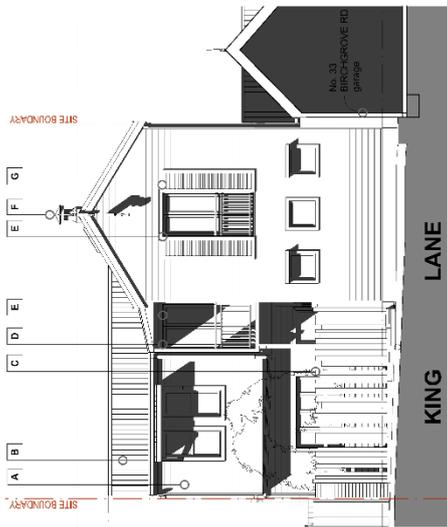
COLOUR SCHEDULE
COLOURS PER EXISTING



COLOUR SCHEDULE
COLOURS PER EXISTING

Heg Bristle® Quarter A180
DULUX HOG BRISTLE QUARTER
OR SIMILAR TO MATCH EXISTING

For weatherboard/ main walls



FINISHES & COLOUR SCHEDULE
Scale 1:100

FINISHES & COLOUR SCHEDULE

Namadji GR22
DULUX NAMADJI
OR SIMILAR TO MATCH EXISTING

Gutters, downpipes, fascia, windows, balcony & fence

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Drawing Title: **FINISHES & COLOUR SCHEDULE**

Scale: 1:100@A3, 1:50@A1
Date: 16/07/20
Drawing No: 2020/17/5.2
Plot: 16/07/20

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Client: **CORINNE & BYRON PATCHING**
Project: **ALTERATIONS & ADDITIONS to 'Sandilens Cottage'**
4 KING LANE BALMAIN

Amend.	Description	Date
C	DA Issue	16/07/20
B	DA Draft B	30/06/20
A	DA Draft A	28/06/20

Document Set ID: 33879380
Version: 1, Version Date: 18/08/2020

Attachment C- Clause 4.6 Exception to Development Standards

Statement of Environmental Effects for Alterations & Additions to a Small Cottage
No. 4 King Street Balmain

3rd July 2020

The area is above the LEP standard of 1:1 for small lots of 1-149.9 m² and a clause 4.6 Exemption is included as follows..

4.6 Exemption to development standards

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

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

The key objectives of clause 4.6 states:-

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

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

The general objectives of the Residential R1 zoning are:

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

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

In regard to clause 4.3A(3)(b), the proposed development has a site cover of 69.7%.

In regard to clause 4.3A(2) of LEP 2013, the proposed development has a FSR of 1.26:1.

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

Zoning objectives

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

"To provide for the housing needs of the community"

The development proposal meets the housing needs of the owners and the community at large. It allows improved and contemporary housing and accommodation options on the site which historically is one of the smallest residential lots in Balmain.

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

The proposal provides a contemporary design solution to a 'small dwelling'. As such it has to be considered that the house at the threshold of the *variety of housing types*

and densities. This environmentally is better than being a large house at the other extreme of oversized development.

"To improve opportunities to work from home"
The premises are also used as a home work situation.

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

The proposed development continues the use of the site as residential and is consistent with the character in the area that would have to be one of extreme diversity.

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

In regard to justification in meeting the general objectives of the landscaped area this will be made to comply when currently there is no landscaped area, and there is no further increase in site cover.

"to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents"
Landscaped area will be provided when currently there is none.

"to maintain and encourage a landscaped corridor between adjoining properties"
There is no corridor but landscaped area will be created.

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

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

"to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water"

This will be achieved as landscaped area is being created. In terms of sustainability the house will be a model for the principle that 'small is beautiful'.

"to control site density"

There is no increase in site density resulting from the proposal as there will be no increase in bedrooms, only available room sizes will be increased.

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

The footprint is maintained by the proposal.

FSR objectives

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

- (1) The objectives of this clause are as follows:
 - (a) to ensure that residential accommodation:
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale,
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,

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

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

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

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

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

The proposal requires an increase in room sizes to be a viable dwelling.

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

The landscaping is to be created and hence the balance is maintained.

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

There is a proposed increase in bulk however it has been minimized.

