



 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2020/0812
<b>Address</b>	20 Montague Street BALMAIN NSW 2041
<b>Proposal</b>	Alterations and Additions to existing dwelling, plus a new garage.
<b>Date of Lodgement</b>	30 September 2020
<b>Applicant</b>	Newton Teale Consulting Pty Ltd
<b>Owner</b>	Mr Anish P Patel Ms Helen L Sutcliffe
<b>Number of Submissions</b>	Initial: 0
<b>Value of works</b>	\$346,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds 10%
<b>Main Issues</b>	Non-compliance with FSR and site coverage development standards
<b>Recommendation</b>	Approval with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance



**LOCALITY MAP**

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing dwelling, plus a new garage at 20 Montague Street, Balmain. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- An additional breach of FSR resulting from the proposal
- An additional breach of Site Coverage resulting from the proposal

On balance, the proposal results in acceptable amenity outcomes for subject site and neighbouring properties, therefore the application is recommended for approval.

## 2. Proposal

This application seeks consent for alterations and additions to an existing two storey terrace house. The proposed works include reconfiguration of ground and first floor and the construction of new rear garage in place of the existing.

Specifically, the proposed works include:

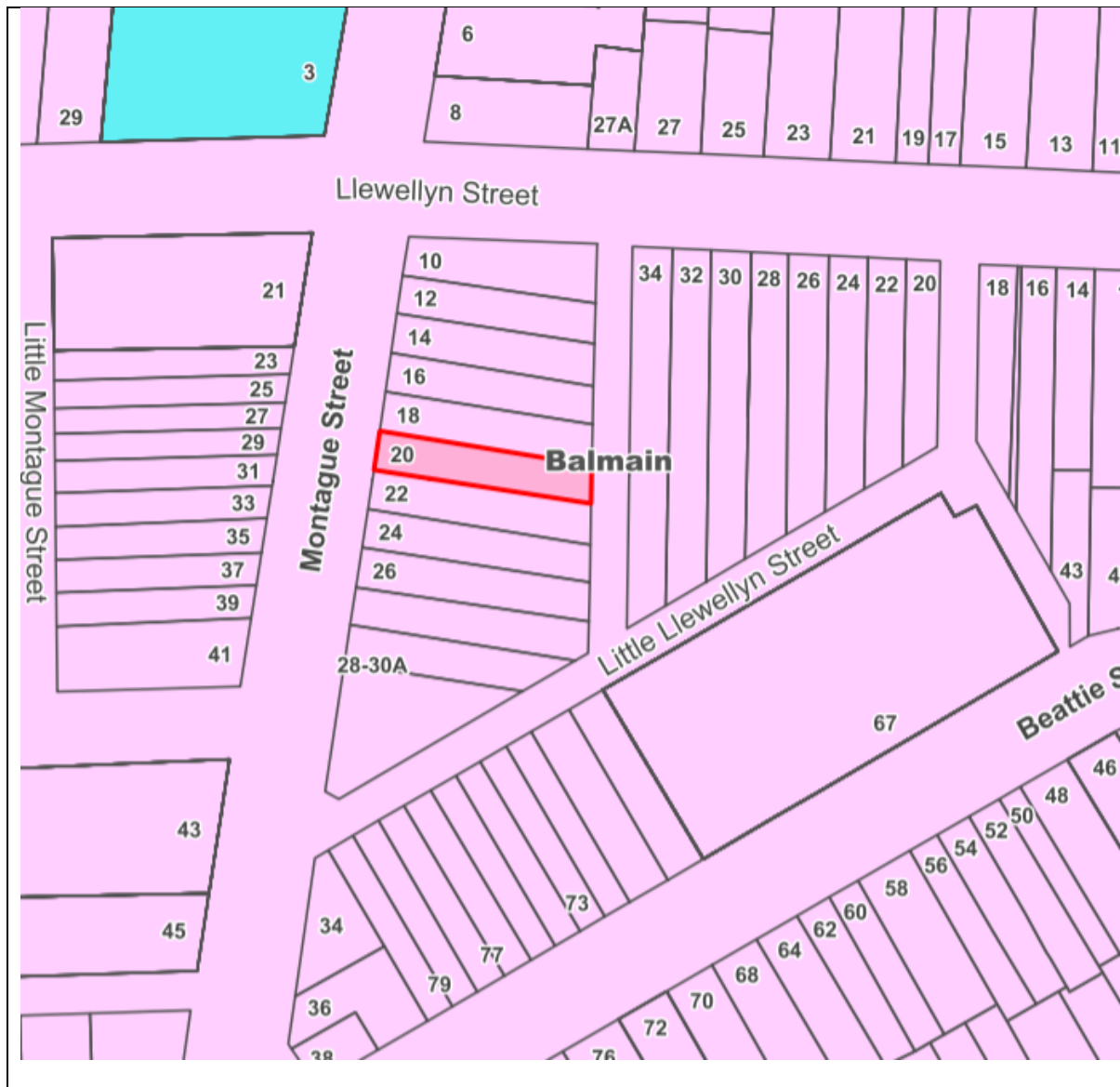
- Demolition of the rear portion of the existing property and replacement with a new kitchen and dining area.
- Alter rear first floor elevation to include a single, large window opening.
- Demolition of existing carport and addition of new garage with zero side and rear setbacks
- New rear landscaping

## 3. Site Description

The subject site is located on the eastern side of Montague Street, between Llewellyn Street and Little Llewellyn Street with a laneway to the rear of the property. The site is rectangular in shape consistent with the neighbours and provides a total site area of 203.7 sqm.

The site has a frontage to Montague Street of 6.095 metres and a laneway frontage of approximate 6.155 metres. The site supports a 2 storey terrace dwelling house. The adjoining properties support similar 2 storey terrace style dwellings.

The property is located within The Valley (Rozelle and Balmain) Heritage Conservation Area.



## 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

There are no relevant applications for consideration on the subject site.

#### Surrounding properties

Application	Proposal	Decision & Date
D/2016/629 - 24 Montague Street	Alterations & additions to existing dwelling at ground & first floor plus double garage	Approved 17/02/2017

D/2016/213 - 18 Montague Street	Proposed new garage and studio above	Approved 24/11/2016
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#### 4(b) Application history

Not applicable

### 5. Assessment

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

#### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Leichhardt Local Environmental Plan 2013*

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

##### 5(a)(iii) *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
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1

- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

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

The site is zoned LR1 under the *LLEP 2011*. The *LLEP 2013* defines the development as a *dwelling house*.

The development is permitted with consent within the zone. The development is consistent with the objectives of the R1 zone.

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.9:1 or 182.07 sqm	1.09:1 or 220.7113 sqm	38.64 sqm or 21.22%	No
<b>Landscape Area</b> Minimum permissible: 15% or 30.34 sqm	15% or 30.34sqm	N/A	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 121.38 sqm	72.72% or 147.11sqm	25.73sqm or 21.20%	No

(ii) Clause 4.6 Exceptions to Development Standards

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

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

Site Coverage

The applicant seeks a variation to the site coverage development standard under Clause 4.3A(3)(b) of the Leichhardt LEP by 21.20% or 25.73 sqm.

