





 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2020/0949
<b>Address</b>	57 Junior Street LEICHHARDT NSW 2040
<b>Proposal</b>	Alterations and additions to existing attached dwelling-house
<b>Date of Lodgement</b>	04 November 2020
<b>Applicant</b>	Johnny Ah-Ching
<b>Owner</b>	Mr Robert Wojtaszek Mr Michael P Spencer
<b>Number of Submissions</b>	1
<b>Value of works</b>	\$192,205.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation to Floor Space Ratio exceeds 10%
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Non-compliances with Floor Space Ratio and Site Coverage development standards</li> <li>• Solar Access</li> <li>• Visual Privacy</li> </ul>
<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
	
LOCALITY MAP	
Subject Site	  
Notified Area	 
Note: Due to scale of map, not all objectors could be shown.	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing attached dwelling-house at 57 Junior Street, Leichhardt.

The application was notified to surrounding properties and one submission was received.

The main issues that have arisen from the application include:

- Non-compliance with Site Coverage and Floor Space Ratio (FSR) Development Standards
- Solar Access

The non-compliances with respect to Site Coverage and FSR are acceptable given that the proposed form, scale and gross floor area would be similar to the surrounding properties, and subject to conditions, the proposed additions will comply with the relevant amenity controls. Therefore, the application is recommended for approval.

## 2. Proposal

This application seeks approval for ground and first floor alterations and additions to the existing attached dwelling house at 57 Junior Street, Leichhardt. The additions will be to the rear of the front roof ridge and will comprise:

- Expanded lounge room, bathroom and kitchen at ground floor; and
- Two bedrooms, the rear bedroom comprising rear balcony, and a bathroom at first floor.

The existing artificial turf at the rear is also proposed to be removed and replaced with lawn.

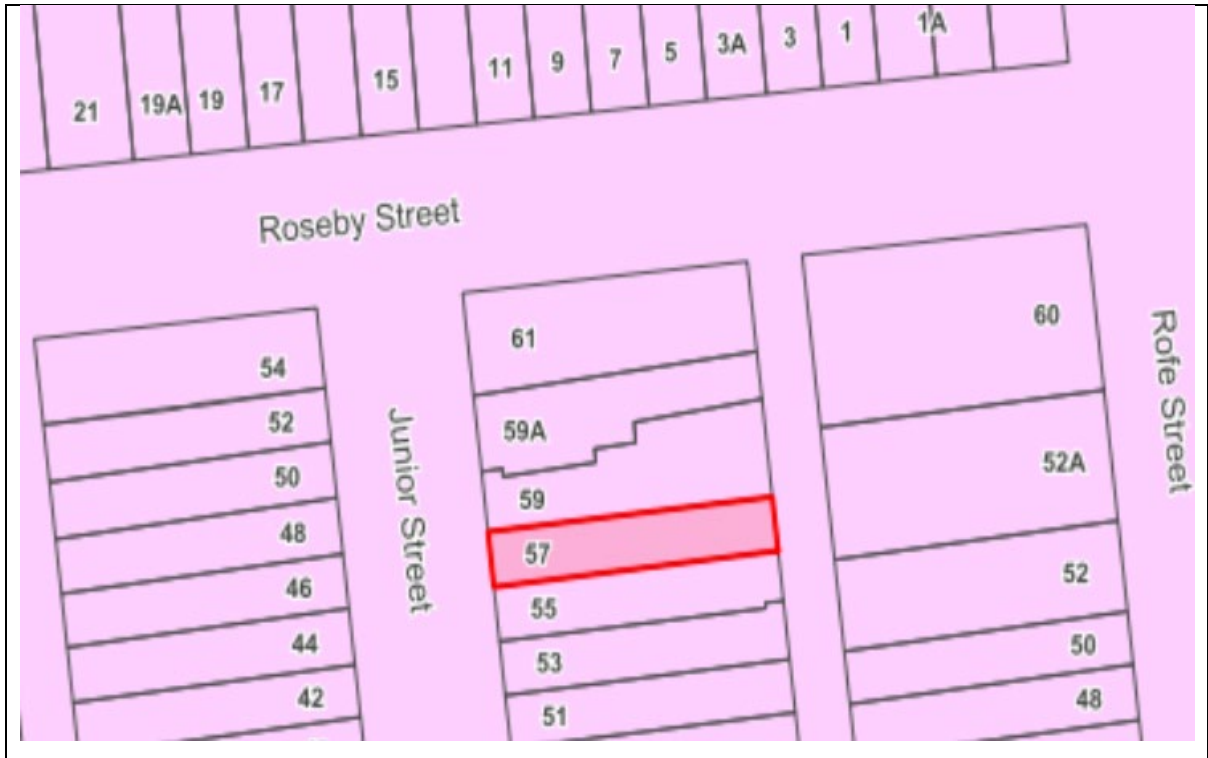
## 3. Site Description

The subject site is located on the eastern side of Junior Street, between Roseby Street and Jarret Street. The site consists of one allotment and is generally rectangular shaped with a total area of 98.5 sqm.

The site has a frontage to Junior Street of 4.04 metres and a secondary frontage of approximate 4.04 metres to an unnamed rear lane.

The site supports a two storey residential dwelling. The adjoining properties support similar two storey residential dwellings.

The subject site is not listed as a heritage item and the property is not located within a conservation area. The property is not identified as a flood prone lot.



View of the subject site from Junior Street



View of the subject site from the rear lane

## 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
PREDA/2019/209	Alterations and additions to existing dwelling-house.	14/01/2020

### 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*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *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.

**5(a)(ii) 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 2.5 - Additional permitted uses for land
- 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 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

(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* [which] means a building containing only one dwelling.

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: 0.8:1 or 79 sqm	0.99:1 or 98 sqm	19 sqm or 24%	No
<b>Landscape Area</b> Minimum permissible: 15% or 14.8 sqm	20% or 20.3sqm	N/A	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 59 sqm	75% or 74sqm		No

		15 sqm or 25%	
--	--	------------------	--

### 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
- 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 24% or 15 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 or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

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

- *It is considered that strict compliance with the site coverage portion of the landscaped area development standard is unreasonable in the circumstances of the case, as it would hinder the ability to develop the site in a manner which improves amenity for the existing and future residents whilst still providing a regularly-shaped amount of landscaped area with an area in excess of the required minimum.*
- *Despite the non-compliance with subclause 3 (b) (i.e. the site coverage component of the landscaping clause), it should be noted that the proposed development will result in an area in excess of the required minimum imposed by part (a) of the relevant clause. The required amount of landscaped area is 15%. The proposal involves a landscaped area of approximately 20%. This is equivalent to the provision of an additional 33% of landscaped area on top of the minimum requirement.*
- *The amount of non-compliance is not uncharacteristic of the local area. For example, the architectural plans indicate that nearby No. 51 and No. 55 Junior Street both have a site coverage of approximately 73%.*
- *The site is constrained by its small size and the requirement to avoid adding bulk and scale which could potentially impact the Junior Street streetscape within the context of the Excelsior Estate distinctive area. In this regard, removal of a narrow strip of landscaped area along the southern boundary is considered a compromise which is to be balanced with the significant improvement to amenity which will be delivered to current and future occupants of the subject site.*
- *The objective of providing suitable landscaped area suitable for tree planting and use and enjoyment by residents will be met by the consolidated and relatively square-shaped landscaped area which has been provided. It is also significant that this landscaped area*

*exceeds the requirement for minimum landscaped area requirements imposed by the first component of the subject clause. As outlined above, the proposed development will result in an area in excess of the required minimum for landscaped area imposed by part (a) of the relevant clause. The required amount of landscaped area is 15%. The proposal involves a landscaped area of approximately 20%. This is equivalent to the provision of an additional 33% of landscaped area on top of the minimum requirement.*

- *The proposed development has been designed to maintain the appearance of the site from the Junior Street Streetscape. In addition to this, the proposed development will bring the rear setback into a more compatible alignment with neighbouring allotments. In this regard, it is considered that the proposed development will reinforce the character of the existing dwelling and its contribution to the character of the streetscape and the Excelsior Estate distinctive neighbourhood.*
- *The proposed development has been carefully designed to minimise bulk and scale and presents a modest infill which is not readily visible from the Junior Street streetscape; and will bring the site into closer alignment and appearance to that of neighbouring development from the rear lane aspect.*

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 R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The proposal is permissible development 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 Junior 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.
- Subject to conditions, the proposal does not result in any undue adverse amenity impacts to the surrounding properties.

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.*

Further, 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:

- Due to the small size and narrowness of the lot, it is difficult to allow tree planting and the existing artificial turf to the rear is to be removed and be replaced with lawn. It is considered that the proposed arrangement has provided an adequate Landscaped Area for enjoyment and recreation purposes.
- The proposal provides Landscape Area which complies with the Landscape Area development standard which maximises the retention and absorption of surface drainage water on site.
- The proposal provides a suitable balance between private open space and built form.
- Despite a non-compliance with Floor Space Ratio development standards, the proposal will result in a development that has a similar density to the immediate 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 by 24% or 19sqm. The proposal will result in additional 4 sqm in gross floor area which is located within the existing light-well.

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 proposed development has been designed so that it will not result in a change the appearance of the site from the Junior Street Streetscape and will bring the rear setback into a more compatible alignment with neighbouring allotments. The proposed development will reinforce the character of the existing dwelling and its contribution to the character of the streetscape and the Excelsior Estate distinctive neighbourhood. In this regard, it is considered that the proposed development promotes the desired future character of the neighbourhood and therefore complies with the requirements of this objective.*



- *The site is constrained by its small size and the requirement to avoid adding bulk and scale which could potentially impact the Junior Street streetscape within the context of the Excelsior Estate distinctive area. In this regard, the removal of a narrow strip of landscaped area along the southern boundary is considered a compromise which is to be balanced with the significant improvement to amenity which will be delivered to current and future occupants of the subject site. The objective of providing suitable landscaped area will be met by the consolidated and relatively square-shaped landscaped area which has been provided. It is also significant that this landscaped area exceeds the requirement for minimum landscaped area...In this regard, it is considered that the proposed development provides a suitable balance between landscaped area and the built form.*
- *The proposed development is an infill on the south east (side and rear) corner of the existing building which will be no higher than neighbouring developments. In this regard, it is considered that the proposed development minimises the impact of bulk and scale whilst greatly improving amenity for current and future residents. The development will not be readily visible from the Junior Street streetscape and is compatible with surrounding developments from the rear lane aspect.*
- *It is considered that by providing an additional bedroom and bathroom, the proposed development augments the existing contribution that the site makes to the achievement of the relevant zone objectives relating to provision of housing to meet the needs of the community and providing increased space for residents to undertake work from home.*

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 discussed in the section above, it is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone.

Further, it is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP which 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 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 Junior Street.
- The proposed gross floor area is similar with the gross floor area and bulk and scale of the immediate surrounding properties.
- Subject to conditions, the proposal will not result in any undue adverse amenity impacts to the surrounding properties.

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 4.4 – Floor Space Ratio and it is recommended the Clause 4.6 exception be granted.

Clause 6.8 - Development in areas subject to aircraft noise

As the site where the property is identified as located within ANEF 20-25 contour, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

An aircraft noise intrusion assessment report prepared by Wilkinson Murray and dated July 2020 had been provided as supporting information and will be listed as a stamped document in the conditions of consent.

## 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
C1.7 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>	
C2.2.3.1 Excelsior Estate 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
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
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

The following provides discussion of the relevant issues:

C1.0 General Provisions

The objectives under this part are as follows:

- O1 - Sustainable: places and spaces 'meet the needs of the present without compromising the ability of future generations to meet their own needs', Environmental performance of buildings is optimised through the management of energy and water consumption, production and recycling.
- O2 - Accessible: places and spaces can be accessed by the community via safe, convenient and efficient movement systems.
- O3 - Adaptable: places and spaces support the intended use by being safe, comfortable, aesthetically appealing, economically viable and environmentally sustainable and have the capacity to accommodate altered needs over time.
- O4 - Amenable: places and spaces provide and support reasonable amenity, including solar access, privacy in areas of private open space, visual and acoustic privacy, access to views and clean air.
- O5 - Connected: places and spaces encourage people to interact with the physical environment and each other through a network of safe, convenient travel routes and alternatives which are accessible for all users. Places and spaces accommodate a variety of uses and activities which attract people and enhance social activity.
- O6 - Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.

The proposal will achieve BASIX requirements and provides an open kitchen/dining area that has direct solar sunlight and direct access to the rear yard, and therefore, is considered to consistent with O1. The proposal works will not alter the existing pedestrian or vehicular travel movements and retains the existing front yard/dwelling entry arrangement, and therefore, is considered to be consistent with O2 and O5.

As discussed in later sections of the report, subject to conditions, the proposal will achieve compliance with the relevant controls in relation to adequate neighbour’s Solar Access and

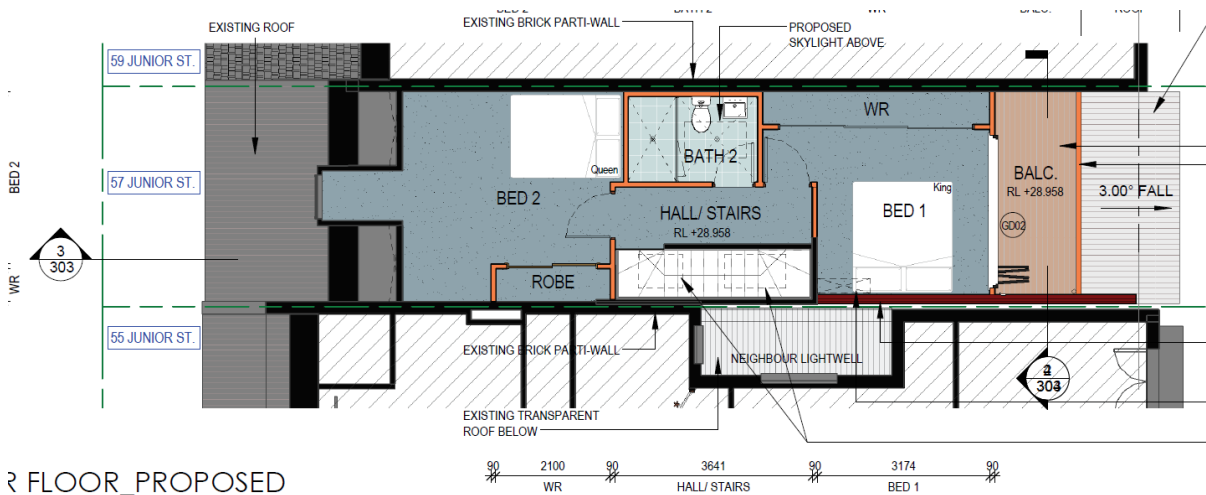
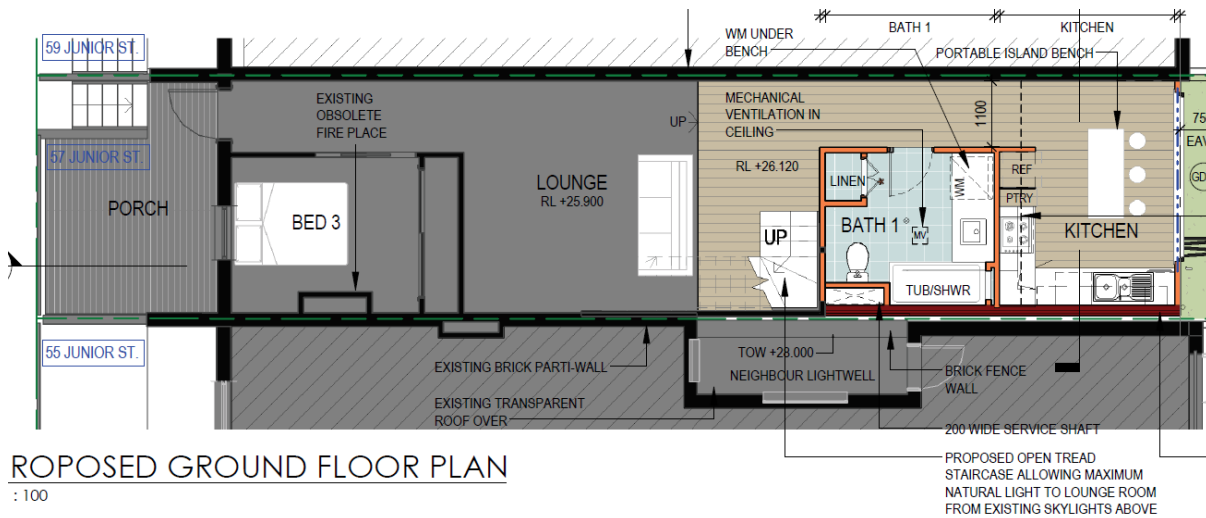
Visual Privacy. The proposal will not result in the loss of any significant views, and the proposed works will not affect air quality. Therefore, the proposal is considered to consistent with O3 and O4.

The proposed works will result in a development that is similar in bulk and scale, height and have similar gross floor area to the immediate surrounding properties. The proposal does not alter the streetscape presentation to Junior Street and is of an architectural style and form that is compatible with the surrounding properties and the desired future character of the area. Therefore, the proposal is consistent with O6.

In summary, the proposal is considered to consistent with the objectives under C1.0 – General Provisions.

**C3.2 Site Layout and Building Design**

**Building Location Zone**



As shown on the proposed floor plans above, the proposed rear building line setbacks at both ground and first floor levels are located within the average existing rear building line setbacks established at immediate adjoining properties to the north and south, and therefore, complies with the Building Location Zone (BLZ) requirements.

**Side Setbacks**

A technical non-compliance with the Side Boundary Setbacks Graph as prescribed in Part C3.2 of the DCP is proposed as outlined in the following table:

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern	5.6	1.6	0.0	1.6
Southern	5.6	1.6	0.0	1.6

The proposal therefore seeks side setback non-variations relating to each side boundary. Subclause C8 of Part C3.2 of the DCP states that Council may allow for a departure from the side setback control where:

- a. *the proposal is consistent with the relevant Building Typology Statement as outlined in Appendix B of the DCP;*
- b. *the pattern of development in the streetscape is not compromised;*
- c. *the bulk and scale is minimised by reduced floor to ceiling heights;*
- d. *amenity impacts on adjoining properties are minimised and / or are acceptable; and*
- e. *reasonable access is retained for necessary maintenance of adjoining properties.*

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 as the proposed additions will not be visible from Junior Street. The proposed building form is consistent with the prevailing built forms of the surrounding properties.
- The proposal does not result in any significant view loss. As discussed in more detail in a later section of the report, subject to conditions, the proposal complies with the relevant solar access and visual privacy controls.
- The proposed works comply with the BLZ controls (as detailed above) and will not have any undue adverse bulk and scale impacts when viewed from the rear private open spaces of the adjoining properties.

C3.9 Solar Access

The subject site and the surrounding lots have an east-west orientation, and therefore, the most impacted property will be the south-adjointing property at No. 55 Junior Street. An objection had been received from No. 55 Junior Street relating to the proposal, and particular concerns are raised to the potential impacts to the north facing light-well and the windows associated with the light-well. The following diagram that was submitted as part of the objection outlines the internal layout of No. 55 Junior Street and the relationship of the light-well and the rooms at this adjoining site:

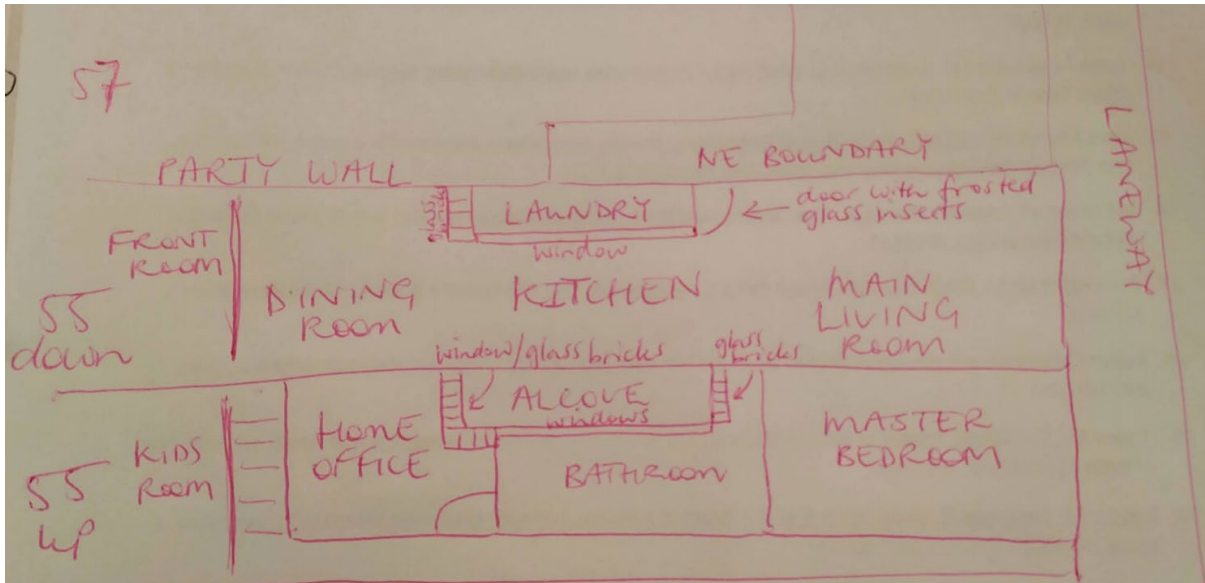


Photo 1 – diagram of floor plan to No. 55 Junior Street

The glazing associated with the light-well that could potentially be impacted are:

- Ground floor: Glass bricks associated with the dining room, window to kitchen, door with frosted glass inserts to Main Living Room, perplex roof of laundry/light-well; and
- First Floor: Window/Glass bricks associated with an home office, windows associated with a bathroom and glass bricks associated with Master Bedroom.

The following photos were provided with the objection to indicate the potentially impacted areas:



Photo 2 - Sunlight striking Perspex roof of Laundry 55 Junior from north east at 10:47 on 5/10/20



Photo 5: Light entering main living room 55 Junior via laundry door 5/10/20 at 1054

Photo 6: Light entering alcove of 55 Junior at 14:27 on 24/9/20.

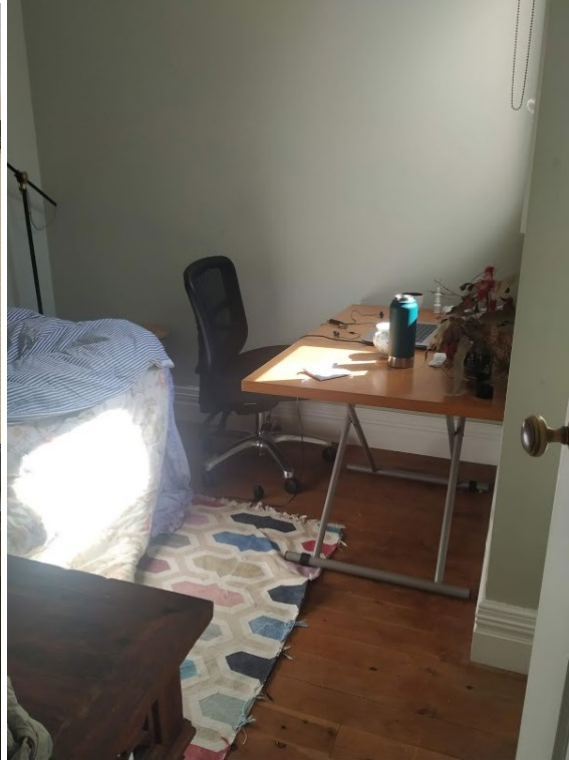


Photo 7: Sunlight on sill entering Home Office of 55 Junior from north east at 10:29 on 5/10/20

Photo 8: Light entering Home Office on upper floor from north east on 5 Oct at 1029



Photo 9: Sunlight in courtyard at 12:55 on 16/11/20

Photo 10: Sunlight/ shadow in courtyard at 15:43 on 16/11/20





Photo 11: Sunlight/ shadow in courtyard at 15:43 on 16/11/20

The following solar access controls under C3.9 apply to the proposal in relation to impacts to glazing on the surrounding sites.

- *C6 Light wells and/or courtyards may be used as a source of daylight, ventilation and/or outlook for dwellings, provided that another source of direct daylight is provided for main living rooms.*

*Note: Light-wells and courtyards, particularly those facing north onto a common side boundary, are vulnerable to impacts from development on adjacent northern property. Whilst Council will attempt to ensure reasonable access to daylight and ventilation for light-wells and/or courtyards, protection of direct sunlight is not stipulated, as it may often impose an unreasonable constraint on the development rights of a neighbouring property.*

- *C12 Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice*

It is noted that the shadow diagrams in elevation do not include the glazing that is located on the eastern side of the light-well. However, the shadow diagrams provided clearly demonstrates that the windows associated with the light-well will all be overshadowed by the proposed works with the exception of the bathroom window at first floor, which will receive direct sunlight at 9am, receding to negligible sunlight at midday. All the other windows facing the light-well, including windows at ground floor level associated with the dining room, the kitchen and the living room, will be impacted. There is a glass-block boundary window located on the first floor northern elevation of No. 55 Junior Street that is associated with a bedroom that will also be impacted.

As the main living room will achieve the required solar access under C12 (see below), and as outlined in C6 - light-wells and courtyards, particularly those facing north onto a common side boundary are vulnerable to impacts from the directly adjacent northern property, and therefore protection of direct sunlight is not stipulated as it will may an unreasonable constraint on the development rights of a neighbouring property, the proposal is considered to be acceptable with respect to solar access considerations. However a condition will recommended that requires the proposed southern wall that faces this light-well to be painted in a light colour in order to maximise the ambient light that the light-well and the associated windows will receive.

The first floor glass block windows located on the boundary on the first floor is associated with a bedroom, solar access to this window is not required to be retained under C12 of this part.

As the main living room is located at rear (as outlined in the diagram from the objection from 55 Junior Street) and as the proposed and surrounding sites have an east-west orientation, the windows where solar access is required to be retained are the rear glazing at No. 55 Junior Street (see image below).



As the proposed works do not extend below the rear alignment, the rear ground floor windows of No. 55 Junior Street will receive solar access to these glazing between 9am and 11.30am and therefore achieves the 2 hours of solar access required by C12 of C3.9 Solar Access.

In addition, C3.9 also requires protection of solar access to private open spaces of adjoining properties. The subject site has east-west orientation, and therefore, the following solar access controls apply to the proposal in relation to solar access to private open spaces of affected properties:

- *C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*

- *C19 – Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm to during the winter solstice, no further reduction of solar access is permitted.*

**Assessing the impact of development on the solar access of neighbours:**

*In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:*

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;*
- b. site orientation;*
- c. the relative levels at which the dwellings are constructed;*
- d. the degree of skill employed in the design to minimise impact; and*
- e. whether reasonably available alternative design solutions would produce a superior result.*

With respect to potential overshadowing impacts to the rear yard, at winter solstice, the entire rear yard of No. 55 Junior Street will be overshadowed by existing structures at 2pm and 3pm. Therefore, any additional shadows casted by the proposed structures will fall within the existing shadows casted at these times. However, at 1pm, the neighbouring site at No. 55 Junior Street will receive a small amount of solar access to the southern portion of the rear yard.

At 1pm, as the proposed first floor addition is setback 3 metres and the awning associated with the first floor balcony is setback approximately 2 metres from the rear alignment of No. 55 Junior Street, additional shadow cast at 1pm by these proposed structures will be cast onto the existing northern wall of No. 55 Junior Street. The proposed ground floor is setback approximately 400mm from the existing ground floor alignment of No. 55 Junior Street, and shadows cast from the proposed ground floor additions will fall within the existing shadows casted by current existing structures.

However, there is a concern in relation to the potential impact of the proposed awning to the ground floor which protrudes approximately 350mm beyond the rear alignment of No. 55 Junior Street which is not shown on the shadow diagrams. Therefore, a condition will be recommended that requires this ground floor awning to extend no further than 200mm from the proposed ground floor eastern elevation to ensure there are no adverse impacts from this awning. The BASIX certificate will be required to be amended to accommodate this change and a condition will be recommended in this regard.

Subject to the abovementioned conditions, it is considered that the proposed development achieves compliance with the relevant solar access controls.

**C3.11 Visual Privacy**

The following controls are applicable in C3.11 Visual Privacy

- *C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*

- *C5 The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure.*
- *C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).*
- *C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.*
- *C10 Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.*

The first floor windows are associated with a bedroom and there are no sightlines into the windows of the adjoining properties within 9 metres and 45 degrees and therefore complies with C1 and C7.

The proposed first floor rear deck has a size that is beyond the 2 metres x 1.2 metres that is specified. Given that the views directly north and directly south will be obstructed by existing walls, the proposed width of the deck is considered to be acceptable. However, a condition will be recommended to reduce the depth of the deck from 1500mm to 1200mm to be consistent with the depth required by C9 under this part. Subject to this condition, the proposal is acceptable in this regard.

#### 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 Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. One objection was received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

- Solar access impacts to 55 Junior Street – see Section 5(d)
- Consistency with the objectives under C1.0 – General Provisions – see section 5(d)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Impacts to ventilation of No. 55 Junior Street

Comment: While the proposed first floor additions will be built on the boundary shared with No. 55 Junior Street and direct solar access to the light-well will be impacted, No 55 Junior

Street will continue to be have access for ventilation via the light-well and it is considered that the proposed additions will not have adverse impacts.

#### 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.

- Engineering

#### 6(b) External

The application was not required to be referred to the 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 \$961.03 would be required for the development under Section 7.12 Development Contributions Plan for the Former Leichhardt Area. A condition requiring that contribution to be paid is included in the recommendation.

