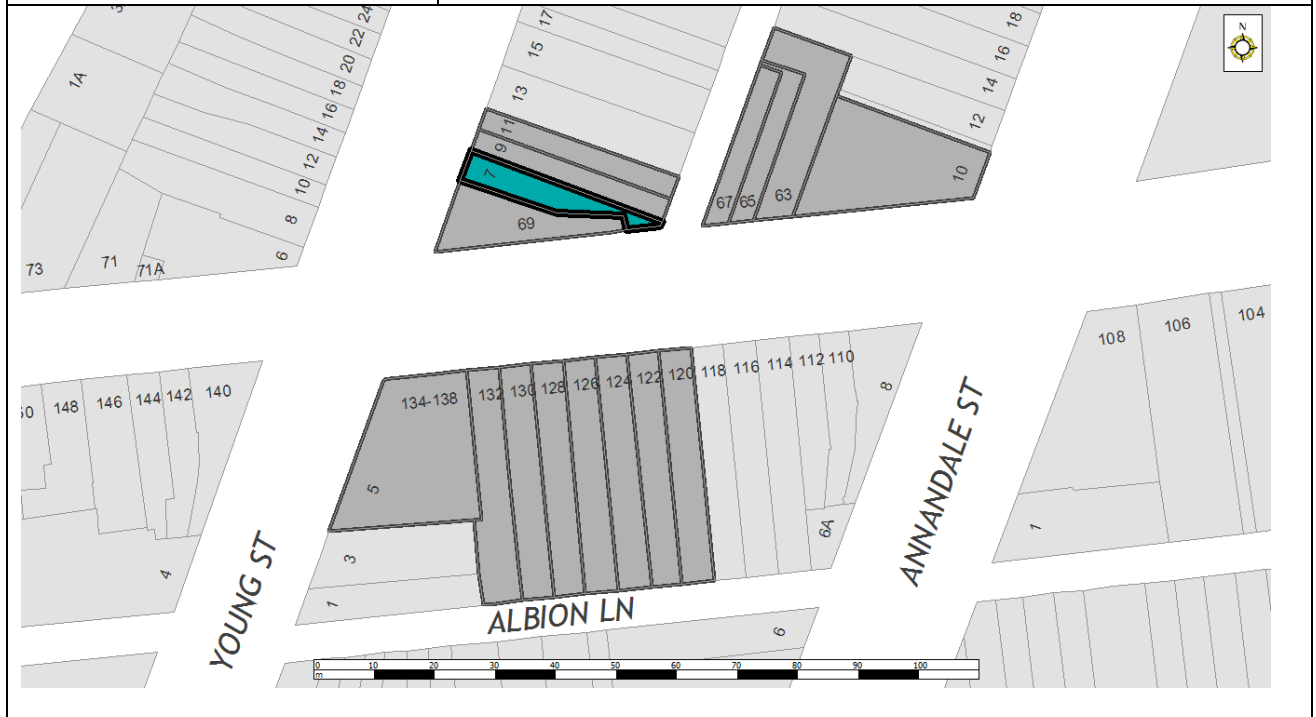




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2017/528
Address	7 Young Street, ANNANDALE NSW 2038
Proposal	New shed at rear of property fronting Young Lane
Date of Lodgement	10 October 2017
Applicant	Antipodes Design
Owner	Mr B G McKenzie-Craig
Number of Submissions	Nil
Value of works	\$18,000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	Site Coverage; Streetscape Appearance
Recommendation	Approval



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 shed at rear of property fronting Young Lane at 7 Young Street, Annandale. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Site Coverage and Landscaped Area development standard non-compliances.

Notwithstanding the above non-compliances, the proposal is acceptable given the existing pattern of surrounding development and its acceptable amenity impacts, and therefore, the application is recommended for approval.

2. Proposal

The proposal involves:

- Removal of existing lapped and capped timber courtyard fencing fronting Albion Street and Young Lane;
- Construction of a new rear shed with painted and rendered masonry wall fronting Young Lane and Albion Street with access off Young Lane; and
- A new solid boundary wall up to 2.94m high incorporating a side gate to Albion Street.

The overall height of the proposal is 3.4m to the top of parapet and clerestory window. Based on an existing ground level of RL24.9 adjacent to the northern boundary, the proposed boundary wall is up to 2.8m high. A small 170mm recess in the Albion Street façade is proposed to break up the façade and allow feature vine planting.

In response to a Council letter dated 7 November 2017 in relation to the extent of reduction to existing landscaped area due to the proposed shed, the proposal was amended to increase landscaped area by 4.1sqm by providing a 1.1m side setback to the western boundary at the rear of 68 Albion Street. The demolition of existing planter boxes, reduction of existing paved terrace and provision of new steps were also shown in an effort to increase landscaped area by a further 3.4sqm. However, this is not supported given a lack of detail and potential impacts to adjoining properties arising from up to 320mm of additional fill within the courtyard to the northern and southern boundaries as well as reduced internal amenity from a smaller patio. A condition will be imposed to ensure these demolition, filling and retaining works are not approved and do not form part of this consent.

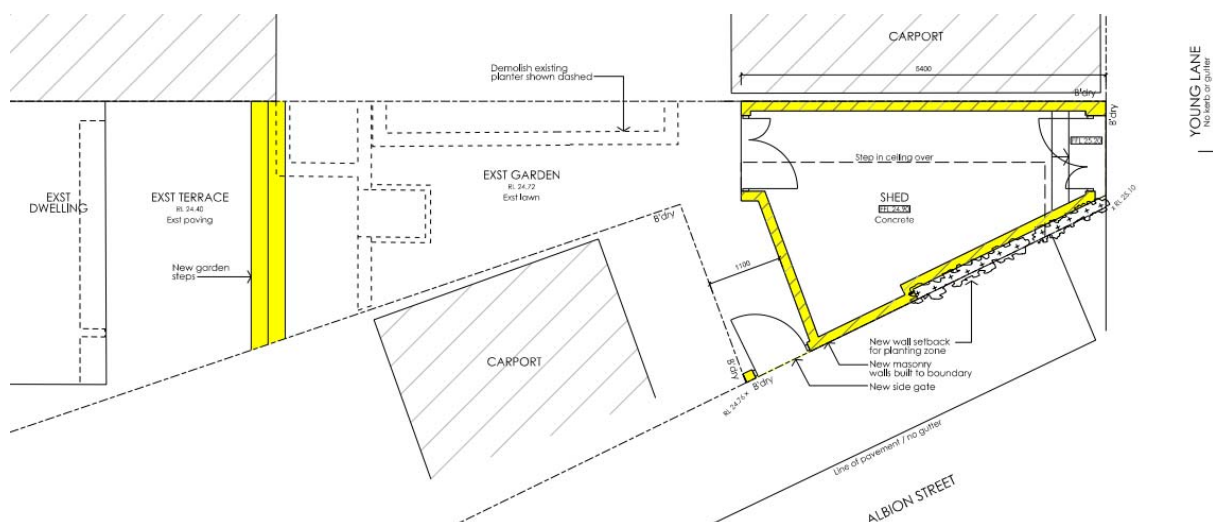


Figure 1: Proposed rear shed site plan at 7 Young Street Annandale.

