







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/196
Address	3/20 Francis Street Leichhardt
Proposal	Internal alterations and additions to existing strata unit with a new internal first floor mezzanine, external first floor balcony and new access door from the rear courtyard to the garage..
Date of Lodgement	29 May 2019
Applicant	Sago Design
Owner	Ms J M Walding & Mr K Jones
Number of Submissions	Nil
Value of works	\$ 48000.00
Reason for determination at Planning Panel	Floor Space Ratio variation exceeds 10%
Main Issues	Floor Space Ratio exceeds variation 10%
Recommendation	Approval
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 internal alterations and additions to an existing dwelling within a strata-titled former warehouse building which includes a new first floor mezzanine, first floor balcony above the existing ground floor courtyard and new access door from the courtyard to the garage at Unit 3, 20 Francis Street Leichhardt. The application was notified to surrounding properties and no submissions were received.

The main issue that has arisen from the application is:

- Floor Space Ratio variation exceeds 10%

The non-compliance is acceptable given that the proposed increase in FSR is internal and the proposal will have no amenity impacts to the adjoining properties or impacts on the public domain, and therefore the application is recommended for approval.

2. Proposal

The application seeks consent for alterations and additions to the existing strata unit. The following works are proposed:

- New first floor mezzanine,
- New balcony to the rear courtyard, and
- New access door to the existing garage from the rear courtyard

3. Site Description

The subject site is located on the western side of Francis Street, between William Street and Allen Street. The site consists of 1 allotment and is generally rectangular with a total area of 594 sqm and is legally described as Lot 1 SP55349. The site has a frontage to Francis Street of 16.48 metres. The site is affected by an easement to the rear of the site including a right of carriageway 55m by 5.69m wide.

The site supports four converted warehouse units within the strata development that are 2 storeys in height. The site adjoins No. 78 Francis Street, which contains a 2-storey dwelling, and 69 Allen Street, which also contains a number of town houses, 2 storey.

The site is zoned R1 – General Residential and is not located in a Heritage Conservation Area; however, the property is identified as a flood prone lot.



Figure 1: The subject site from Francis Street



Figure 2: Existing ground floor level facing rear courtyard.

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

No recent or relevant Development Applications within the last 10 years.

Surrounding properties

Application	Proposal	Decision & Date
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D/2013/256 – 78 Francis Street	Construction of an in-ground swimming pool and landscaping works	Approved – 28.8.2013
D/2013/77 – 18/69 Allen Street	Minor alterations and additions to unit, including attic storage and skylights.	Withdrawn – 13.3.2013
D/2012/474 - 18/69 Allen Street	Conversion of the existing attic space into a habitable room associated with the existing dwelling.	Withdrawn – 5.12.2012

4(b) Application history

Date	Discussion / Letter / Additional Information
25.7.2019	Council requested the following additional information: <ul style="list-style-type: none"> Clause 4.6 exceptions required for existing Landscaped Area and Site Coverage breach.
29.7.2019	The additional Clause 4.6 exceptions to the Landscape Area and Site Coverage Development Standard breaches were submitted to Council.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

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 been used in the past for activities which could have potentially contaminated the site, although it has been carefully converted for residential use. It is considered that the site will not require remediation in accordance with *SEPP 55* as the proposed works will not require any excavation or disturbance to the existing ground levels.

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

A BASIX Certificate was not submitted with the application as the proposed total cost of works are under \$50,000.00. As such, a BASIX Certificate is not required.

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development not contrary to the aims of the plan.

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

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

Clause 1.2 - Aims of the Plan
 Clause 2.3 - Zone objectives and Land Use Table
 Clause 2.7 – Demolition requires development consent
 Clause 4.3A (3)(a) - Landscaped areas for residential accommodation in Zone R1
 Clause 4.3A (3)(b) - Site Coverage for residential accommodation in Zone R1
 Clause 4.4 – Floor Space Ratio
 Clause 4.5 - Calculation of floor space ratio and site area
 Clause 4.6 - Exceptions to development standards
 Clause 6.3 - Flood Planning
 Clause 6.4 - Stormwater management
 Clause 6.8 - Development in areas subject to aircraft noise

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

The application proposes alterations and additions to an existing unit within a multi-dwelling housing development, which is permitted with consent within the R1 – General Residential zone. The objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposed development is considered to be consistent with the above objectives as it will be providing a variety of housing types and densities for the community, improves opportunities to work from home while protecting and enhancing the amenity for the existing and potential future residents and to the surrounding neighbouring properties, and will not impact on the existing streetscape or character of the area.

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

Standard	Existing	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.5:1 or 297 sqm	1.05:1 or 621 sqm	1.06:1 or 630 sqm	333 sqm or 112.12%	No
Landscape Area Minimum permissible: 20% or 118.8 sqm	0% or 0sqm	0% or 0sqm	118.8 sqm or 100%	No
Site Coverage Maximum permissible: 60% or 356.4 sqm	66.67% or 396sqm	66.67% or 396sqm	39.6 sqm or 11.11%	No

*Note: The proposal does not result in a decrease in the existing provision of landscaped area on the site or increase the existing f site coverage on the site.

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal will not comply with, or results in a breach of, the following development standards:

- Clause 4.3A (3)(a) - Landscaped areas for residential accommodation in Zone R1 – (existing Breach)
- Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1 – (existing breach)
- Clause 4.4 – Floor Space Ratio – (proposed breach)

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the applicable local environmental plan.

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

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

Clause 4.3A (3)(a) - Landscaped areas for residential accommodation in Zone R1

The applicant seeks to retain the existing Landscaped Area which does not comply with the Landscape Area development standard required under Clause 4.3A of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the LLEP 2013 justifying the contravention of the Landscaped Area development standard which is summarised as follows:

- *The existing breach does not create any adverse environmental impacts.*
- *The breach of landscape area is an existing breach and we are not proposing to effect this control.*
- *The proposal aligns with its neighbouring residential landscape area configurations within the strata block at 20 Francis Street.*
- *The minimum landscape area for a site over 235sqm is 20%. The existing strata development has a landscape area of 16.5%.*

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

The relevant objectives of the R1 – General Residential zone are outlined below:

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

The objectives of the Landscaped Area development standard, as set out in the LLEP 2013, are outlined below:

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of Landscaped Area development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The objective of the control and the R1 Residential Zoning is to control site density and to maintain a landscape corridor between adjoining properties as well as promoting the desired future character of the neighbourhood.
- The development is associated with an existing warehouse conversion that pre-dates these specific controls however the proposal is consistent with and acknowledges the importance of these objectives.
- The proposal does not seek to reduce the landscape area but better connect between indoor and outdoor private open space.
- The proposal does not result in any unacceptable adverse amenity impacts to the surrounding properties.

The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Landscaped Area and it is recommended that the Clause 4.6 exception be granted.

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

The applicant seeks to retain the existing Site Coverage which does not comply with the Site Coverage development standard under Clause 4.3A of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the LLEP 2013 justifying the existing/proposed contravention of the Site Coverage development standard which is summarised as follows:

- *The breach of site coverage is an existing breach and we are not proposing to effect this control.*
- *The breach does not create any adverse environmental impacts.*

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

The relevant objectives of the R1 – General Residential zone are outlined in the section above.

The objectives of the Site Coverage development standard, as set out in the LLEP 2013, are outlined below:

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

It is considered the development is in the public interest because it is not inconsistent with the relevant objectives of the R1 – General Residential zone and the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposal does not increase Site Coverage on the site;
- The proposed development is compatible with surrounding development and the desired future character of the neighbourhood as it will not alter the external fabric of the dwelling in relation to building bulk, form and scale as viewed from the street;
- The proposal aligns with its neighbouring residential configurations within the strata block;
- The proposal does not reduce Landscaped Area nor increase surface drainage flows;
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Site Coverage development standard and it is recommended the Clause 4.6 exception be granted.

Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the FSR development standard under Clause 4.4 of the LLEP 2013 by 112.12% (333sqm) of this, only 9sqm or 3% is “new”/proposed GFA.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the LLEP 2013 justifying the proposed contravention of the FSR development standard which is summarised as follows:

- The proposed increase in GFA (mezzanine) is needed to connect to an external balcony. This is needed to improve the owners access to direct natural daylight due to the double height boundary walls overshadowing the existing private open space.
- The breach does not create any adverse environmental impacts.