### 8. Conclusion

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

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

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

### 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clauses 4.3A(3)(b) and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the 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 variations are not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0949 for Alterations and additions to existing attached dwelling-house at 57 Junior Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Sheet No. 101, Rev.B	Site Plan/Survey Existing, Site Plan Proposed	23.10.2020	3 Lines Architectural Design
Sheet No. 201, Rev.B	Site Demolition Plan	23.10.2020	3 Lines Architectural Design
Sheet No. 204, Rev.B	Existing Ground Floor Plan, Demolition Plan, Proposed Ground Floor Plan	23.10.2020	3 Lines Architectural Design
Sheet No. 205, Rev.B	Upper Floor Existing , Upper Floor Demolition, Upper Floor Proposed	23.10.2020	3 Lines Architectural Design
Sheet No. 206, Rev.B	Roof Plan Existing , Roof Plan Demolition, Roof Plan Proposed	23.10.2020	3 Lines Architectural Design
Sheet No. 301, Rev.B	WESTERN (FRONT) ELEVATION_EXISTING + DEMOLITION, WESTERN (FRONT) ELEVATION_PROPOSED, EASTERN (REAR) ELEVATION_EXISTING + DEMOLITION, EASTERN (REAR) ELEVATION_PROPOSED	23.10.2020	3 Lines Architectural Design
Sheet No. 302, Rev.B	SOUTH ELEVATION_EXISTING, SOUTH ELEVATION_PROPOSED	23.10.2020	3 Lines Architectural Design
Sheet No. 303, Rev.B	SECTION 1_EXISTING, SECTION 1_PROPOSED, Section 2_Existing, Section 2_PROPOSED	23.10.2020	3 Lines Architectural Design
Sheet No. 304, Rev.B	Section 2_Proposed, COLOUR ELEVATION	23.10.2020	3 Lines Architectural Design
Sheet No. 102, Rev.B	CONCEPT STORMWATER DRAINAGE PLAN	23.10.2020	3 Lines Architectural Design
Sheet No. 601, Rev.B	CONCEPT LANDSCAPE PLAN	23.10.2020	3 Lines Architectural Design
A380817_02	BASIX Certificate	27 October 2020	Evergreen Energy

			Consultants Pty Ltd
REPORT NO. 20251 VERSION B	AIRCRAFT NOISE ASSESSMENT	INTRUSION	July 2020 Wilkinson Murray

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 depth of the proposed first floor rear deck to be reduced from 1500mm to 1200mm.
- b. The proposed ground floor awning to extend no further than 200mm from the proposed ground floor eastern elevation. The BASIX certificate must also be amended to reflect this change.
- c. The proposed southern wall that faces the light-well of No.55 Junior Street to be painted in a light colour.
- d. The existing front chimney adjacent to the southern boundary is to be retained and its retention shall be shown on the plans.

**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\*:

\$961.03

\*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. 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.

**8. 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.

**9. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****10. 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.

**11. 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 55 Junior Street and 59 Junior Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**12. 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.

**13. 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****14. 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.

**15. Stormwater Drainage System – Minor Developments (OSD is not required)**

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of Junior Street. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
- b. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- c. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- d. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- e. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- f. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- g. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- h. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- i. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- j. No impact to street tree(s).

**16. Changes to Levels**

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

- a. A 150 mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

**17. Party Walls**

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

- a. A Structural Certificate from a practising structural engineer which verifies that the structural integrity of the existing "Party Wall" shared with No. 59 Junior Street are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Structural Certificate must be provided to all owners of the party walls; and

- b. Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall shared with No. 55 Junior Street for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

**18. 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.

**19. 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*

**20. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

**DURING DEMOLITION AND CONSTRUCTION****21. Survey Prior to Footings**

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

**PRIOR TO OCCUPATION CERTIFICATE****22. 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.

**23. Protect Sandstone Kerb**

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

**24. Aircraft Noise –Alterations and Additions**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified

person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

### **ADVISORY NOTES**

#### **Permits**

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

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

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

#### **Insurances**

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

#### **Prescribed Conditions**

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

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

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

#### **Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

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

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

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

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

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

**Noise**

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

**Amenity Impacts General**

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

**Lead-based Paint**

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

**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <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 Payments Corporation	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.sydneypwater.com.au">www.sydneypwater.com.au</a>
Waste Service - SITA Environmental Solutions	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.

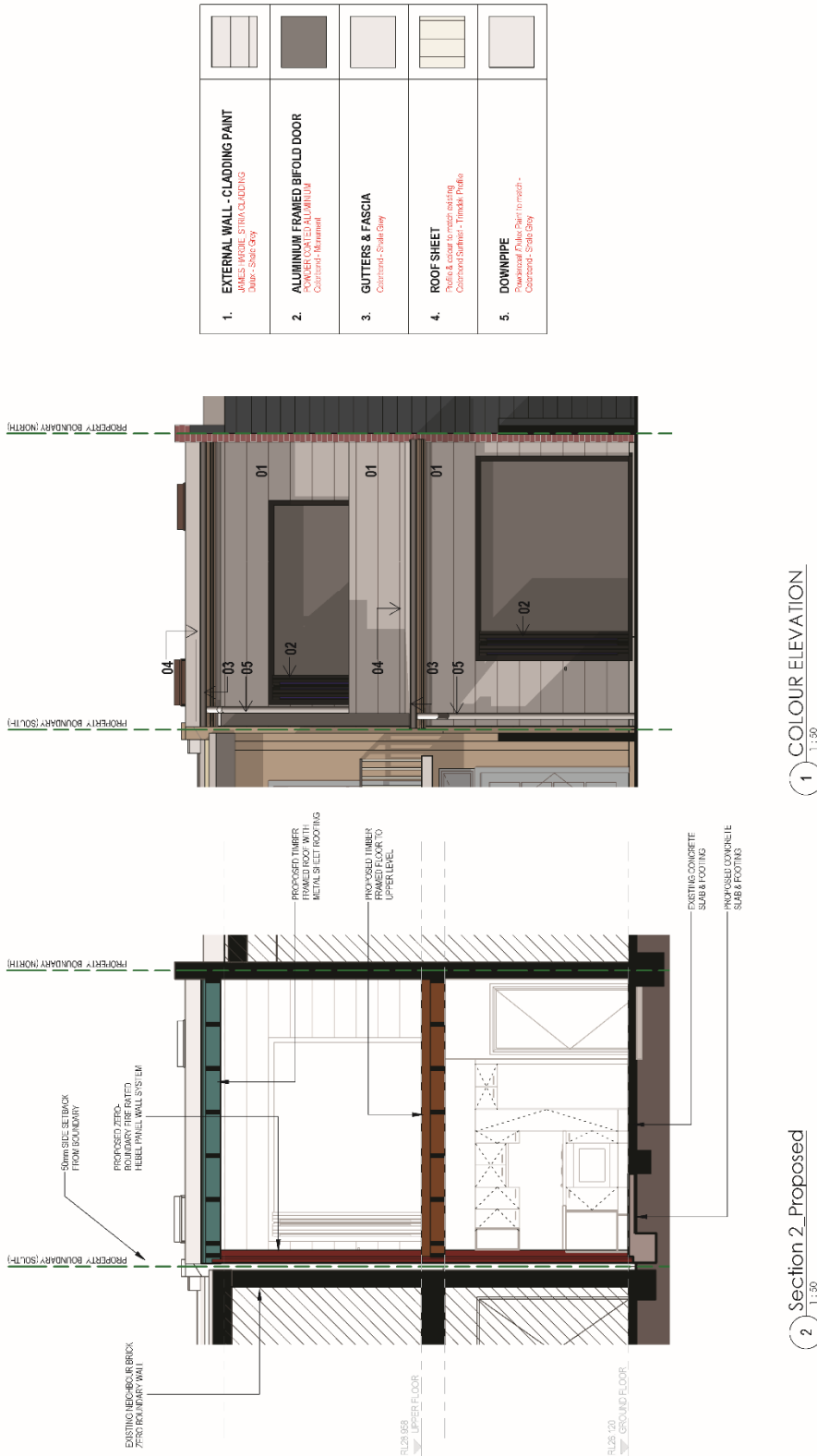
**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.



Attachment B – Plans of proposed development

DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



1.	<b>EXTERNAL WALL - CLADDING PAINT</b> JONES 1000BL STEEL CLADDING Colour: Slate Grey	
2.	<b>ALUMINIUM FRAMED BIFOLD DOOR</b> ALUMINUM Colour: Matt Black	
3.	<b>GUTTERS &amp; FASCIA</b> Colour: J. Slate Grey	
4.	<b>ROOF SHEET</b> Type & colour to match existing Colour: Slate Grey - Timber Profile	
5.	<b>DOWNPIPE</b> Type & colour to match existing Colour: J. Slate Grey	

1 COLOUR ELEVATION  
1:50

2 Section 2\_Proposed  
1:30

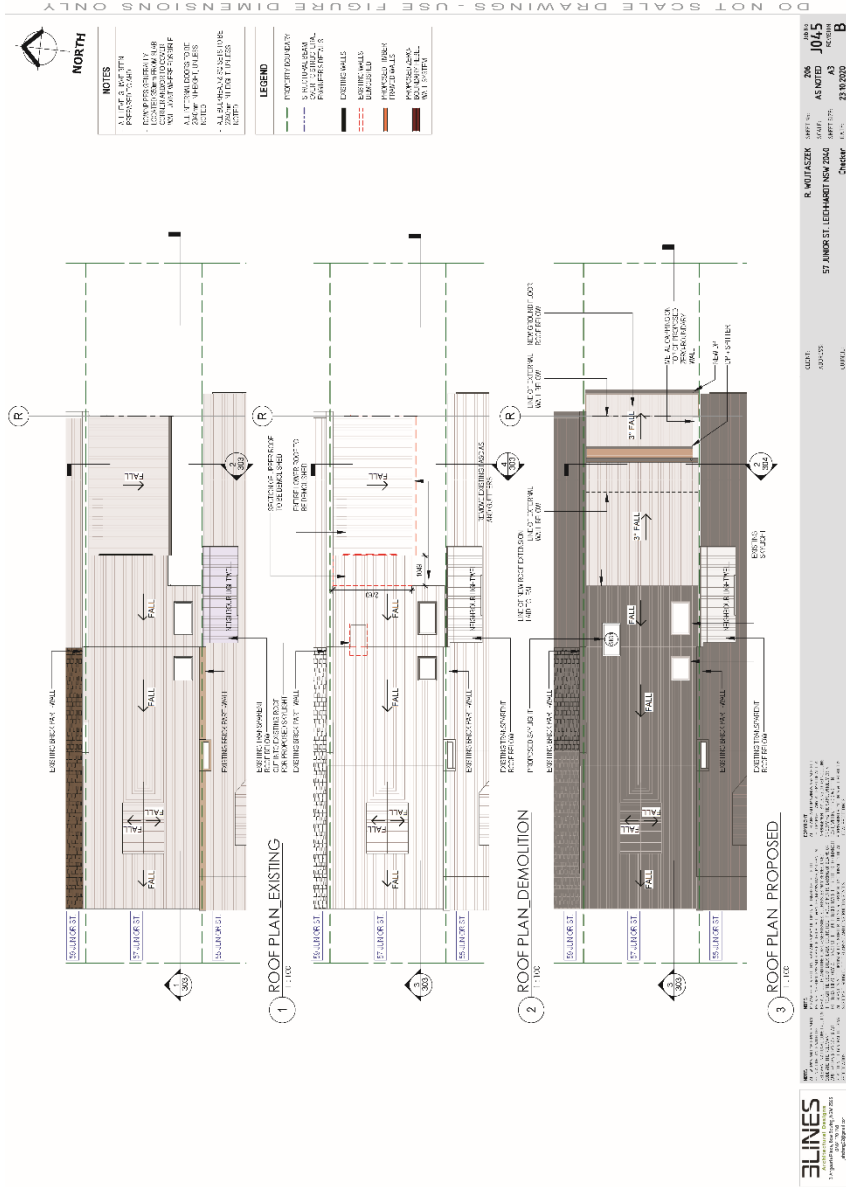
**BLINES**  
3 Purple Pike, Box Hill, VIC 3086  
info@blines.com.au

**NOTE:** ALL WORK TO BE DONE IN ACCORDANCE WITH THE LOCAL COUNCIL'S DEVELOPMENT PLAN AND THE NATIONAL BUILDING REGULATIONS. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.

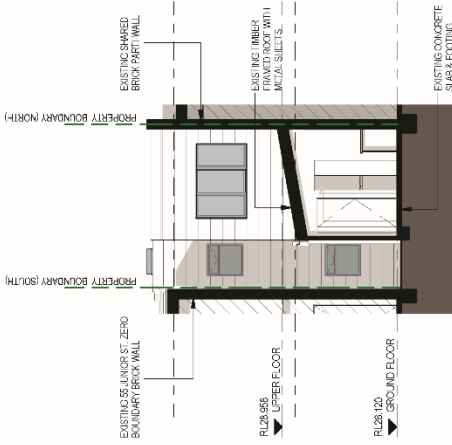
**CLIENT:** R. WOJASZEK  
**ADDRESS:** 57 JUNIOR ST. LEICHHARDT NSW 2040  
**COUNCIL:** INNER WEST COUNCIL

**PROJECT NO:** 304  
**AS NOTED:** J045  
**SCALE:** A3  
**SHEET SIZE:** A3  
**DATE:** 23/10/2020

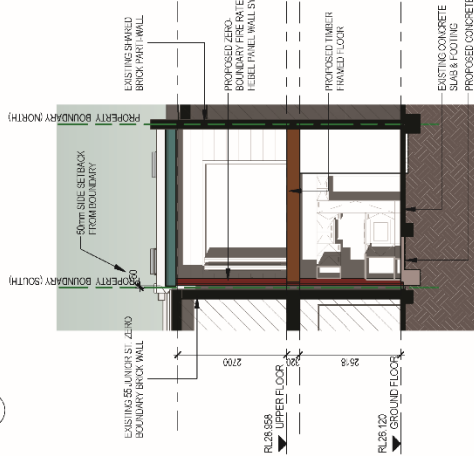
**REF:** B



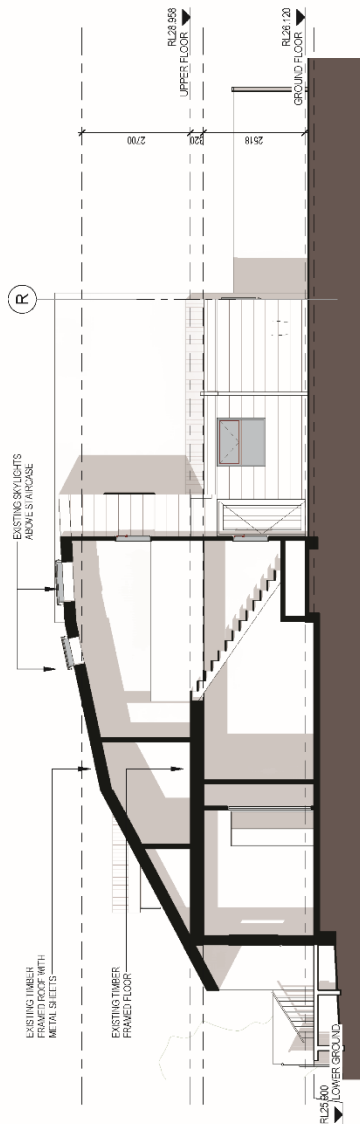
DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



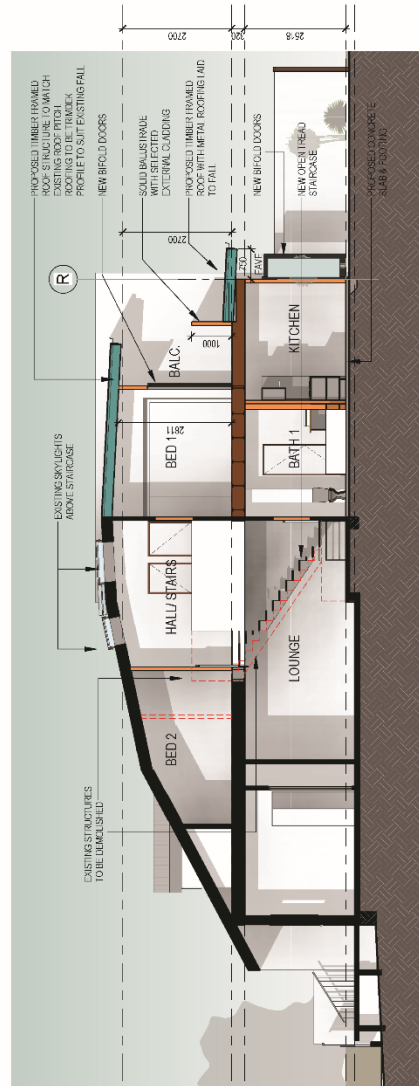
2 Section 2 Existing  
1:100



4 Section 2 PROPOSED  
1:100



1 SECTION 1 EXISTING  
1:100



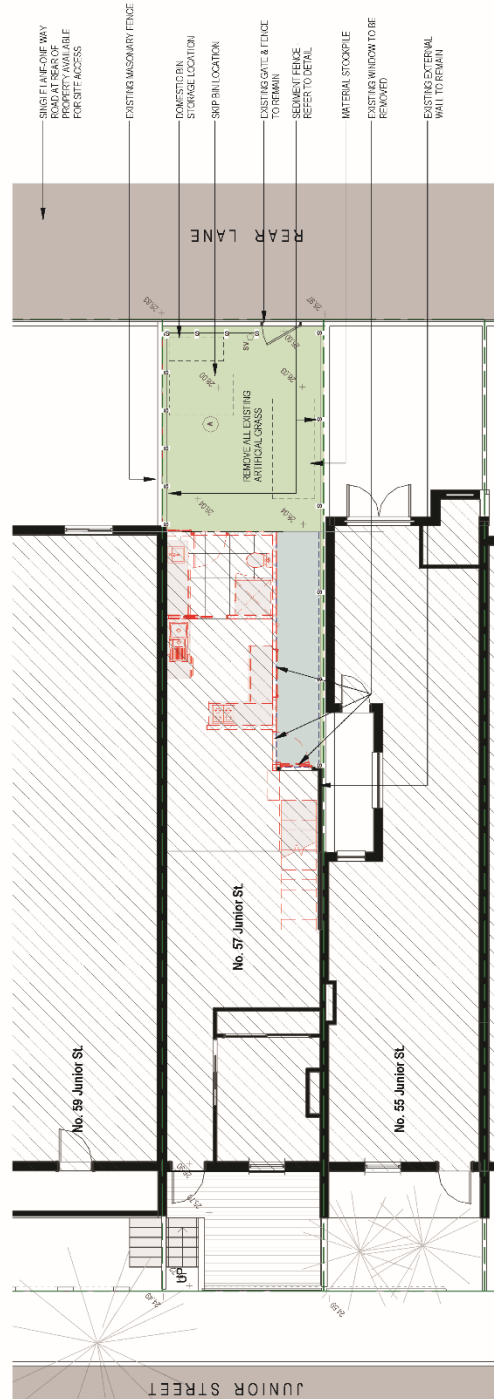
3 SECTION 1 PROPOSED  
1:100

CLIENT	R. WOITASZEK	SHEET No	303	JOB No	J045
ADDRESS	57 JUNIOR ST. LEICHHARDT NSW 2040	SCALE	AS NOTED	DATE	23/10/2020
COUNCIL	INNER WEST COUNCIL	SHEET SIZE	A3	REVISION	B

NOTE: THIS DRAWING IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY APPROVALS AND PERMITS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.

BLINES Architectural Design  
14/15-17/18 The Arcade  
Sydney NSW 2000  
02 9550 1234  
info@blines.com.au  
www.blines.com.au

DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



- LEGEND**
- PROPERTY BOUNDARY
  - EXISTING WALLS TO REMAIN
  - EXISTING STRUCTURE
  - DEMOLISHED
  - EXISTING BUILDING FOOTPRINT
  - PROPOSED BUILDING ADDITION
  - PERMITAL PRIVATE OPEN SPACE (P.O.S)
  - PROPOSED SEGMENT CONTROL FENCE
  - 4/12.5 WALL VENTILATION ACCESS
  - SITE MATERIAL STOCKPILE
  - ON SITE WC
  - EXISTING STORMWATER LINE
  - UNSEARCHED LEISUREWAY LINE
  - PROPOSED STORMWATER LINE
  - CHANGED STORMWATER LINE
  - PERMITAL PRIVATE OPEN SPACE (P.O.S)
  - VEHICULAR ACCESS
  - TREES TO BE REMOVED
  - TREES TO BE DEMOLISHED

1 SITE DEMOLITION PLAN  
1:100

**ELINES**  
 3 Woodcroft Hills Drive, North Ryde NSW 1586  
 02 9370 1111  
 info@elines.com.au  
 www.elines.com.au

**NOTES**  
 1. THIS PLAN HAS BEEN PREPARED BY ELINES IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995 AND THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2007.  
 2. THIS PLAN IS THE PROPERTY OF ELINES AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ELINES.  
 3. THIS PLAN IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE.  
 4. ELINES ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY THE USE OF THIS PLAN.  
 5. ELINES IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED AS A RESULT OF ANY CHANGES TO THIS PLAN.  
 6. ELINES IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED AS A RESULT OF ANY CHANGES TO THIS PLAN.  
 7. ELINES IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED AS A RESULT OF ANY CHANGES TO THIS PLAN.  
 8. ELINES IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED AS A RESULT OF ANY CHANGES TO THIS PLAN.  
 9. ELINES IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED AS A RESULT OF ANY CHANGES TO THIS PLAN.  
 10. ELINES IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED AS A RESULT OF ANY CHANGES TO THIS PLAN.

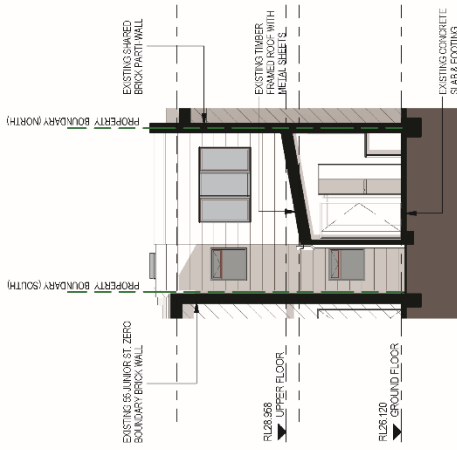
**CLIENT**  
 R. WOJTASZEK  
 201 R. WOJTASZEK  
 57 JUNIOR ST, LEICHHARDT NSW 2040  
 INNER WEST COUNCIL

**PROJECT**  
 AS NOTED  
 A3  
 23/10/2020

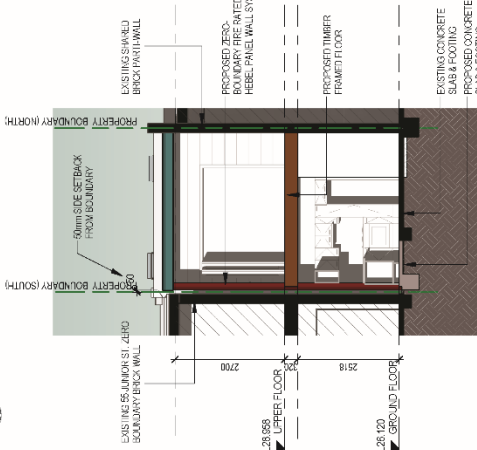
**DATE**  
 23/10/2020

**SCALE**  
 1:100

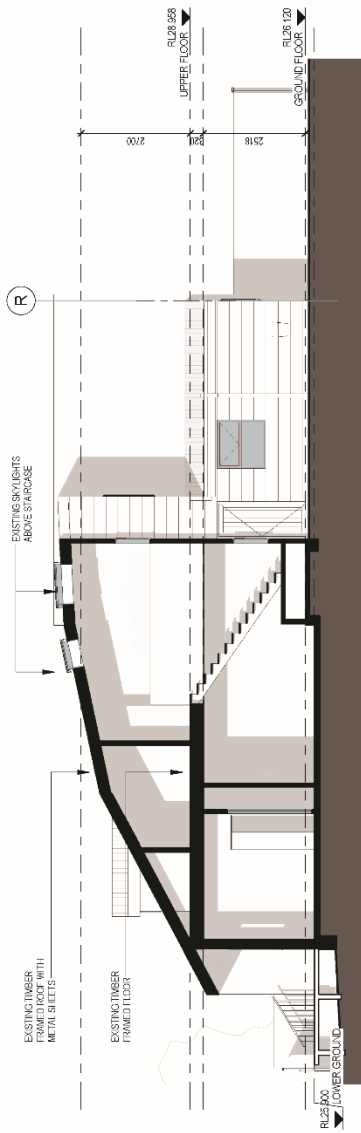
DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



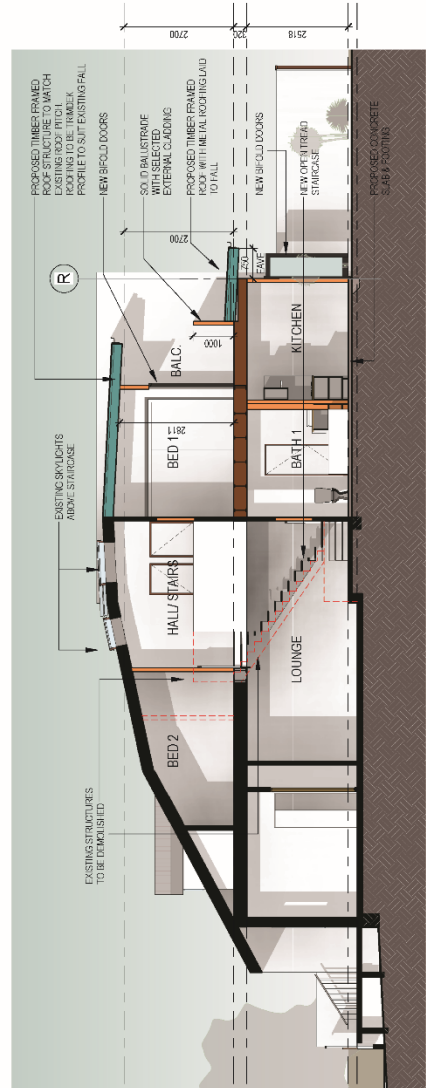
2 SECTION 2\_EXISTING  
1:100



4 SECTION 2\_PROPOSED  
1:100



1 SECTION 1\_EXISTING  
1:100



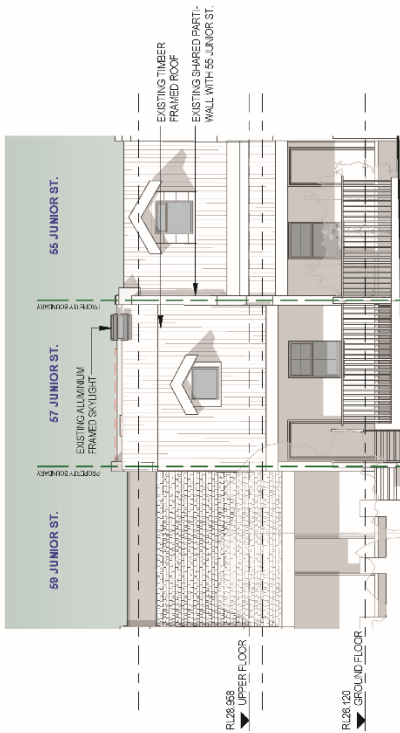
3 SECTION 1\_PROPOSED  
1:100

CLIENT:	R. WOJCIASZEK	SHEET NO:	303
ADDRESS:	57 JUNIOR ST. LEICHHARDT NSW 2040	STATE:	AS NOTED
COUNCIL:	INNER WEST COUNCIL	DATE:	23.10.2020
		SCALE:	A3
		PROJECT:	J045
		DATE:	B

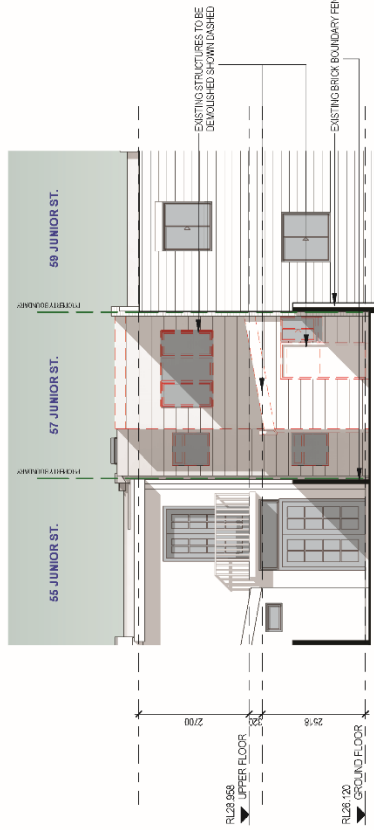
**BLINES**  
3 Ferguson Place, Brookling NSW 2066  
ph: 02 9229 9999  
www.blines.com.au

**DISCLAIMER:**  
THIS DRAWING IS PREPARED BY BLINES ARCHITECTURE PTY LTD (BLINES) FOR THE CLIENT. BLINES ACCEPTS NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. BLINES IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR THE PERFORMANCE OF THE PROJECT. BLINES IS NOT A REGISTERED ARCHITECT OR ENGINEER. BLINES IS NOT A MEMBER OF ANY PROFESSIONAL BODY. BLINES IS NOT A MEMBER OF ANY ASSOCIATION. BLINES IS NOT A MEMBER OF ANY ORGANIZATION. BLINES IS NOT A MEMBER OF ANY SOCIETY. BLINES IS NOT A MEMBER OF ANY CLUB. BLINES IS NOT A MEMBER OF ANY GROUP. BLINES IS NOT A MEMBER OF ANY UNION. BLINES IS NOT A MEMBER OF ANY FEDERATION. BLINES IS NOT A MEMBER OF ANY CONFEDERATION. BLINES IS NOT A MEMBER OF ANY ALLIANCE. BLINES IS NOT A MEMBER OF ANY COALITION. BLINES IS NOT A MEMBER OF ANY PARTNERSHIP. BLINES IS NOT A MEMBER OF ANY JOINT VENTURE. BLINES IS NOT A MEMBER OF ANY CONSORTIUM. BLINES IS NOT A MEMBER OF ANY SYNDICATE. BLINES IS NOT A MEMBER OF ANY COLLEGE. BLINES IS NOT A MEMBER OF ANY SOCIETY OF FRIENDS. BLINES IS NOT A MEMBER OF ANY CLUB OF FRIENDS. BLINES IS NOT A MEMBER OF ANY ASSOCIATION OF FRIENDS. BLINES IS NOT A MEMBER OF ANY ORGANIZATION OF FRIENDS. BLINES IS NOT A MEMBER OF ANY SOCIETY OF FRIENDS. BLINES IS NOT A MEMBER OF ANY CLUB OF FRIENDS. BLINES IS NOT A MEMBER OF ANY ASSOCIATION OF FRIENDS. BLINES IS NOT A MEMBER OF ANY ORGANIZATION OF FRIENDS.