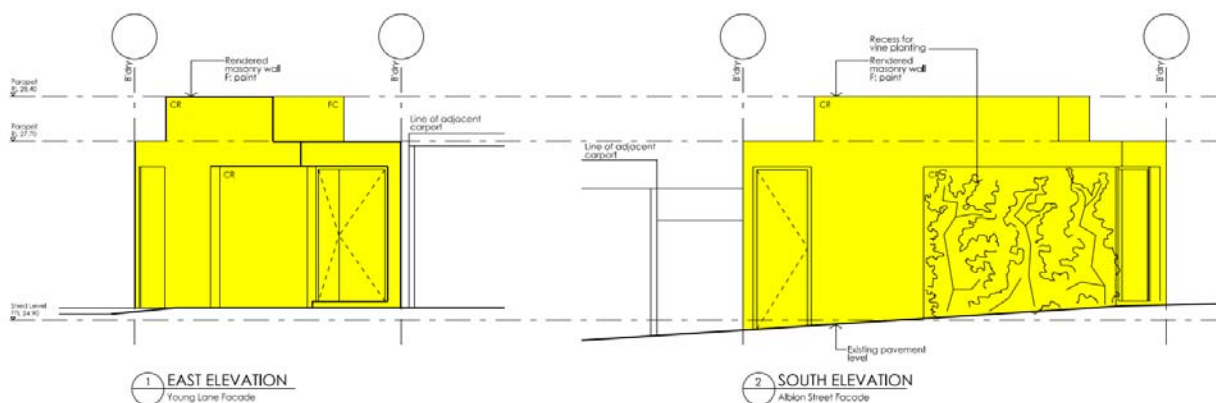


Figure 2: Proposed East (Young Lane) and South (Albion Street) Elevations at 7 Young Street Annandale.

3. Site Description

The subject site is located on the eastern side of Young Street with the rear of the site located at the corner of Young Lane and Albion Street. The site consists of one allotment and is irregular in shape with a total area of 145sqm and is legally described as Lot B in DP 440377.

The site has frontages of 5.435 metres to Young Street, 5.935 metres to Albion Street and 1.57m to Young Lane.

The site supports a one and two storey brick and rendered semi-detached dwelling and rear landscaped courtyard. The adjoining properties support one and two storey dwellings with rear covered parking areas.

The subject site is not identified as a heritage item or a flood prone lot. The property is located within the Annandale 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

Application	Proposal	Decision & Date
D/2006/47	Alterations and additions to existing dwelling including a new first floor.	Approved 17/10/2006
PRED/2016/181	Small garage or shed	Advice Letter Issued 5/12/2016

Surrounding properties

9 Young Street

No applicable site history.

68 Albion Street

No applicable site history.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
7/11/2017	Council wrote to the applicant requesting the following matters to be addressed: <ul style="list-style-type: none"> • Site Coverage • Landscaped Area • Clause 4.6
24/11/2017	The additional information lodged and the plans submitted as part of that additional information form the basis of this report. As noted previously, the proposal was amended to increase landscaped area by 4.1sqm by providing a 1.1m side setback to the western boundary at the rear of 68 Albion Street. The demolition of existing planter boxes, reduction of existing paved terrace and provision of new steps were also shown in an effort to increase landscaped area by a further 3.4sqm. However, this is not supported given a lack of detail and potential impacts to adjoining properties arising from up to 320mm of additional fill within the courtyard to the northern and southern boundaries as well as reduced internal amenity from a smaller patio. A condition will be imposed to ensure these demolition, filling and retaining works are not approved and do not form part of this consent.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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 (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- 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 that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

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 Clause 20 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 objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation

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 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development 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 Sulphate Soils
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.9:1]	0.8:1 115.3sqm		Yes
Landscape Area: 15%	10.48% (15.2sqm)*	30.04% (6.55sqm)	No
Site Coverage: 60%	74.6% (108.1sqm)	24.25% (21.1sqm)	No

*As calculated by Council officers based on a condition to be imposed requiring that the demolition, filling and retaining works be deleted and the existing rear patio, planter boxes and landscaped area remain unchanged (as altered by the new rear shed only). While this results in an additional 3.4sqm variation to landscaped area from that shown on the amended plans (landscaped area of 18.6sqm), the amended proposal (as conditioned) avoids additional filling and retaining works and reduction of the existing rear patio and is considered acceptable in this instance noting the existing pattern of surrounding development.

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

Comment: As discussed below in subclauses (3) and (4), it is considered that the contravention to the development standard is acceptable in this instance.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The 'key' reasons submitted by the applicant as justification to the contravention of the standard/s are:

Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1

- The proposed development (as conditioned) seeks to provide a total landscaped area of 10.48% (or 15.2sqm), equating to a variation of 30.04% or 6.55sqm. Notwithstanding numerical non-compliance, the proposed building satisfies the stated objectives given that:
 - *The existing dwelling is compliant with Landscape Area, albeit in a disjointed form as the rear rhomboid shape area is disassociated from the main area used as the private open space of the property. This area is to accommodate the proposed shed. As such the Landscape Area will be below the required numeric minimum. The proposed shed is to provide storage for the existing modestly sized dwelling.*
 - *The proposed shed is located at the rear of the property detached from the main dwelling. A landscape corridor is therefore located between the dwelling and the proposed shed. This matches the pattern / footprint of other existing attached dwellings along Young Street.*
 - *The proposal, although with less Landscape Area (softscape) than required is supplemented with a paved area providing direct access from the living area to the private open space. The property will still maintain this amenity for the benefit of the occupants and still provide for a landscape corridor for the benefit of the neighbourhood.*
 - *The proposed shed located at the rear of the property is compatible development as described in Building Typologies Appendix of the DCP. Ancillary structures built along the rear lane, to the side boundary boundaries and separated from the main dwelling is the already established norm along this portion of Young St. No. 17, 19, 25, 35 & 37 Young Street (among other) exhibit this built form, scale and bulk. Some of these dwellings have been approved within the last 7 years.*
 - *The overall area of unbuilt upon area is 30.3m² (20.9%). This area is greater than the minimum Landscape Area but includes hard paving. This area provides direct on-grade access to the internal living areas of the dwelling. It*

is sufficiently sized to allow for an outdoor dining and/or casual seating. There is an existing tree planted within the Landscape Area.