Other considerations

In support of the exceedance the following arguments are proposed:

FSR as a measure of bulk: Gross floor area is not a volumetric measure and is only indirectly proportional to volume and bulk. The missing dimension is height. In this case the floor to floor heights is 3.0 m for the ground floor to first floor. Ceiling are generally 2.7m and wall height for the 1st floor is 2.4m. Additional to this the house is built on a ground floor slab and is not raised above ground level.

This needs to be compared with say a typical terrace house which typically has over 3m ceilings on both levels, are often raised 1.2m or more above the ground level, and have large gable ended roofs, yet the method of measuring gross floor area is the same. In other words the quantitative FSR needs to be moderated with the consideration of actual bulk not just numerics. Applying this approach, it is argued the FSR is acceptable due to the nature of the form of the cottage and its apparent bulk is not out of character in the conservation area.

Floor area definition: The area includes stair voids on the first and attic floors of 3.1 m². For more than 20 years Council has excluded stairs and voids on upper floors under the definition of 'common circulation'. Only in recent months has the 'interpretation' changed. The principle of excluding stairs in multi-residential buildings and including it in single residential buildings seems to have no planning principle applicable to the discrimination. The inclusion or exclusion of stairs is a contested interpretation and may well change again in the near future.

Very small lot sizes: The FSR is set at 1:1 for the range of lots 0-149.9m². While 60 m² is not the smallest lot size in Balmain is would be in the lowest 1-2 percentile. While an absolute minimum lot size is not set by the LEP (nor should it be so) there is a practical limit which would be around 55 m². It is argued that the principle as established in the stepped FSR in the LEP is correct in assuming that the smaller the lot the higher.

Stepped FSR thresholds: The LEP definitions for FSR are presented in a 'stepped' manner to take into account the fact that FSR should be a sliding scale depending on the site area. That is to take into account the smaller the site area the more appropriate it is to have higher FSR. The problem with the stepped methodology is that it privileges those sites on the upper shoulder of the mean and penalises those that are on the lower end of the shoulder. A far more equitable methodology would have been to present FSR as a graph or formula like many other Council LEP's and DCP's. Taking such an approach a site of 60 sqm should be granted a higher FSR of approximately 1.05:1 or more.



Graph showing stepped FSRs for classes of site areas versus a linear method.

Public interest

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

Conclusion

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

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

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

Part 5 Miscellaneous provisions

5.9 Preservation of trees and vegetation

One tree is proposed to be removed. Details are contained in the arborist's report.

5.10 Heritage conservation

The site is within the Balmain/Rozelle Conservation Area (Image 11).

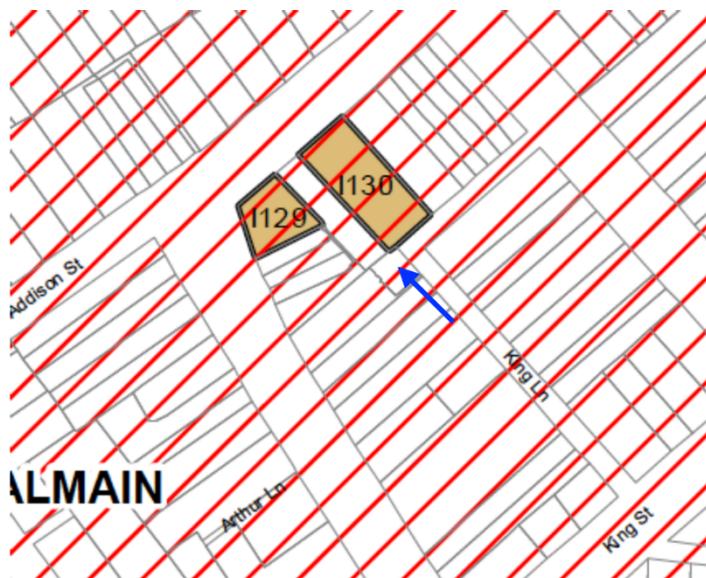


Image 11

No. 4 King Lane (shown with a blue arrow) is located within the Balmain/Rozelle conservation area.

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

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

The assessment of the the impact on the adjoining scheduled items is as follows: