



 DEVELOPMENT ASSESSMENT REPORT	
Application No.	D/2019/471
Address	13 Waratah Street, Leichhardt
Proposal	New garage at rear of site and associated works
Date of Lodgement	18/11/2019
Applicant	BIArchitects, Brad Inwood
Owner	Mr Luigi A and Mrs Stephanie D Ginardi
Number of Submissions	Nil
Value of works	\$150,000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	FSR variation of 20.09% Site Coverage variation of 6.27%
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 – Floor Space Ratio
Attachment D	Clause 4.6 Exception to Development Standards – Site Coverage



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for a new garage at rear of site and associated works at 13 Waratah Street, Leichhardt. The application was notified to surrounding properties and no submissions received.

The main issues that have arisen from the application include:

- Clause 4.6 variation for Floor Space Ratio exceeds 10%; and
- Site Coverage exceeds maximum permissible.

The non-compliances are acceptable given that the proposal generally complies with the aims and objectives of the Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. A Clause 4.6 exception was submitted to Council to vary the maximum floor space ratio and site coverage standard, which is discussed in this report and satisfies the necessary tests and therefore the application is recommended for approval.

2. Proposal

Approval is sought to demolish the existing garage and construct a new garage at the rear of the property.

3. Site Description

The subject site is located on the western side of Waratah Street, between Hill Street and Stanley Street. The site has a total area of 234sqm and is legally described as Lot 8 in Deposited Plan 3963.

The site has a frontage to Waratah Street of 6.4 metres and a secondary frontage of approximate 6.4 metres to an unnamed rear lane.

The site supports a two-storey detached dwelling house. The adjoining properties support single and two-storey dwelling houses.

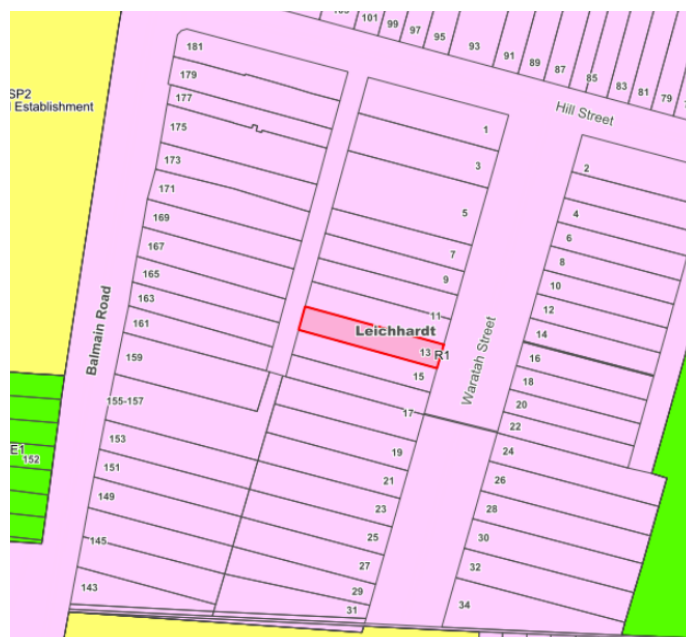


Figure 1: Zoning Map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2019/173	Alterations and additions to existing dwelling house, including new first floor addition, and associated works.	Approved – 12/06/2019

The above-mentioned DA included the conversion of the existing garage (proposed to be demolished and replaced by a new garage as part of this DA) into a carport.

Surrounding properties

Application	Proposal	Decision & Date
D/2009/313	Alterations and additions to existing dwelling for new rear ground level extension.	Approved – 25/09/2009
D/2019/399	Alterations and additions to dwelling house	Approved – 14/10/2019
D/2012/546	Alterations and additions to existing dwelling including a two storey addition to the front (with garage) and ground floor additions to the rear. SEPP 1 objection for Floor Space Ratio.	Refused – 17/01/2013
D/2017/389	Demolition of rear garage and replacement with a new two storey building comprising garage and studio	Withdrawn – 07/09/2017

spaces.

4(b) Application history

Not relevant

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

5(a)(ii) 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 is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities for the following reasons.

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

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

- 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 4.6 - Exceptions to development standards
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

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

The site is zoned R1 - General Residential under the *LLEP 2013*.

The development, being ancillary to a dwelling house, is permitted with consent within the zone. The development is consistent with the objectives of the R1 General Residential zone.

(iii) Clause 2.7 – Demolition

Clause 2.7 of LLEP 2013 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council’s standard conditions relating to demolition are included in the recommendation.

(iv) Clause 4.3A and 4.4 – Landscaped areas for residential accommodation in Zone R1 and Floor Space Ratio

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

Standard	Proposal	Non-compliance	Complies
Floor Space Ratio Maximum permissible: 0.7:1 or 163.8sqm	0.84:1 or 196.7sqm	32.9sqm or 20.09%	No
Landscape Area Minimum permissible: 15% or 35.1sqm	17.18% or 40.2sqm	-	Yes
Site Coverage Maximum permissible: 60% or 140.4sqm	63.76% or 149.2sqm	8.8sqm or 6.27%	No

(v) Clause 4.6 – Exceptions to Development Standards

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

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

Clause 4.3A – Landscaped areas for residential accommodation in Zone R1

The applicant seeks a variation to the site coverage development standard under Clause 4.6 of the *LLEP 2013*. The proposal will result in a non-compliance of 6.27% or 8.8sqm with the Site Coverage standard of 60% applicable to this development.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the Leichhardt Local Environmental Plan 2013, justifying the proposed contravention of the development standard, which is summarised as follows:

- The proposed site coverage is compatible with the surrounding site coverage in both total size and percentage of the site;
- Most allotments surrounding the site also would not comply with the site coverage control;
- The allotment to the south at No 15 Waratah Street would have a site coverage similar to the proposed works to No 13;

- Even though the proposed works do not comply with the site coverage controls, they do comply with the objectives of the site coverage by ensuring dwellings are compatible with the surrounding dwellings;
- The non-compliance with the site coverage from the proposed works has negligible impact on the adjoining properties;
- The adjoining properties to the south have no loss of solar access from the non-compliance with the site coverage controls;
- The proposed garage does not result in loss of any landscaping to the site, with the proposed works still permitting a garden sufficient to plant substantial trees;
- The proposed works still permit a landscaped corridor to the rear of the site. Any trees and planting can be located between the rear of the house and the garage in a similar location to that to the adjoining houses;
- The proposed works still permit ecological sustainable development to the site;
- The rear garden is to be landscaped to provide absorption of surface drainage to the site;
- Most sites within the area are generally small. The area of the site is only 236sqm;
- Due to the nature of the site it is unreasonable for the site to comply with a control that restricts any possible development to make the house suitable for modern day living requirements; and
- The proposed garage could not be seen as excessive or large in size, but they do make the site into a more pleasant and liveable space for the occupants; and
- The amount of non-compliance with the regulatory control is minimal.

Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.6 of the *LLEP 2013*. The proposal will result in a non-compliance of 20.09% or 32.9sqm with the floor space ratio standard of 0.7:1 applicable to this development.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the *Leichhardt Local Environmental Plan 2013* justifying the proposed contravention of the development standards, which is summarised as follows:

- The proposed works are compatible with the surrounding built forms in scale, height, bulk and size;
- All adjoining dwellings already have a similar sized garage to that proposed;
- No 11 and No 15 Waratah Street, both of which adjoin No 13 have a similar sized garage to the proposed works;
- No 9 has a similar sized garage with a first-floor studio above;
- The proposed works will maintain a consistency in the built form, scale and size with the adjoining dwellings along Waratah Street;
- Even though the proposed works do not comply with the FSR, they do comply with the objectives of the FSR by ensuring dwellings are compatible with the scale and size of the surrounding built forms, including the two adjoining dwellings;
- The proposed works have negligible impact on the adjoining properties. As the works are of generally of a small scale, there is no overshadowing to the adjoining properties, with all new shadows cast in areas already in shadow from the adjoining properties;
- There is no overshadowing to the adjoining dwelling to the souths rear outdoor space from the proposed works;
- There is no loss of views or privacy concerns from the proposed works;

- There is a strong precedence within the vicinity for all existing alterations and additions to not comply with the FSR controls. Virtually all surrounding developments would not be in compliance with the FSR controls;
- It would be most likely that all recent developments in the nearby vicinity would have a FSR in the vicinity of 0.8:1, which is the proposed FSR as part of this application;
- Therefore, it is unreasonable for the proposed works to comply with a FSR control that restricts density to the site to a level that is less than all the surrounding dwellings;
- Most sites within the area are generally small. The area of the site is only 236sqm;
- The proposed garage could not be seen as excessive or large in size, but they do make the site into a more pleasant and liveable space for the occupants;
- The amount of non-compliance with the regulatory control is minimal;
- This area is negligible numerically but results in a much more usable garage for the occupants; and
- Therefore, even though the proposed works do not comply with the FSR controls, the non-compliance with the FSR controls do not result in any loss of amenity or usage of the site.

The applicant's written rationale adequately demonstrates compliance with the development standards 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 that the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt Local Environmental Plan 2013 for the following reasons:

- The development provides for the housing needs of the community;
- The development provides housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas; and
- The development provides landscaped areas for the use and enjoyment of existing and future residents.

It is considered that the development is in the public interest because it is consistent with the objectives of the site coverage standard in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt Local Environmental Plan 2013 for the following reasons:

- The proposal provides landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents;
- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale;
- The proposal complies with the Landscaped Area standard, providing a suitable balance between landscaped areas and the built form;
- The proposal is considered to provide adequate landscaped area for retention and absorption of surface drainage water on site; and
- The proposal ensures that adequate provision is made for landscaped areas and private open space.

It is considered that the development is in the public interest because it is consistent with the objectives of the floor space ratio standard in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt Local Environmental Plan 2013 for the following reasons:

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

- The development provides a suitable balance between landscaped areas and the built form, and
- The development minimises the impact of the bulk and scale of the building.

The concurrence of the 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 Local Environmental Plan 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the floor space ratio and site coverage development standard, and it is recommended that the Clause 4.6 exceptions be supported.

(vi) Clause 6.1 – Acid Sulfate Soils

The site is identified as Class 5 acid sulphate soils; however, the proposed works will not lower the watertable below 1 metre AHD.

(vii) Clause 6.2 – Earthworks

Any excavation works are minor and will be adequately controlled by conditions of consent.

(viii) Clause 6.4 – Stormwater management

The proposal generally, complies with this clause. Council’s Development Engineer has assessed the proposal and raised no concerns, subject to conditions. In particular, the following is noted:

The Stormwater Drainage Concept details on plan No.0909-12 prepared by BRAD INWOOD ARCHITECTS and dated 14 September 2019 must be amended to comply with condition (20) of DA consent for D/2019/173.

5(b) Draft Environmental Planning Instruments

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposal is consistent with the provisions of the draft Environment SEPP.

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 – see discussion
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	N/A
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes – see discussion
C1.12 Landscaping	Yes
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	Yes – see discussion
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.3.3 Piperston 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
C3.4 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
C3.9 Solar Access	Yes – see discussion
C3.10 Views	N/A
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	

Section 1 – Energy Management	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	No – refer to Section 5(a)(iii)(vii)
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	No – refer to Section 5(a)(iii)(vii)
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and additions

The proposal generally complies with this clause. The design of the garage is considered a sympathetic addition to the existing building, is compatible with the neighbourhood character and protects existing residential amenity, including the retention of adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to the existing and surrounding dwellings.

C1.11 Parking

The proposed garage does not detract from the amenity of adjoining areas, integrates with the overall site and building design.

C1.18 Laneways

The laneway at the rear of the property has a width of 5.1 metres and, therefore, is a “medium” lane. The proposed garage generally complies with this clause for the following reasons:

- It is considered to protect and enhance the service function and character of the lane;
- It has a simple form and minimal façade detailing;
- It complies with the maximum side wall height of 3.6 metres and the building envelope;
- It is not visible from the primary street frontage;
- The bulk and scale does not diminish the dominance of the primary dwelling on the lot;
- The roof form is a skillion roof located behind a parapet that complies with the laneway control envelope; and
- Sufficient on-site parking and manoeuvring space is provided without compromising the prevailing character, building form and setback of the laneway.

C3.2 Site Layout and Building Design

The proposal, generally, achieves the objectives of this clause; however, results in a technical non-compliance with the side boundary setback control. The following table indicates compliance with the side boundary setbacks:

Elevation	Proposed Wall Height (mm)	Required setback (mm)	Proposed setback (mm)	Complies
Northern	2887	50mm	0	No
Southern	2921	70mm	0	No

Pursuant to Clause C3.2 of the *LDCP2013*, where a proposal seeks a variation of the side boundary setback control, various tests need to be met, which 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: The proposed garage complies with the streetscape and desired future character controls of the *LDCP 2013*.

- The pattern of development is not adversely compromised.

Comment: The reduced side setbacks will not be out of character with the existing pattern of development of the laneway and wider area.

- The bulk and scale of the development has been minimised and is acceptable.

Comment: The scale of the works will not be ‘out of character’ when compared to other developments along the laneway and will have appropriate and acceptable bulk and scale impacts on neighbours.

- The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.

Comment: The proposal is acceptable having regard to the solar access controls and privacy impacts.

- The proposal does not unduly obstruct adjoining properties for maintenance purposes.

Comment: The 0mm side setbacks provide a logical setback, considering the development along the rear laneway. Further, the adjoining structures are of low-

maintenance materials (i.e. brick and cladded garages) and the proposal, therefore, does not unduly obstruct access for maintenance purposes for adjoining properties.

In light of the above, the proposal is considered satisfactory with respect to the intent and objectives of the side setback controls prescribed in this Clause.

C3.9 Solar Access

The proposal does not result in additional overshadowing of neighbouring north-facing glazing to living areas and private open space.

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 with Leichhardt Development Control Plan 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

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 a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstances of the case and that there are sufficient environmental 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 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/2019/471 for a new garage at rear of site and associated works at 13 Waratah 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 payed 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
0909-03	Elevations and Section	14/09/2019	Brad Inwood Architects
0909-01	Ground Floor	14/09/2019	Brad Inwood Architects
0909-08	Landscape Plan	14/09/2019	Brad Inwood Architects
0909-02	First Floor	14/09/2019	Brad Inwood Architects
0909-06	Colours and Materials	01/05/2017	Brad Inwood Architects

As amended by the conditions of consent.

4. Waste Management Plan

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

5. Erosion and Sediment Control

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

6. Standard Street Tree Protection

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

7. Works Outside the Property Boundary

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

8. Boundary Alignment Levels

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

9. Works outside the Property Boundary

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

Prior to any Demolition

10. 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 the adjacent garages / carports of the adjoining properties (No. 11 and No. 15 Waratah Street) 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.

11. 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.

12. 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.

13. Hoardings

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

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

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

Prior to Construction Certificate**14. 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.

15. 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 (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

16. Dilapidation Report – Pre-Development

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. Alignment Levels – Rear Lane

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above Alignment Levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate.

The garage slab or driveway must then rise within the property to be 170mm above the adjacent road gutter level. The longitudinal profile across the width of the vehicle crossing

must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a natural scale of 1:25, demonstrating compliance with the above requirements.

18. Parking Facilities - Domestic

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

- a) The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- c) The garage/carport/parking space must have minimum clear internal dimensions of 6000mm x 5400 mm (length x width) and a door opening width of 5300 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.
- d) A plan of the proposed access and adjacent laneway, drawn at a 1:200 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces.
- e) The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004.

19. Public Domain Works

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced Chartered/Registered Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:

- a) The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) Installation of a stormwater outlet to the kerb and gutter.

During Demolition and Construction

20. 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.

21. 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.

22. 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

23. Public Domain Works

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

- a) Light duty concrete vehicle crossing(s) at the vehicular access location.
- b) Installation of a stormwater outlet to the kerb and gutter and other works subject to the Roads Act 1993 approval.

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

24. No Encroachments

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

25. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that a light duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

26. No Encroachments

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

27. Parking Signoff

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

28. Civil Engineer Verification

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority must be provided with written verification from a suitably experienced Civil Engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans.

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.

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.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a) The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b) Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c) A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d) Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e) A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f) Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

Chartered/Registered Engineer

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

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

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.

Public Domain and Vehicular Crossings

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

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

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

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

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

Insurances

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

works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Noise

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

Amenity Impacts General

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

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

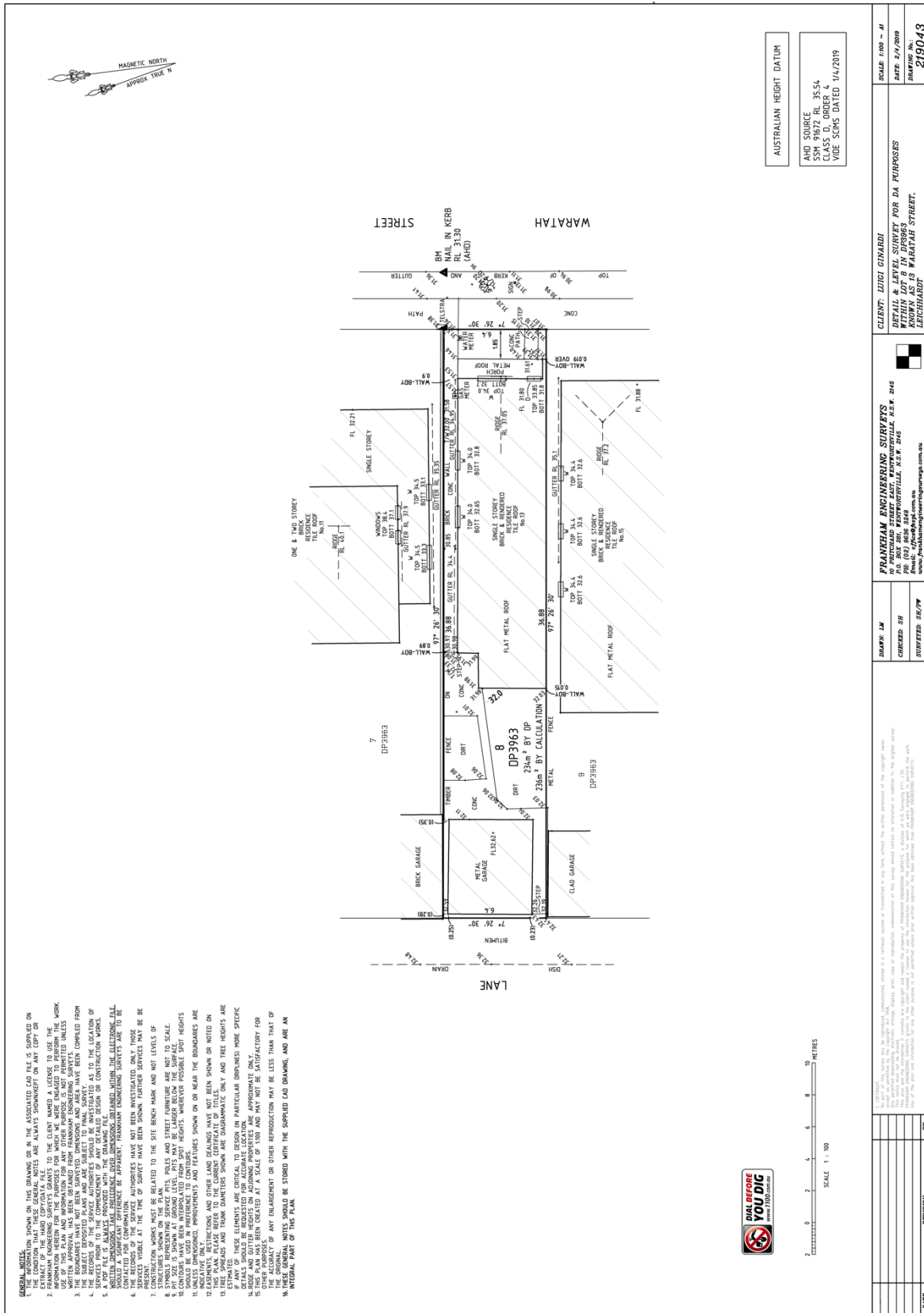
Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