- *The proposed shed will not obstruct subsoil water flow, will maintain some water retention / absorption capacity by the existing lawn and all roof water be collected by the existing rainwater tank.*
- *Having regard to the objectives of the development standard Clause 4.3A (LLEP 2013), in this instance, it is considered that strict compliance with the relevant standard is unreasonable and unnecessary as the development achieves the stated landscape separation, potential planting zone, private open space and future character of the area.*

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

- The proposed development seeks to provide a site coverage of 74.6% (or a dwelling and shed of 108.1sqm). Notwithstanding numerical non-compliance, the proposed building satisfies the stated objectives given that:
 - *The existing dwelling's Site Coverage is already over that permissible. The property provides for a modestly sized 3 bedroom residence and the proposed shed is to provide storage for the existing dwelling, primarily for sporting equipment.*
 - *The proposed shed is located at the rear of the property fronting Young Lane. As such there is no built upon area between the existing dwelling and the proposed shed. This area is capable to be landscaped and capable of planting of a tree. This separation is repeated in the adjacent properties, it is the typology of a Victorian / Federation attached dwelling; the main part of the house to face the primary street at the front of the property and the outbuilding (traditionally) and now garages / studios located at the rear facing a rear lane.*
 - *The proposal is not out of scale when compared with other dwellings within the context. The proposed shed is located at the rear of the property along the rear laneway detached from the main dwelling. This is the established pattern of site density within the context.*
 - *The proposed shed is located at the rear of the property separate from the main dwelling. This is the typology of the dwellings along this portion of Young Street. The area, between these built forms, thus allows for the private open space of the dwelling. This proposal, even though the site coverage is less than numerically required, still achieves an overall area of private open space of 20.9%. In order, to provide for an adequate surface on which to locate an outdoor dining table (to effectively enjoy and use this outdoor space) part of this 20.9% needs to be a non porous surface. The remaining porous area is capable of being planted with grass, low shrubs and a tree.*
 - *The proposal satisfactorily provides for the private open space for the property and a provision for landscape albeit, below the numeric requirement. However, it is a small irregular shaped property, where merit assessment is required.*
 - *Having regard to the objectives of the development standard Clause 4.3A (LLEP 2013), in this instance, it is considered that strict compliance with the relevant standard is unreasonable and unnecessary as the development achieves the stated landscape separation, potential planting zone, private open space and contextual fit.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and it is considered to be well founded in this instance. The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standard/s and General Residential zoning as demonstrated below:

- 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 FSR standard, private open space, building envelope, building location zone and setbacks, providing a suitable balance between landscaped areas and the built form.
- The siting of the building is within the building location zones when it can be reasonably assumed development can occur.
- The proposal does not result in any undue adverse amenity impacts to the surrounding properties.
- Despite the variations, the proposal results in acceptable on-site amenity outcomes.
- The site coverage and landscaped area proposed (as conditioned) will be compatible with the site coverage and landscaped areas characteristic of adjoining and nearby development as shown in the aerial photo below.

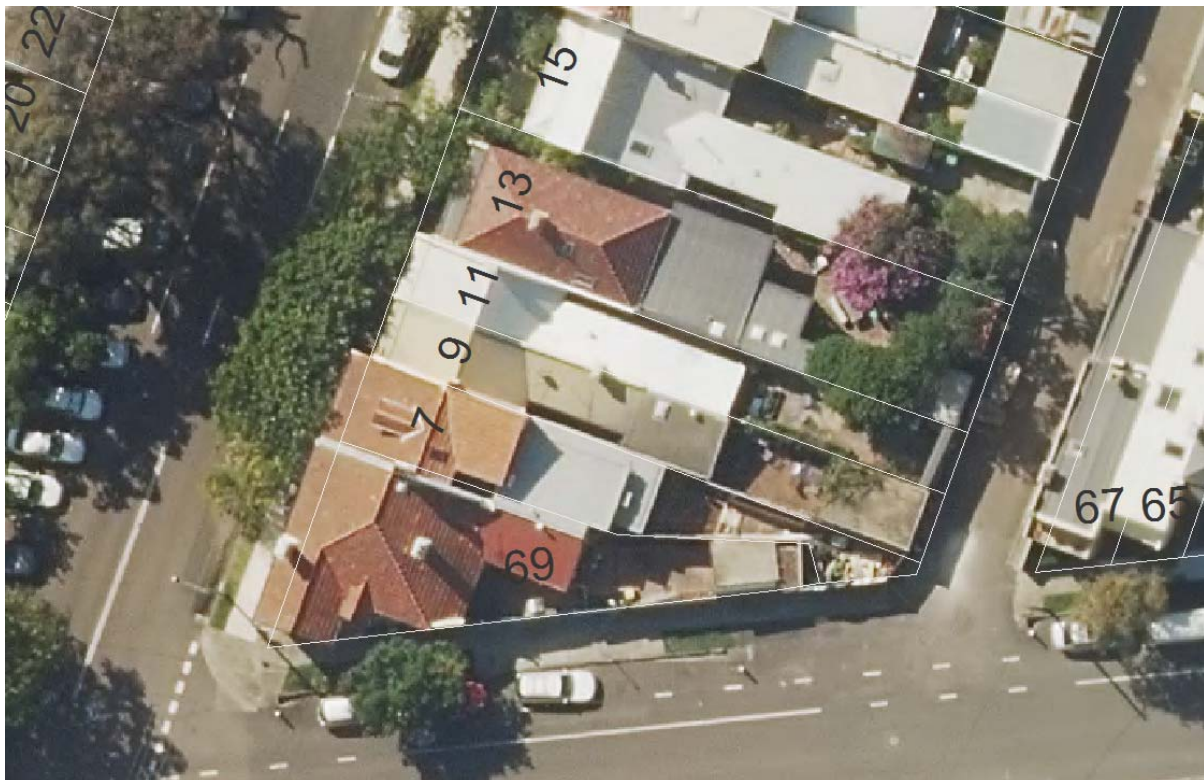


Figure 3: Aerial photo indicating existing pattern of development adjoining 7 Young Street Annandale



Figure 4: Existing Streetscape looking north towards the rear corner of the site at the corner of Young Lane and Albion Street Annandale

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

- (b) *the public benefit of maintaining the development standard, and*

The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

No other matters are required to be considered before granting concurrence.

5(b) Draft Environmental Planning Instruments

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

- State Environmental Planning Policy (Coastal Management) 2016

The subject site is not located within “the coastal zone” pursuant to CI 5 of the draft SEPP, as identified on the map to the SEPP. Consequently, the draft SEPP is not applicable.

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.

Part	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	N/A
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Yes
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.1.1 Young Street Distinctive Neighbourhood, Annandale	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes, including compliance with side setback controls
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	Yes
C3.7 Environmental Performance	N/A
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	N/A
C3.11 Visual Privacy	N/A
C3.12 Acoustic Privacy	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

Part E: Water	
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	N/A
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	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Council's Policy 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:

- Development Engineer; and.
- Heritage Officer.

These Officers raised no objections to the proposal proceeding subject to conditions relating to stormwater management and ensuring / reinforcing that appropriate external colours and finishes are used that are sympathetic to the Heritage Conservation Area, which are recommended to be imposed on any consent granted.

7. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The variations to Clause 4.3A(3)(a) Landscape Area and 4.3A(3)(b) Site Coverage Leichhardt Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2017/528 for new shed at rear of property fronting Young Lane at 7 Young Street, ANNANDALE NSW 2038 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. 2017/528 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Dwg. No. DA01, Site Plan & Site Analysis, Rev. C	Antipodes Design	24.11.2017
Dwg. No. DA02, Floor Plan, Rev. C	Antipodes Design	24.11.2017
Dwg. No. DA03, Elevations & Section, Rev. D	Antipodes Design	24.1.2018
Dwg. No. DA04, Elevations & Section, Rev. C	Antipodes Design	24.11.2017
Dwg. No. DA05, Stormwater Concept Plan, Rev. C	Antipodes Design	24.11.2017

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

2. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifying Authority.”
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

3. Amended plans are to be submitted incorporating the following amendments:
 - a) The demolition of existing planter boxes, reduction of existing paved terrace and provision of new steps are to be deleted and do not form part of this approval.
 - b) The entry landing of the Shed at the Young Lane frontage must be raised to RL 25.27m AHD.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

4. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
5. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
 - a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

6. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy 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. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

7. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used, **except where modified by this condition of consent. In this regard, the exterior of the new work shall match the colours and finishes of the existing comparable external materials and finishes sympathetic to the Heritage Conservation Area.** Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any

discomfort to pedestrians or neighbouring properties.

Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

8. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (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.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

9. The approved plans must be submitted to a Sydney Water Quick Check agent 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. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

10. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing

- areas on and off the site.
- iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

11. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on

request

- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

- 12. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be 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.

Security Deposit (FOOT)	\$2,399.70
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque or 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 Council to determine the condition of the adjacent road reserve & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 13. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate

(whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
No. 9 Young Street	Carport

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

14. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
 - a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin

Application

- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

15. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) Location of the building with respect to the boundaries of the site.

16. The site must be 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 property 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. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

17. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

18. Where applicable, any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.
19. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
20. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
21. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

22. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

23. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

24. The site must be appropriately secured and fenced at all times during works.
25. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

26. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

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.

27. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
28. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
29. The development must be inspected at the following stages by the Principal Certifying Authority during construction:

- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
30. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.

31. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

32. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

33. 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 existing site drainage system.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing 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, it must be upgraded.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

34. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
35. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

36. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
37. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

38. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

39. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
40. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

41. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a dwelling house, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or

- 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

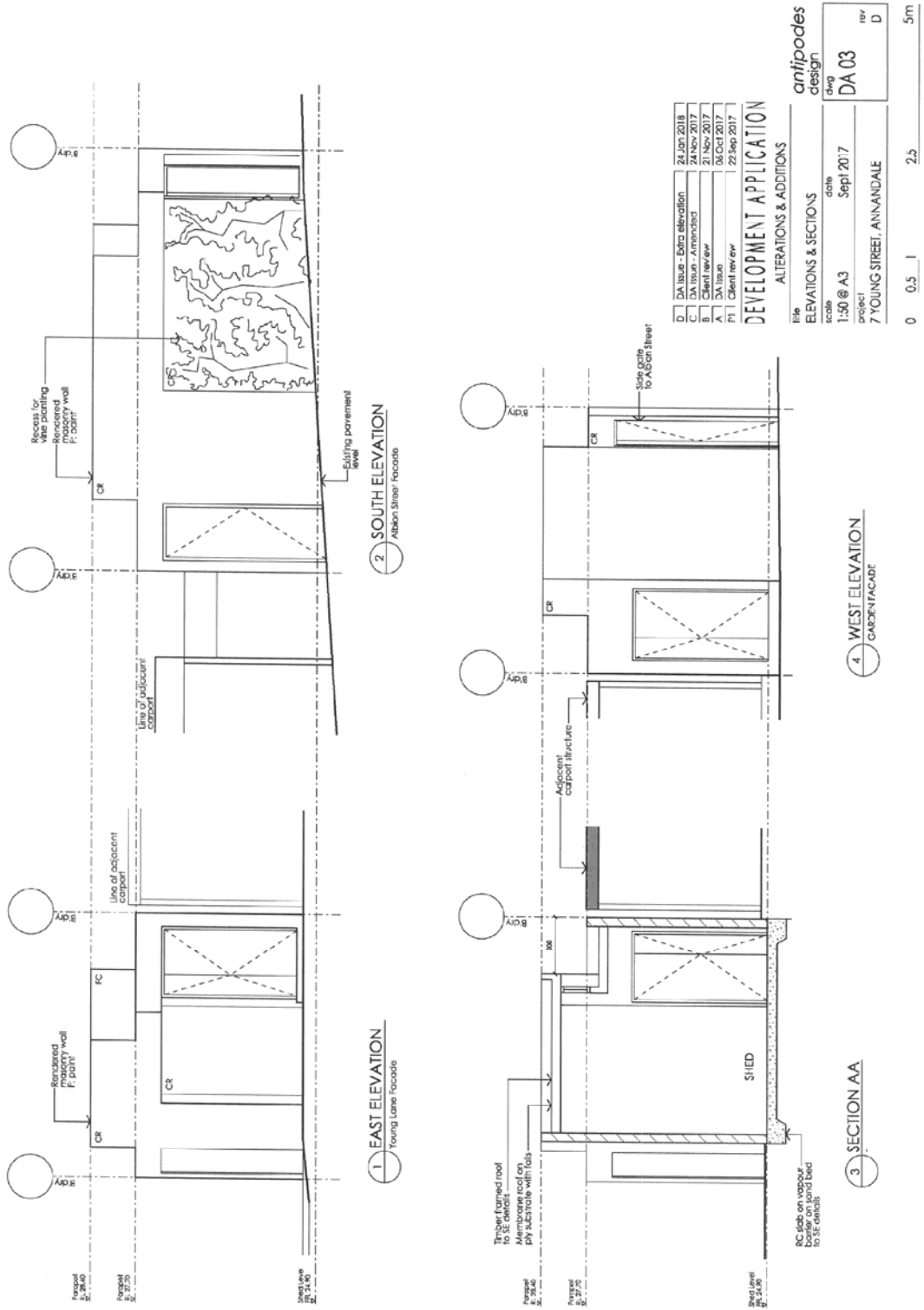
- 1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

- 1. This Determination Notice operates or becomes effective from the endorsed date of consent.

