

INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2022/0592
Address	47 Junior Street LEICHHARDT NSW 2040
Proposal	Alterations and additions to existing two storey attached residence.
Date of Lodgement	02 August 2022
Applicant	Laura Cook
Owner	Ms Aimee L Press
Number of Submissions	Nil
Value of works	\$323,000.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	N/A
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards



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Created on 16/01/2023
Map Scale: 1:532

LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing two storey attached residence at 47 Junior Street Leichhardt.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Variation to floor space ratio development standard
- New Building Location Zone
- Variation to side boundary setbacks/wall heights

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

The proposed development will not result in 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.

2. Proposal

The proposed development application seeks development consent for ground and first floor alterations and additions to the existing building comprising of the following works:

- Ground floor alterations to the rear of the existing dwelling including internal layout replanning.
- First floor additions to enlarge footprint of existing first floor level, comprising bathroom, laundry, study and bedroom.

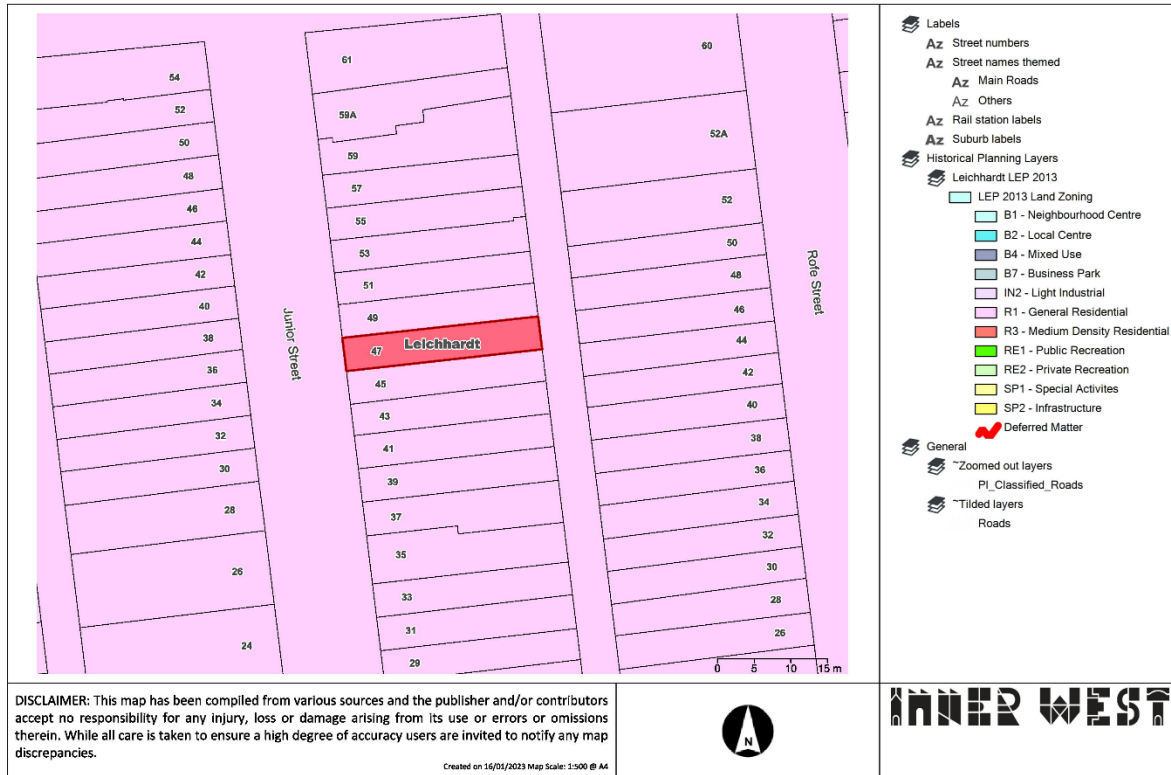
3. Site Description

The subject site is approximately 98.94m² in area and has a frontage of 4.065m to Junior Street and has rear lane access. The site is located on the eastern side of the street.

The site presently accommodates an attached double storey dwelling (presenting as a single storey dwelling from Junior Street) and forms part of a row of seven identical dwellings on that side of the street. The adjoining properties consist of a mix of single and double storey dwellings, predominantly attached and presenting as single storey to the street (most of the additions are pre LDCP 2013 and are off the main ridge of the dwelling house).

The subject site is not a heritage item or located within a conservation area. The site is not identified as a flood control lot.

The site is zoned R1 General Residential pursuant to Local Environmental Plan 2013.



LAND ZONING MAP

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2022/0004	Alterations and additions to existing two storey terrace.	Advice issued – 24/03/2022
DA/2021/0448	Alterations and additions to dwelling at ground and first floor	Rejected – 11/06/2021

Surrounding properties

45 Junior Street		
Application	Proposal	Decision & Date
D/2016/96	Alterations and additions to the existing dwelling including new rear awning and extension at first floor level.	Approved – 09/08/2016
D/2006/510	Alterations and additions to existing dwelling involving extension of the existing first floor.	Approved – 13/11/2006
BA/1994/931	Attic conversion to provide first floor level	Approved – 04/01/1995
BA/1993/765	First floor addition	Refused – 25/03/1994
BA/1992/382	Demolish and rebuild rear section	Approved – 11/6/1993

4(b) Application history

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

Date	Discussion / Letter / Additional Information
09/11/2022	Council sent letter requesting further information via the NSW Planning Portal.
14/11/2022	Applicant submitted further information to the NSW Planning Portal. Renotification was not required in accordance with Community Engagement Framework . The amended plans are the subject of this report.