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

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

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

- new areas of landscaping are proposed in areas which will have direct access to the living areas of the dwelling encouraging better use and enjoyment, the current arrangement did not prompt this
- all existing landscape corridors are retained
- new works will allow for an update drainage system
- A minor change to site density from the existing is requested and benefit to amenity of the property is greatly increased.
- Site coverage with existing structures is 65.2% the proposal is seeking only an additional 12.54% or 15.22sqm

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

The relevant objectives of the R1 General Residential 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 protect and enhance the amenity of existing and future residents and the neighbourhood

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

- The proposal is permissible and compatible with surrounding land uses;
- The proposal will improve opportunities to work from home.

- The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale, and will have no streetscape impacts to Montague Street.
- 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 proposal does not result in any unacceptable adverse amenity impacts to the surrounding properties.

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

The objectives of the Site Coverage development standard 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.

The above objectives are achieved as follows:

- The proposal provides a suitable balance between private open space and built form.
- The proposal results in a compliant Landscaped Area.
- The siting of the dwelling is within the building location zones when it can be reasonably assumed development can occur
- The proposed site coverage does not result in any adverse amenity impacts for subject site or surrounding properties.

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 LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Clause 4.3A(3)(b) – Site Coverage and it is recommended the Clause 4.6 exception be granted.

#### Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the Leichhardt LEP 2013 by 21.22% or (38.64 sqm).

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

- The additions are not visible from the street and the building bulk, form or scale is not to be altered
- Only a minor change from the existing is requested and benefit to amenity of the property is greatly increased. The new arrangement will allow greater access to the private open space while not effecting the built form
- The existing FSR is 1:1 or 207.13sqm the proposal increases the gross floor area by just 13.58sqm being an additional 7.45%

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

As set out above, it is considered 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 LEP.

Further, is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The objectives of the Floor Space Ratio development standard are as follows:

- 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,

The above objectives are achieved as follows:

- The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale.
- The proposal will provide a suitable balance between landscaped areas and the built form as the proposal complies with the landscaping development standard as per the Leichhardt LEP 2013. Given this, a reduction in gross floor area would not result in an increase in landscaped area.
- Strict compliance with the control would not comply with the underlying purpose of the control. A building that fully complied with FSR would result in dwellings of poorer internal amenity with no additional benefit for the adjoining properties or streetscape.



The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be granted.

(iii) Clause 5.10 - Heritage Conservation

The subject site is not listed as a heritage item on the Leichhardt LEP 2013. It is a contributory Dwelling to the 'The Valley (Rozelle and Balmain) Heritage Conservation Area' (C7).

There are 2 listed items within the vicinity being 28-30A and 19 Montague Street neither of which would be adversely affected by the proposal.

The main externally visible elements of the proposal are for a new garage to the rear of the terrace house and new windows to the rear and side facades.

Garage: The proposal is aligned with neighbouring carports/garages in size and style and would not be higher than the existing carport proposed to be removed. A flat roof is proposed similar to the carports along the laneway.

Windows: The proposal is to replace existing vertical timber windows to the rear façade with new larger horizontal windows that are of a different style than the original. These windows on the first level are visible from the public domain and they will highly impact the terrace house, its fabric and views from the streetscape and the significance of the heritage conservation area. Therefore, the new windows on the first floor to the rear of the house are not supported and shall be deleted via condition .

Subject to the aforementioned the proposal is acceptable from a heritage perspective as it will have an acceptable impact to the terrace house and an acceptable visual impact to the streetscape and to the heritage significance of The Valley Heritage Conservation Area, subject to conditions of approval.

### 5(b) Draft Environmental Planning Instruments

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

#### Draft Inner West Local Environmental Plan 2020

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

The amended provisions contained in the Draft IWLEP 2020 are not particularly relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

### 5(d) Development Control Plans

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

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes - Subject to conditions as described above section 5(a)(iii)
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.17 Minor Architectural Details	Yes
C1.18 Laneways	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.2.4 The Valley ‘Balmain’ Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes - Garage wall to replace rear section of existing paling fence.
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes- additional shadow cast to subject lot acceptable.
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes

E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes

The following provides discussion of the relevant issues:

### C3.2 Site Layout and Building Design

#### *Building Location Zone*

The proposed works are located the existing BLZ for the dwelling and the garage location is consistent with the laneway. Therefore the proposal does not create any additional breaches to the Building Location Zone.

#### *Side Setback*

The proposed works are to be built boundary to boundary. This is consistent with the pattern of development. The proposed garage has an average wall height below 2.8m which does not require a setback from the side boundary. The wall height to the laneway is 2.97m due to the fall of the land and is a technical non-compliance with the side setback controls.

It is considered that this variation can be supported on merit for the following reasons:

- It is considered that the proposed additions will be compatible with the pattern of development within the existing streetscape and Distinctive neighbourhood.
- The proposal does not result in any significant view loss. There are no solar access or visual privacy amenity impacts to any adjoining properties.

### 5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with Council's policy for a period of 14 days to surrounding properties. No submissions were received in response to the notification.

### 5(h) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Heritage
- Development Engineering

### 6(b) External

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

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,460.00 would be required for the development under Leichhardt Contributions Plan. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

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

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

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

## 9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.3A(3)(b) Site Coverage and Clause 4.4 Floor Space Ratio. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variations. The proposed development will be in the public interest because the exceedances are not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out. **IW**

- 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 Development Application No. DA/2020/0812 for Alterations and Additions to existing dwelling, plus a new garage. at 20 Montague Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

Drawing No, Sheet No and Rev No.	Plan Name	Date Issued	Prepared by
20027, DA1.2, B	Site Plan	APR/2020	Plan Land
20027, DA2.2, B	Ground Floor Plan	APR/2020	Plan Land
20027, DA2.3, B	First Floor Plan	APR/2020	Plan Land
20027, DA2.4, B	Roof Plan	APR/2020	Plan Land
20027, DA3.1, B	Front (West) Elevation	APR/2020	Plan Land
20027, DA3.2, B	Side (North) Elevation	APR/2020	Plan Land
20027, DA3.3, B	Rear (East) Elevation	APR/2020	Plan Land
20027, DA3.4, B	Side (South) Elevation	APR/2020	Plan Land
20027, DA4.1, B	Section 1	APR/2020	Plan Land
20027, DA4.2, B	Section 1	APR/2020	Plan Land

As amended by the conditions of consent.

**DESIGN CHANGE**

**2. Design Change**

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

- a. The replacement of windows to the first level of the rear façade are not supported and are to be deleted from the proposal.

**FEES**

**3. Security Deposit - Custom**

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

<b>Security Deposit:</b>	\$2,209.00
<b>Inspection Fee:</b>	\$236.70

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

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

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

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

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

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

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

Note:

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

Payment amount\*:

\$3,460.00

\*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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



#### 5. Long Service Levy

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

#### **GENERAL CONDITIONS**

#### 6. Boundary Alignment Levels

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

#### 7. Stormwater Drainage System – Simple

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

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.

As there is no overland flow/flood path available from the trapped area behind the garage and at the northern boundary to the rear lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria:

- a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
- b. The maximum water level over the sag pit shall not be less than 150 mm below the floor level or damp course of the building
- c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.