2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.
5. 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 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. 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.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development



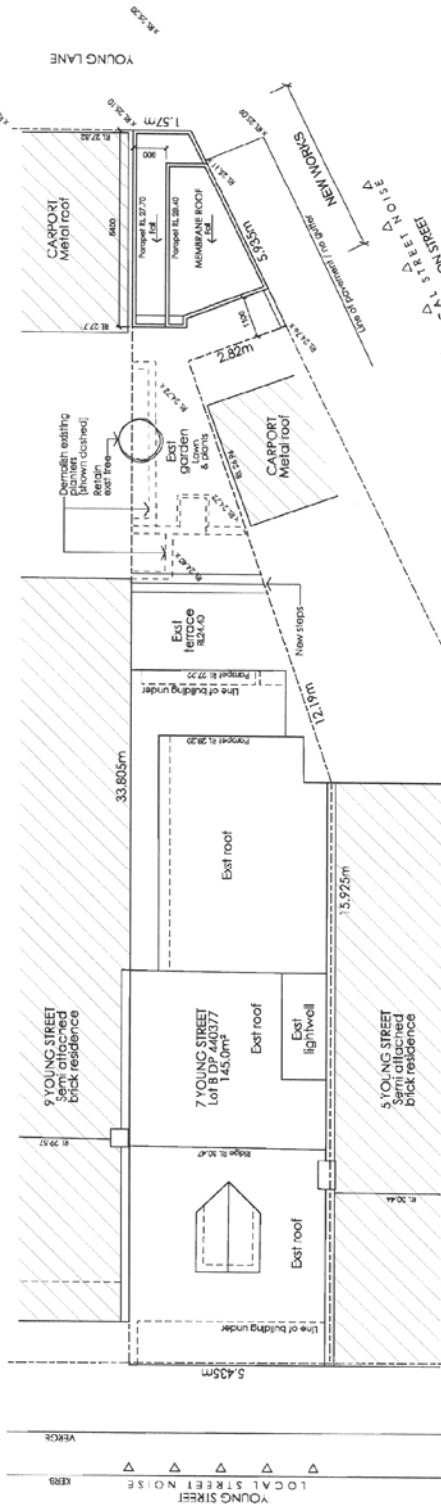


2 LOCATION



SOLOSTAR SOLAR PANELS

COOLING SUMMER BREEZES



1 SITE PLAN

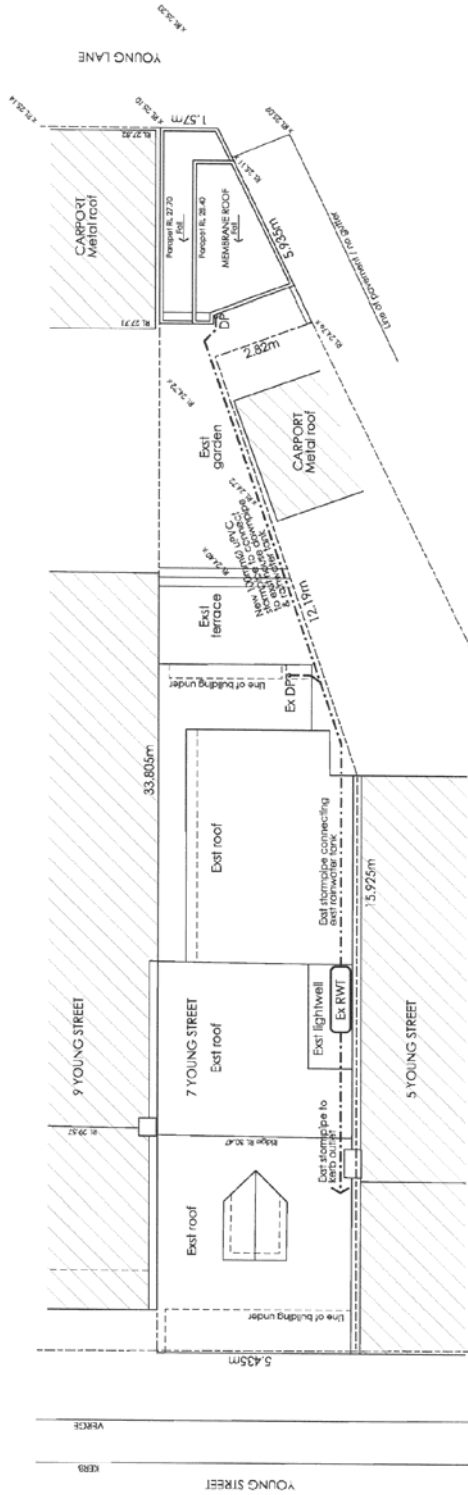
C	DA Issue - Amended	24-Nov-2017
B	Client review	2-Nov-2017
A	DA Issue	06-Oct-2017
P1	Client review	22-Sep-2017

DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS

Site	anipodes design	
Scale	1:100 @ A3	date: Sept 2017
Project	7 YOUNG STREET, ANNANDALE	
Rev	DA 01	rev C





C	DA Issue - Amendments	21 Nov 2017
B	Client new dev	21 Nov 2017
A	DA Issue	06 Oct 2017
PT	Client review	22 Sep 2017