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

The relevant objectives of the R1 – General Residential zone are outlined below:

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

The objectives of the FSR development standard, as set out in the LLEP 2013, are outlined below:

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

Having regard to these objectives, the following is noted:

- The objective of the Floor Space Ratio standard is to ensure residential accommodation is compatible with the desired future character of the area in relation to building bulk, form and scale.
- The proposed works limited to a minor, internal void infill within an existing converted warehouse. The additional GFA is internal & not visible from the public domain or to neighbouring properties, therefore having no effect in relation to building bulk, form or scale.
- The objectives of the R1 Residential Zoning include provision of a variety of housing types and densities. This is a unique site as it is an existing warehouse within a mixed urban fabric meeting the purpose of the zone to cover a variety of housing types and densities while providing housing that is compatible with the character and pattern of surrounding buildings.

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposed development is compatible with the desired future character of the area in relation to building bulk, form and scale and the increased floor area would not be visible from the street, nor discernible from adjoining properties;
- The proposal maintains a suitable balance between the existing landscaped areas and the built form and provides sufficient private open space on the site;
- The additional floor space is within the Building Location Zone where it can be reasonably assumed that development can occur;
- The proposal does not result in any adverse unacceptable amenity impacts to the surrounding properties.

The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended that the Clause 4.6 exception be granted.

5(b) Draft Environmental Planning Instruments

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

- Draft SEPP – Environment

The proposal does not contravene the provisions in the Draft SEPP – Environment.

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
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A

C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.3.4 Helsarmel Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	N/A
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	N/A
C3.8 Private Open Space	Yes – See discussion
C3.9 Solar Access	Yes – See discussion
C3.10 Views	N/A
C3.11 Visual Privacy	Yes – See discussion
C3.12 Acoustic Privacy	N/A
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
N/A	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	N/A
E1.1 Approvals Process and Reports Required With Development Applications	N/A
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	N/A
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	Yes

E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C3.8 Private Open Space

The existing rear courtyard is approximately 19sqm in overall size. The proposal does not seek to alter the existing rear courtyard. The proposal as a result will have no or minimal adverse impacts to the sites rear private open space as it will comply with the objective and controls of this provision.

C3.9 Solar Access

The proposal will comply with the relevant controls of the solar access provision since the proposed works are mostly internal and built within the existing building footprint. Also combined with the existing high boundary walls of the Unit 3, no additional shadows will cast onto the adjoining neighbouring properties rear yards.

C3.11 Visual Privacy

The proposed rear first floor external balcony on the northern elevation above the existing courtyard will result in no adverse overlooking impacts to the existing rear courtyards of the adjoining properties due to the existing high boundary, which will prevent any potential overlooking impacts, as shown below in figure A below.



Figure A. Existing wall height of Unit 3 from the rear courtyard.

For the reasons mentioned above, the proposal will comply with the objective, controls of this provision, and is considered acceptable, subject to conditions.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were received.

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.

- Development Engineer – No objections to proposal, subject to standard engineering conditions being imposed.

6(b) External

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

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining premises/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 a written request pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to retain Clauses 4.3A (3)(a) Landscaped Area, Clause 4.3A (3)(b) Site Coverage and vary Clause 4.4 Floor Space Ratio of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance

with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/196 for alterations and additions to existing strata unit at 3/20 Francis Street, Leichhardt subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

1. Long Service Levy

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

2. Security Deposit - Standard

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

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

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

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

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

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

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

General Conditions

3. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA100 A	Proposed First Floor Plan	30.5.19	SAGO Design
DA110 A	Proposed Ground Floor Plan	30.5.19	SAGO Design
DA200 A	Proposed Section A	30.5.19	SAGO Design
DA210 A	Proposed Section B	30.5.19	SAGO Design
DA300 A	Proposed Material Palette	30.5.19	SAGO Design

As amended by the conditions of consent.

4. Waste Management Plan

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

5. Works Outside the Property Boundary

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

Prior to any Demolition**6. 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.

7. 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.

8. 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**9. 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.

10. Sydney Water – Tap In

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

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

11. Concealment of Plumbing and Ductwork

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

12. Concealment of Plumbing and Ductwork

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

During Demolition and Construction**13. 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.

14. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, 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, 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. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

Prior to Occupation Certificate**15. Service Adjustments**

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

16. No Encroachments

Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

Advisory notes**Prescribed Conditions**

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and

- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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.

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
- 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.

Asbestos Removal

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

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

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

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA 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

DEVELOPMENT APPLICATION ARCHITECTURAL DRAWINGS

ALTERATIONS & ADDITIONS TO
3/20 FRANCIS ST, LEICHHARDT, NSW

DRAWING REGISTER	SCALE
DA 000 COVER PAGE	NTS
DA 010 EXISTING ROOF & SITE ANALYSIS PLAN	1:150 @ A3
DA 020 EXISTING FIRST FLOOR & DEMOLITION PLAN	1:100 @ A3
DA 030 EXISTING GROUND FLOOR PLAN	1:100 @ A3
DA 100 PROPOSED FIRST FLOOR PLAN	1:100 @ A3
DA 110 PROPOSED GROUND FLOOR PLAN	1:100 @ A3
DA 200 PROPOSED SECTION A	1:50 @ A3
DA 210 PROPOSED SECTION B	1:50 @ A3
DA 300 PROPOSED MATERIALS AND FINISHES	NTS @ A3
DA 400 PROPOSED PLANNING CALCULATIONS	1:150 @ A3

SITE PHOTO

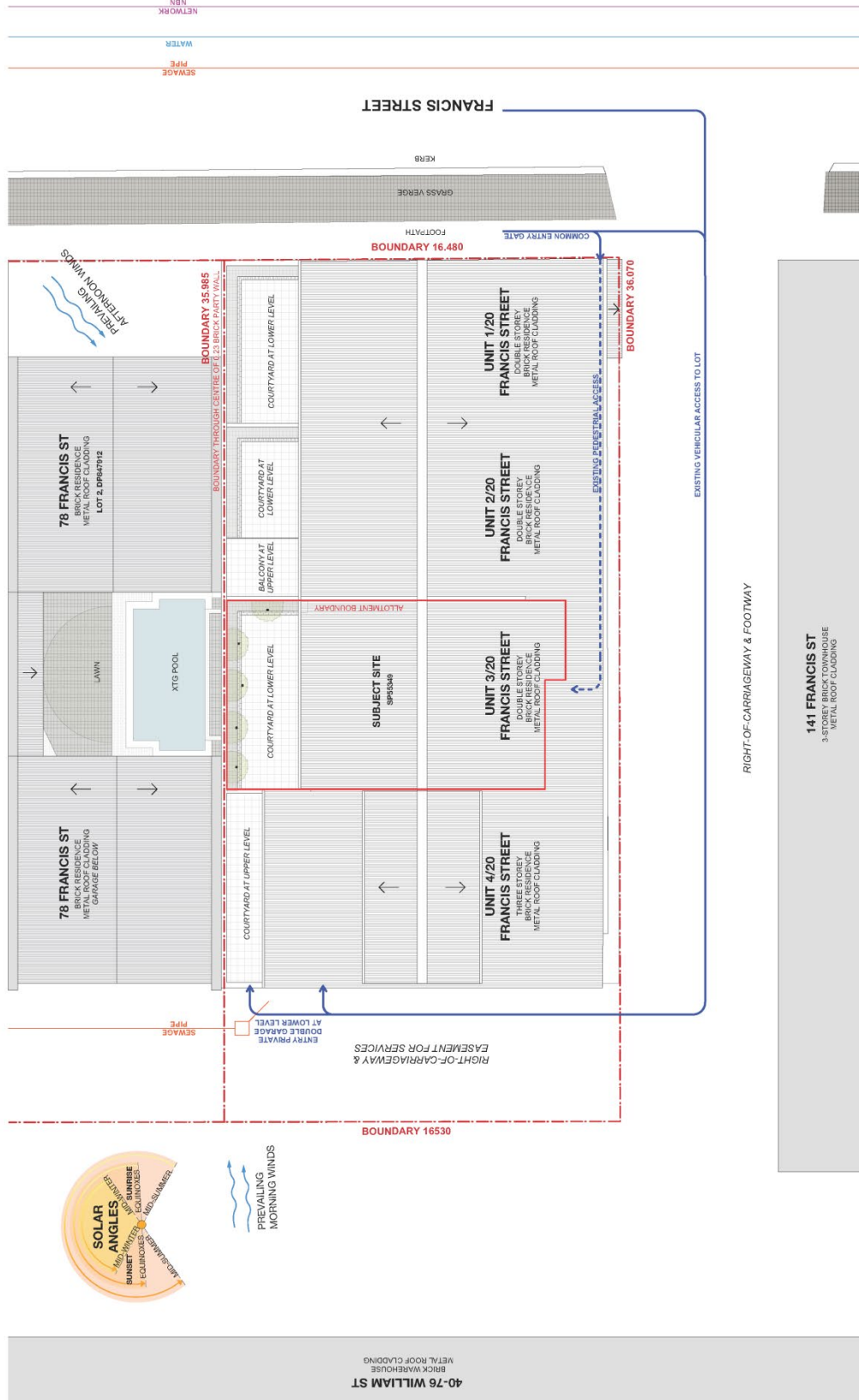


SITE LOCATION



SAGO DESIGN

ISSUE	DATE	REVISION	TITLE
DEVELOPMENT APPLICATION	30/07/19	A	COVER PAGE
			PROJECT SCALE @ A3
			1:150
			NTS
			DA 000
			A
			3/20 FRANCIS ST, LEICHHARDT NSW



SAGO DESIGN		ISSUE	DATE	REVISION	TITLE
		DEVELOPMENT APPLICATION CUSSION	30/07/19	A	EXISTING ROOF PLAN & SITE ANALYSIS
					DA 010
					A
					PROJECT SCALE @ A3 1:100
					SITE PROJECT 1927
					3/20 FRANCIS ST, LEICHHARDT NSW

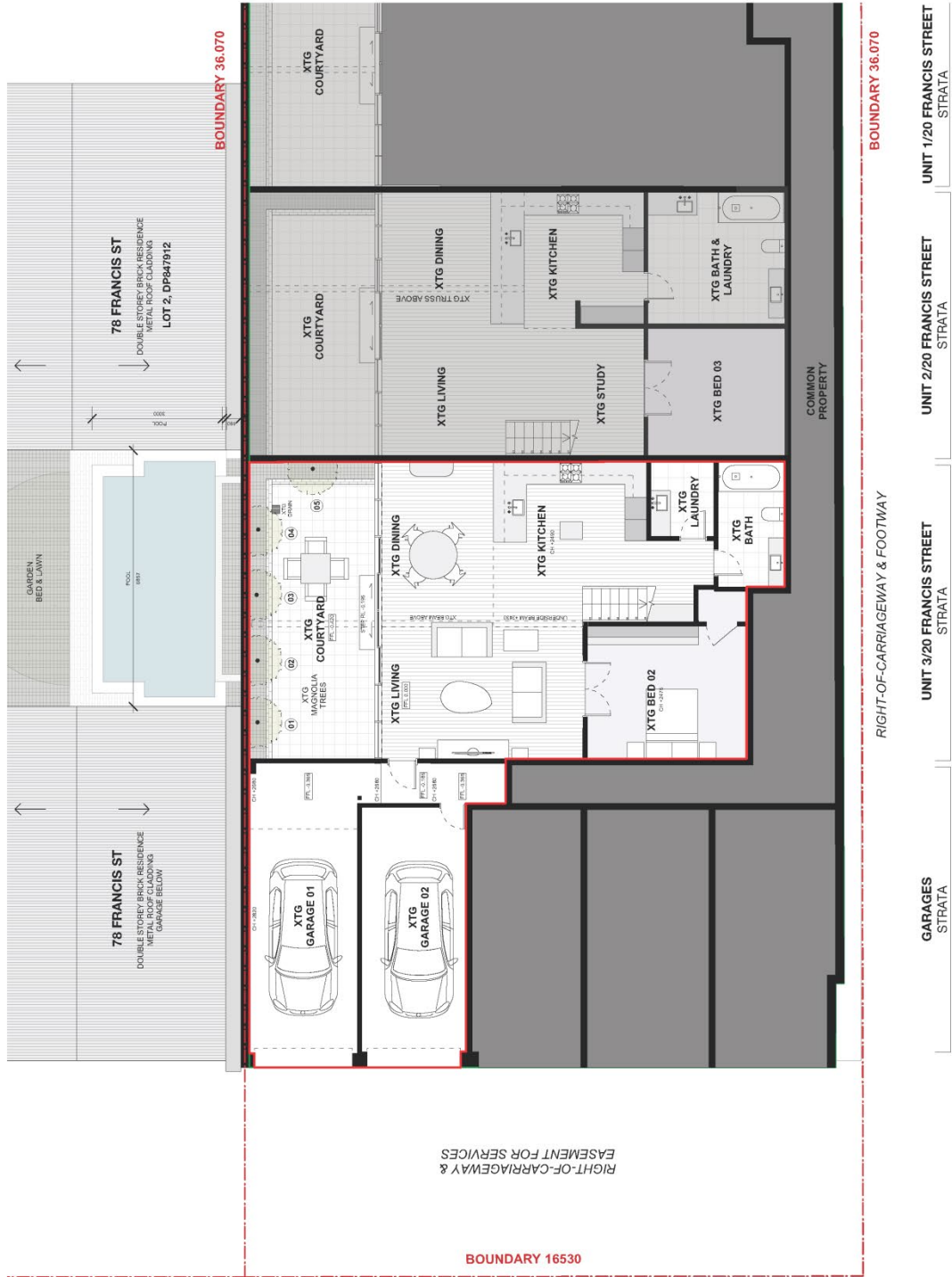


SAGO DESIGN

ISSUE	DATE	REVISION	TITLE
DEVELOPMENT APPLICATION GUISION	30/05/19	A	EXISTING / FIRST FLOOR & DEMOLITION PLAN

DA 020
A

3/20 FRANCIS ST, LEICHHARDT NSW
SITE PROJECT SCALE @ A3 1:100
1827



DA 030

A

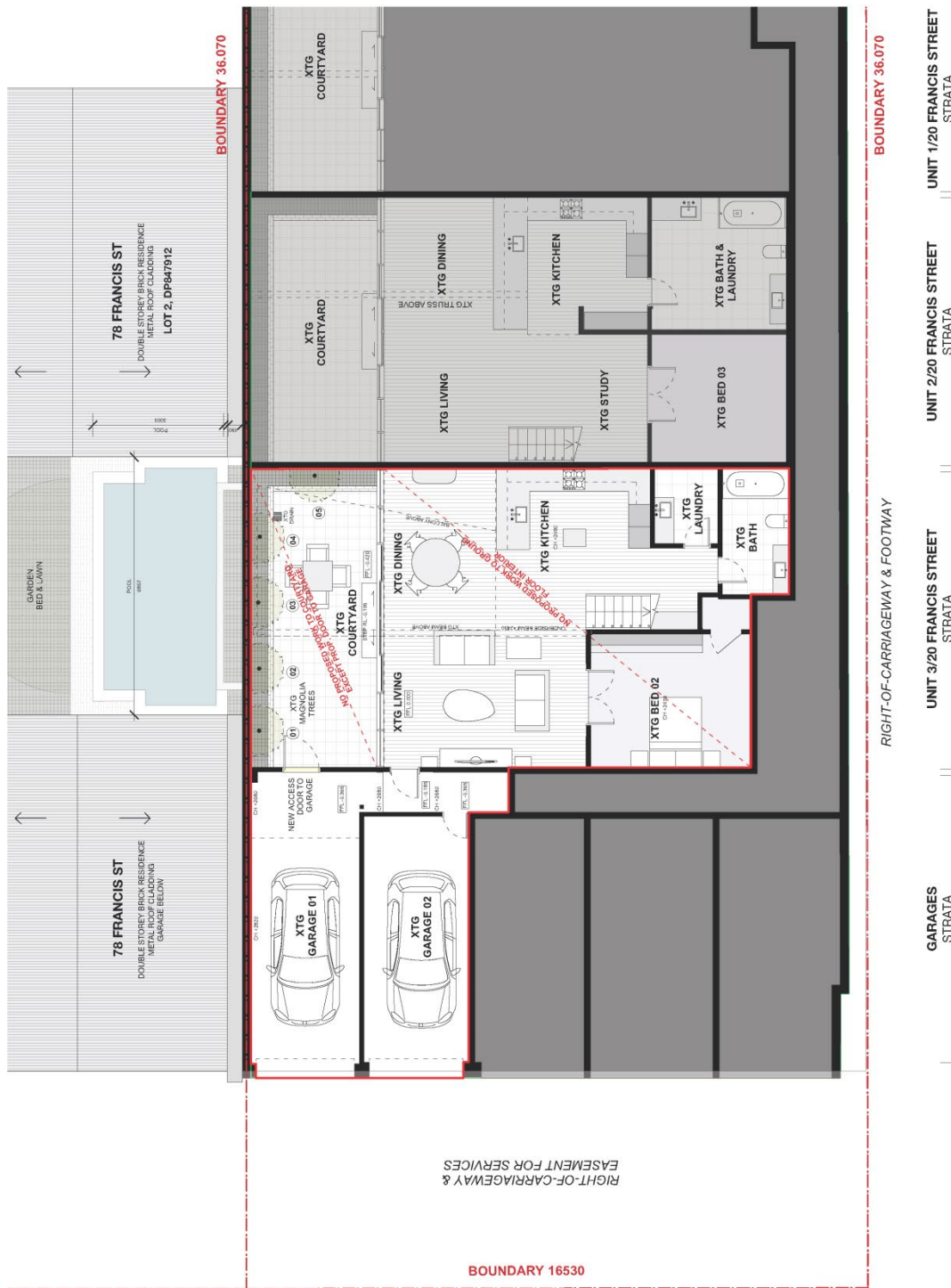
TITLE: EXISTING / GROUND FLOOR PLAN
 PROJECT: SITE PROJECT SCALE @ A3 1:100
 3/20 FRANCIS ST, LEICHHARDT NSW 1627

ISSUE	DEVELOPMENT APPLICATION	CUSION	DATE	REVISION	TITLE
			30/07/19	A	EXISTING / GROUND FLOOR PLAN



ISSUE	DATE	REVISION	TITLE
DEVELOPMENT APPLICATION CLUSION	30/07/18	A	PROPOSED FIRST FLOOR PLAN
			SITE PROJECT SCALE @ A3 1:827
			3/20 FRANCIS ST, LEICHHARDT NSW 1581

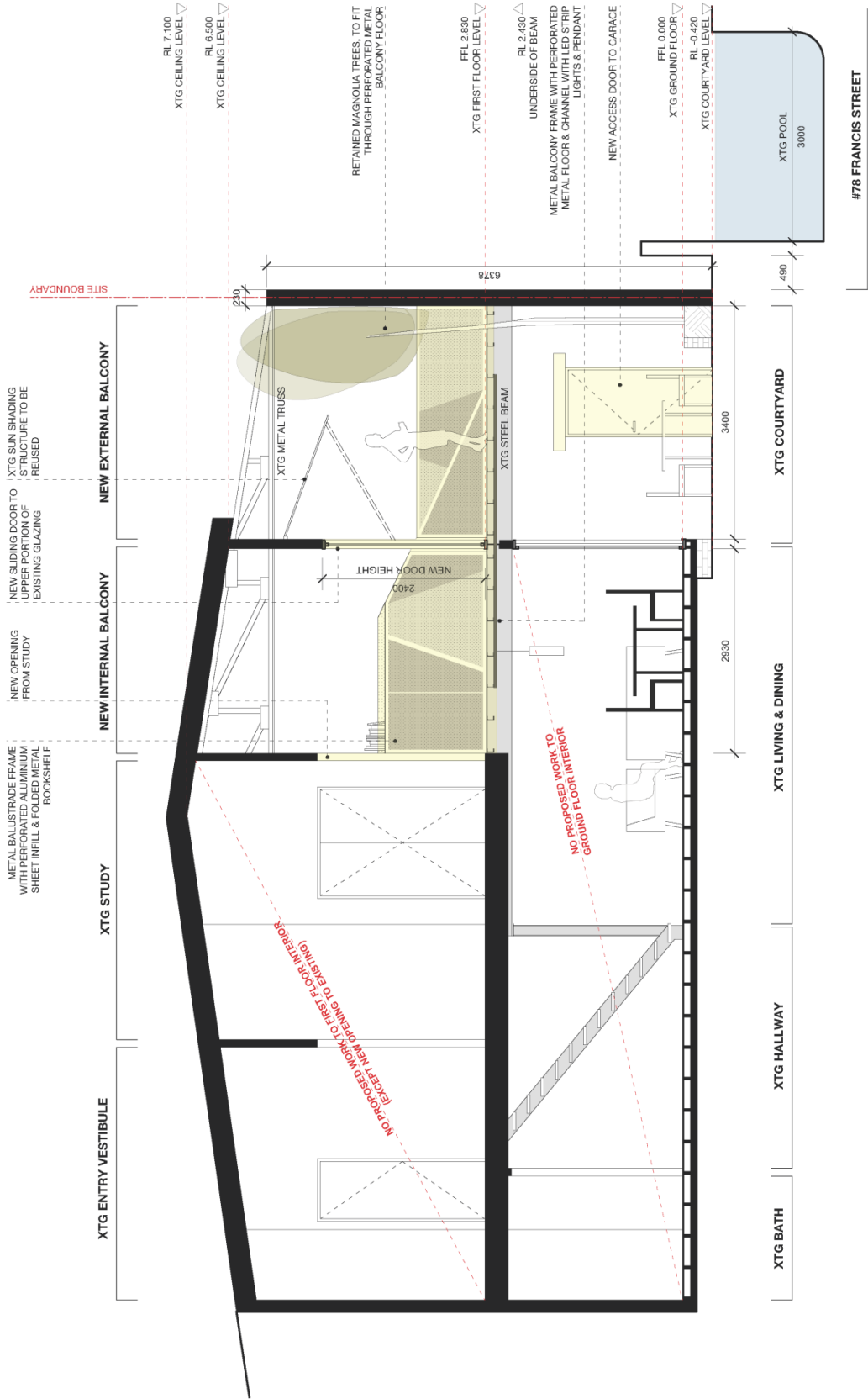
DA 100
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ISSUE	DATE	REVISION
DEVELOPMENT APPLICATION SUBMISSION	30/5/10	A

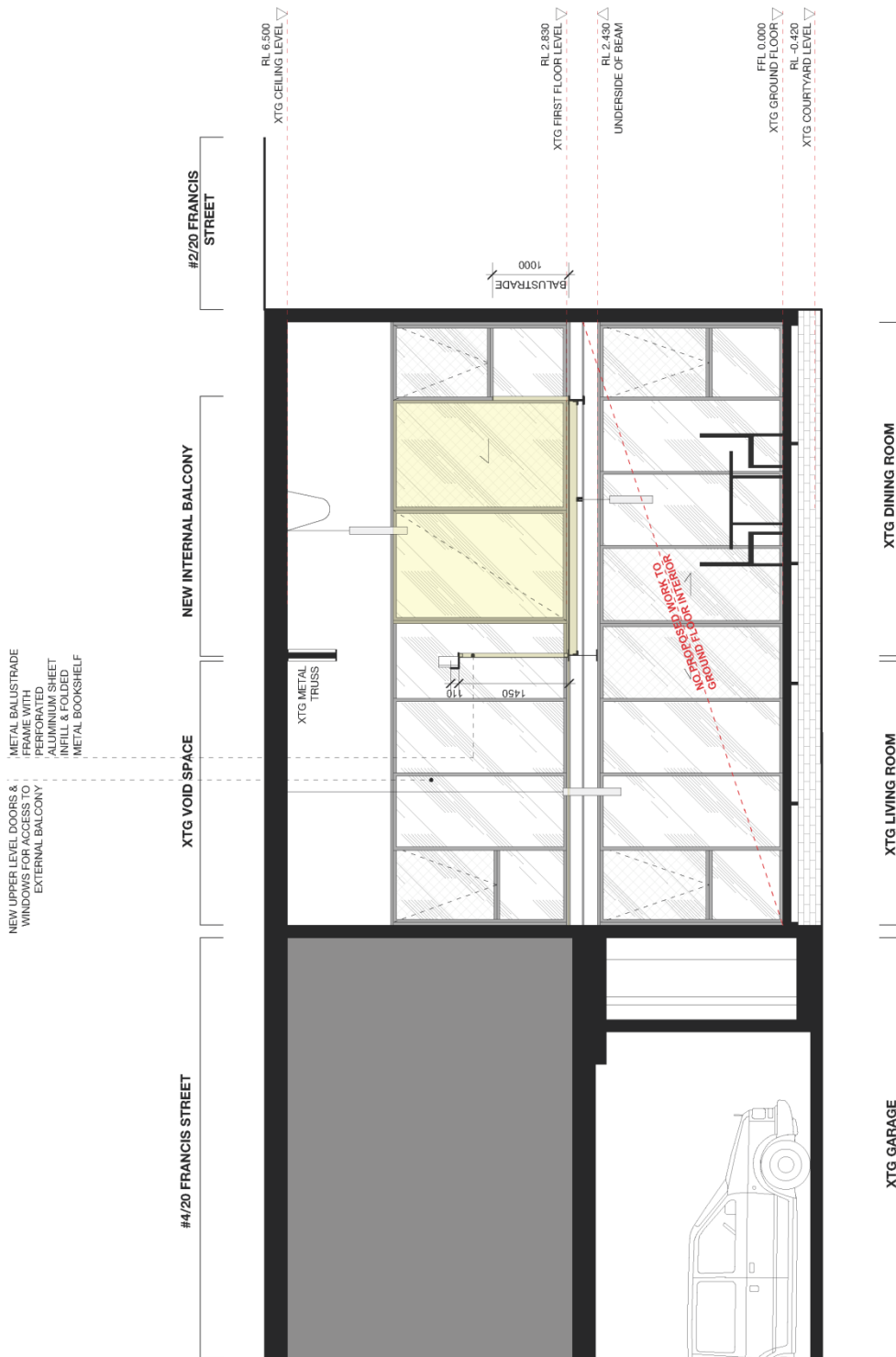
DA 110
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TITLE: PROPOSED GROUND FLOOR PLAN
 SITE: 3/20 FRANCIS ST, LEICHHARDT NSW
 PROJECT: 1927
 SCALE: @ 1:100



SAGO DESIGN

ISSUE	DATE	REVISION	TITLE	DA
DEVELOPMENT APPLICATION	30/05/19	A	PROPOSED SECTION A	200
			PROJECT	A
			SCALE @ A3	1:50
			SITE	1627
			3/20 FRANCIS ST, LEICHHARDT NSW	



NEW UPPER LEVEL DOORS & WINDOWS FOR ACCESS TO EXTERNAL BALCONY

METAL BALLUSTRADE FRAME WITH PERFORATE METAL SHEET INFILL & FOLDED METAL BOOKSHELF

#4/20 FRANCIS STREET

NEW INTERNAL BALCONY

XTG VOID SPACE

#2/20 FRANCIS STREET

RL 6.500
XTG CEILING LEVEL

RL 2.830
XTG FIRST FLOOR LEVEL

RL 2.430
UNDERSIDE OF BEAM

FFL 0.000
XTG GROUND FLOOR

RL -0.420
XTG COURTYARD LEVEL

1000
BALUSTRADE

XTG METAL TRUSS

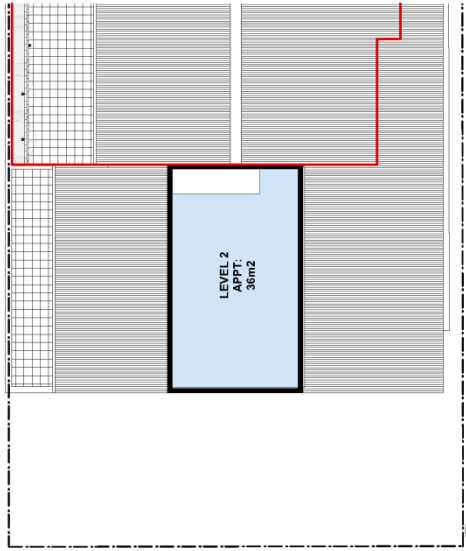
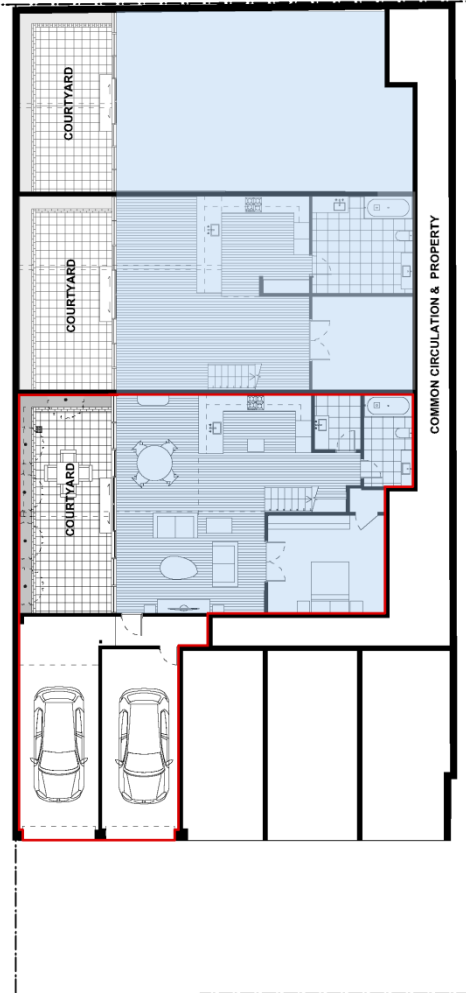
NO PROPOSED WORK TO EXISTING FLOORING

XTG DINING ROOM

XTG LIVING ROOM

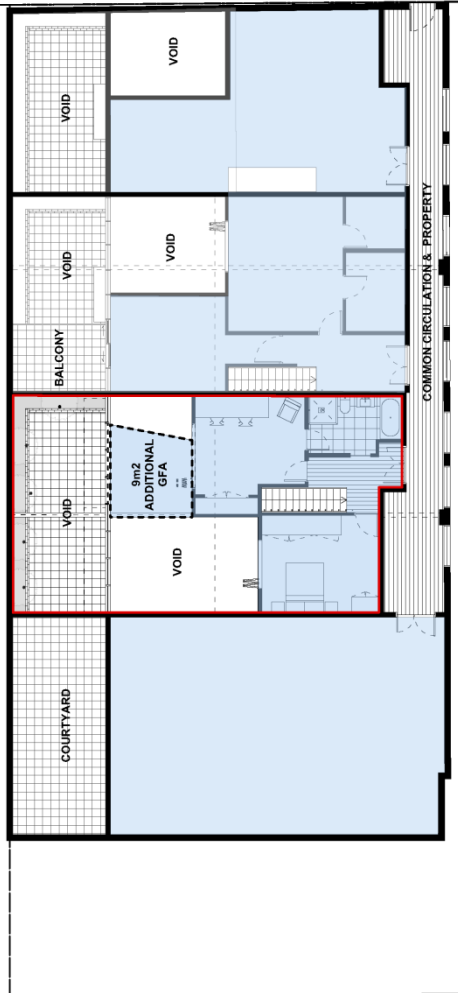
XTG GARAGE

	TITLE PROPOSED SECTION B	DA 210
	PROJECT 1627	SCALE @ A3 1:50
DEVELOPMENT APPLICATION	DATE 30/05/19	REVISION A
SITE 3/20 FRANCIS ST, LEICHHARDT NSW	PROJECT 1627	SCALE @ A3 1:50



6 GFA / FSR - 1F
Scale: 1:150

7 GFA / FSR - 2F
Scale: 1:150



2 GFA / FSR - 1F
Scale: 1:150

SITE DETAILS

LOT: 1
 DP: SP55348
 COMPLEX SITE AREA: 594m²

GROSS FLOOR AREA - TOTAL STRATA DEVELOPMENT

GROUND FLOOR: 230m²
 FIRST FLOOR: 248m²
 SECOND FLOOR: 36m²
 PROPOSED: 9m²
*EXCLUDES: COMMON VERTICAL CIRCULATION, VEHICULAR ACCESS, CAR PARKING, BALCONIES, WOODS

KEY PLANNING CONTROLS

ZONING:	CONTROL	EXISTING	PROPOSED
R1	R1	R1	R1
GROSS FLOOR AREA:	297M ²	514M ²	523M ²
FLOOR SPACE RATIO:	0.5:1	0.87:1	0.88:1
SITE COVERAGE:	60% SITE (85M ²)	83% (131.7M ²)	UNCHANGED
LANDSCAPED AREA:	15% SITE (30.8M ²)	2.5%(6M ²)	UNCHANGED



DEVELOPMENT APPLICATION DESIGN

ISSUE DATE: 30/9/19

REVISION: A

3/20 FRANCIS ST. LEICHHARDT NSW

PROPOSED PLANNING CALCULATIONS
 SCALE @ A3: 1:150
 PROJECT: 1027
 SITE: 1027

A

DA 400

FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

COUNCIL'S CERTIFICATE
LEIGHARDT GRAMS
Having satisfied that the proposed subdivision of the above land is in accordance with the provisions of the Subdivision Act 1988, I hereby certify that the proposed subdivision is in accordance with the provisions of the Subdivision Act 1988.

REGISTERED
Registered under the Subdivision Act 1988 (formerly 1928)
10-8-1997

LOCALITY
LEIGHARDT

COUNTY
CUMBERLAND

PARISH
PETERSHAM

REDUCTION RATIO
1:250

LENGTHS ARE IN METRES

PLAN OF SUBDIVISION OF LOT 1 DP 847912

LGA LEIGHARDT

PARISH: PETERSHAM

COUNTY: CUMBERLAND

REDUCTION RATIO 1:250

LENGTHS ARE IN METRES

STRATA PLAN 55349

REGISTERED
Registered under the Subdivision Act 1988 (formerly 1928)
10-8-1997

C.A.: No. 370/96 of 29-7-1997

PURPOSE: STRATA PLAN

REF. MAP: U0945-521^M

LIST PLAN: DP 847912

NAME OF SITE: THE OWNERS
ADDRESS: STRATA PLAN No 55349
 20 WILLIAM ST
 LEIGHARDT 2040.

NAME OF SURVEYOR: *Warren L. Bell*
REGISTERED: 15-8-2006

THIS IS SHEET 1 OF MY PLAN IN 2 SHEETS.

SIGNATURES, SEALS AND STATEMENTS OF INTENTION TO CREATE EASEMENTS, RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS.

Warren L. Bell
 Surveyor

[Signature]
 Solicitor

SIGNATURES AND SEALS:
 I, *[Signature]*, being the person to whom the land is being sold, do hereby certify that the land is being sold to the person named in the schedule of buyers in accordance with the provisions of the Subdivision Act 1988.

REGISTERED: 15-8-2006

PLANNING PANEL: **DP 847912**

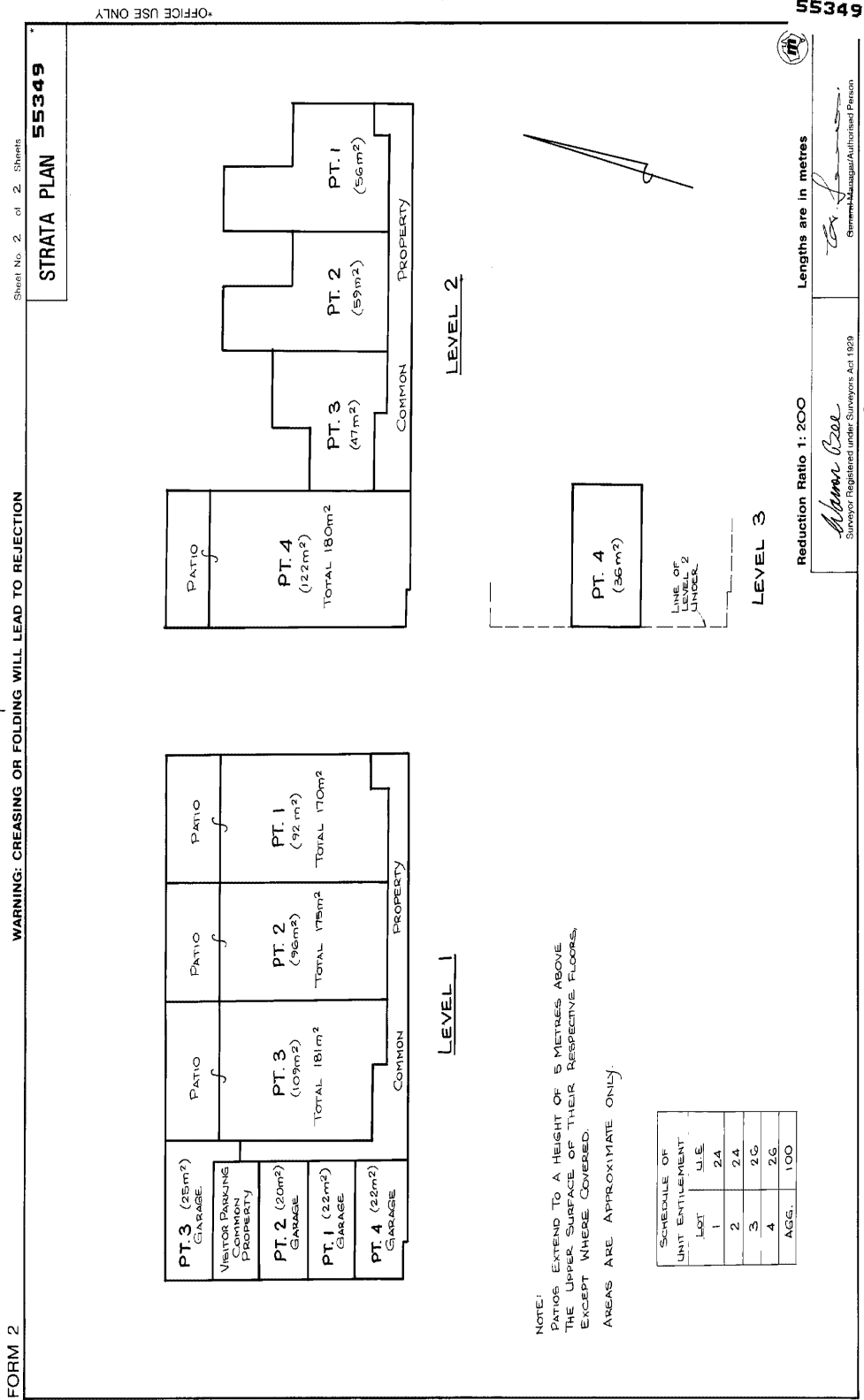
PLANNING PANEL: **DP 789576**

PLANNING PANEL: **DP 378718**

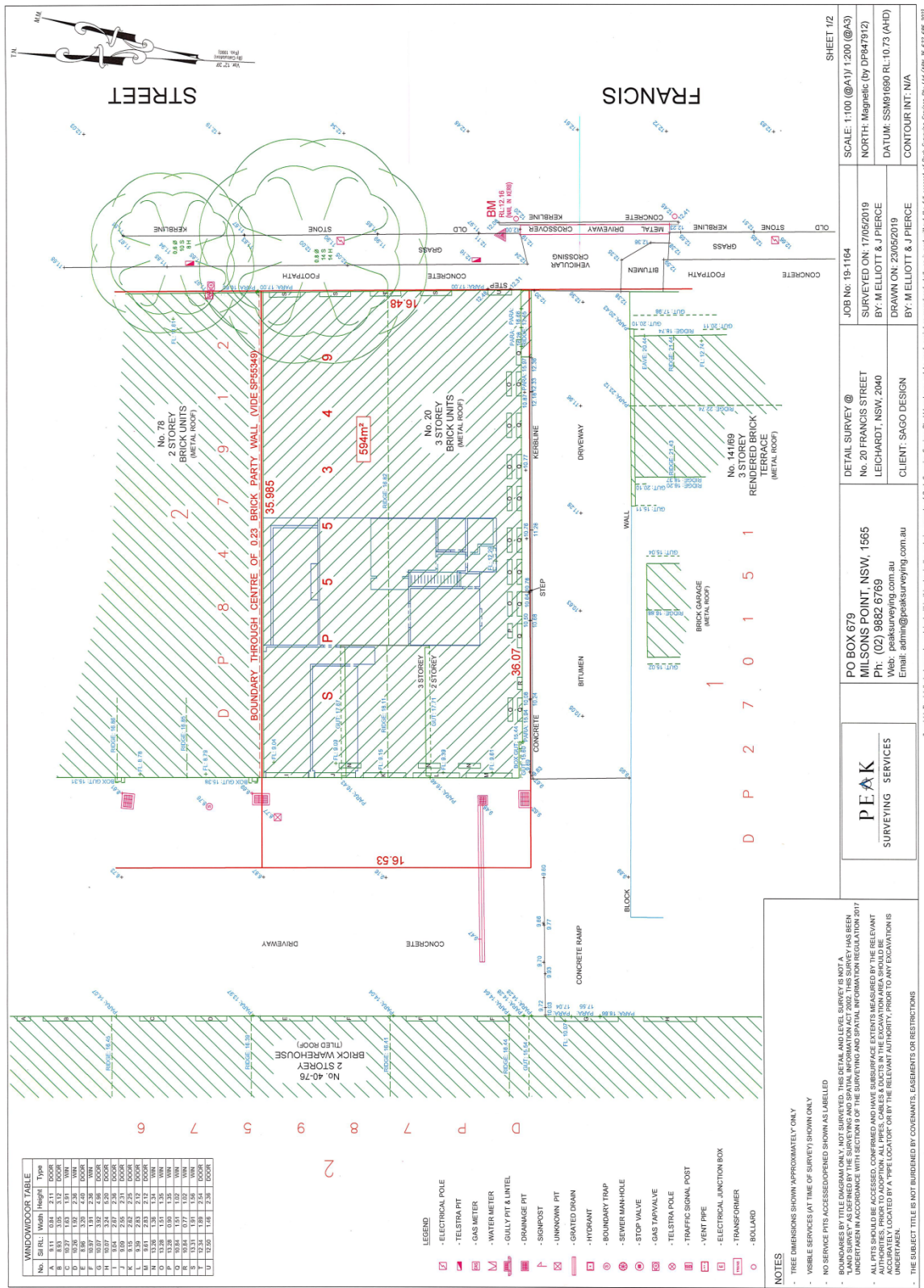
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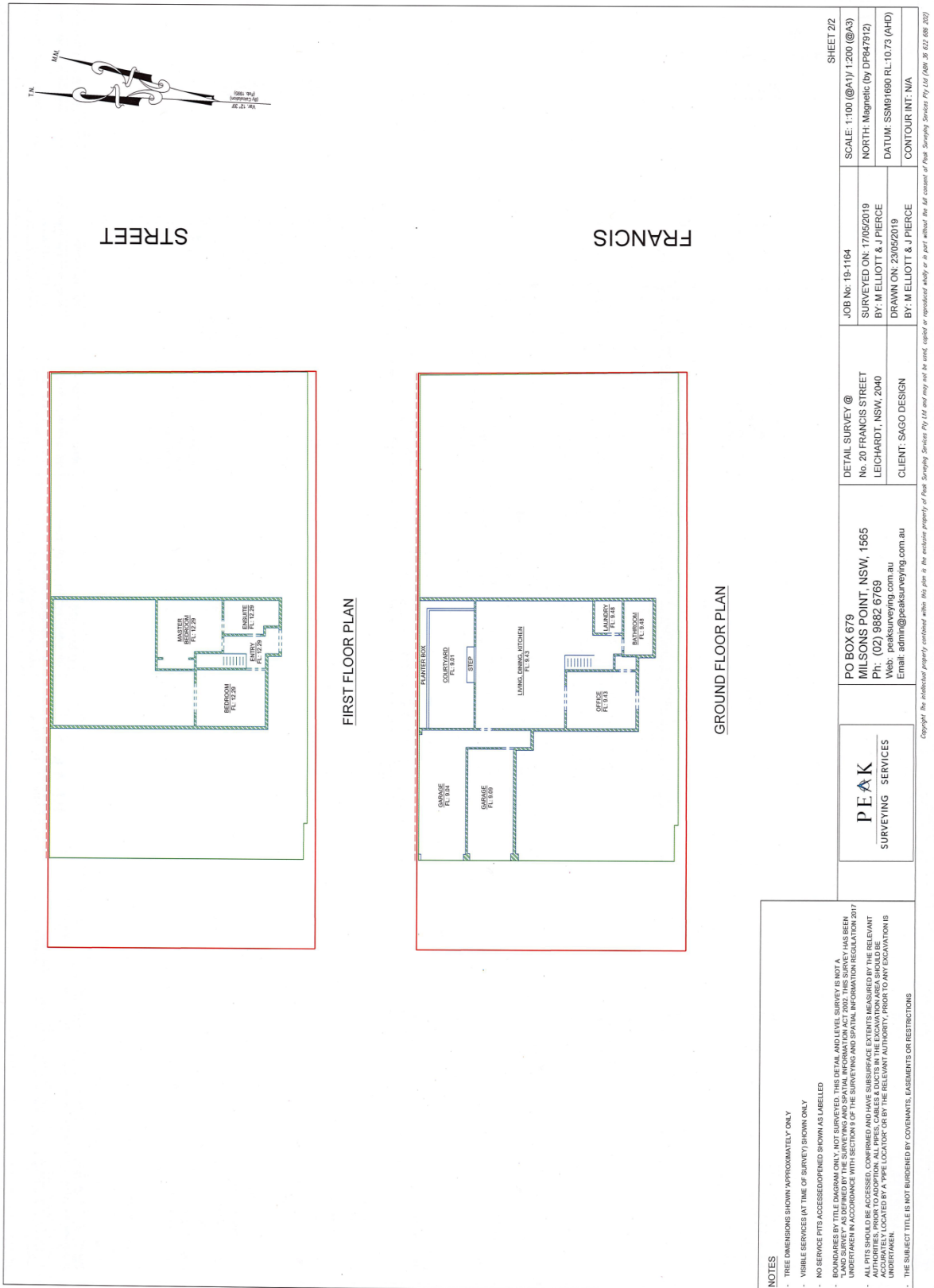
PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