#### **8. Waste Management Plan**

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

#### **9. Erosion and Sediment Control**

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

#### **10. Works Outside the Property Boundary**

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

### **PRIOR TO ANY DEMOLITION**

#### **11. Hoardings**

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

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

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

**12. Dilapidation Report**

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

**13. Advising Neighbors Prior to Excavation**

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

**14. Construction Fencing**

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

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

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

**16. Parking Facilities - Domestic**

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

- a. The garage slab or driveway must rise within the property to be 170 mm 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 2200 mm 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. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centre line of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm 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;
- e. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- f. 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

#### **17. Structural Certificate for retained elements of the building**

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

#### **18. Sydney Water – Tap In**

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

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

#### **DURING DEMOLITION AND CONSTRUCTION**

**19. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

**20. Survey Prior to Footings**

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

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

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

**22. Protect Sandstone Kerb**

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

**23. Light Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**24. Redundant Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

### 25. Parking Signoff – Minor Developments

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

### ADVISORY NOTES

#### **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.

#### **Permits**

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

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

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

**Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

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

**Storage of Materials on public property**

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

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

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

**Notification of commencement of works**

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

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



- i. The name of the owner-builder; and
- ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

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

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

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

**Noise**

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

**Amenity Impacts General**

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

and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

**Construction of Vehicular Crossing**

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

**Lead-based Paint**

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

**Dial before you dig**

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

**Useful Contacts**

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

			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government			<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a>
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water		13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)			<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a>
			Enquiries relating to work safety and asbestos removal and disposal.

# Attachment B – Plans of proposed development

DA Issue - Rev B - Landscaping Details Added

**BASK NOTES:**  
The applicant must install the windows, glass doors and shading devices in accordance with the specifications. Relevant shading specifications must be satisfied. Overhanging balconies or vegetation must be of the height and distance from the centre line of the boundary as shown in the table below.

**NOTE:**  
The garage constitutes the minimum parking requirement for single dwellings on single lots. The applicant must refer to the Local Development Control Plan 2013 (LDCP2013).

**CONTRACTORS TO CHECK WITH THE BUILDING CODE OF AUSTRALIA, THE NATIONAL FIRE PROTECTION ASSOCIATION AND ALL RELEVANT STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE GARAGE TO SATISFY THE BASK REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE GARAGE TO SATISFY THE BASK REQUIREMENTS. THESE DRAWINGS ARE THE PROPERTY OF PLANLAND AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PLANLAND.**

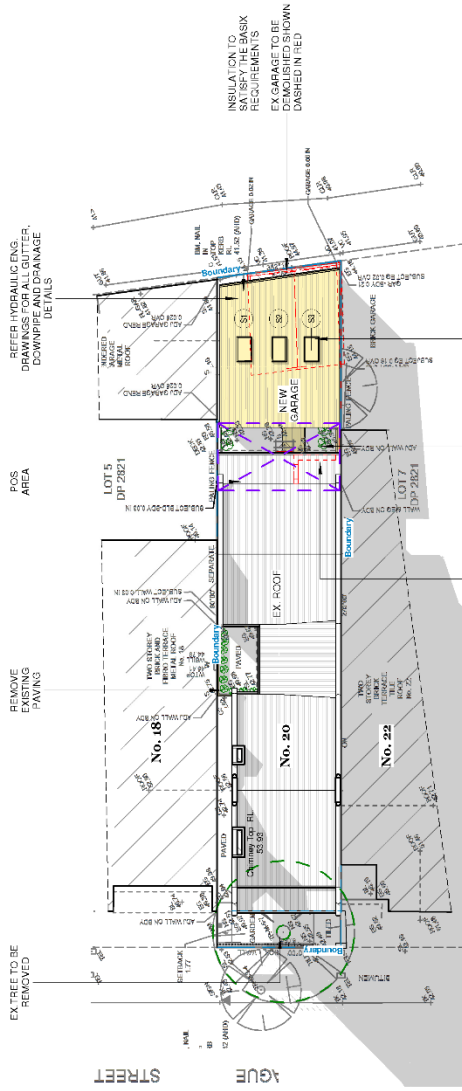
**20 Montague Street,  
Balmain NSW 2041  
Anish Patel & Helen  
Sutcliffe  
Site Plan**

Project No: 20027 DA 1.2  
Date: APR 2020  
Drawing No: 20027 DA 1.2  
Scale: 1:1000  
Revision: B

Lot Area	GFA	FSR
2022.30 m <sup>2</sup>	1810.35 m <sup>2</sup>	0.89

Lot Area	Landscaped Area	Coverage
2022.30 m <sup>2</sup>	300.48 m <sup>2</sup>	15.00%

Number	Name	Area
1	Ex Entry	4.50 m <sup>2</sup>
2	Rx Bed	15.70 m <sup>2</sup>
3	Rx Living	21.50 m <sup>2</sup>
4	Bedroom	30.00 m <sup>2</sup>
5	Bath	15.00 m <sup>2</sup>
6	Kitchen	15.00 m <sup>2</sup>
7	Dining	10.50 m <sup>2</sup>
8	Living	9.50 m <sup>2</sup>
9	Garage	35.78 m <sup>2</sup>
10	Rx Corridor	14.60 m <sup>2</sup>
11	Rx Bed 1	20.20 m <sup>2</sup>
12	Rx Bed 2	25.00 m <sup>2</sup>
13	Rx Bed 3	11.25 m <sup>2</sup>
14	Rx Bed 4	14.60 m <sup>2</sup>
15	Ensuite	9.90 m <sup>2</sup>
16	Garage	211.61 m <sup>2</sup>
17	Garage	211.61 m <sup>2</sup>



**PLANNING LEGEND:**  
Areas for types of building elements, not finished.

- NEW WORK
- EXISTING ELEMENTS
- DEMOLISHED ELEMENTS

**[PLAN] [LAND]**



DA Issue - Rev B - Landscaping Details Added.

**WORK NOTES:**  
The applicant must install the windows, glass doors and shading devices, in accordance with the specifications in the approved plans. The applicant must also install the landscaping elements in accordance with the specifications in the approved plans. The applicant must also install the landscaping elements in accordance with the specifications in the approved plans. The applicant must also install the landscaping elements in accordance with the specifications in the approved plans.

**NOTE:**  
The site plan constitutes the minimum parking requirements for the site. The applicant must provide additional parking if required under Clause 51.1 of the Leichhardt Development Control Plan 2013 (LDCP2013).

**DISCLAIMER:**  
THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE BUILDING CONSTRUCTION CONTRACT AND ALL OTHER CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.