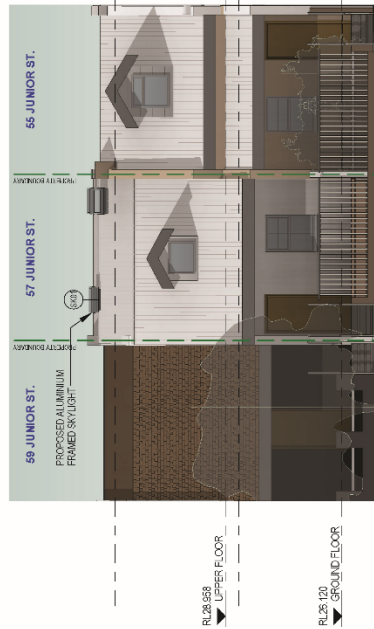
DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



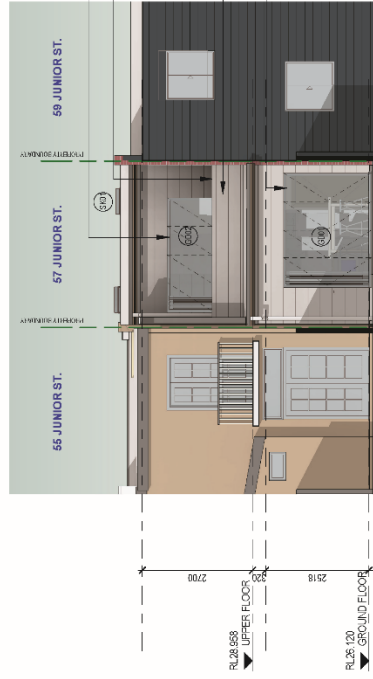
1 WESTERN (FRONT) ELEVATION\_EXISTING + DEMOLITION  
1:100



3 EASTERN (REAR) ELEVATION\_EXISTING + DEMOLITION  
1:100



2 WESTERN (FRONT) ELEVATION\_PROPOSED  
1:100



4 EASTERN (REAR) ELEVATION\_PROPOSED  
1:100

NOTE: ONLY CHANGES TO THE WESTERN (FRONT) ELEVATION IS THE PROPOSED SKYLIGHT

**GLAZED DOOR SCHEDULE**

Door No.	Height	Width	Area	Location
GD01	2146	2800	6.01 m <sup>2</sup>	KITCHEN
GD02	2146	2800	6.01 m <sup>2</sup>	BED 1

**WINDOW SCHEDULE**

Window No.	Height	Width	Area	Location
SK01	1100	600	0.66 m <sup>2</sup>	BATH 2

**ELINES**  
ARCHITECTURE & INTERIOR DESIGN  
2 Argus Street, Ultimo NSW 1570  
Phone: 02 9550 1234  
elines@elines.com.au

**NOTE:**  
THIS DRAWING IS THE PROPERTY OF ELINES ARCHITECTURE & INTERIOR DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF ELINES ARCHITECTURE & INTERIOR DESIGN IS STRICTLY PROHIBITED. ELINES ARCHITECTURE & INTERIOR DESIGN IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING FOR ANY OTHER PROJECT OR SITE.

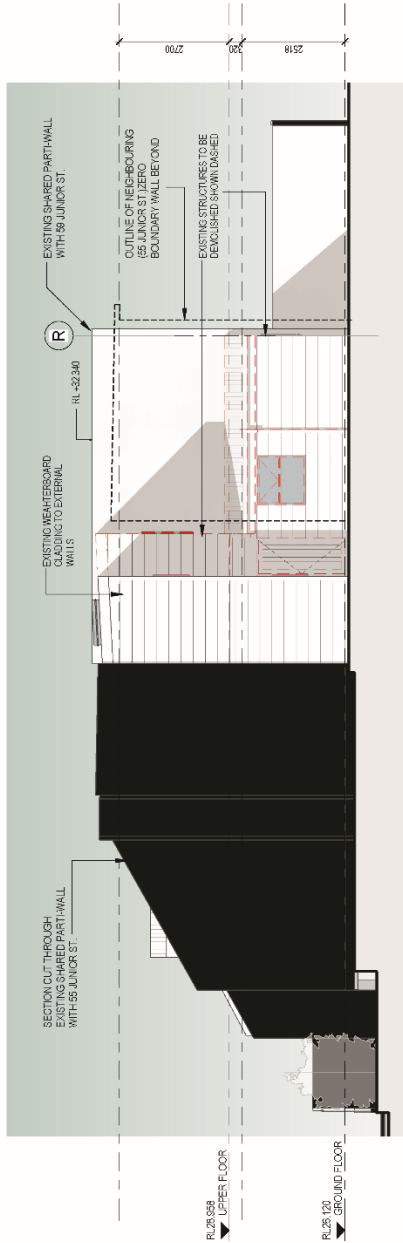
**CLIENT:**  
ADDRESS:  
57 JUNIOR ST. LEICHHARDT NSW 2040

**CLIENT:**  
R. WOJCIASZEK  
SCALE: AS NOTED  
SHEET NO: A3  
SHEET SIZE: A3  
DATE: 23/10/2020  
INNER WEST COUNCIL

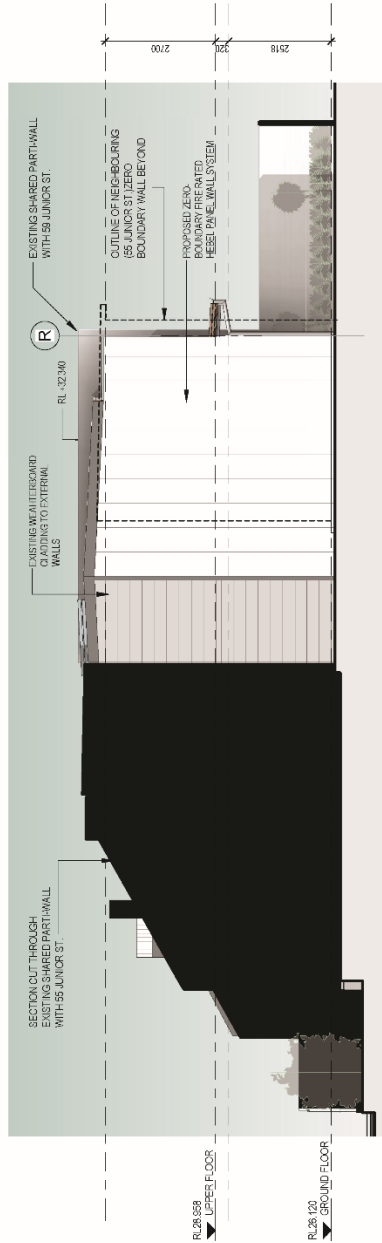
**DATE:** 23/10/2020  
**REVISION:** B



DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



1 SOUTH ELEVATION\_EXISTING  
1:100



2 SOUTH ELEVATION\_PROPOSED  
1:100

**BLINES**  
ARCHITECTURAL DESIGNERS  
1 Poplar Road, Leichhardt NSW 2040  
02 9550 1234  
blines.com.au

**NOTE:**  
1. THIS DRAWING IS THE PROPERTY OF BLINES ARCHITECTURAL DESIGNERS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BLINES ARCHITECTURAL DESIGNERS.  
2. THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE.  
3. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.  
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

CLIENT: ADDRESS: 57 JUNIOR ST, LEICHDART NSW 2040  
CORPORATE: INNER WEST COUNCIL

DESIGNER: R. HOJFASZEK  
SCALE: 1:100  
DATE: 23.10.2020  
JOB NO: J045  
SHEET NO: A3  
REVISION: B



DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



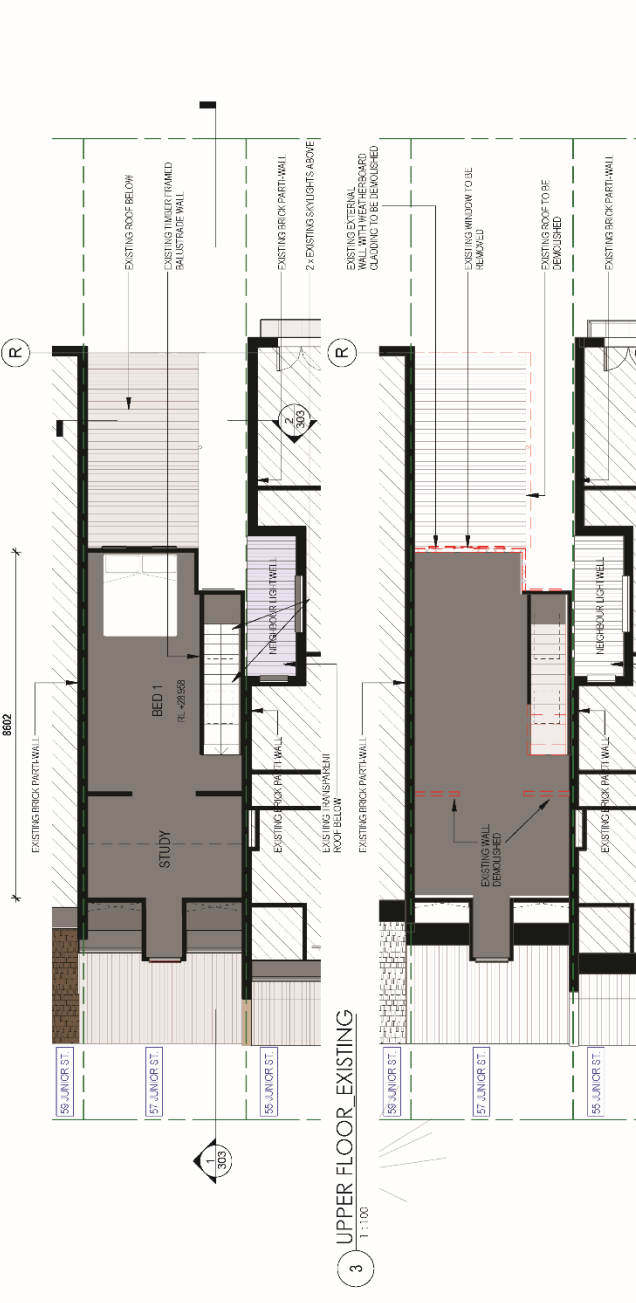
- NOTES**
- ALL LEVELS HAVE BEEN PREPARED TO AFD
  - DIMENSIONS GENERALLY LOCATED SHOW ROOMS OR CORNER ANGLE TO COVER WALL JOINT WHERE POSSIBLE
  - ALL INTERNAL DOORS TO BE 2000mm IN HEIGHT UNLESS NOTED
  - ALL BULKHEAD & SKIFTS TO BE 2200mm IN HEIGHT UNLESS NOTED

**LEGEND**

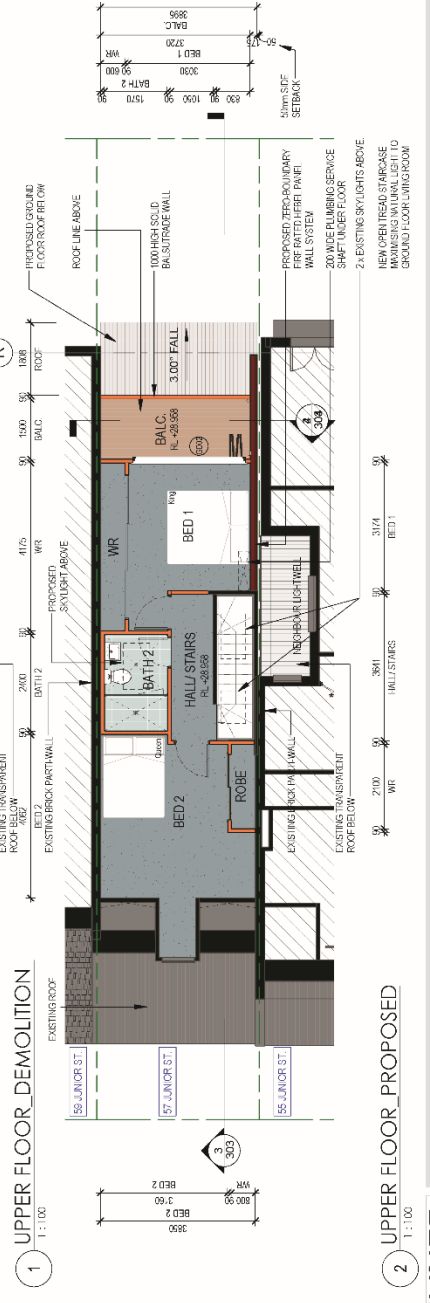
[Symbol]	PROPERTY BOUNDARY
[Symbol]	STRUCTURAL BEAM OVER TO STRUCTURAL ENGINEERS DETAILS
[Symbol]	EXISTING WALLS
[Symbol]	EXISTING WALLS DEMO (SHED)
[Symbol]	PROPOSED FRAMED WALLS
[Symbol]	PROPOSED ZERO-FRAME WALL SYSTEM

Name	Area
GROUND FLOOR	156.13sqm
UPPER FLOOR	138.33sqm
	97.46sqm

R. WOITASZEK	SHEET NO	205	JOB NO	104.5
57 JUNIOR ST. LEICHHARDT NSW 2040	SCALE	AS NOTED	DATE	
INNER WEST COUNCIL	SHEET SIZE	A3	DATE	23.10.2020