Reg: R374889 / Doc: SP 0055349 P / Rev: 29-Mar-2010 / SFS: SC OK / Pgs: 3 OK / Pts: 14-MAY-2019 17:51 / Seq: 1 of 2



Req:R374689 /Doc:SP 0055349 P /Rev:29-Mar-2010 /Sts:SC.OK /Pgs:ALL /Prt:14-May-2019 17:51 /Seq:2 of 2 Ref:19-1164 /Stc:N





NOTES

- TREE DIMENSIONS SHOWN APPROXIMATELY ONLY
- VISIBLE SERVICES (AT TIME OF SURVEY) SHOWN ONLY
- NO SERVICE PITS ACCESSED/OPENED SHOWN AS LABELLED
- BOUNDARIES BY TITLE DIAGRAM ONLY, NOT SURVEYED. THIS DETAIL AND LEVEL SURVEY IS NOT A "LAND SURVEY" AS DEFINED BY THE SURVEYING AND SPATIAL INFORMATION ACT 2002. THIS SURVEY HAS BEEN UNDERTAKEN IN ACCORDANCE WITH SECTION 4 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2017
- DIMENSIONS SHOWN ARE UNLESS OTHERWISE STATED AND HAVE BEEN OBTAINED FROM THE RELEVANT AUTHORITY AND HAVE BEEN CHECKED AND CONFIRMED TO BE ACCURATE TO WITHIN THE LIMITS OF ACCURACY LOCATED BY A TYPE LOCATOR OR BY THE RELEVANT AUTHORITY. PRIOR TO ANY EXCAVATION IS UNDERTAKEN.
- THE SUBJECT TITLE IS NOT BURDENED BY COVENANTS, EASEMENTS OR RESTRICTIONS

<p>PEAK SURVEYING SERVICES</p> <p>PO BOX 679 MILSONS POINT, NSW, 1565 Ph: (02) 9882 6769 Web: www.peaksurveying.com.au Email: admin@peaksurveying.com.au</p>		<p>DETAIL SURVEY @ No. 20 FRANCIS STREET LEICHARDT, NSW, 2040 CLIENT: SAGO DESIGN</p>	<p>JOB No: 19-1164 SURVEYED ON: 17/05/2019 BY: M ELLIOTT & J PIERCE DRAWN ON: 29/05/2019 BY: M ELLIOTT & J PIERCE</p>	<p>SHEET 2/2 SCALE: 1:100 (@A1) 1:200 (@A3) NORTH: Magnetic (by DP947912) DATUM: SSM81680 RL:10.73 (AHD) CONTOUR INT: N/A</p>
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Attachment C- Clause 4.6 Exception to Development Standards



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

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:	3/20 FRANCIS STREET, LEICHHARDT, 2040, NSW
Proposed Development:	BALCONY & INTERNAL BALCONY ADDITION TO EXISTING RESIDENCE

Standard sought to be varied:	
<input checked="" type="checkbox"/>	Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
<input type="checkbox"/>	Site Coverage – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	Subdivision Allotment size – Clause 4.1 of LEP 2013
<input type="checkbox"/>	Foreshore Building Area – Clause 6.5 of LEP 2013
<input type="checkbox"/>	Diverse Housing – Clause 6.13 of LEP 2013
<p>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</p> <p>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:</p> <ol style="list-style-type: none"> 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. 	

 **INNER WEST COUNCIL**
Development Applications
Exceptions to Development Standards

What are the environmental planning grounds that justify contravening the development standard?
<ul style="list-style-type: none"> •The proposed increase in GFA (internal balcony) is needed to connect to an external balcony. This is needed to greatly improve the owners access to direct natural daylight due to the double height courtyard boundary walls overshadowing the existing private open space.
<ul style="list-style-type: none"> •The breach does not create any adverse environmental impacts.
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)
<ul style="list-style-type: none"> •The proposal is seeking a minor 1% increase to the existing FSR. The proposal is a minor addition to an existing strata plan & an existing FSR breach.
<ul style="list-style-type: none"> •The existing FSR exceeds the ratio for its appropriate area in the Floor Space Ratio Mapping as it is a unique site and a historically industrial zone which has been converted into residential accommodation. The strata plan likely pre-dates the planning control.
<ul style="list-style-type: none"> •The proposal aligns with the predominant residential nature of the neighbourhood, in particular 1/20 & 2/20 Francis Street which have similarly infilled a portion of their existing void space.
<ul style="list-style-type: none"> •It is not considered that the variation sought raises any matter of significance for State or Regional environmental planning.
Is the proposed development consistent with the objectives of the particular standard?
Is the proposal consistent with the objectives of the relevant zone?
<ul style="list-style-type: none"> •The objective of the Floor Space Ratio standard is to ensure residential accommodation is compatible with the desired future character of the area in relation to building bulk, form and scale.
<ul style="list-style-type: none"> •The proposed works are a minor internal void infill of an existing converted warehouse. The additional GFA is internal & not visible from the public domain or to neighbouring properties, therefore having no effect in relation to building bulk, form or scale.
<ul style="list-style-type: none"> •The objectives of the R1 Residential Zoning is to provide for a variety of housing types & densities. This is a unique site as it is an existing warehouse within a dense urban fabric of similar warehouse conversions meeting the purpose of the zone to cover a variety of housing types & densities while providing housing that is compatible with the character & pattern of surrounding buildings.