Number	Name	Area
1	Ex. Entry	4.50 m <sup>2</sup>
2	Ex. Bed	15.75 m <sup>2</sup>
3	Ex. Living	21.60 m <sup>2</sup>
7	Bathroom	3.01 m <sup>2</sup>
18	L'Vly	2.87 m <sup>2</sup>
19	Kitchen	15.07 m <sup>2</sup>
24	Living	10.83 m <sup>2</sup>
26	Dining	9.58 m <sup>2</sup>
28	Corridor	7.00 m <sup>2</sup>
29	Garage	35.78 m <sup>2</sup>
9	Ex. Corridor	14.60 m <sup>2</sup>
10	Ex. Bed 1	20.20 m <sup>2</sup>
11	Ex. Bed 2	12.71 m <sup>2</sup>
12	Ex. Bathroom	7.99 m <sup>2</sup>
13	Ex. Bed 3	11.75 m <sup>2</sup>
14	Ex. Bed 4	14.60 m <sup>2</sup>
15	Ensuite	3.90 m <sup>2</sup>
17	Storage	21.01 m <sup>2</sup>
<b>Grand Total: 27</b>		<b>213.31 m<sup>2</sup></b>

Lot Area	GFA	FSR
252.30 m <sup>2</sup>	261.33 m <sup>2</sup>	0.89

Lot Area	Landscaped Area	Coverage
252.30 m <sup>2</sup>	20.48 m <sup>2</sup>	15.07%

**PLANNING LEGEND:**  
New Work (Yellow)  
Existing Elements (Green)  
Demolished Elements (Red Dashed)



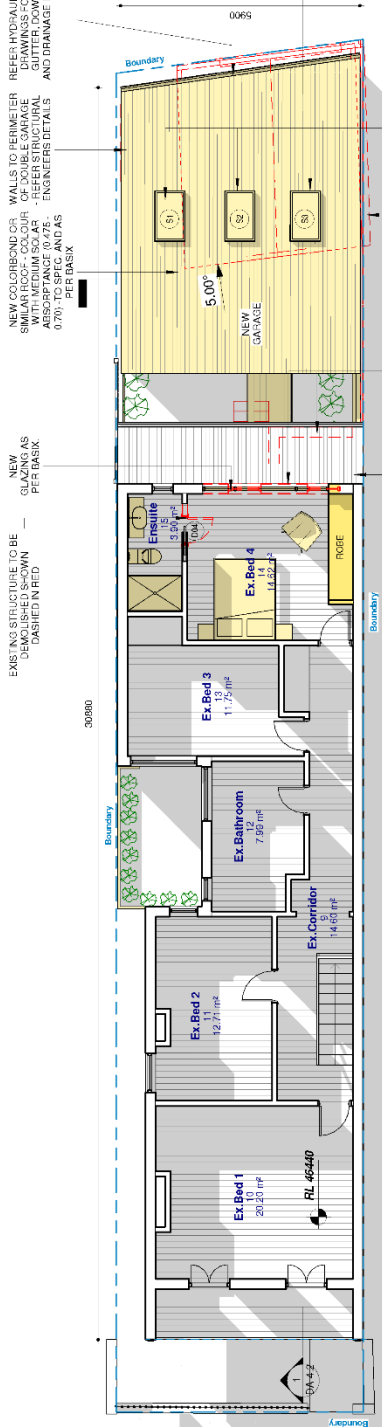
**20 Montague Street,  
Balmain NSW 2041**  
**Anish Patel & Helen  
Sutcliffe**  
**Ground Floor Plan**

Project: 20 Montague Street, Balmain NSW 2041  
Client: Anish Patel & Helen Sutcliffe  
Date: 11/05/2020  
Scale: 1:1000  
Drawing No: 20027 DA 2.2  
Rev: B



DA Issue - Rev B - Landscaping Details Added.

**WORK NOTES:**  
 REFER HYDRAULIC ENG. The applicant must install the windows, glass doors and sliding doors, in accordance with the specifications set out in the relevant standards. Refer to the relevant standards for the specifications for the windows, glass doors and sliding doors. Refer to the relevant standards for the specifications for the windows, glass doors and sliding doors. Refer to the relevant standards for the specifications for the windows, glass doors and sliding doors.



APPLICANT TO COMPLY WITH THE BUILDING CODE OF PRACTICE AND THE RELEVANT STANDARDS FOR THE DESIGN AND CONSTRUCTION OF BUILDINGS. THE APPLICANT MUST INSTALL THE WINDOWS, GLASS DOORS AND SLIDING DOORS, IN ACCORDANCE WITH THE SPECIFICATIONS SET OUT IN THE RELEVANT STANDARDS. REFER TO THE RELEVANT STANDARDS FOR THE SPECIFICATIONS FOR THE WINDOWS, GLASS DOORS AND SLIDING DOORS. REFER TO THE RELEVANT STANDARDS FOR THE SPECIFICATIONS FOR THE WINDOWS, GLASS DOORS AND SLIDING DOORS. REFER TO THE RELEVANT STANDARDS FOR THE SPECIFICATIONS FOR THE WINDOWS, GLASS DOORS AND SLIDING DOORS.

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REFER HYDRAULIC ENG. THE APPLICANT MUST INSTALL THE WINDOWS, GLASS DOORS AND SLIDING DOORS, IN ACCORDANCE WITH THE SPECIFICATIONS SET OUT IN THE RELEVANT STANDARDS. REFER TO THE RELEVANT STANDARDS FOR THE SPECIFICATIONS FOR THE WINDOWS, GLASS DOORS AND SLIDING DOORS. REFER TO THE RELEVANT STANDARDS FOR THE SPECIFICATIONS FOR THE WINDOWS, GLASS DOORS AND SLIDING DOORS. REFER TO THE RELEVANT STANDARDS FOR THE SPECIFICATIONS FOR THE WINDOWS, GLASS DOORS AND SLIDING DOORS.

Number	Name	Area
1	Ex. Entry	4.50 m <sup>2</sup>
2	Ex. Bed	15.20 m <sup>2</sup>
3	Ex. Living	24.60 m <sup>2</sup>
7	Bathroom	3.01 m <sup>2</sup>
18	L'Ally	2.87 m <sup>2</sup>
19	Kitchen	15.07 m <sup>2</sup>
24	Dining	10.83 m <sup>2</sup>
26	Dining	9.58 m <sup>2</sup>
28	Corridor	7.00 m <sup>2</sup>
29	Garage	35.78 m <sup>2</sup>
30	Ex. Corridor	14.60 m <sup>2</sup>
10	Ex. Bed 1	20.20 m <sup>2</sup>
11	Ex. Bed 2	12.71 m <sup>2</sup>
12	Ex. Bathroom	7.99 m <sup>2</sup>
13	Ex. Bed 3	11.73 m <sup>2</sup>
14	Ex. Bed 4	14.60 m <sup>2</sup>
15	Ensuite	3.90 m <sup>2</sup>
17	Ensuite	21.01 m <sup>2</sup>
Grand total: 27		213.31 m <sup>2</sup>

Lot Area	GFA	FSR
252.30 m <sup>2</sup>	261.83 m <sup>2</sup>	0.89

Lot Area	Landscaped Area	Coverage
252.30 m <sup>2</sup>	20.48 m <sup>2</sup>	15.07%

**PLACING LEGEND:**  
 New items in red (including elements, not finished)  
 NEW WORK  
 EXISTING ELEMENTS  
 DEMOLISHED ELEMENTS

**PLAN LAND**

**20 Montague Street,  
 Balmain NSW 2041**  
**Anish Patel & Helen  
 Sutcliffe**  
**First Floor Plan**

Project: 20 Montague Street, Balmain NSW 2041  
 Client: Anish Patel & Helen Sutcliffe  
 Date: 11/06/2020  
 Drawn: [Name]  
 Check: [Name]  
 Scale: 1:1000  
 Drawing No.: 20027 DA 2.3  
 Rev: B