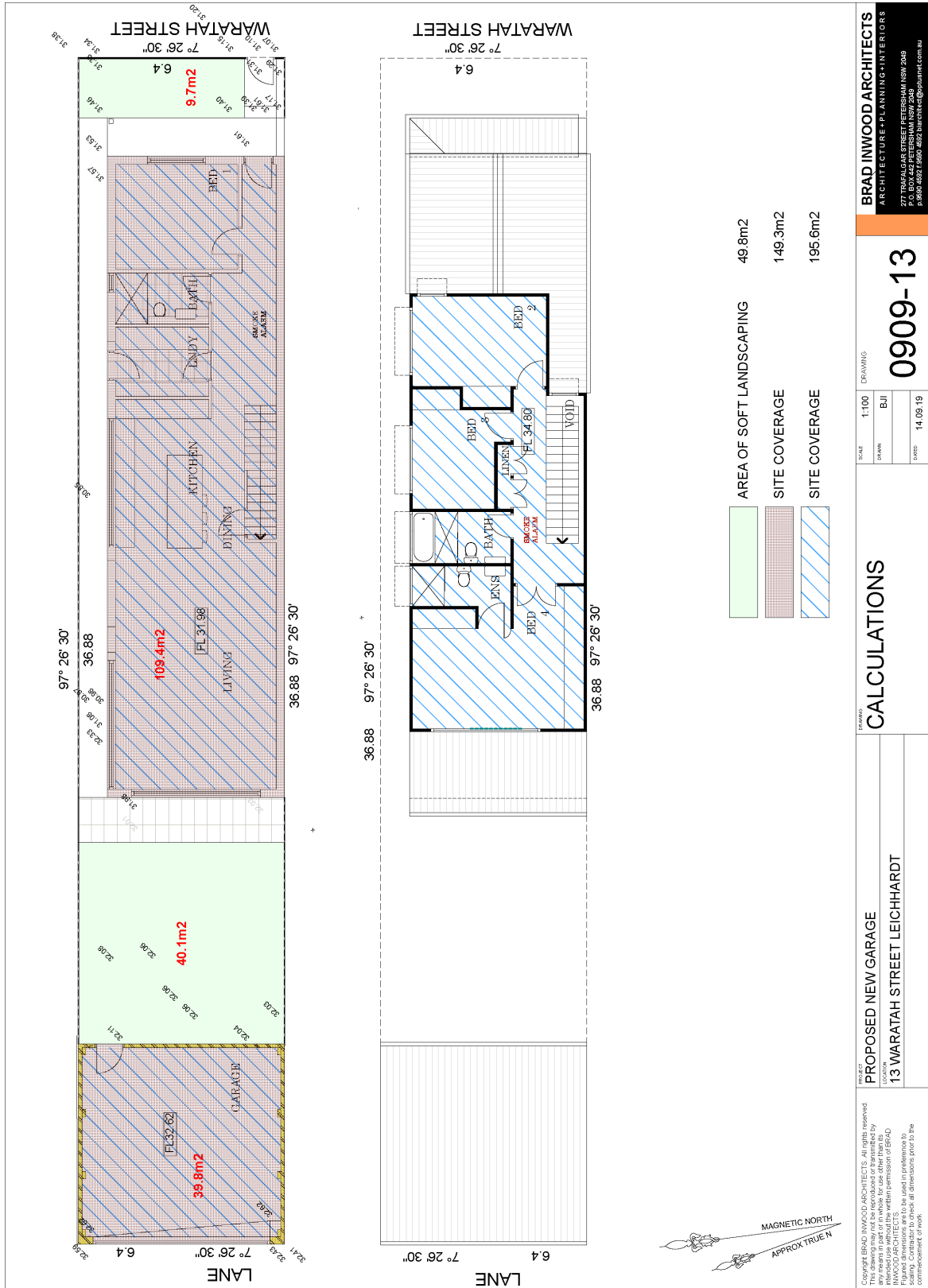
Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm 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 Corporation	Payments 131441 www.lspc.nsw.gov.au

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





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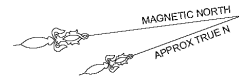
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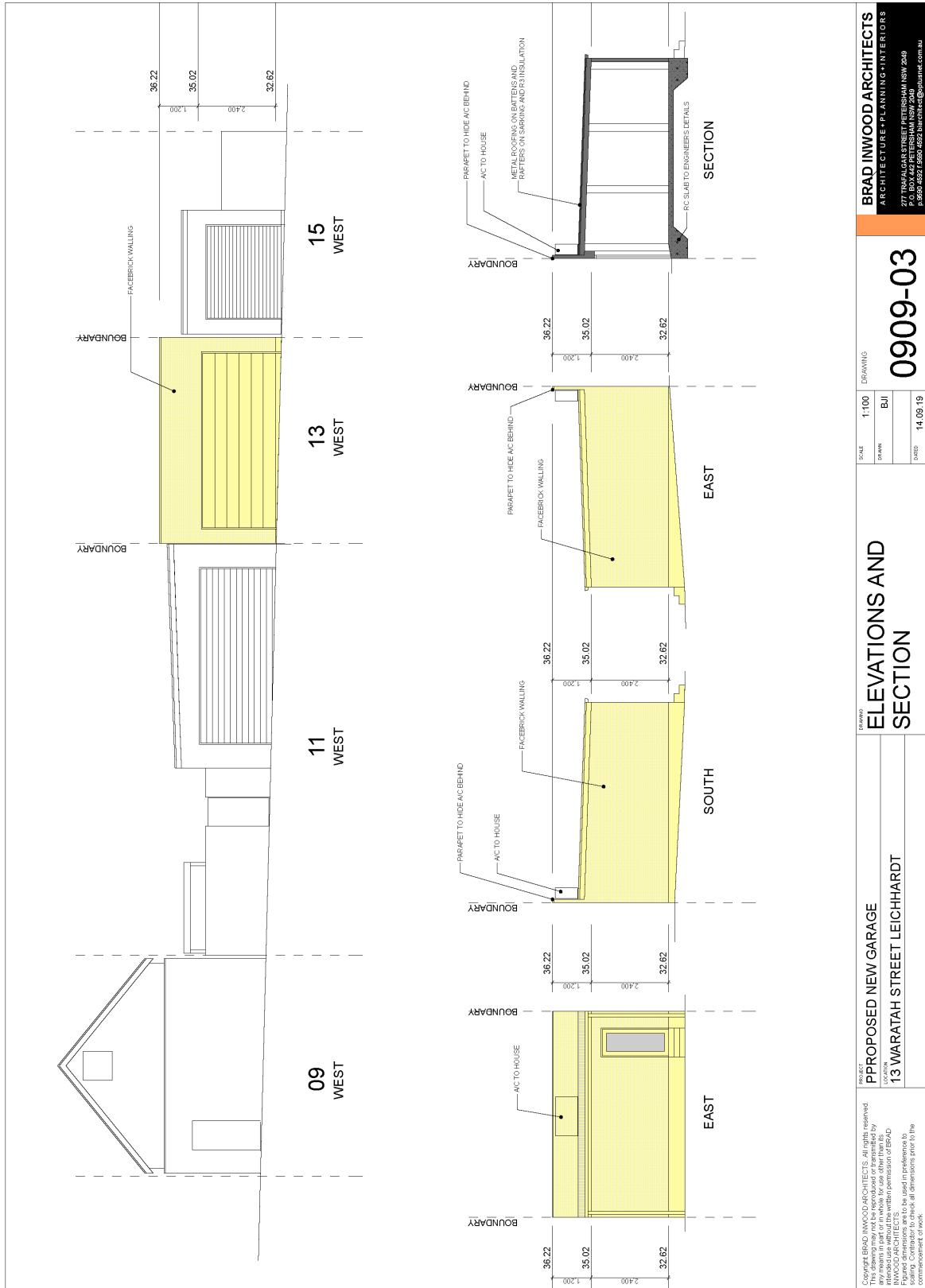
0909-13

CALCULATIONS

PROJECT PROPOSED NEW GARAGE
 LOCATION 13 WARATAH STREET LEICHHARDT

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SCALE: 1:100
 DRAWN: BJJ
 DATE: 14.09.19

ELEVATIONS AND SECTION

PROJECT: **PROPOSED NEW GARAGE**
 LOCATION: **13 WARATAH STREET LEICHHARDT**

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DEMOLITION PLAN

DEMOLISH EXISTING CARPORT
AND CONSTRUCT NEW GARAGE

FOR

**13 WARATAH STREET
LEICHHARDT**

INNER WEST COUNCIL



All demolition will be carried out in accordance with AS2601-1991.