3 UPPER FLOOR\_EXISTING 1:100



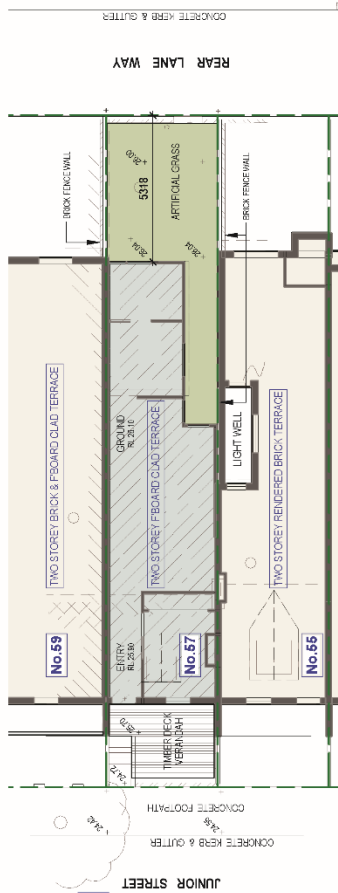
1 UPPER FLOOR\_DEMOLITION 1:100

2 UPPER FLOOR\_PROPOSED 1:100

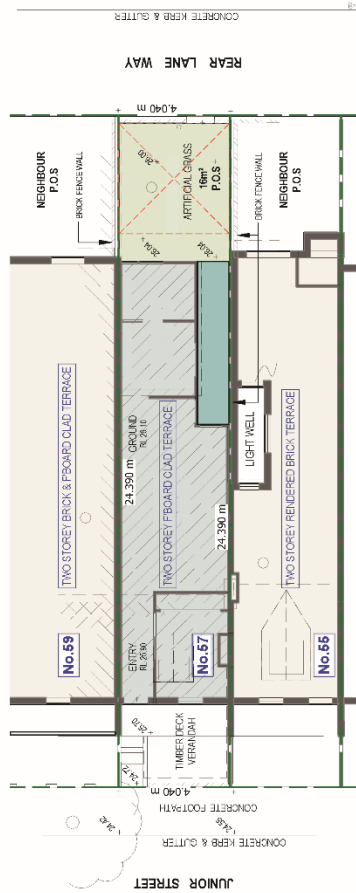
**BLINES**  
Architectural Design  
12/115-117/115  
2043 NSW  
ph: 02 9613 8000  
www.blines.com.au

**NOTE:** ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED. DIMENSIONS TO FACE UNLESS OTHERWISE STATED. ALL WALLS ARE TO BE CONCRETE UNLESS OTHERWISE STATED. ALL ROOFING IS TO BE AS NOTED UNLESS OTHERWISE STATED. ALL DOORS AND WINDOWS ARE TO BE AS NOTED UNLESS OTHERWISE STATED. ALL LEVELS ARE TO BE AS NOTED UNLESS OTHERWISE STATED. ALL FINISHES ARE TO BE AS NOTED UNLESS OTHERWISE STATED. ALL MATERIALS ARE TO BE AS NOTED UNLESS OTHERWISE STATED.

DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



2 SITE PLAN / SURVEY\_EXISTING  
1:150



1 SITE PLAN\_PROPOSED  
1:150

**DA COMPLIANCE TABLE**

ITEM	COMPLY
BITE AREA	59.19 m <sup>2</sup>
CLM	4.16m
BUILD HEIGHT	YES
EXISTING MAX. BUILDING HEIGHT	YES
PRIVATE OPEN SPACE REQUIRED	89.4 m <sup>2</sup> OR 1.18 m <sup>2</sup> PER 100 m <sup>2</sup>
PROPOSED	150.0 m <sup>2</sup>
FSR	0.11 (1.84%)
REQUIRED	0.11 (1.84%)
PROPOSED	0.11 (1.84%)
LANDSCAPE AREA PROPOSED	10%
LANDSCAPE AREA PROPOSED	28.0 (2.04%)
SITE COVERAGE PROPOSED	80%
PROPOSED	86% (6.07%)
PROPOSED	86% (6.07%)
NOTE: VARIATION REQUEST	OR

- LEGEND**
- PROPERTY BOUNDARY
  - EXISTING SUBJECT BUILDING FOOTPRINT
  - EXISTING RECIPIENT BUILDING FOOTPRINT
  - PROPOSED ADDITIONAL BUILDING FOOTPRINT
  - PROPOSED LANDSCAPED AREA
  - PRINCIPAL PRIVATE OPEN SPACE (P.O.S.)
  - TREES TO BE RETAINED
  - TREES TO BE REMOVED

**BLINES**  
Architectural Designs  
3 Apperley Place West, Rydalmere NSW 2114  
02 9622 9911  
www.blines.com.au

**NOTE:** THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT ACCEPTS THAT THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE CLIENT IS ADVISED THAT THE DESIGNER HAS NOT CONDUCTED A VISUAL IMPACT ASSESSMENT AND HAS NOT CONDUCTED A VISUAL AMPLIFICATION STUDY. THE CLIENT IS ADVISED THAT THE DESIGNER HAS NOT CONDUCTED A VISUAL AMPLIFICATION STUDY. THE CLIENT IS ADVISED THAT THE DESIGNER HAS NOT CONDUCTED A VISUAL AMPLIFICATION STUDY.

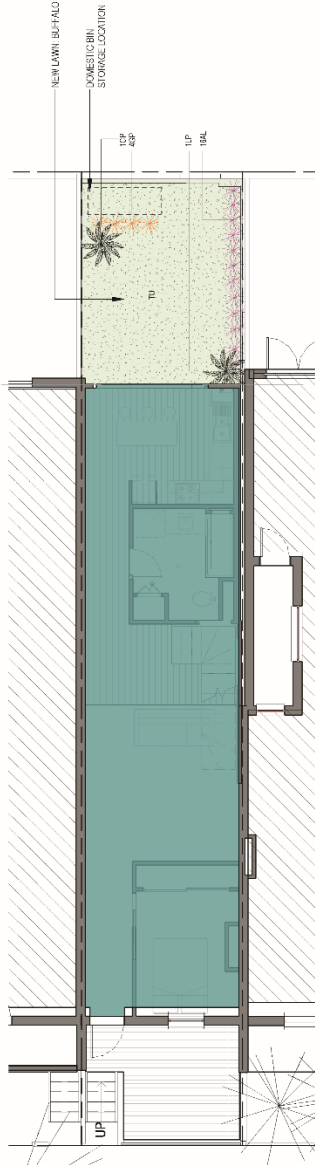
**CLIENT:**  
ADDRESS:  
COUNCIL:

**R. WOLTASZEK** SHEET No. **01**  
SCALE: **AS NOTED**  
**57 JUNIOR ST. LEICHHART NSW 2040** SHEET SET: **A3**  
DATE: **23.10.2020**

Job No: **J045**  
REVISED:

INNER WEST COUNCIL

DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



CODE	Common Name - Scientific Name	Size	QTY
AL	Acacia Lineart - Acacia lineata	20mm	10
GP	Golf Palm - Dypsis lutescens	20mm	4
LP	Low Palm - Thysanotus	20mm	1
CP	Cory Palm - Hemialetris	20mm	1
TU	Our Supply Soft Leaf Buffalo	20mm	2000

1 CONCEPT LANDSCAPE PLAN

1:100

DATE: 23.10.2020  
 SHEET NO: 601  
 AS NOTED  
 J045  
 A3  
 REVISION: B

R. WOJTASZEK  
 SCALE: AS NOTED  
 SHEET SIZE: A3  
 DATE: 23.10.2020  
 INNER WEST COUNCIL

51 JUNIOR ST. LEICHHARDT NSW 2040  
 ADDRESS:  
 COUNCIL: INNER WEST COUNCIL

**NOTES:**  
 1. THIS PLAN IS A CONCEPT PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. ALL PLANTING IS TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S RECOMMENDATIONS.  
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 4. THIS PLAN IS THE PROPERTY OF ELINES AND IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF ELINES.  
 5. ELINES ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS ARISING FROM THE USE OF THIS PLAN.

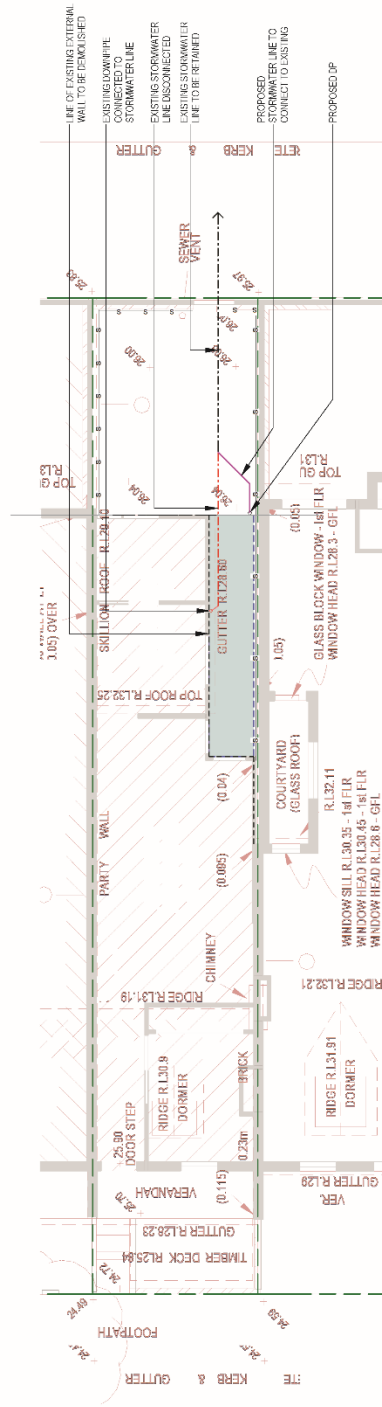
**ELINES**  
 LANDSCAPE ARCHITECTS  
 3 Argosy Place, Newington NSW 2206  
 ph: 02 9550 1234  
 email: info@elines.com.au

DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY



**LEGEND**

- PROPERTY BOUNDARY
- EXISTING WALLS TO REMAIN
- EXISTING STRUCTURE
- DEMOLISHED
- EXISTING BUILDINGS
- FOOTPRINT
- PROPOSED BUILDING
- ADDITION
- PRINCIPAL PRIVATE OPEN SPACE (P.O.S.)
- 600-HIGH GREEN SEDIMENT CONTROL FENCE
- 4m x 3m ALL-WEATHER ACCESS
- SITE MATERIAL STOCKPILE
- ON SITE WC
- EXISTING STORMWATER LINE
- DISCONNECTED STORMWATER LINE
- PROPOSED STORMWATER LINE
- CHANGED/STORMWATER LINE
- PRINCIPAL PRIVATE OPEN SPACE (P.O.S.)
- VEHICULAR ACCESS
- TREES TO BE RETAINED
- TREES TO BE DEMOLISHED



**1 CONCEPT STORMWATER DRAINAGE PLAN**

1:100

**CLIENT:**  
ADDRESS: 57 JUNIOR ST. LEICHDART NSW 2040  
CITY/STATE: INNER WEST COUNCIL

**PROJECT:**  
R. WOJCIASZEK  
AS NOTED  
SCALE: A3  
SHEET SIZE: 23 10 2020  
DATE: 23 10 2020

**JOB NO:** 1045

**REVISION:** B

**NOTE:**  
1. THIS PLAN IS A CONCEPT DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL COUNCIL.  
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL.  
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL.  
4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL.  
5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL.

**COPYRIGHT:**  
© 2020 ALPINE DESIGN. ALL RIGHTS RESERVED.  
ALPINE DESIGN IS A REGISTERED TRADEMARK OF ALPINE DESIGN PTY LTD.  
ALPINE DESIGN PTY LTD. IS A REGISTERED COMPANY IN AUSTRALIA.  
ALPINE DESIGN PTY LTD. IS A REGISTERED COMPANY IN AUSTRALIA.  
ALPINE DESIGN PTY LTD. IS A REGISTERED COMPANY IN AUSTRALIA.  
ALPINE DESIGN PTY LTD. IS A REGISTERED COMPANY IN AUSTRALIA.

DO NOT SCALE DRAWINGS - USE FIGURE DIMENSIONS ONLY

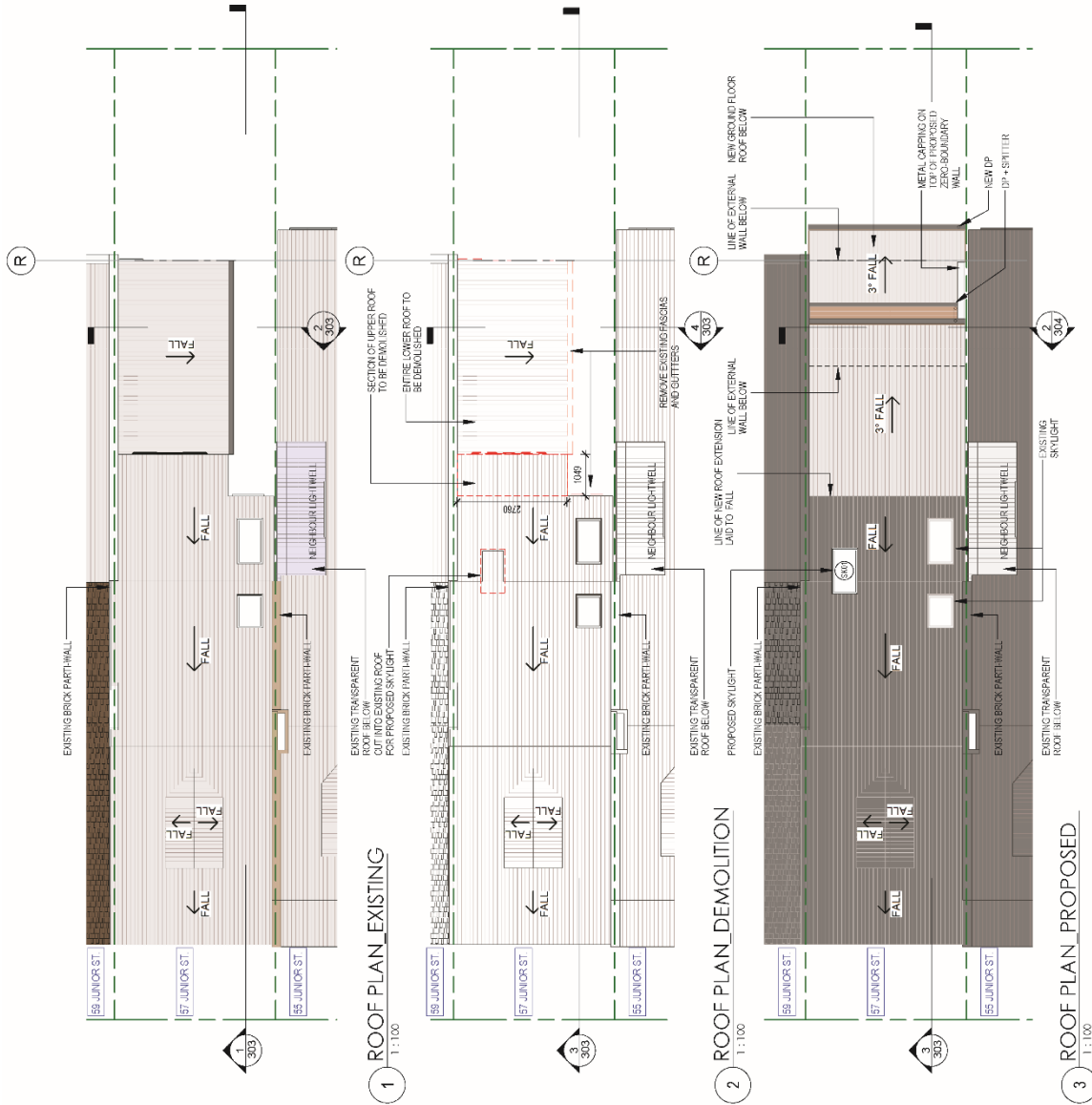


**NOTES**

- ALL LEVELS HAVE BEEN PREPARED TO AND DOWNPIES GENERALLY LOCATED 500mm FROM SLAB CORNER ANKOR TO CORNER WALL/JOIINT WHERE POSSIBLE
- ALL INTERNAL DOORS TO BE 2040mm IN-HIGHT, UNLESS NOTED
- ALL BULKHEAD & SO SETS TO BE 2200mm IN-HIGHT, UNLESS NOTED