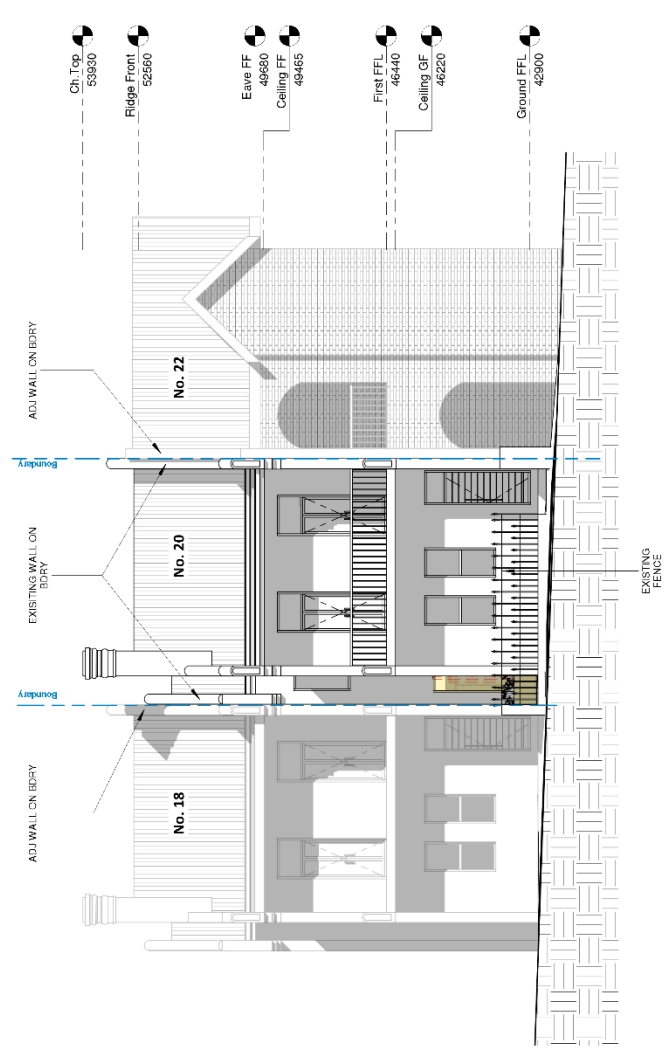


DA Issue - Rev B - Landscaping Details Added.

**DAK NOTES:**

The applicant must install the windows, glass doors and shading devices, in accordance with the specifications set out in the approved DA. The shading devices must be installed in accordance with the specifications set out in the approved DA. The shading devices must be installed in accordance with the specifications set out in the approved DA. The shading devices must be installed in accordance with the specifications set out in the approved DA.

**APPLICANT'S RESPONSIBILITIES TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA:** THE APPLICANT MUST COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE BUILDING REGULATIONS 2012 (BR 2012) IN ALL ASPECTS OF THE BUILDING WORK. THE APPLICANT MUST COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE BUILDING REGULATIONS 2012 (BR 2012) IN ALL ASPECTS OF THE BUILDING WORK. THE APPLICANT MUST COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE BUILDING REGULATIONS 2012 (BR 2012) IN ALL ASPECTS OF THE BUILDING WORK. THE APPLICANT MUST COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE BUILDING REGULATIONS 2012 (BR 2012) IN ALL ASPECTS OF THE BUILDING WORK.



1 Front (West) Elevation  
1 : 100

- PLANNING LEGEND:**  
New to this application (including elements, not finished)
- NEW WORK
  - EXISTING ELEMENTS
  - DEVELOPED ELEMENTS



Project Name: **Blair Road**  
 Applicant: **Anish Patel & Helen Sutcliffe**  
 Date: **APR/2020**  
 Scale: **1:100**  
 Drawing No.: **20027 DA 3.1**  
 Rev: **B**

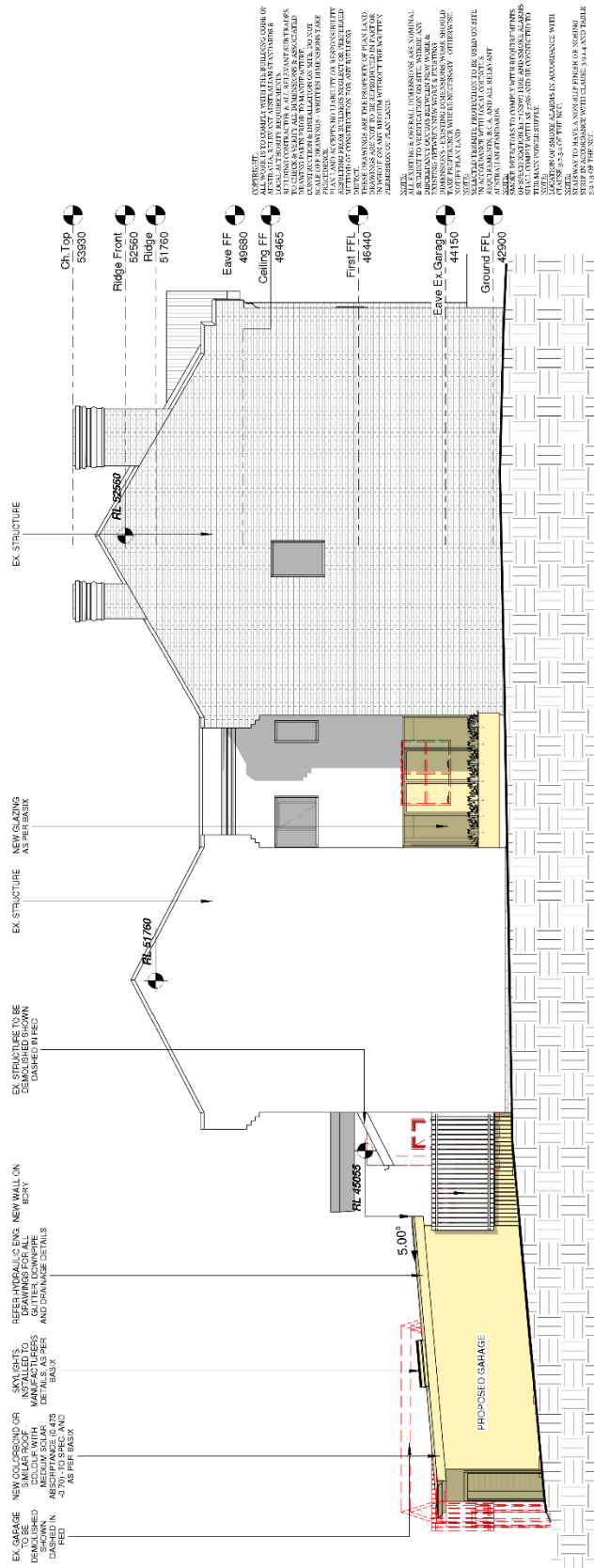




DA Issue - Rev B - Landscaping Details Added.

**DAWK NOTES:**

The applicant must install the windows, glass doors and shading devices, in accordance with the specifications hereon. Overlapping specifications must be settled by the applicant. The shading devices must be installed in accordance with the specifications hereon. The shading devices must be installed in accordance with the specifications hereon. The shading devices must be installed in accordance with the specifications hereon.