Demolition firm proposed to be used is;

***Ginardi Constructions
28 Jubile Ave
Carlton
NSW 2218***

Ph 0499 055 980

A waste plan has been prepared in accordance with the Waste Planning Guide for Development Applications by the Regional Waste Boards, detailing

- a) Estimations of quantities and types of materials to be reused, recycled, or left over for the removal from site
- b) Identification on a plan of onsite material storage areas, during construction, waste storage, recycling and composting areas
- c) Details of the construction materials and methods to be used to minimise the production of water in the completion of the new building work

Prior to the demolition is undertaken, the Contractor will submit a work plan prepared in accordance with AS2601-1991. The work plan will identify any hardardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory Authorities, and receipts will be available for verification by Council if required.

Hazardous dust will not leave the site, and fine mesh dust proof screens or other approved methods shall be installed.

No demolition materials will be burnt off or on the site.

All contractors and employers directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716

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p.9590 4592 f.9590 4592 m.0403 874 071 brad@biarchitects.com.au

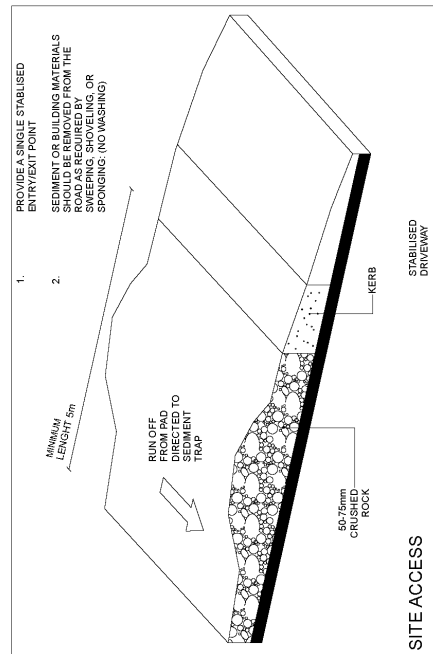
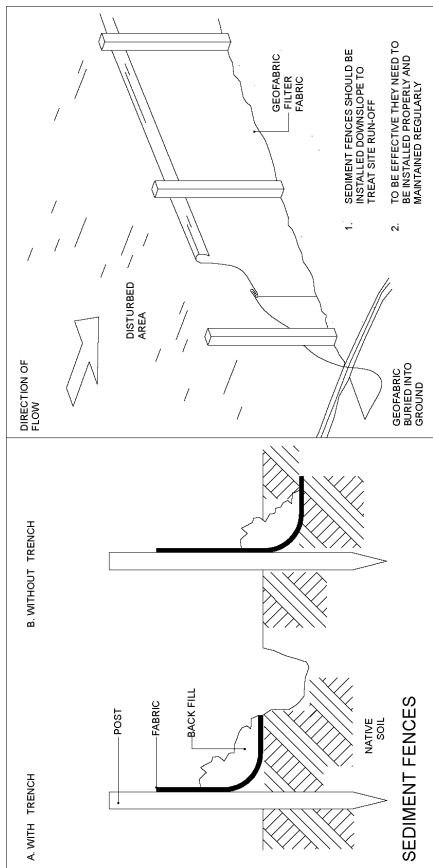


Respiratory Protective Devices and shall adopt work practices in accordance with the requirements of Work Safe Australia Standards.

Dust in ceilings and wall cavities will be removed by the use of an industrial vacuum fitted with a high efficiency particular air (HEPA) filter.

All dusty surfaces and dust created from the work is to be suppressed by a fine water spray. Water will not be allowed to enter the street and stormwater systems.

Demolition will not be carried out during periods of high winds that may cause the dust to spread beyond the site boundaries.



SILTATION NOTES

1. ALL EROSION AND SILTATION DEVICES ARE TO BE CONSTRUCTED PRIOR TO THE COMMENCEMENT OF WORKS
2. ANY SILT TRAPS ARE TO HAVE PROTECTIVE NETS REMOVED FREQUENTLY
3. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET FITS LIKELY TO COLLECT SILT LADEN WATER TO COUNCILS STANDARDS
4. NOT WITHSTANDING THE DETAILS SHOWN, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL SITE ACTIVITIES COMPLY WITH THE CLEAN WATERS ACT

STORMWATER NOTES

1. LOCATION OF PIPING IS DIAGRAMATIC ONLY. EXACT LOCATION TO BE DETERMINED ON SITE. CHECK ALL LEVELS PRIOR TO THE COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO THE ARCHITECT
 2. PIPES SHALL NOT COME INTO CONTACT WITH OTHER SERVICES OR BUILDING STRUCTURES. COORDINATE ALL SERVICES PRIOR TO COMMENCEMENT OF INSTALLATION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT
 3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL PLANS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY
 4. ALL LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS
 5. STORMWATER AND SUB-SOIL DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL COUNCIL REQUIREMENTS
- ALL PIPES TO HAVE A MINIMUM 150mm COVER IF LOCATED WITHIN THE PROPERTY.

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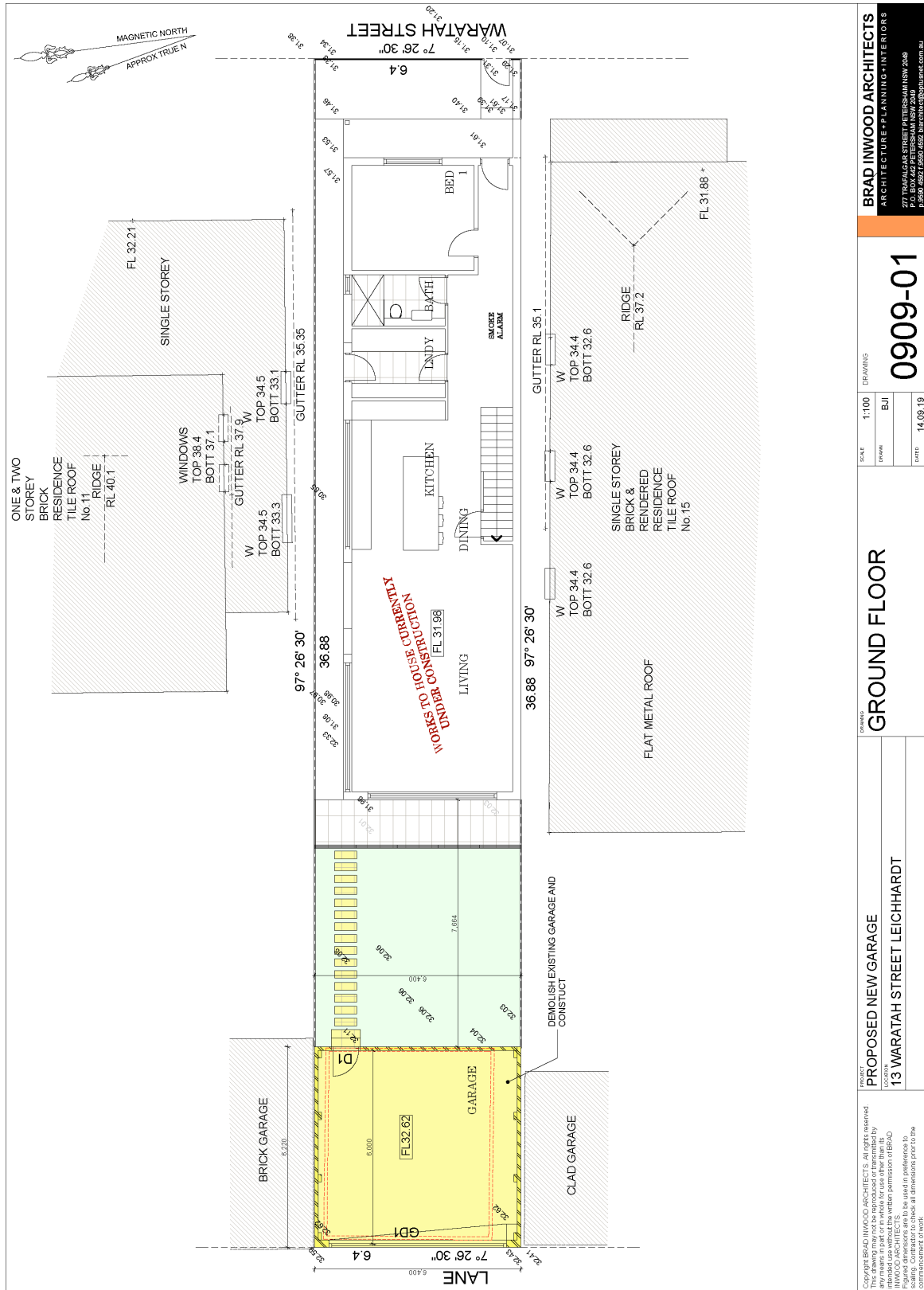
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LOCATION: 13 WARATAH STREET LEICHHARDT

DRAWING: EROSION AND SEDIMENT

SCALE: 1:100
DATE: 14.09.19

DRAWING: 0909-05

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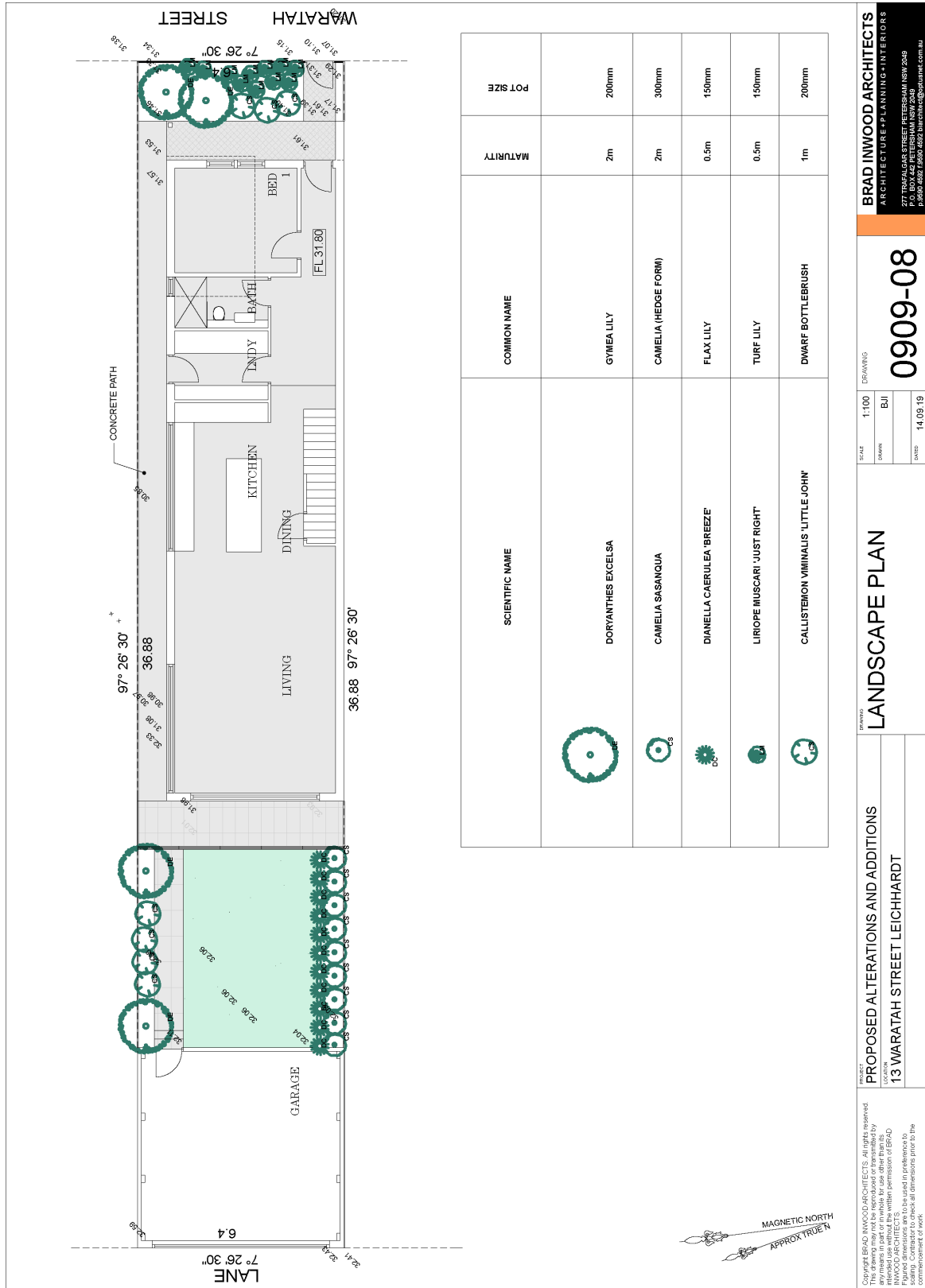


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PROJECT PROPOSED NEW GARAGE
 LOCATION 13 WARATAH STREET LEICHHARDT

GROUND FLOOR
0909-01



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 DRAWING: 0909-08
 DATE: 14.09.19

PROJECT: PROPOSED ALTERATIONS AND ADDITIONS
 LOCATION: 13 WARATAH STREET LEICHHARDT

LANDSCAPE PLAN

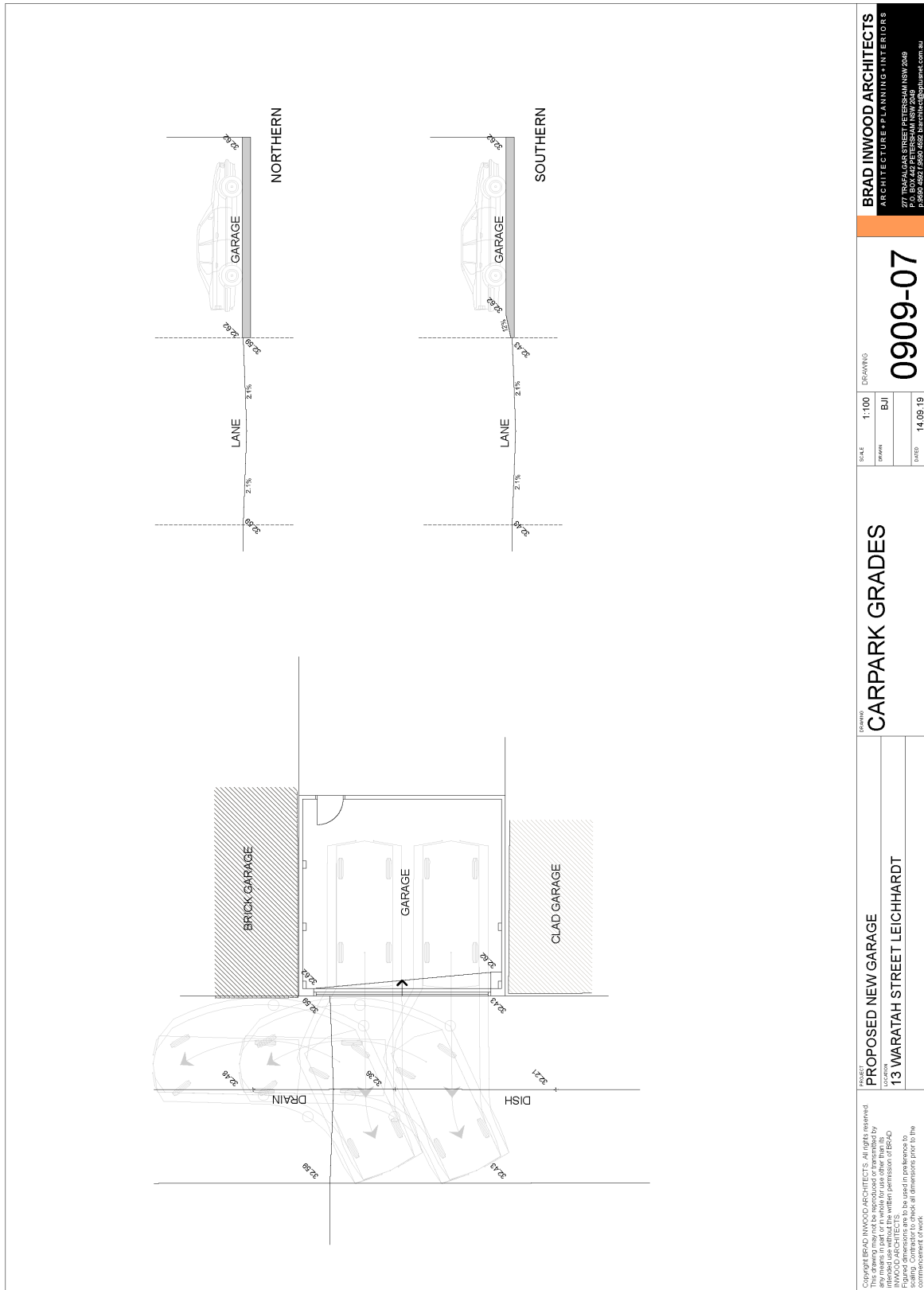
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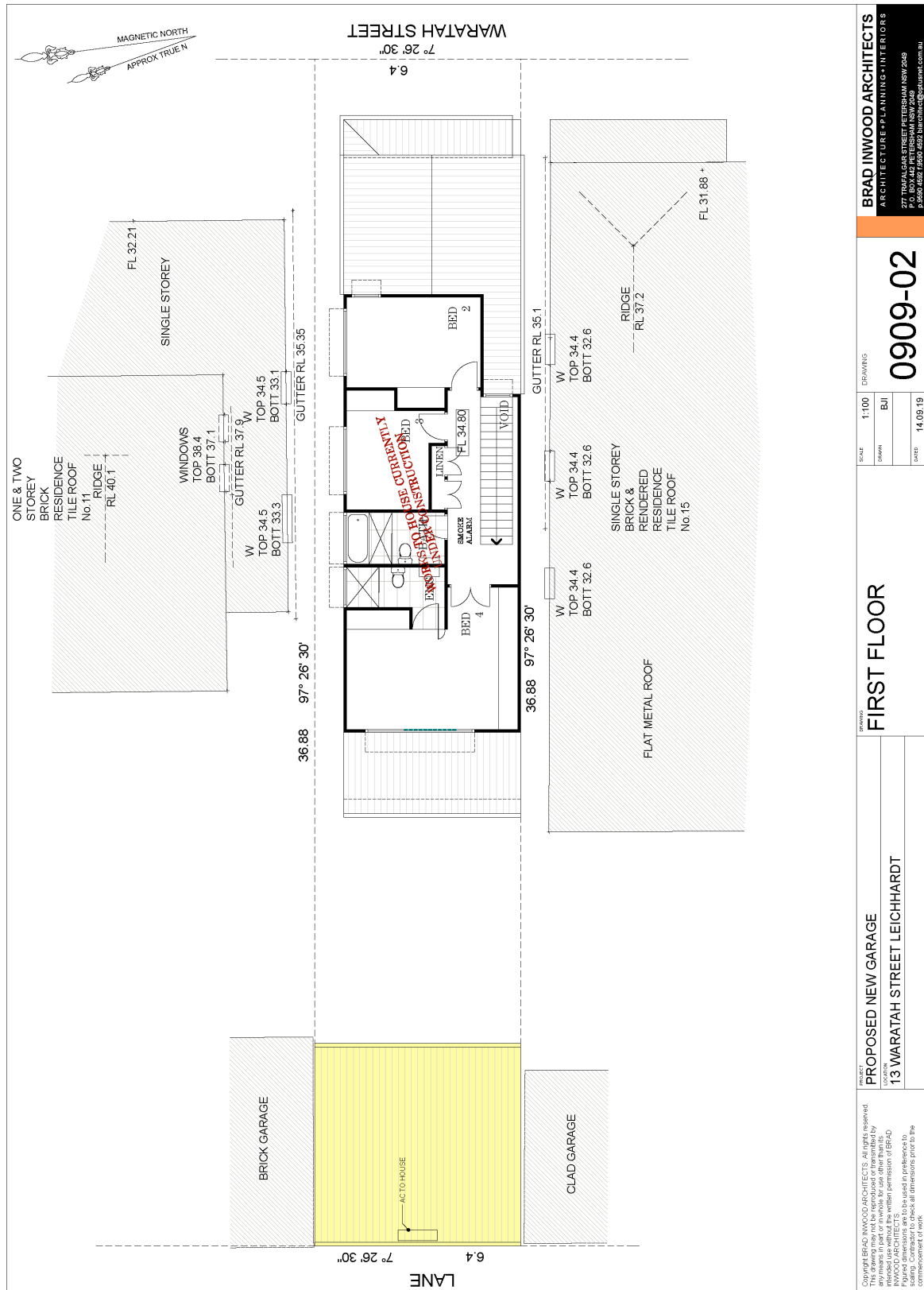
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PROPOSED NEW GARAGE