DEVELOPMENT APPLICATION

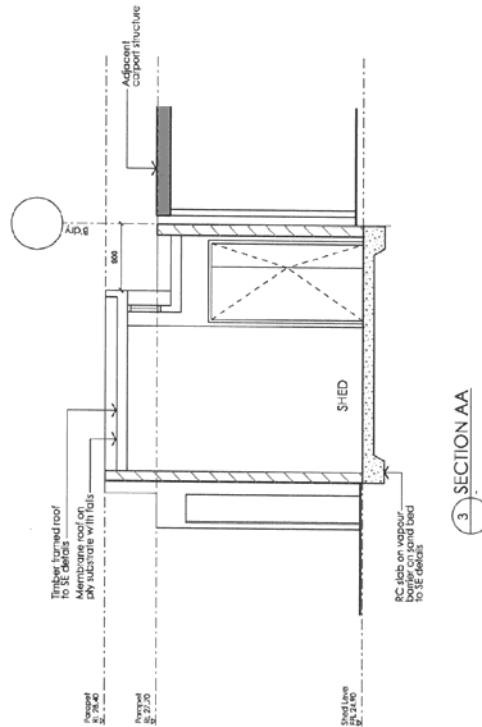
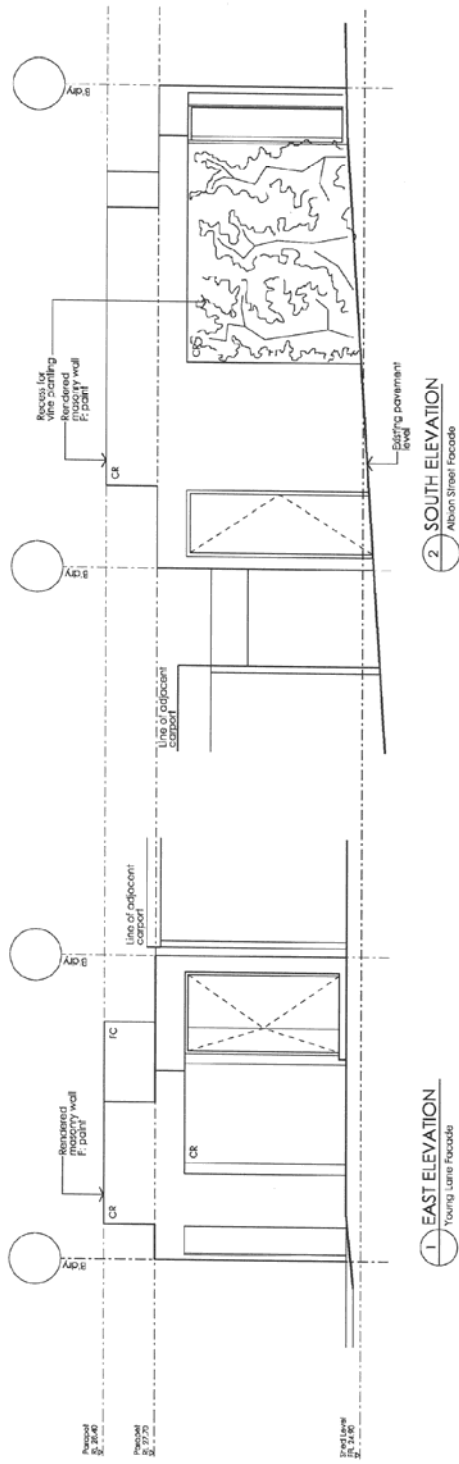
ALTERATIONS & ADDITIONS

File	STORMWATER CONCEPT PLAN
scale	1:100 @ A3
date	Sept 2017
project	7 YOUNG STREET, ANNANDALE
rev	C

antipodes design



NOTES
 All new drainage lines shall be UPVC drainage pipe.
 All drainage lines shall be laid at 1% min. fall.
 All drainage lines shall be installed in accordance with AS3500.2 - Stormwater drainage.
 Sui generis drainage shall be provided to all retaining walls with the lines feeding into the existing absorption trenches.



C	DA Issue - Amended	21 Nov 2017
B	Client rev rev	21 Nov 2017
A	DA Issue	06 Oct 2017
F1	Client review	22 Sep 2017

DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS

Title: *antipodes* design

ELEVATIONS & SECTIONS

Scale: 1:50 @ A3

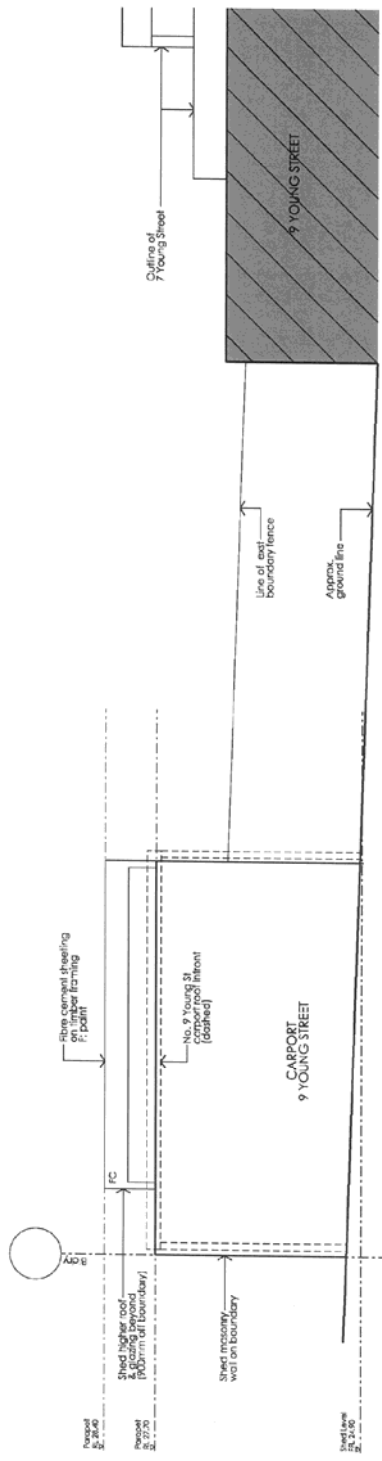
Date: Sept 2017

Project: 7 YOUNG STREET, ANNANDALE

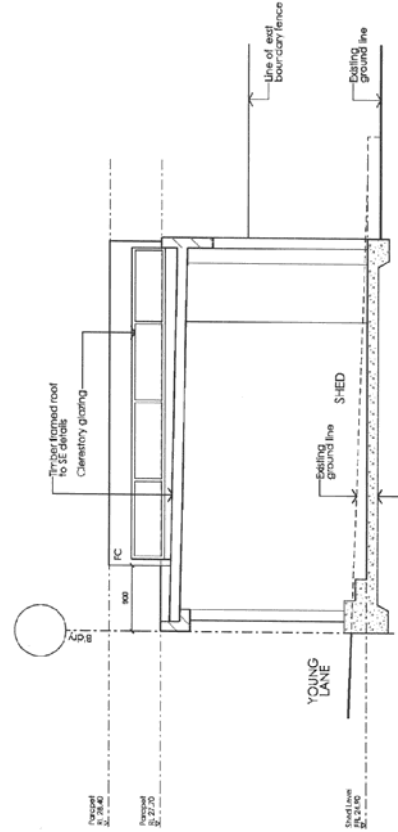
Rev: DA 03

Rev: C

0 0.5 1 2.5 5m



1 NORTH ELEVATION
Elevation as seen from No. 9 Young St



2 SECTION BB

DA Issue - Amended	24-Nov-2017
Client review	21-Nov-2017
DA Issue	05-Oct-2017
Client review	22-Sep-2017

DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS

Title: *antipodes*

ELEVATIONS & SECTIONS: *dc/s*

Scale: 1:50 @ A3

Project: 7 YOUNG STREET, ANNANDALE

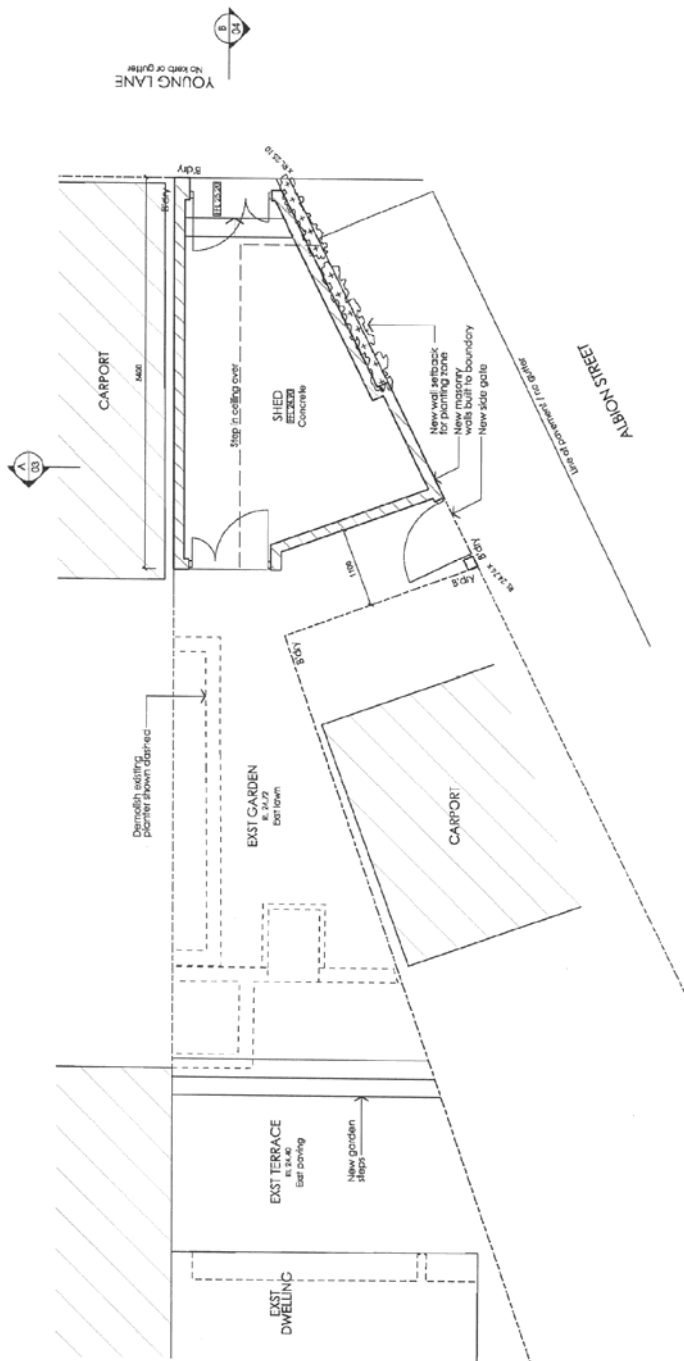
Rev: C

Date: Sept 2017

Design: *antipodes design*

DA 04

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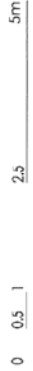


C	DA Issue - Approved	21 Nov 2017
B	Client review	21 Nov 2017
A	DA Issue	06 Oct 2017
PT	Client review	22 Sep 2017

DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS

File	antipodes design	
PLAN	date	dwg
scale	1:50 @ A3	DA 02
project	7 YOUNG STREET, ANNANDALE	rev
		C



Attachment C – Clause 4.6 Exceptions to Development Standards

antipodes design |

Clause 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARDS

Rev: A

7 Young Street, Annandale

Clause 4.3A – Landscape area for residential accommodation in Zone R1

This Clause 4.6 Exceptions to Development Standards accompanies the Development Application for alterations and additions to an existing building located at 7 Young St, Annandale.

The proposal seeks a variation to the development standard contained in Clause 4.3A – Landscape area for residential accommodation in Zone R1 of the Leichhardt Local Environmental Plan 2013.

PROPOSED DEVELOPMENT

The proposed works are to infill the rear rhomboid shaped portion of the site with a shed. The shed will be built to the boundary on 3 sides. Two of the boundaries front Young Lane and Albion Street, the other boundary adjoining the northern neighbour.

LEICHHADRT LOCAL ENVIRONMENTAL PLAN 2013 (LLEP 2013)

The subject site is currently regulated by the planning controls established under the Leichhardt Local Environmental Plan 2013. The property is zoned R1 General Residential. Permitted with consent are Dwelling Houses. The proposal meets the objectives of the R1 Residential zone, such as:

- 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 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

DEVELOPMENT STANDARD TO BE VARIED

Clause 4.3A – Landscape area for residential accommodation in Zone R1.

In accordance with the Clause:

- The minimum Landscape Area applicable is 15% of site area

The objectives of this control are:

- (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,

EXCEPTIONS TO DEVELOPMENT STANDARDS

The objectives of being able to seek an exception to a Development Standard are:

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

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates:

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

DEPARTURE FROM THE DEVELOPMENT STANDARD

The minimum Landscape Area & maximum Site Coverage are identified by the Clause 4.3A (LLEP 2013).

Item	Requirement	Proposed
Landscape area	15% (20.8m ²)	12.8% (18.6m ²)

WHY COMPLIANCE WITH THE STANDARD IS UNREASONABLE OR UNNECESSARY

The existing dwelling is compliant with Landscape Area, albeit in a disjointed form as the rear rhomboid shape area is disassociated from the main area used as the private open space of the property. This area is to accommodate the proposed shed. As such the Landscape Area will be below the required numeric minimum. The proposed shed is to provide storage for the existing modestly size dwelling.