2 Side (North) Elevation

1 : 100

**PLANNING LEGEND:**  
New Work, Existing Elements, Demolished Elements, not in scale

- NEW WORK
- EXISTING ELEMENTS
- DEMOLISHED ELEMENTS



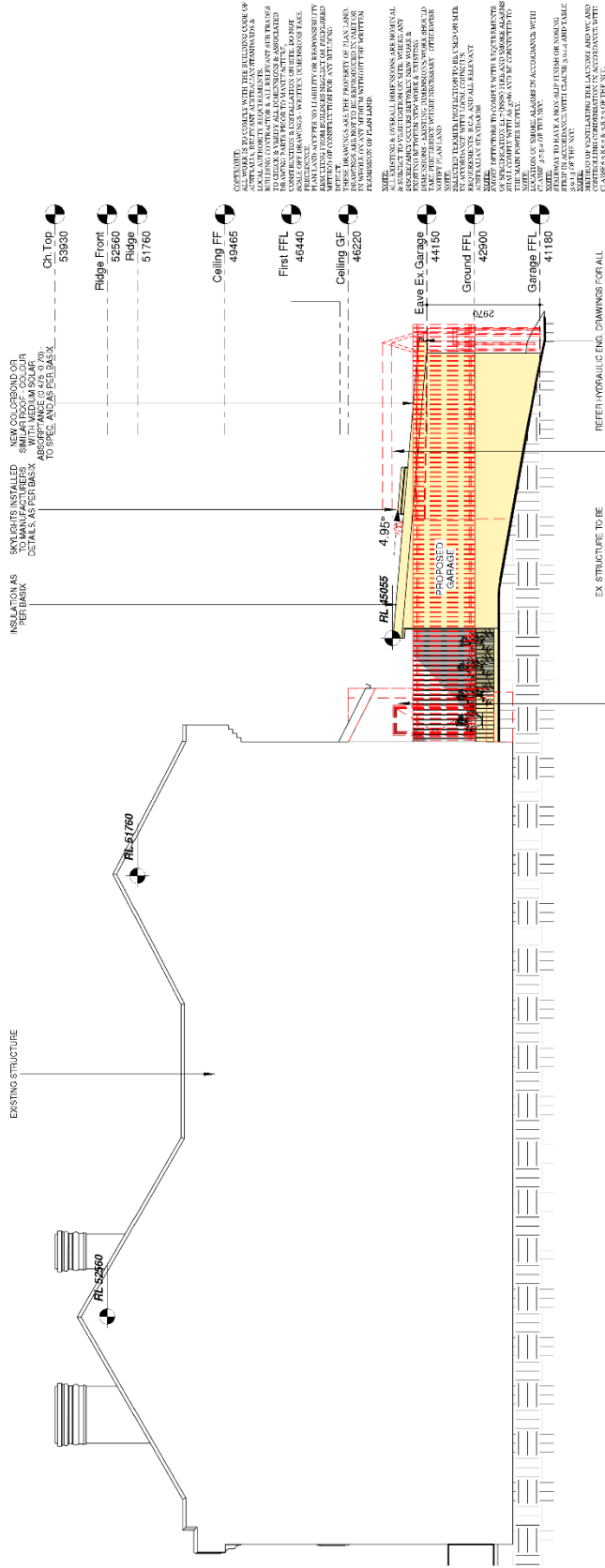
**20 Montague Street,  
Balmain NSW 2041  
Anish Patel & Helen  
Sutcliffe  
Elevation**

Project: 20 Montague Street, Balmain NSW 2041  
Client: Anish Patel & Helen Sutcliffe  
Date: 10/01/2020  
Scale: 1:100  
Drawing No.: 20027 DA 3.2  
Rev.: B





DA Issue - Rev B - Landscaping Details Added.



4 Side (South) Elevation

1 : 100

**PHASING LEGEND:**  
 New Work (dashed black line)  
 Existing Elements (solid grey)  
 Demolished Elements (dashed red line)



**CUSTOMER:** TO BE COMPLETED WITH THE BUILDING CONTRACTOR OR ARCHITECT. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF PLAN LAND.

**NOTES:** THESE DRAWINGS ARE THE PROPERTY OF PLAN LAND. ANY REUSE OR REPRODUCTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF PLAN LAND IS STRICTLY PROHIBITED. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY AND COMPLETION OF THE WORK SHOWN ON THESE DRAWINGS. THE CLIENT IS ADVISED THAT THE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF PLAN LAND.

**Project:**  
**20 Montague Street,**  
**Balmain NSW 2041**  
**Client:**  
**Anish Patel & Helen**  
**Suitcliffe**  
**Elevation**

**Scale:** 1:100  
**Date:** APR 2020  
**Drawn by:** LT  
**Checked by:** LT  
**Scale:** 1:100  
**Project No.:** 20027 DA 3.4  
**Rev.:** B

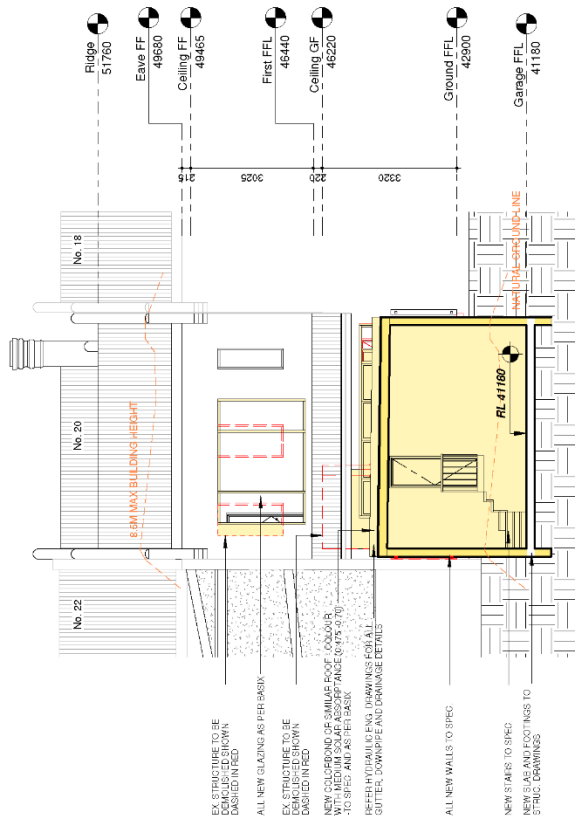


DA Issue - Rev B - Landscaping Details Added.

**BASK NOTES:**

The applicant must install the windows, glass doors and glazing above, in accordance with the specifications. Before commencing any work, the applicant must be satisfied that the proposed glazing and doors meet the required height and criteria from the relevant Australian Standard. The applicant must ensure that the proposed glazing and doors are installed in accordance with the relevant Australian Standard. The applicant must ensure that the proposed glazing and doors are installed in accordance with the relevant Australian Standard.

ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE BUILDING REGULATIONS 2006. THE BUILDING REGULATIONS 2006 REQUIRE THAT ALL BUILDINGS EXCEPT SINGLE STOREY RESIDENTIAL BUILDINGS MUST BE REGISTERED WITH THE NSW BUILDING INDUSTRY REGULATORY AUTHORITY (NSW BIR). THE BUILDING INDUSTRY REGULATORY AUTHORITY (NSW BIR) IS THE REGULATORY BODY FOR THE BUILDING INDUSTRY IN NSW. THE BUILDING INDUSTRY REGULATORY AUTHORITY (NSW BIR) IS THE REGULATORY BODY FOR THE BUILDING INDUSTRY IN NSW. THE BUILDING INDUSTRY REGULATORY AUTHORITY (NSW BIR) IS THE REGULATORY BODY FOR THE BUILDING INDUSTRY IN NSW.



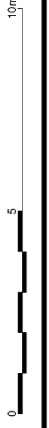
**Section 1**  
1 : 100

- PHASING LEGEND:**  
(Not to scale)
- NEW WORK
  - EXISTING ELEMENTS
  - DEMOLISHED ELEMENTS



**20 Montague Street,  
Balmain NSW 2041**  
Client:  
**Anish Patel & Helen  
Sutcliffe**  
**Section**

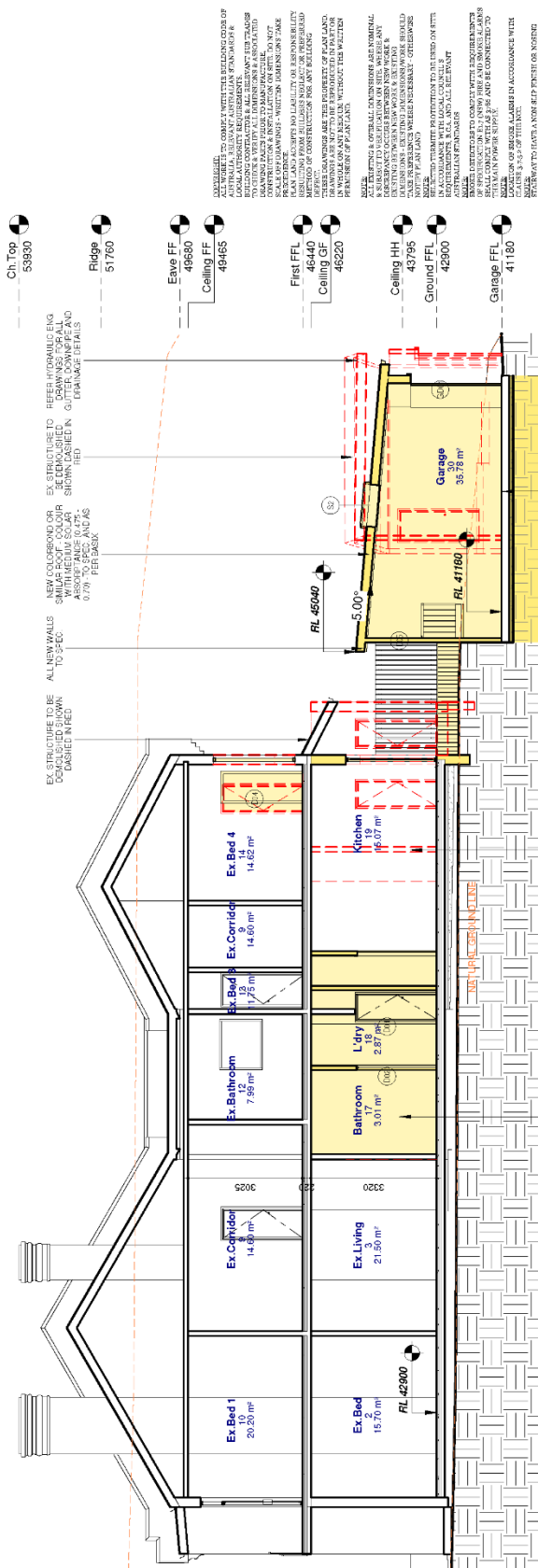
Project:  
Architect:  
Date:  
Scale:  
Drawing No.:  
Sheet No.:



DA Issue - Rev B - Landscaping Details Added.

**BASK NOTES:**

The applicant must install the windows, glass doors and sliding doors, in accordance with the specifications. Refer to overhead lighting specifications must be installed in accordance with the specifications. Overhead lighting must be installed in accordance with the specifications. Overhead lighting must be installed in accordance with the specifications. Overhead lighting must be installed in accordance with the specifications.



**Section 2**  
1 : 100

- PHASING LEGEND:**  
(All symbols are for phasing elements, not finished)
- NEW WORK
  - EXISTING ELEMENTS
  - DEMOLISHED ELEMENTS



**20 Montague Street,  
Balmann NSW 2041**  
Client: **Anish Patel & Helen Sutcliffe**  
Section

Project: **20027 DA 4.2**  
Scale: **1:100**  
Date: **11/08/2022**  
Author: **APB**  
Drawn: **APB**  
Reviewed: **APB**  
Scale: **1:100**  
Date: **11/08/2022**  
Project: **20027 DA 4.2**  
Scale: **1:100**

**Attachment C- Clause 4.6 Exception to Development Standards**

**(Clause 4.6 Variations)**

**Objections**

**Address of Site:**

20 Montague Street, Balmain NSW 2041

**CLAUSE 4.6 VARIATION****1. What is the name of the environmental planning instrument that applies to the land?**

Leichhardt Local Environmental Plan 2013.

**2. Zoning and Objectives****Zone R1 General Residential -***1 Objectives of zone*

- *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.*

**3. Development Standard to which this Clause 4.6 Variation applies:**

- **4.3A Landscaped areas for residential accommodation in Zone R1:**

*(3) Development consent must not be granted to development to which this clause applies unless—*

*(a) the development includes landscaped area that comprises at least—*

*(i) where the lot size is equal to or less than 235 square metres—15% of the site area, or*

*(ii) where the lot size is greater than 235 square metres—20% of the site area, and*

*(b) the site coverage does not exceed 60% of the site area.*

- **4.4 Floor space ratio**

**4. What are the objectives of the development standards?****4.3A Landscaped areas for residential accommodation in Zone R1**

(1) *The objectives of this clause are as follows—*

- (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.*

**4.4 Floor space ratio**

(1) *The objectives of this clause are as follows—*

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

**5. What is the numeric value of the development standard in the environmental planning instrument?**

4.3A Landscaped areas for residential accommodation in Zone R1, Development consent must not be granted to development to which this clause applies unless where the lot size is equal to or less than 235 square metres—**15% of the site area**

4.3A Landscaped areas for residential accommodation in Zone R1, Development consent must not be granted to development to which this clause applies unless the site coverage does not exceed **60% of the site area**.