13 WARATAH STREET LEICHHARDT





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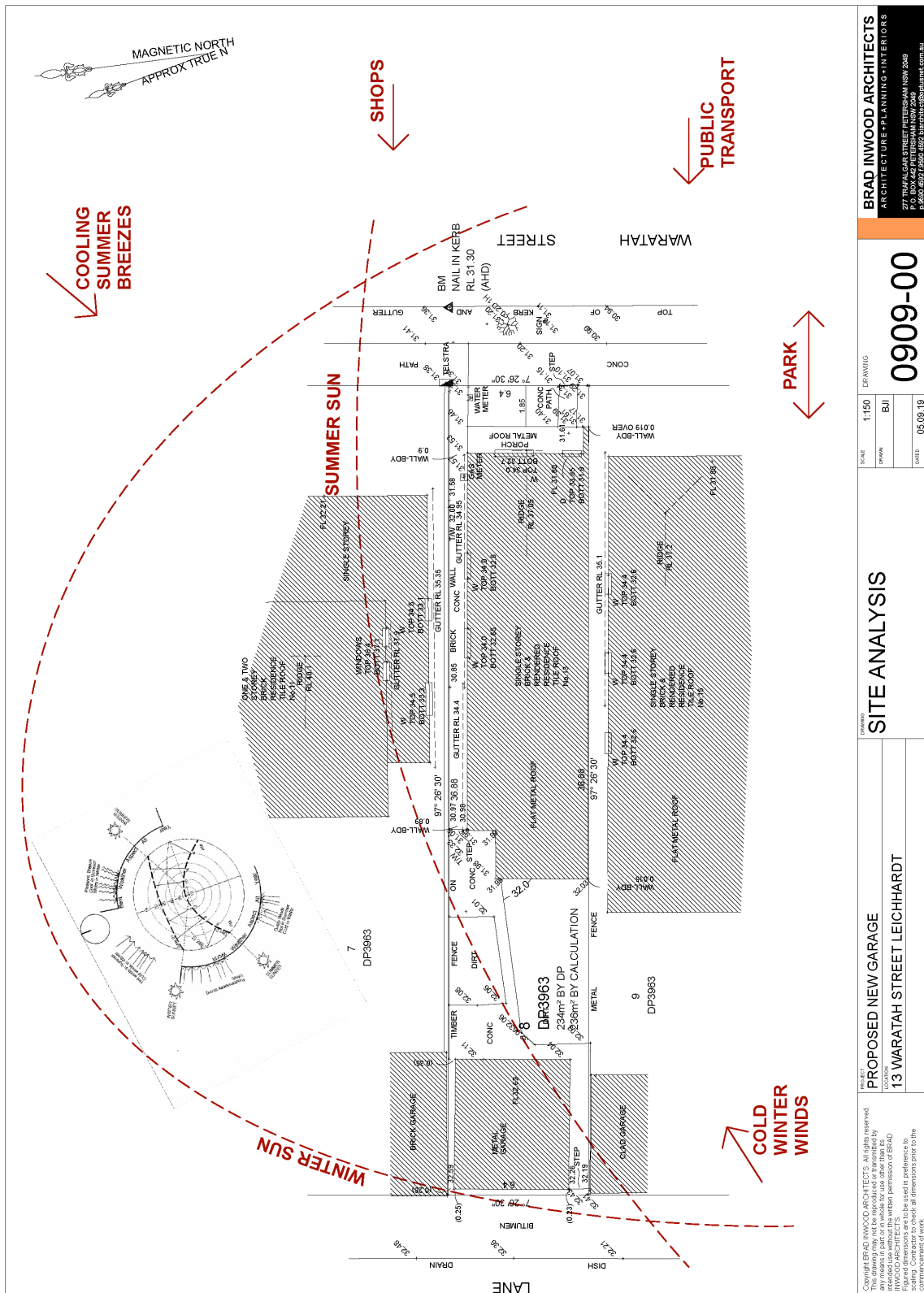
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 LOCATION: 13 WARATAH STREET LEICHHARDT

DRAWING: FIRST FLOOR

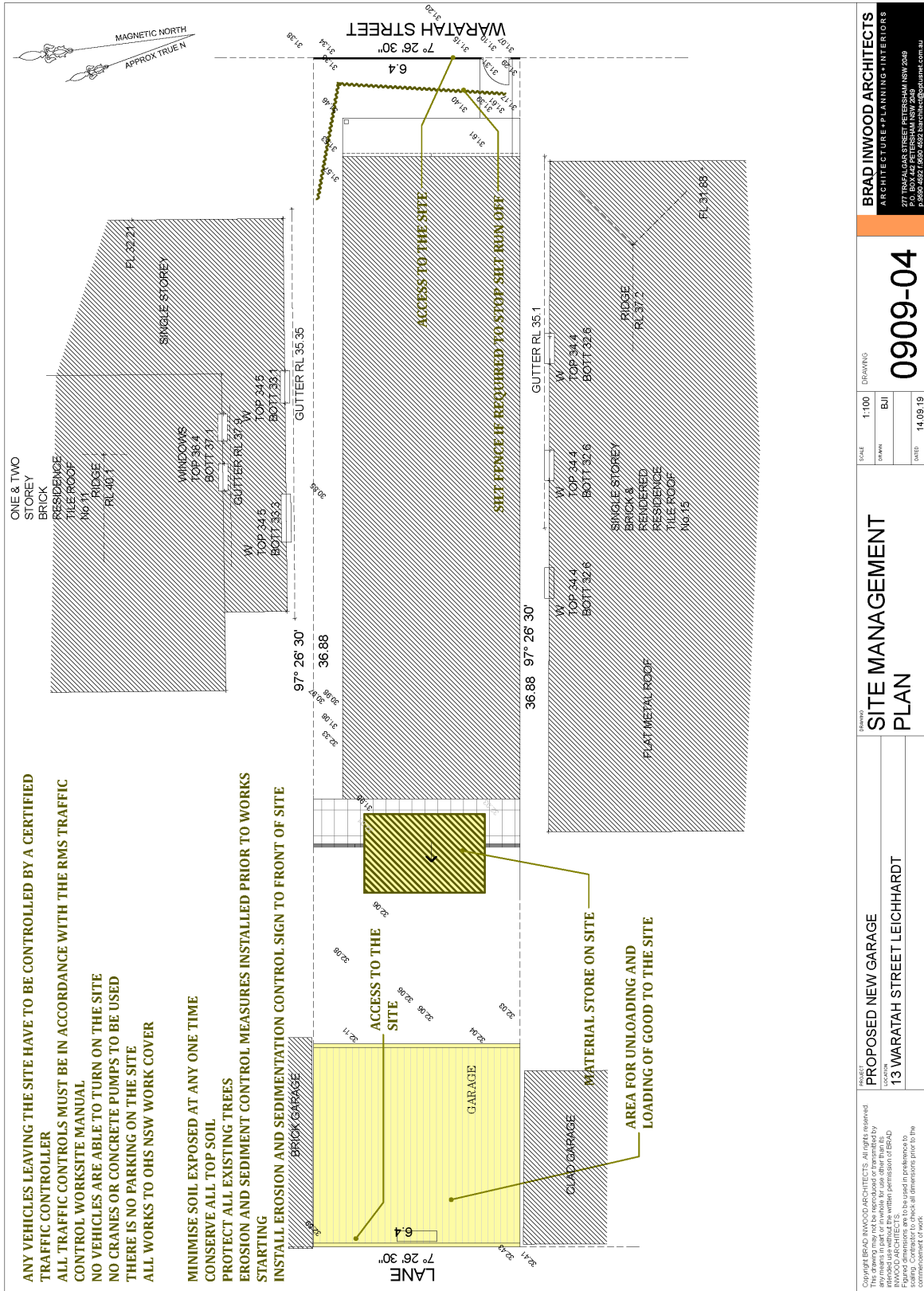
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0909-02