INNER WEST COUNCIL

Development Applications

Exceptions to Development Standards

Applicant's signature:		Date:	30 / 05 / 2019
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Privacy statement

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

Cashiering: 8:30am-4:30pm.

Lodge by mail: Inner West Council, PO Box 14, Petersham NSW 2049


INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

Office use only			
Checked by officer:		Receipt number:	
Date:		Activity Fee: Advertising/Notification Fee: TOTAL:	
Activity Number:		Cashier code:	
		Initial of CS officer:	



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

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:	3/20 FRANCIS STREET, LEICHHARDT, 2040, NSW
Proposed Development:	BALCONY & INTERNAL BALCONY ADDITION TO EXISTING RESIDENCE

Standard sought to be varied:	
<input type="checkbox"/>	Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
<input checked="" type="checkbox"/>	Site Coverage – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	Subdivision Allotment size – Clause 4.1 of LEP 2013
<input type="checkbox"/>	Foreshore Building Area – Clause 6.5 of LEP 2013
<input type="checkbox"/>	Diverse Housing – Clause 6.13 of LEP 2013
<p>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</p> <p>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:</p> <ol style="list-style-type: none"> 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. 	

 **INNER WEST COUNCIL**
Development Applications
Exceptions to Development Standards

What are the environmental planning grounds that justify contravening the development standard?
•The breach of site coverage is an existing breach & we are not proposing to effect this control.
•The breach does not create any adverse environmental impacts
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)
•Compliance with the development standard is unreasonable or unnecessary in this case as the breach is existing & we are not seeking to effect this development standard.
•The proposal aligns with its neighbouring residential configurations within the strata block at 20 Francis Street.
Existing Site Area: 594m ² Landscape Area: 98m ² Site Coverage: 496m ²
We are exceeding the site coverage control by 23%. This is an existing breach & applies to all of appartments within the strata development.
Is the proposed development consistent with the objectives of the particular standard?
Is the proposal consistent with the objectives of the relevant zone?
•Site Coverage:
The objective of the control & the R1 residential zoning is to control site density and to maintain a landscape corridor between adjoining properties as well as promoting the desired future character of the neighbourhood.
We are an existing warehouse conversion that pre-dates these specific controls however the proposal is consistent with and acknowledges the importance of these objectives.



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

Applicant's signature:		Date:	/ 29 July 2019 /
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Privacy statement

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

Cashiering: 8:30am-4:30pm.

Lodge by mail: Inner West Council, PO Box 14, Petersham NSW 2049


INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

Office use only			
Checked by officer:		Receipt number:	
Date:		Activity Fee: Advertising/Notification Fee: TOTAL:	
Activity Number:		Cashier code:	
		Initial of CS officer:	



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INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

What are the environmental planning grounds that justify contravening the development standard?
control.
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 proposal aligns with its neighbouring residential landscape area configurations within the strata block at 20 Francis Street.
Existing Site Area: 594m ²
Landscape Area: 98m ²
The minimum landscape area for a site over 235m ² is 20%. The existing strata
Is the proposed development consistent with the objectives of the particular standard?
Is the proposal consistent with the objectives of the relevant zone?
•Landscape Area:
The objective of the control & the R1 residential zoning is to control site density and to maintain a landscape corridor between adjoining properties as well as promoting the desired future character of the neighbourhood.
We are an existing warehouse conversion that pre-dates these specific controls however the proposal is consistent with and acknowledges the importance of these objectives.
The proposal does not seek to reduce the landscape area but better connect to the landscaped through the addition of the balcony.



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

Applicant's signature:		Date:	/ 29 July 2019 /
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Office use only			
Checked by officer:		Receipt number:	
Date:		Activity Fee: Advertising/Notification Fee: TOTAL:	
Activity Number:		Cashier code:	
		Initial of CS officer:	

NO.	DATE	DESCRIPTION	BY
1	15/11/2022	Issue for Council	AL
2	07/12/2022	Amend for Council	AL
3	05/01/2023	DA Lodgement	AL

CLIENT: VELOPO NOMINEES PTY LTD

PROJECT: BRANTON & FIELD SUBDIVISION & LAND

Consultant: 2201 LINDISFIELD STREET (FINANCIAL) LEICHHARDT NSW 2040
 Phone: 02 9518 385
 Email: info@derekathay.com.au

TOWN PLANNING:
 Consultant: TPO PLANNING CONSULTANTS
 Address: 10/221 LINDISFIELD STREET
 Phone: 02 9518 385
 Email: info@tpocplanning.com.au

HYDRAULIC ENGINEER:
 Consultant: AQUADOMINI AND PARTNERS
 Address: 2/220 CALVERT STREET
 Phone: 02 9518 385
 Email: info@aquadomini.com.au

ARCHITECT:
 Consultant: WATTS ARCHITECTS AND INTERIORS
 Address: 1/111 WILSON STREET, LEICH
 Phone: 02 9518 385
 Email: info@wattsarchitects.com.au

LANDSCAPE:
 Consultant: LANDSCAPE ARCHITECTURE
 Address: 1/111 WILSON STREET, LEICH
 Phone: 02 9518 385
 Email: info@landscape.com.au

SOILS:
 Consultant: WATTS ARCHITECTS AND INTERIORS
 Address: 1/111 WILSON STREET, LEICH
 Phone: 02 9518 385
 Email: info@wattsarchitects.com.au

RESIDENTIAL DEVELOPMENT:
 55 CHURCH STREET, LILFIELD
 LOT 161 SECTION 41 DP 95475

DRAWING TITLE:
 SOLAR ACCESS STUDY - PROPOSED

Scale: Indicated @ A1: 1:100
 Drawing No: 18
 Drawn by: DJR/J
 Checked by: DJR/J
 Date: 07/12/2022

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 8 AM

Area receiving Solar Access for HOUSE A Courtyard = 0m²
 Area receiving Solar Access for HOUSE B Courtyard = 0m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 9 AM

Area receiving Solar Access for HOUSE A Courtyard = 0 m²
 Area receiving Solar Access for HOUSE B Courtyard = 0 m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 10 AM

Area receiving Solar Access for HOUSE A Courtyard = 0 m²
 Area receiving Solar Access for HOUSE B Courtyard = 8.2m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 11 AM

Area receiving Solar Access for HOUSE A Courtyard = 4.1 m²
 Area receiving Solar Access for HOUSE B Courtyard = 11.2m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 12 PM

Area receiving Solar Access for HOUSE A Courtyard = 10.8m²
 Area receiving Solar Access for HOUSE B Courtyard = 8.7 m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 1 PM

Area receiving Solar Access for HOUSE A Courtyard = 11.6m²
 Area receiving Solar Access for HOUSE B Courtyard = 8.2m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 2 PM

Area receiving Solar Access for HOUSE A Courtyard = 3.3 m²
 Area receiving Solar Access for HOUSE B Courtyard = 4.0m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 3 PM

Area receiving Solar Access for HOUSE A Courtyard = 0m²
 Area receiving Solar Access for HOUSE B Courtyard = 2.0m²

SOLAR ACCESS DIAGRAM (COURTYARD) - PROPOSED JUNE 4 PM

Area receiving Solar Access for HOUSE A Courtyard = 0m²
 Area receiving Solar Access for HOUSE B Courtyard = 0m²

Private Open Space - Solar Access

3.9.04 - Private open space is to provide a minimum three hour of direct sunlight cover 50% of the required private open space between 9am and 3pm at the winter solstice.

For Dwelling houses, semi attached and attached dwellings, dual occupancies C1 Private open space should be:

- located at ground level consistent with the location of private open space on the site plan;
- has a minimum area of 15sqm and minimum dimension of 3m;
- Note: the front setback will not be accepted as private open space.

where ground level is not accessible due to the existing contours of the site and/or existing development, above ground private open space will be considered.

SOLAR ACCESS RESULTS FOR PRIVATE OPEN SPACE JUNE

HOURS	HOUSE A		HOUSE B	
	AT GROUND LEVEL	AT TABLE HEIGHT	AT GROUND LEVEL	AT TABLE HEIGHT
9AM	0m ²	0m ²	0m ²	0m ²
10AM	0m ²	0m ²	0m ²	0m ²
11AM	10.8m ²	10.8m ²	8.7m ²	8.7m ²
12PM	3.3m ²	3.3m ²	4.0m ²	4.0m ²
1PM	0m ²	0m ²	0m ²	0m ²
2PM	0m ²	0m ²	0m ²	0m ²
3PM	0m ²	0m ²	0m ²	0m ²