4.4 Floor space ratio, The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. (2B) Despite subclause (2), the floor space ratio for development for the purpose of residential accommodation on land shown edged black or pink on the Floor Space Ratio Map is not to exceed in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—**0.8:1**



6. Numeric variation as values in relation to the development standard:

<b>Landscaped Area</b>			
<b>Current Landscaped Area %</b>	<b>Landscaped Area Requirement under LEP</b>	<b>Proposed Landscaped Area %</b>	<b>Percentage Variation</b>
15.8% (30.70m <sup>2</sup> )	15% (30.35m <sup>2</sup> )	15.07% (30.48m <sup>2</sup> )	0%

<b>Site Coverage</b>			
<b>Current Site Coverage %</b>	<b>Max. Site Coverage % Requirement under LEP</b>	<b>Proposed Site Coverage %</b>	<b>Percentage Variation</b>
65.2% (131.9m <sup>2</sup> )	60% (121.2m <sup>2</sup> )	72.55% (146.77m <sup>2</sup> )	12.5%

<b>Floor Space Ratio – Excl. Garage</b>			
<b>Current Floor Space Ratio</b>	<b>Maximum Floor Space Ratio under LEP</b>	<b>Proposed Floor Space Ratio</b>	<b>Variation</b>
0.90:1 (182.88m <sup>2</sup> )	0.8:1 (161.6m <sup>2</sup> )	0.89:1 (180.35m <sup>2</sup> )	Nil

<b>Floor Space Ratio – Incl. Garage</b>			
<b>Current Floor Space Ratio</b>	<b>Maximum Floor Space Ratio under LEP</b>	<b>Proposed Floor Space Ratio</b>	<b>Variation</b>
1.00:1 (202.88m <sup>2</sup> )	0.8:1 (161.6m <sup>2</sup> )	1.06:1 (216.13m <sup>2</sup> )	0.26:1

**7. Compliance with the development standards are unreasonable or unnecessary in the circumstances of this particular case, The objectives of the standard are achieved notwithstanding non-compliance with the standard. (Notes in RED)**

4.3A Landscaped areas for residential accommodation in Zone R1

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

(a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents, *All new areas of landscaping are proposed in areas which will have direct access to the living areas of the dwelling encouraging better use and enjoyment, the current arrangement did not prompt this.*

(b) to maintain and encourage a landscaped corridor between adjoining properties, *all existing landscape corridors are retained.*

(c) to ensure that development promotes the desired future character of the neighbourhood, *as noted above all landscaping to the street is maintained.*

(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, *the new works will allow for an update drainage system.*

(e) to control site density, *only a minor change from the existing is requested and benefit to amenity of the property is greatly increased (allowance for two parking spaces)*

(f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space. *as above, only a minor change from the existing is requested and benefit to amenity of the property is greatly increased (allowance for two parking spaces). The new arrangement will allow greater access to the private open space.*

4.4 Floor space ratio

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

(a) to ensure that residential accommodation—

(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and *the additions are not visible from the street and the building bulk, form or scale is not to be altered.*

(ii) provides a suitable balance between landscaped areas and the built form, and *as above, only a minor change from the existing is requested and benefit to amenity of the property is greatly increased (allowance for two parking spaces). The new arrangement will allow greater access to the private open space while not effecting the built form.*

(iii) minimises the impact of the bulk and scale of buildings,

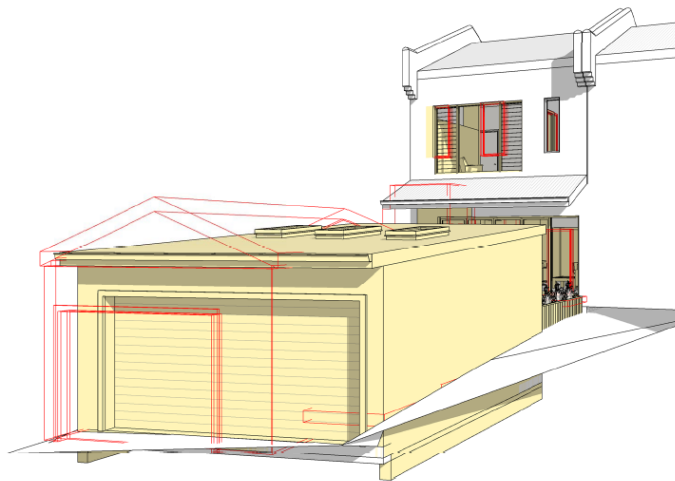
(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale. *N/A*

**8. The proposed development, despite the contravention to the development standard is the public interest.**

We have identified that the proposed development will be in the public interest (given it is consistent with the objectives for development within the zone and the objectives of the standard in which the development is proposed to be carried out). By the increasing of "off street" parking the development will increase safety and decrease congestion on the adjacent street / lane.

Attachment D – Statement of Heritage Significance

# HERITAGE IMPACT STATEMENT



12/08/20

20 Montague Street, Balmain NSW 2041



Submitted to Inner West Council as part of the development application for alterations and additions, to the above address. This statement is produced by Plan Land for and on behalf of the owners.

Document Set ID: 33982029  
Version: 1, Version Date: 24/09/2020

# Heritage Impact Statement

20 MONTAGUE STREET, BALMAIN NSW 2041

## 1. INTRODUCTION

This Heritage Impact Statement is submitted to Inner West Council (the council) as part of a development application for the above residence.

It is designed with the objective of providing a high-quality living environment, which is coherent to the existing character of the neighborhood. It gives no loss amenity to adjoining residents and enhances the lifestyle of the Development's own residents.

## 2. PARTICULARS OF TITLE

Zoning: R1 General Residential

DP: 2821 Lot: 6

Reference:

- Leichhardt Development Control Plan 2013 (LDCP).
- Leichhardt Local Environmental Plan 2013 (LLEP).

The land owner's consent is provided separately.

### 3. CONSENT SUMMARY

Consent is sought for the alterations and additions, to the above address, under the Environment Planning and Assessment Act 1979 (Section 78A). This DA has been prepared in accordance with Leichhardt Local Environmental Plan 2013.

### 4. ASSESSMENT

The existing residence is in a Heritage Conservation Area:

1. The following aspects of the proposal respect the heritage significance of the Nelson Street Heritage Conservation Area:

The existing dwelling at 20 Montague Street is typical of the terrace houses that are common in the locality. The proposal maintains the existing street presence of the original terrace in its entirety.

The street facing facade, windows, ridgeline, chimney, front entry patio, fence, garden and existing floor level of 20 Montague Street, which contribute positively to the conservation area, are all to be maintained.

The proposed area of demolition at the rear of the existing dwelling, to accommodate the proposal, does not remove this positive contribution.

No dormer window has been proposed.

The proposed addition is located to the rear of the existing building. The overall scale, form and materiality have been carefully considered to create a sympathetic and positive contribution to the existing building form, character and setting. The scale of the rear addition does not dominate the existing building and is set back from the street so it is not visible from eye level at the opposite side of Montague Street. The proposed material palette of masonry and fibre cement / timber cladding is compatible with the locality and existing building.

2. The following aspects of the proposal could detrimentally impact on the heritage significance of the Nelson Street Heritage Conservation Area:

We do not believe the proposal will detract from the heritage significance of the Heritage Conservation area.

## 5. CONCLUSION

The land is zoned for this purpose and this land usage is permissible under the current planning instruments and is consistent with the planning intent and objectives for the locality.

The proposal seeks to maintain and improve the significant architectural elements of the existing dwelling, conservatively balance the numerous site constraints and provide a quality home for a young family. The building form is respectful of the heritage significance of the Heritage Conservation zone and is a reasonable and considered proposal.

Overall the proposal is consistent with the relevant planning controls and objectives.

If you have any questions, please feel free to contact us on 0403 993 876.

Regards

### Link Teale

Design Manager



0403 993 876

[link@planland.com.au](mailto:link@planland.com.au)