PROJECT PROPOSED NEW GARAGE 13 WARATAH STREET LEICHHARDT	SCALE 1:150	DRAWING BU	0909-00	BRAD INWOOD ARCHITECTS ARCHITECTURE+PLANNING+INTERIORS P.O. BOX 1467 PETERSHAM NSW 2049 P 8500 4692 7896 F 8502 4592 barchitect@bradinet.com.au
	DATE 05.08.19	DRAWN BU		



PROJECT PROPOSED NEW GARAGE LOCATION 13 WARATAH STREET LEICHHARDT	DRAWING NO 0909-04	SCALE 1:100	DRAWING DATE 14.09.19
	DRAWING TITLE SITE MANAGEMENT PLAN	DRAWING BY BJI	DATE

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ROOF AND TRIM
COLORBOND WINDSPRAY

WALL 1
DULUX DIESKAU

PROPOSED NEW GARAGE
13 WARATAH STREET LEICHHARDT

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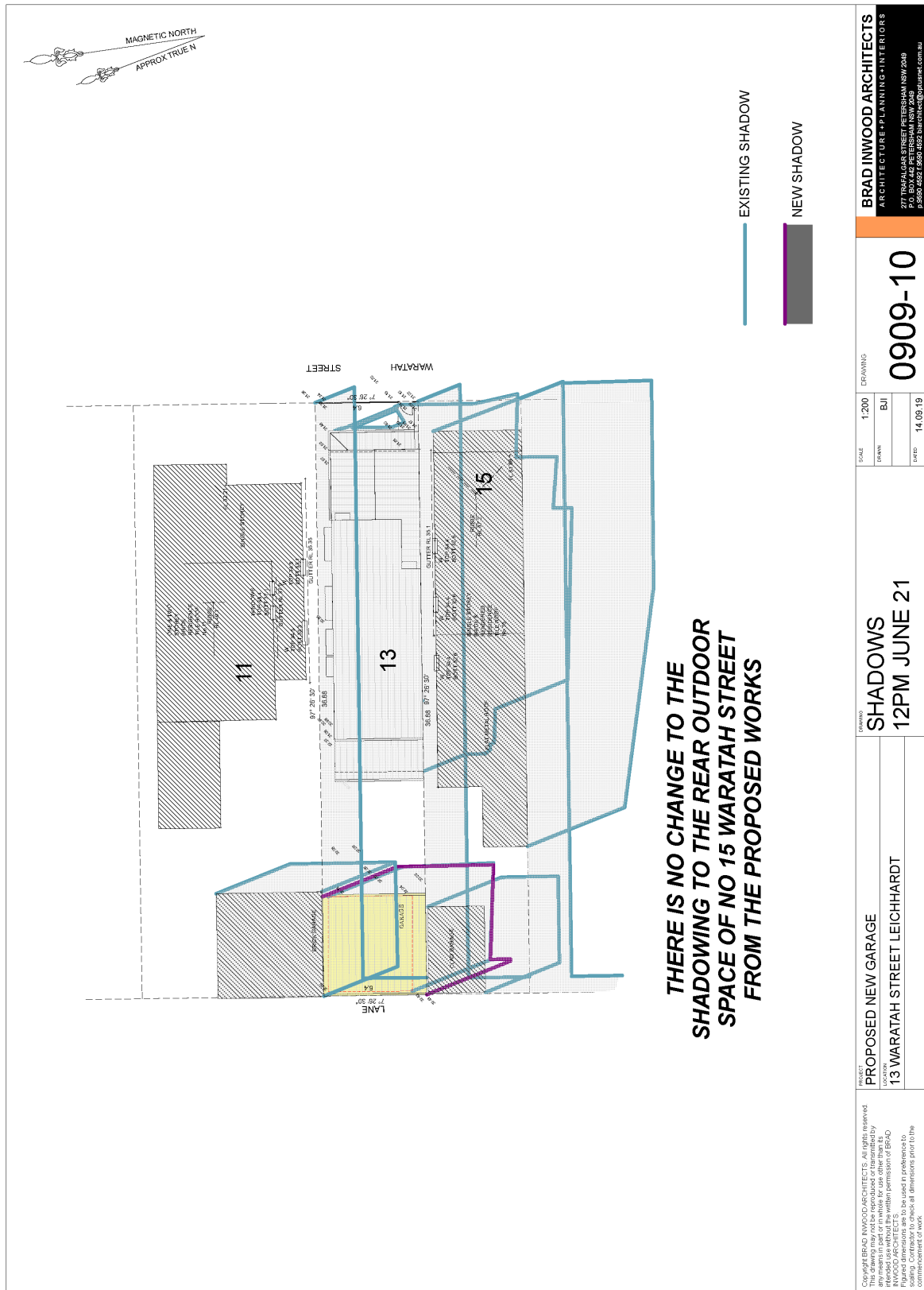
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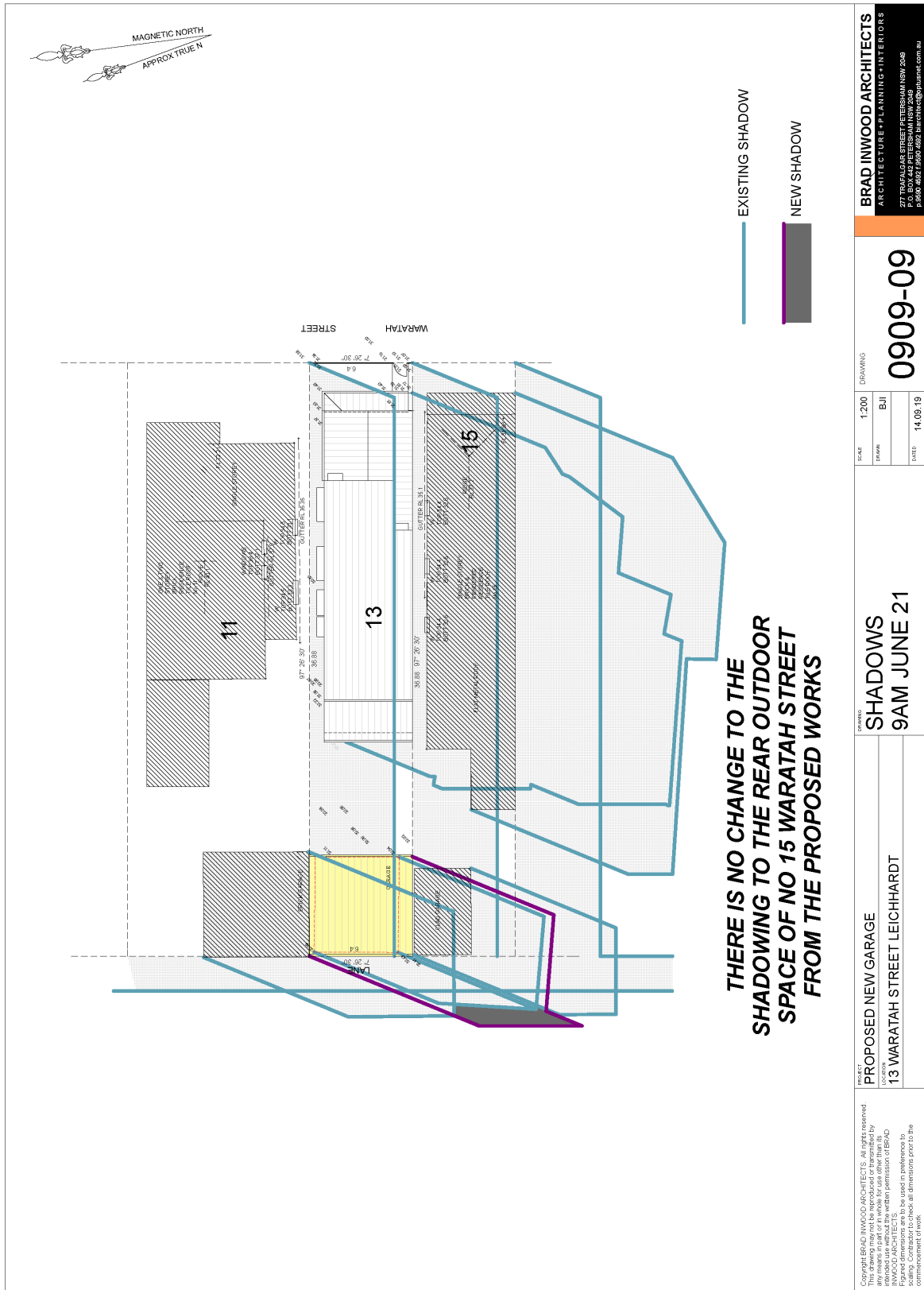
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COLOURS AND MATERIALS

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Attachment C- Clause 4.6 Exception to Development Standards - FSR



Variation to Standard - Clause 4.6

FSR Control

13 Waratah Street
Leichhardt
Inner West Council

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Development standard issues

The FSR of the site increases as follows:

Area of the site	236m ²
Existing floor area (including current garage and new dwelling)	189m ²
Existing FSR	0.8:1
Proposed floor area	195.6m ²
Proposed FSR	0.83:1

As per clause 4.4 Floor Space Ratio (part (2b)), the permissible FSR to the site under 300m² is 0.7:1.