The proposed shed is located at the rear of the property fronting Young Lane. As such there is no built upon area between the existing dwelling and the proposed shed. This area is capable to be landscaped and capable of planting of a tree. This separation between the dwelling and ancillary structures is repeated in the adjacent properties.

The proposal, although with less Landscape Area (softscape) than required is supplemented with a paved areas providing direct access from the living area to the private open space. The property will still maintain this amenity for the benefit of the occupants and still provide for a landscape corridor for the benefit of the neighbourhood.

Having regard to the objectives of the development standard Clause 4.3A (LLEP 2013), in this instance, it is considered that strict compliance with the relevant standard is unreasonable and unnecessary as the development achieves the stated landscape separation, potential planting zone, private open space and future character of the area.

GROUND TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The proposed Landscape variation is considered to be justified as it is consistent with the LEP objectives:

- *(a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents*

The overall area of unbuilt upon area is 30.3m² (20.9%). This area is greater than the minimum Landscape Area but includes hard paving. This area provides direct on-grade access to the internal living areas of the dwelling. It is sufficiently sized to allow for an outdoor dining and/or casual seating. There is an existing tree planted within the Landscape Area.

- *(b) to maintain and encourage a landscaped corridor between adjoining properties,*

The proposed shed is located at the rear of the property detached from the main dwelling. A landscape corridor is therefore located between the dwelling and the proposed shed. This matches the pattern / footprint of other existing attached dwellings along Young Street.

- *(c) to ensure that development promotes the desired future character of the neighbourhood,*

The proposal maintains Landscape Area at the rear of the property, allowing for planting and to be used as external recreation by the occupants of the dwelling. The proposed shed located at the rear of the property is compatible development as described in Building Typologies Appendix of the DCP.

Ancillary structures built along the rear lane, to the side boundary boundaries and separated from the main dwelling is the already established norm along this portion of Young St. No. 17, 19, 25, 35 & 37 Young Street (among other) exhibit this built form, scale and bulk. Some of these dwellings have been approved within the last 7 years.

- *(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 proposed shed will not obstruct subsoil water flow, will maintain some water retention / absorption capacity by the existing lawn and all roof water be collected by the existing rainwater tank.

Clause 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARDS

7 Young Street, Annandale

Clause 4.3A – Landscape (Site Coverage) area for residential accommodation in Zone R1

This Clause 4.6 Exceptions to Development Standards accompanies the Development Application for alterations and additions to an existing building located at 7 Young St, Annandale.

The proposal seeks a variation to the development standard contained in Clause 4.3A – Landscape (Site Coverage) area for residential accommodation in Zone R1 of the Leichhardt Local Environmental Plan 2013.

PROPOSED DEVELOPMENT

The proposed works are to infill the rear rhomboid shaped portion of the site with a shed. The shed will be built to the boundary on 3 sides. Two of the boundaries front Young Lane and Albion Street, the other boundary adjoining the northern neighbour.

LEICHHADRT LOCAL ENVIRONMENTAL PLAN 2013 (LLEP 2013)

The subject site is currently regulated by the planning controls established under the Leichhardt Local Environmental Plan 2013. The property is zoned R1 General Residential. Permitted with consent are Dwelling Houses. The proposal meets the objectives of the R1 Residential zone, such as:

- 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 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

DEVELOPMENT STANDARD TO BE VARIED

Clause 4.3A – Landscape (Site Coverage) area for residential accommodation in Zone R1.

In accordance with the Clause:

- the maximum Site Coverage applicable is 60% of site area.

The objectives (Site Coverage) of this control are:

- (e) to control site density,
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space

EXCEPTIONS TO DEVELOPMENT STANDARDS

The objectives of being able to seek an exception to a Development Standard are:

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

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates:

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

DEPARTURE FROM THE DEVELOPMENT STANDARD

The minimum maximum Site Coverage are identified by the Clause 4.3A (LLEP 2013).

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Item	Requirement	Proposed
Site Coverage	60% (84.0m ²)	74.6% (108.1m ²)

WHY COMPLIANCE WITH THE STANDARD IS UNREASONABLE OR UNNECESSARY

The existing dwelling's Site Coverage is already over that permissible. The property provides for a modestly sized 3 bedroom residence and the proposed shed is to provide storage for the existing dwelling, primarily for sporting equipment.

The proposed shed is located at the rear of the property fronting Young Lane. As such there is no built upon area between the existing dwelling and the proposed shed. This area is capable to be landscaped and capable of planting of a tree. This separation is repeated in the adjacent properties, it is the typology of a Victorian / Federation attached dwelling; the main part of the house to face the primary street at the front of the property and the outbuilding (traditionally) and now garages / studios located at the rear facing a rear lane.

Having regard to the objectives of the development standard Clause 4.3A (LLEP 2013), in this instance, it is considered that strict compliance with the relevant standard is unreasonable and unnecessary as the development achieves the stated landscape separation, potential planting zone, private open space and contextual fit.

GROUND TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The proposed Site Coverage variation is considered to be justified as it is consistent with the LEP objectives;

- *(e) to control site density,*
The proposal is not out of scale when compared with other dwellings within the context. The proposed shed is located at the rear of the property along the rear laneway detached from the main dwelling. This is the established pattern of site density within the context.
- *(f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space,*

The proposed shed is located at the rear of the property separate from the main dwelling. This is the typology of the dwellings along this portion of Young Street. The area, between these built forms, thus allows for the private open space of the dwelling. This proposal, even though the site coverage is less than numerically required, still achieves an overall area of private open space of 20.9%. In order, to provide for an adequate surface on which to locate an outdoor dining table (to effectively enjoy and use this outdoor space) part of this 20.9% needs to be a non porous surface. The remaining porous area is capable of being planted with grass, low shrubs and a tree.

The proposal satisfactorily provides for the private open space for the property and a provision for landscape albeit, below the numeric requirement. However, it is a small irregular shaped property, where merit assessment is required. The proposal does achieve the aims of the LLEP 2013. Relevant items within Clause 1.2 Aims of Plan are:

(l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,

(m) to ensure that development provides high quality landscaped areas in residential developments,

The proposal is not out of character with other properties within the locality, in form, scale, floor area or landscape. The proposal maintains the built form pattern of adjoining properties, that is, dwelling (front) – landscape area – ancillary structures (along rear lane). The proposal provides for some landscape area to be used as private open space and is capable of sustaining plants including trees. The proposal can have a high quality landscape area as size is not the determining factor for quality.