**LEGEND**

---	PROPERTY BOUNDARY
---	STRUCTURAL BEAM OVER TO STRUCTURAL ENGINEERS DETAILS
---	EXISTING WALLS
---	EXISTING WALLS DEMOLISHED
---	PROPOSED TIMBER FRAMED WALLS
---	PROPOSED ZERO BOUNDARY CEREB WALL SYSTEM



DATE: 23/10/2020  
 CHECKER: R. WOJTASZEK  
 SHEET No: 206  
 AS NOTED  
 J045  
 ADDRESS: 57 JUNIOR ST, LEONHARDT NSW 2040  
 SHEET SIZE: A3  
 REVISION: B

CLIENT: R. WOJTASZEK  
 ADDRESS: 57 JUNIOR ST, LEONHARDT NSW 2040  
 COUNCIL: Inner West Council

**NOTE:** THIS DRAWING IS THE PROPERTY OF BLUNES ARCHITECTURE AND DESIGN PTY LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF BLUNES ARCHITECTURE AND DESIGN PTY LTD IS STRICTLY PROHIBITED. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO BLUNES ARCHITECTURE AND DESIGN PTY LTD. BLUNES ARCHITECTURE AND DESIGN PTY LTD DOES NOT ACCEPT LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS DRAWING.

**BLUNES**  
 ARCHITECTURE AND DESIGN  
 2 Parkside Place, Box Hill VIC 3083  
 PH: 03 9499 1111  
 WWW.BLUNESARCHITECTURE.COM

Attachment C- Clause 4.6 Exception to Development Standards



[www.conciseplan.com.au](http://www.conciseplan.com.au)

**APPENDIX A:**

**57 Junior Street, Leichhardt NSW 2009**

**Clause 4.6 Exception to Development Standards**

**Prepared for:** Inner West Council | **Project No.** 200044

**Date:** 05 August 2020 | **Status:** Final

**Town Planning Consultants**

**Office** 1300 057 046

**Email** [admin@conciseplan.com.au](mailto:admin@conciseplan.com.au)

**Address** PO Box 603, Engadine NSW 2233

**ABN** 42 612 150 526





**TABLE OF CONTENTS**

	PAGE
1. INTRODUCTION .....	3
2. CLAUSE 4.3A: LANDSCAPED AREAS FOR RESIDENTIAL ACCOMMODATION IN ZONE R1 .....	3
2.1. Exception to Development Standard – 4.3 (b) Site Coverage .....	5
3. CLAUSE 4.4: FLOOR SPACE RATIO .....	9
3.1. Exception to Development Standard – 4.4 (Floor Space Ratio) .....	10
4. ZONE OBJECTIVES: .....	13
5. CONCLUSION.....	13

**DOCUMENT CONTROL TABLE**

<b>Document Reference:</b>	PR200044 _2		
<b>Date:</b>	<b>Version:</b>	<b>Author:</b>	<b>Checked By:</b>
05 August 2020	Final	Danielle Long	Adam Mainey

Reproduction of this document or any part thereof is not permitted without prior written permission of Concise Planning Pty Ltd.



**1. INTRODUCTION**

This Exception to Development Standard has been prepared pursuant to the provisions of Clause 4.6 of the Leichhardt Local Environmental Plan 2013 (LLEP2013), in relation to:

- Clause 4.3A Landscaped Areas for Residential Accommodation in Zone R1, and
- Clause 4.4 Floor Space Ratio.

**2. CLAUSE 4.3A: LANDSCAPED AREAS FOR RESIDENTIAL ACCOMMODATION IN ZONE R1**

Clause 4.3A of the LLEP2013 outlines the requirements for landscaped areas for residential accommodation in Zone R1 (Figure 1). The clause is composed of two parts. The first part relates directly to landscaped area, requiring that development meets the following requirement:

- (3) (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.

The architectural plans indicate that the proposed development will comprise 20.34 m<sup>2</sup> of landscaped area; and that the overall allotment size is 98.5 m<sup>2</sup> (Figure 2). The landscaped area percentage has been calculated as:

$$20.34 \text{ m}^2 / 98.5 \text{ m}^2 \times 100 = 20.6\%$$

In this regard, it is considered that the proposed landscaped area is in excess of the required minimum; and therefore complies with the minimum landscaped area requirements of Clause 4.3A (3) (a) under the requirements of the LLEP2013.

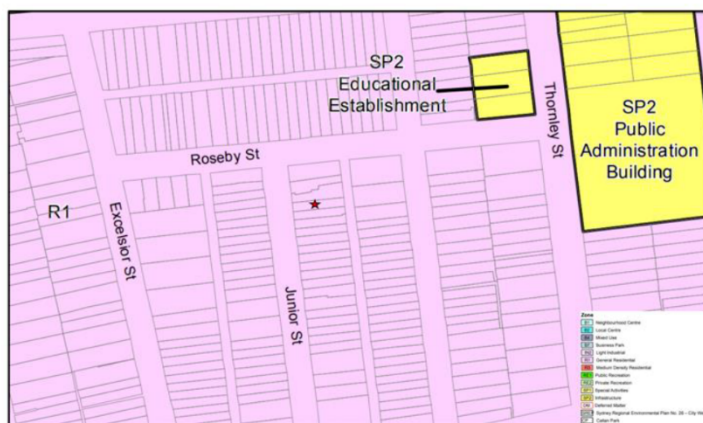


Figure 1: Land Use Zoning Map Identifying Subject Allotment to be Within Zone R1. Extract from Leichhardt Local Environmental Plan 2013 (Source: NSW Legislation, 2020).



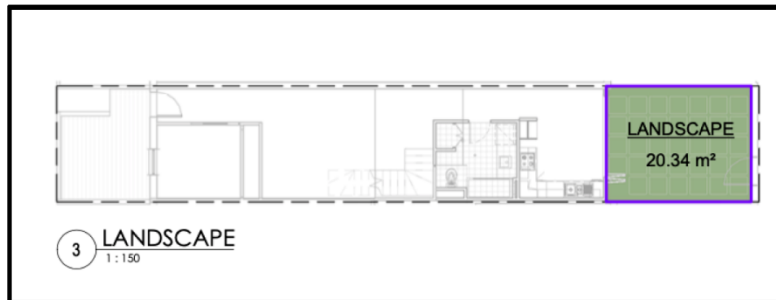


Figure 2: Proposed Landscaped Area (Source: 3 Lines Architectural Designs, 2020).

The second component of the Development Standard at Clause 4.3A requires that:

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

The term **site coverage** is defined by the LLEP2013 Dictionary as follows:

**Site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

The architectural plans indicate that the subject allotment has an area of 98.5 m<sup>2</sup>. In this regard, the maximum site coverage applying to the subject site is:

$$60\% \times 98.5 \text{ m}^2 = 59.1 \text{ m}^2.$$

The architectural plans indicate that that the proposed development will have a site coverage of 63.66 m<sup>2</sup>, which has been calculated as:

$$63.66 \text{ m}^2 / 98.5 \text{ m}^2 \times 100 = 65 \%$$

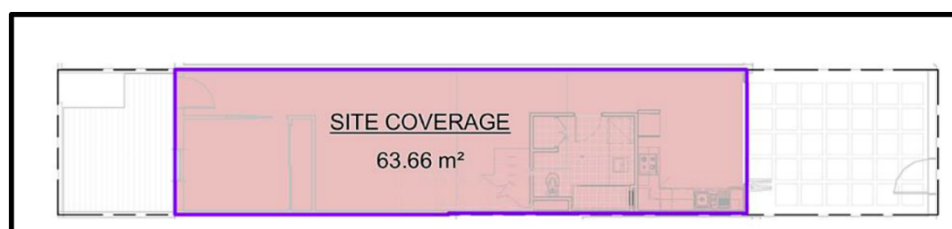


Figure 3: Proposed Site Coverage (Source: 3 Lines Architectural Designs, 2020).



In this regard, it is considered that the proposed development will exceed the maximum 60% site coverage as required by this clause. In this regard, this application will rely on assessment under Clause 4.6 (Exception to Development Standards).

#### **2.1. Exception to Development Standard – 4.3 (b) Site Coverage**

Clause 4.6 of the LLEP2013 outlines the exceptions to development standards. The relevant provisions of 4.6 are as follows:

*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**

It is considered that strict compliance with the site coverage portion of the landscaped area development standard is unreasonable in the circumstances of the case, as it would hinder the ability to develop the site in a manner which improves amenity for the existing and future residents whilst still providing a regularly-shaped amount of landscaped area with an area in excess of the required minimum.

Despite the non-compliance with subclause 3 (b) (i.e. the site coverage component of the landscaping clause), it should be noted that the proposed development will result in an area in excess of the required minimum imposed by part (a) of the relevant clause. The required amount of landscaped area is 15%. The proposal involves a landscaped area of approximately 20%. This is equivalent to the provision of an additional 33% of landscaped area on top of the minimum requirement.

In addition to this, it is recognised that the development contravenes the site coverage component of the development standard by a relatively small amount of only 4.56 m<sup>2</sup> (equal to a 7.7% deviation from the development standard). It should be noted that the small allotment size amplifies the percentage of deviation. This clause appears to apply equally to larger allotment sizes within the local area. For example, on an allotment of 450 m<sup>2</sup>, it is recognised that 4.56 m<sup>2</sup> would equate to a deviation from the development standard of approximately 2%.

It is also relevant that the area of landscaping being removed to facilitate the proposed development is a small area within the south side setback. This area is approximately 1.1 m in width and has a length of approximately 6 m in length. Due to its narrow width and poor orientation (in the south side setback), the area is not well appointed for providing amenity or planting opportunities. The limited contribution that this narrow space currently makes is emphasised by the fact that it would not be able to be included as landscaped area under Part 3 (Housing Code) of the Codes SEPP; as under Clause 3.13 (2) of this instrument, areas must have a length and width of 1.5 m to be included in landscaped area calculations.

In this regard, it is considered that the deviation of under 5 m<sup>2</sup> is unlikely to have any adverse effects whilst greatly improving amenity for the current and future residents occupying the subject allotment.

In addition to the above, the amount of non-compliance is not uncharacteristic of the local area. For example, the architectural plans indicate that nearby No. 51 and No. 55 Junior Street both have a site coverage of approximately 73%.

Furthermore, there is a history recent of approvals of larger Site Coverage variations being approved within the Inner West LGA (see table including examples below):



DA Number	Address	Variation
D/2019/134	15 Edward Street Balmain East	8.25%
D/2019/304	6 National Street Rozelle	18.6%
D/2019/225	253 Nelson Street Annandale	14.36%

In summary, it is considered that the proposed deviation from the development standard is minor in nature, not out of character for the local area (and history of past approvals) and that no quantifiable adverse impact the site and adjoining properties would be expected from this proposal.

***(b) that there are sufficient environmental planning grounds to justify contravening the development standard.***

Clause 4.3 (A) of the Leichhardt Local Environmental Plan 2013 outline the objectives of the landscaped area development standards 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.*

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

The site is constrained by its small size and the requirement to avoid adding bulk and scale which could potentially impact the Junior Street streetscape within the context of the Excelsior Estate distinctive area. In this regard, removal of a narrow strip of landscaped area along the southern boundary is considered a compromise which is to be balanced with the significant improvement to amenity which will be delivered to current and future occupants of the subject site.

The objective of providing suitable landscaped area suitable for tree planting and use and enjoyment by residents will be met by the consolidated and relatively square-shaped landscaped area which has been provided. It is also significant that this landscaped area exceeds the requirement for minimum landscaped area requirements imposed by the first component of the subject clause. As outlined above, the proposed development will result in an area in excess of the required minimum for landscaped area imposed by part (a) of the relevant clause. The required amount of landscaped area is 15%. The proposal involves a landscaped area of approximately 20%. This is equivalent to the provision of an additional 33% of landscaped area on top of the minimum requirement.

*Objective (b): to maintain and encourage a landscaped corridor between adjoining properties.*



It is recognised that the allotment and built form pattern within surrounding area is characterised by small, narrow allotments containing terrace style dwellings which are generally built to the side boundaries (Figure 4).

In this regard, it is considered that an exception to the need for the proposed site to contribute to the achievement to this objective due to the unique circumstances of the site and its context.



Figure 4: No. 57 Junior Street Leichhardt (Source: Sixmaps 2020).

Objective (c): to ensure that development promotes the desired future character of the neighbourhood.

The desired future character of the Excelsior Estate Distinctive Neighbourhood (outlined at Clause 2.2.3.1 of the LDCP2013) is as follows:

- *Preserve the consistency in built form, style and materials for the Victorian Italianate style where appropriate.*
- *Preserve the consistency in architectural detail of continuous rows of attached dwellings.*
- *Promote land uses and urban design that enhance and contribute to the character and identity of the neighbourhood whilst protecting Heritage Items and Heritage Conservation Areas that combine to help create that character.*
- *Preserve and maintain the predominant subdivision pattern of Excelsior Estate Distinctive Neighbourhood.*
- *Preserve and enhance the hierarchy of scale and character of dwellings, including the semidetached and terraced dwellings with gabled and parapet roof forms. Preserve the character of rear lanes in the Excelsior Estate Distinctive Neighbourhood by discouraging residential development.*

The proposed development has been designed to maintain the appearance of the site from the Junior Street Streetscape. In addition to this, the proposed development will bring the rear setback into a more compatible alignment with neighbouring allotments. In this regard, it is considered that the proposed development will reinforce the character of the existing dwelling and its contribution to the character of the streetscape and the Excelsior Estate distinctive neighbourhood.