What is the underlying purpose of the standard? What is the underlying purpose of the standard?

The purpose of the standard is to control density for residential developments and to ensure dwellings are compatible with the scale and size of the surrounding streetscapes.

The purpose of the standard is also to ensure that any proposed developments have negligible impact on the adjoining properties in terms of overshadowing, solar access and acoustic and visual privacy.

The objectives are:

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



Is non-compliance with the standard consistent with the aims of the policy? How does a variation not adversely affect the Standard?

The proposed variation is consistent with the aims of the policy and they do not adversely affect the standard in that:

SIMILAR BUILT FORM, SCALE AND SIZE SIMILAR BUILT FORM, SCALE AND SIZE

The proposed works are compatible with the surrounding built forms in scale, height, bulk and size.

The proposed works demolish the existing carport and construct a new garage in the same location.

All adjoining dwellings already have a similar sized garage to that proposed.

No 11 and No 15 Waratah Street, both of which adjoin No 13 have a similar sized garage to the proposed works.

No 9 has a similar sized garage with a first-floor studio above.

Thus, the proposed works will maintain a consistency in the built form, scale and size with the adjoining dwellings along Waratah Street.

Therefore, even though the proposed works do not comply with the FSR, they do comply with the objectives of the FSR by ensuring dwellings are compatible with the scale and size of the surrounding built forms, including the two adjoining dwellings.



Birds eye view of adjoining dwellings with similar sized garages

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**NEGLECTIBLE IMPACT ON ADJOINING PROPERTIES NEGLECTIBLE IMPACT ON ADJOINING PROPERTIES**

The proposed works have negligible impact on the adjoining properties. As the works are of generally of a small scale, there is no overshadowing to the adjoining properties, with all new shadows cast in areas already in shadow from the adjoining properties.

There is no overshadowing to the adjoining dwelling to the souths rear outdoor space from the proposed works.

There is no loss of views or privacy concerns from the proposed works.

There are no windows to the proposed garage that would result in overlooking or loss of privacy,

Therefore, even though the proposed works do not comply with the FSR controls, they do comply with objectives of the FSR control to ensure any proposed development have negligible impact to the adjoining properties and surrounding environment.

SURROUNDING DWELLINGS FSR AND DENSITY SURROUNDING DWELLINGS FSR AND DENSITY

There is a strong precedence within the vicinity for all existing alterations and additions to not comply with the FSR controls. Virtually all surrounding developments would not be in compliance with the FSR controls.

It would be most likely that all recent developments in the nearby vicinity would have a FSR in the vicinity of 0.8:1, which is the proposed FSR as part of this application.

Therefore, it is unreasonable for the proposed works to comply with a FSR control that restricts density to the site to a level that is less than all the surrounding dwellings.

**SMALL NATURE OF THE SITE SMALL NATURE OF THE SITE**

Most sites within the area are generally small in size. The area of the site is only 236m².

These sites are generally quite insufficient for modern living requirements, and actually would be smaller than most recently built apartments.

Due to the nature of the site it is unreasonable for the site to comply with a control that restricts any possible development to make the house suitable for modern day living requirements.

The proposed garage could not be seen as excessive or large in size, but they do make the site into a more pleasant and liveable space for the occupants.

MINIMAL AMOUNT OF NON-COMPLIANCE

The amount of non-compliance with the regulatory control is minimal

The permissible gross floor area to the site is 165m².

The existing gross floor area to the site is 189m²

The proposed gross floor area to the site is 195.6m², therefore the increase in the floor area from the proposed garage is only 6.6m².

This area is negligible numerically but results in a much more usable garage for the occupants.

INCREASE IN FSR FROM NON-USABLE LAND

The area of increase in FSR is from the gap of land to the northern side and southern side of the existing carport.

This land has no usage and does not provide any value to the site.

The width of the gaps to the side of the carport is too narrow to be classified as landscaping area.

The gap to the side of the carport does not provide overland low path needs for the site.



Therefore, even though the proposed works do not comply with the FSR controls, the non-compliance with the FSR controls do not result in any loss of amenity or usage of the site.

We have no hesitation in recommending that Council should consider giving consent to this development. If you have any queries or require any additional information then please don't hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Brad Inwood', with a long horizontal line extending to the right.

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Attachment D- Clause 4.6 Exception to Development Standards – Site Coverage



Variation to Standard - Clause 4.6

Site Coverage

13 Waratah Street
Leichhardt
Inner West Council

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Development standard in question

Area of the site	201.3m ²
Area of site coverage	149.2m ² or 63%

The proposed works do comply the maximum site coverage controls of 60%.

what is the underlying purpose of the standard?

The objectives of this clause are as follows;

- to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,
- to maintain and encourage a landscaped corridor between adjoining properties,
- to ensure that development promotes the desired future character of the neighbourhood,
- 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,
- to control site density,
- to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

Is non-compliance with the standard consistent with the aims of the policy? how does a variation not adversely affect this standard?

The proposed variation is consistent with the aims of the policy and they do not adversely affect the standard in that;

SIMILAR LANDSCAPED AREAS TO THE ADJOINING PROPERTIES

The proposed site coverage is compatible with the surrounding site coverage in both total size and % of the site.

Most allotments surrounding the site also would not comply with the site coverage controls.

The allotment to the south at No 15 Waratah Street would have a site coverage similar to the proposed works to No 13.

We calculate their site coverage of this site to be around 66%.



Therefore even though the proposed works do not comply with the site coverage controls, they do comply with the objectives of the site coverage by ensuring dwellings are compatible with the surrounding dwellings.

NEGLIGIBLE IMPACT ON ADJOINING PROPERTIES

The non-compliance with the site coverage from the proposed works have negligible impact on the adjoining properties.

The adjoining properties to the south has no loss of solar access from the non-compliance with the site coverage controls.

Therefore even though the proposed works do not comply with the site coverage controls, they do comply with objectives of the regulatory controls in that they have negligible impact to the adjoining properties and surrounding environment.

TREE PLANTING

The proposed garage does not result in loss of any landscaping to the site, with the proposed works still permitting a garden sufficient to plant substantial trees.

Therefore even though the proposed works do not comply with the numerical control for site coverage, they do comply with the objectives of the site coverage control in that there is no loss of landscaping space to the site, and here is still space for substantial tree planting

LANDSCAPED CORRIDOR

The proposed works still permit a landscaped corridor to the rear of the site. Any trees and planting can be located between the rear of the house and the garage in a similar location to that to the adjoining houses.

Therefore even though the proposed works do not comply with the numerical control for site coverage, they do comply with the objectives of the site coverage control in that there is still sufficient space for a landscaped corridor to the rear of the dwelling which can then join with all the other adjoining dwellings landscaped corridors.



ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposed works still permit ecological sustainable development to the site.

The rear garden is to be landscaped to provide absorption of surface drainage to the site.

There is no overland flow path requirements to the site and the proposed works ensure water can, if need to be discharge from the site through a system of drains and pipes.

There is no impact to the water flow and stormwater drainage of the adjoining properties from the proposed works.

Therefore even though the proposed works do not comply with the numerical control for site coverage, they do comply with the objectives of the site coverage controls in that the site maintains ecological sustainable development, and there is negligible impact on the overland flow path to the rain water.

SMALL NATURE OF THE SITE SMALL NATURE OF THE SITE

Most sites within the area are generally small in size. The area of the site is only 236m².

These sites are generally quite insufficient for modern living requirements, and actually would be smaller than most recently built apartments.

Due to the nature of the site it is unreasonable for the site to comply with a control that restricts any possible development to make the house suitable for modern day living requirements.

The proposed garage could not be seen as excessive or large in size, but they do make the site into a more pleasant and liveable space for the occupants.

We therefore have no hesitate in recommending approval for the above-mentioned works. If you require any additional information, then please don't hesitate to contact me.

MINIMAL AMOUNT OF NON-COMPLIANCE

The amount of non-compliance with the regulatory control is minimal

The permissible maximum site coverage to the site is 141.6m² or 60%

Proposed site coverage is 149.2m² or 63%

The proposed site coverage non-compliance is only 7.6m² or 3%.



This area is negligible numerically but results in a much more usable garage for the occupants.

INCREASE IN FSR FROM NON-USABLE LAND

The area of increase in site coverage is from the gap of land to the northern side and southern side of the existing carport.

This land has no usage and does not provide any value to the site.

The width of the gaps to the side of the carport is too narrow to be classified as landscaping area.

The gap to the side of the carport does not provide overland low path needs for the site.

Therefore, even though the proposed works do not comply with the site controls, the non-compliance with the site control is from the gaps to the side of the existing carport and does not result in any loss of amenity or usage of the site.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Brad Inwood', with a horizontal line extending to the right.

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