In this regard, it is considered that the proposed development promotes the desired future character of the neighbourhood and therefore complies with the requirements of this objective.

Objective (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,



As outlined above, the proposed development will result in an area in excess of the required minimum for landscaped area imposed by part (a) of the relevant clause. The required amount of landscaped area is 15%. The proposal involves a landscaped area of approximately 20%. This is equivalent to the provision of an additional 33% of landscaped area on top of the minimum requirement.

In addition to the above, the relatively minor departure of 4.56 m<sup>2</sup> would not be expected to make any significant difference to absorption of drainage water on site or minimise the obstruction of underground flow of water.

Objective (e): to control site density.

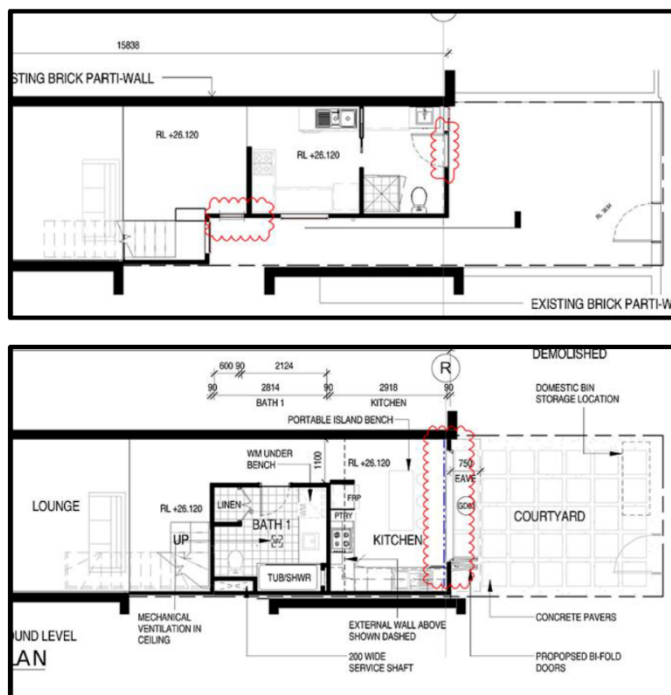
The proposed development has been carefully designed to minimise bulk and scale and presents a modest infill which is not readily visible from the Junior Street streetscape; and will bring the site into closer alignment and appearance to that of neighbouring development from the rear lane aspect.

In this regard, it is considered that the proposed development complies with the objectives of this clause without the need for strict adherence to the site coverage development standard.

Objective (f): to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

The proposed development has been designed to maintain a useful and well-proportioned landscaped area. As discussed above, the area of landscaped area being removed is a relatively narrow space which is not favourably located (poor solar access).

Existing access to the rear private open space is not ideal and will be improved upon as part of the proposed development (Figure 5).



page 8



Figure 5: Existing [above] and proposed [below] access to Private Open Space (exits indicated with red cloud) (Source: 3 Lines Architectural Designs, 2020).

As seen in the figure above, there are currently two points of access to the private open space; with the first being a doorway into the 1 m wide south side setback which is located approximately 5 m away from main area of principal private open space, whilst another door opens more directly to the space; but is also less-than-ideal as this is opening is from a non-habitable room (bathroom).

In contrast, the proposed development will facilitate the construction a more open-plan layout, new glazed doors opening directly to the private open space from the eat in kitchen which is connected to other internal living areas.

In this regard it is considered that the change to building footprint will allow for internal reconfiguration which will allow for substantial improvement of both the internal amenity of the dwelling and provide improved accessibility to the private open space.

It should also be taken into account that the proposed development provides in excess of the landscaped area requirement (imposed by the first part of this clause); further indicating that the proposed development complies with the requirements of this objectives without the need for strict adherence to the site coverage development standard.

In summary, it is considered that the proposed development meets the objectives of the landscaped area development standards despite the technical non-compliance with site coverage. In this regard, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard.

**3. CLAUSE 4.4: FLOOR SPACE RATIO**

Clause 4.4 of the LLEP2013 outlines the requirements for Floor Space Ratio. According to this clause, the Floor Space Ratio of land shown on the accompanying Floor Space Ratio Map (Figure 6) edged in brown is not to exceed:

*in the case of development on a lot with an area of less than 150 square metres—0.8:1.*



Figure 6: Floor Space Ratio Map. Extract from Leichhardt Local Environmental Plan 2013 (Source: NSW Legislation, 2020).

As the development is proposed for an allotment with an area of 98.5 m<sup>2</sup>, the maximum Floor Space Ratio for the proposed development is 0.8:1, which provides a maximum floor space area for the site of:



$0.8 \times 98.5 \text{ m}^2 = 78.8 \text{ m}^2$

The architectural plans indicate that the proposed development will have the following gross floor areas (as defined under the LLEP2013):

Ground Floor	59.13 m <sup>2</sup>
Level 1	38.33 m <sup>2</sup>
Total	= 97.46 m <sup>2</sup>
Site Area	98.5 m <sup>2</sup>
FSR	0.99: 1

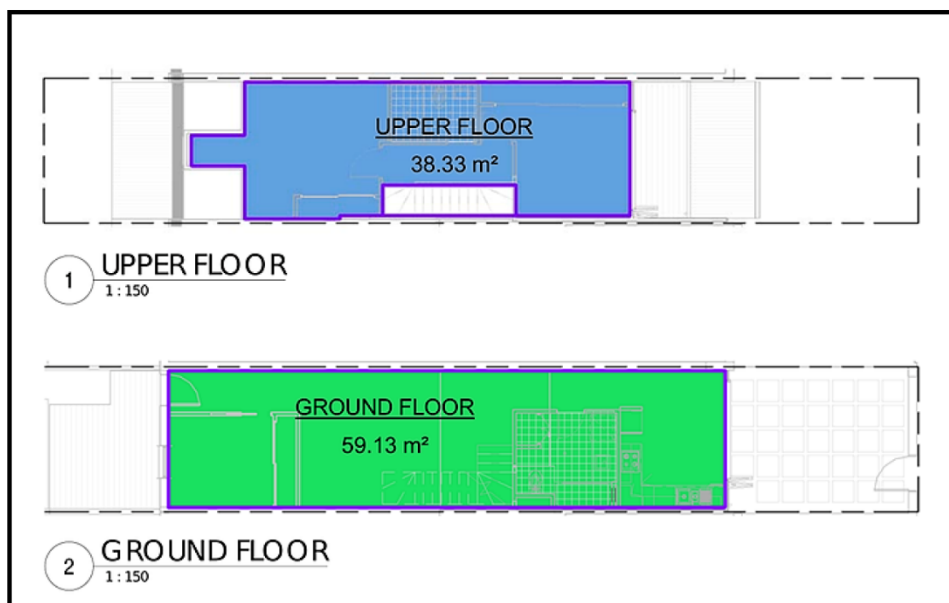


Figure 7: Gross Floor Area Calculation Plans (Source: 3 Lines Architectural Designs, 2020).

As can be seen from above, with a proposed FSR of 0.99:1, the proposed development will exceed the maximum floor space ratio of 0.8:1 and therefore will rely upon a Clause 4.6 Exception to Development standards.

**3.1. Exception to Development Standard – 4.4 (Floor Space Ratio)**

Clause 4.6 of the LLEP2013 outlines the exceptions to development standards. The relevant provisions of Clause 4.6 are as follows:



*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***

It is considered that strict compliance with this development standard is unreasonable in the circumstances of the case as it would hinder the ability to develop the site in a manner which improves amenity for the existing and future residents.

In addition to the above, the proposed development maintains the prevailing built form contributing to the character of the local area. The proposed development will take place on the southeast corner of the building on ground and first floors and will take the form of a modest infill which will not impose an appearance of increased bulk or scale. The development is not visible from the Junior Street perspective; and from the rear perspective will in fact bring the development into closer compatibility to that of neighbouring development.

The proposed development involves a deviation of 18.66 m<sup>2</sup> from the development standard; which is equivalent to approximately 24% (i.e. 23.6%).

The small allotment size amplifies the percentage and it should be taken into consideration a variation of 18.66 m<sup>2</sup> is unlikely to have any adverse effects whilst greatly improving amenity for the current and future residents occupying the subject allotment.

In addition to the above, the amount of non-compliance is not uncharacteristic of the local area. For example, the architectural plans indicate that nearby No. 51 and No. 55 Junior Street both have an FSR of approximately 1:1, representing a similar deviation to the proposed development.

Furthermore, there is a history recent of approvals of larger FSR variations being approved within the Inner West LGA, including DA/2018/612 which (according to Council's Clause 4.6 register) approved a variation of 50.5% at No. 61 Mansfield Street Rozelle (approved 04 July 2019).

According the applicant's Clause 4.6 variation document (obtained from Council's DA tracker), the subject site has a maximum FSR under the LLEP2013 of 0.9:1. The proposed development involved alterations and additions resulting in the subject allotment's FSR increasing from 1.06:1 to 1.25:1.

In summary, it is considered that the proposed deviation from the development standard is minor in nature, not out of character for the local area (including history of past approvals) and that no quantifiable adverse impact the site and adjoining properties would be expected from this proposal.

***(b) that there are sufficient environmental planning grounds to justify contravening the development standard.***

Clause 4.4 of the Leichhardt Local Environmental Plan 2013 outline the objectives of the floor space ratio development standards 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.*





*Objective (a): To ensure that residential accommodation is:*

- (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale, and*

The desired future character of the Excelsior Estate Distinctive Neighbourhood (outlined at Clause 2.2.3.1 of the LDCP2013) is as follows:

- *Preserve the consistency in built form, style and materials for the Victorian Italianate style where appropriate.*
- *Preserve the consistency in architectural detail of continuous rows of attached dwellings.*
- *Promote land uses and urban design that enhance and contribute to the character and identity of the neighbourhood whilst protecting Heritage Items and Heritage Conservation Areas that combine to help create that character.*
- *Preserve and maintain the predominant subdivision pattern of Excelsior Estate Distinctive Neighbourhood.*
- *Preserve and enhance the hierarchy of scale and character of dwellings, including the semidetached and terraced dwellings with gabled and parapet roof forms.*
- *Preserve the character of rear lanes in the Excelsior Estate Distinctive Neighbourhood by discouraging residential development.*

The proposed development has been designed so that it will not result in a change the appearance of the site from the Junior Street Streetscape and will bring the rear setback into a more compatible alignment with neighbouring allotments. The proposed development will reinforce the character of the existing dwelling and its contribution to the character of the streetscape and the Excelsior Estate distinctive neighbourhood.

In this regard, it is considered that the proposed development promotes the desired future character of the neighbourhood and therefore complies with the requirements of this objective.

- (ii) *provides a suitable balance between landscaped areas and the built form, and*

The site is constrained by its small size and the requirement to avoid adding bulk and scale which could potentially impact the Junior Street streetscape within the context of the Excelsior Estate distinctive area. In this regard, the removal of a narrow strip of landscaped area along the southern boundary is considered a compromise which is to be balanced with the significant improvement to amenity which will be delivered to current and future occupants of the subject site.

The objective of providing suitable landscaped area will be met by the consolidated and relatively square-shaped landscaped area which has been provided. It is also significant that this landscaped area exceeds the requirement for minimum landscaped area requirements imposed by the first component of Clause 4.3. As outlined above, the proposed development will result in an area in excess of the required minimum landscaped area. Whilst there is a departure from the site coverage requirement it is recognised that this is very minor (less than 5 m<sup>2</sup>).

In this regard, it is considered that the proposed development provides a suitable balance between landscaped area and the built form in accordance with the requirements of this objective.

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

The proposed development is an infill on the south east (side and rear) corner of the existing building which will be no higher than neighbouring developments. In this regard, it is considered that the proposed development minimises the impact of bulk and scale whilst greatly improving amenity for



current and future residents. The development will not be readily visible from the Junior Street streetscape and is compatible with surrounding developments from the rear lane aspect.

*(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.*

Not applicable. The proposed development is not a non-residential development.

#### **4. ZONE OBJECTIVES:**

Clause 4.6 (4) also requires consideration of the relevant zone objectives. The zone objectives of Zone R1 General Residential are as follows:

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

It is considered that by providing an additional bedroom and bathroom, the proposed development augments the existing contribution that the site makes to the achievement of the relevant zone objectives relating to provision of housing to meet the needs of the community and providing increased space for residents to undertake work from home.

In addition to the above, as discussed above (regarding the landscaped area clause objectives); the proposed development is compatible with the existing character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.

In summary, it is considered that the proposed development will greatly improve the amenity of the site for existing and future residents, whilst maintaining the existing level of amenity for neighbouring allotments.

#### **5. CONCLUSION**

This report has provided justification on the exception to the LLEP2013 Landscaped Area Development Standard and the Floor Space Ratio Development Standard.

The minimum landscaped area as specified under the LLEP2013 is 15% of the site area. With a proposed landscaped area of 20%, the proposed development significantly exceeds this portion of the Landscaped Area Development Standard.



In addition to the above, the Landscaped Area Development Standard requires a maximum Site Coverage of 60%. The proposed development will involve a Site Coverage of 65%.

The proposal also involves a deviation to the Floor Space Ratio Development Standard. The maximum FSR specified under the LLEP2103 is 0.8:1. The proposed development will result in an FSR of 0.99:1.

It is considered that compliance with the development standards above is unreasonable and unnecessary in the circumstances of the subject site, which include:

- The proposed development will deliver in excess of the required landscaped area (20% instead of 15%)
- The proposed development is in accordance with the objectives of the R1 General Residential zone, along with the Landscaped Area and Site Coverage development standards.
- The proposed development will result in a minimal departure from the Site Coverage development standard, breaching the minimum landscaped area standard by 4.56 square metres.
- The proposed development will result in a minimal departure from the Floor Space Area development standard, breaching the minimum landscaped area standard by 18.66 square metres.
- The proposed development is not visible from the Junior Street public domain and will not result in an appearance of increased bulk or scale (and will in fact improve compatibility from the rear lane aspect).
- The proposed development represents a balanced design solution to the requirements of improving site amenity in alignment with zone objectives whilst minimising negative social and environmental impacts.
- The scale and nature of the non-compliances addressed in this Clause 4.6 Exception to Development Standard to not give rise to matters of state or regional significance, nor do the non-compliances adversely affect the public interest.

Having regard to the above assessment, it is considered that the exception to the development standard to the landscaped area standard is well founded and that compliance with the standards is unreasonable and unnecessary given the circumstances of the case.

A handwritten signature in black ink, appearing to read "Danielle Long".

**Danielle Long**  
Assistant Town Planner

A handwritten signature in black ink, appearing to read "Adam Mainey".

**Adam Mainey – Director**  
Bach of Urban and Regional Planning (Hons)  
Grad Diploma of Building Surveying