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 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

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

A BASIX Certificate was submitted with the application and is considered satisfactory.

5(a)(iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

5(a)(iv) Local Environmental Plans

Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 2 August 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

Leichhardt Local Environmental Plan 2013 (LLEP 2013)

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

- Section 1.2 - Aims of the Plan
- Section 2.3 - Zone objectives and Land Use Table
- Section 2.7 - Demolition
- Section 4.3A - Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor Space Ratio
- Section 4.4A - Exception to maximum floor space ratio for active street frontages
- Section 4.5 - Calculation of floor space ratio and site area
- Section 4.6 - Exceptions to development standards
- Section 6.1 - Acid Sulfate Soils
- Section 6.2 - Earthworks
- Section 6.4 - Stormwater management
- Section 6.8 - Development in areas subject to aircraft noise

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1- General Residential under the *LLEP 2011*. The *LLEP 2013* defines the development as:

“Dwelling House means a building containing only one dwelling.”

The development is permitted with consent within the land use table. The development is consistent with the objectives of the LR1 zone.

Section 4 Principal Development Standards

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.8:1 or 79.152sqm	1.03:1 or 102.2sqm	23.048sqm or 29.12%	No
Landscape Area Minimum permissible: 15% or 14.841sqm	9.30% or 9.2sqm	-5.641sqm or 38.01% No change from existing	No-existing
Site Coverage Maximum permissible: 60% or 59.364sqm	70.14% or 69.4sqm	10.036sqm or 16.91% No change from existing	No-existing

Section 4.6 Exceptions to Development Standards

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

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

In *Landcorp Australia Pty Ltd v The Council of the City of Sydney* [2020] NSWLEC 174 [54]-[57] it was established a written Clause 4.6 variation is not required where a proposal exceeds a standard and the proposal does not alter that exceedance. In the circumstances of this case, the subject site is currently deficient of compliant landscaped area and exceeds the maximum permitted site coverage. The proposal does not seek to alter the exceedance to these development standards. Therefore, Clause 4.6 requests are not required for the Landscaped Area and Site Coverage development standards.

The applicant seeks a variation to the Floor Space Ratio (FSR) development standard under Section 4.4 of the *Leichhardt Local Environmental Plan 2013* by 29.12% (23.048sqm).

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *Leichhardt Local Environmental Plan 2013* below.

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *Leichhardt Local Environmental Plan 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- The proposal will result in a development similar in scale to neighbouring dwellings in the immediate vicinity.
- The existing building footprint/landscaped area will remain unaltered.
- The existing line of site from Junior Street is protected.
- Despite the additional density, the proposal still complies with the relevant setbacks.
- The proposal will deliver a high quality development in keeping with adjacent properties.
- There are no unacceptable adverse impacts in terms of shadow, view, visual and acoustic privacy impacts resulting from the proposed variation to the floor space ratio.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the wider local community.

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

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 Section 4.6(4)(a)(ii) of the *Leichhardt Local Environmental Plan 2013* for the following reasons:

- To provide for the housing needs of the community.

The proposed works will provide for a contemporary rear addition and provide additional space catering for the needs for the owners.

- To provide for a variety of housing types and densities.

The proposed works retain the existing dwelling ensuring a variety of housing types is provided within the area.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Not relevant.

- To improve opportunities to work from home.

The proposed works will provide for a study space within the dwelling providing more 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.

The proposed works maintain the existing building at the front of the site ensuring the character of the local area is maintained.

- To provide landscaped areas for the use and enjoyment of existing and future residents.

The existing landscaped area located within the rear setback of the property is maintained for the enjoyment of the owners.

- 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.

Not Relevant.

- To protect and enhance the amenity of existing and future residents and the neighbourhood.

The proposed works will protect and enhance the amenity of the residents within the neighbourhood.

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 Section 4.6(4)(a)(ii) of the *Leichhardt Local Environmental Plan 2013* for the following reasons:

- (1) The objectives of this clause are as follows—
 - (a) to ensure that residential accommodation—
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and

The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale. The additional GFA is located to the rear of the site, consistent with surrounding properties, and is not likely to detract from the Junior Street streetscape.

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

The proposed development is a suitably designed to accommodate the proposed alterations and additions, whilst retaining reasonable landscaped area on smaller lot – a typical characteristic within the immediate context of the area.

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

The proposed development is of a bulk and scale that will not result in any undue adverse amenity impacts on neighbouring 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 Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *Leichhardt Local Environmental Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended the Section 4.6 exception be granted.

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 (LDCP 2013).

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	NA
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A

C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.3.1 Excelsior Estate Distinctive Neighbourhood	Yes
C2.2.3.1(a) The Core Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
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
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
N/A	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	N/A
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A

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

The following provides discussion of the relevant issues:

C3.2 Site layout and building design

Building Location Zone

The BLZ is determined by having regard to only the main building on the adjacent properties. Due to the absence of an established first floor level at No. 49 Junior Street, the proposal will establish a new first floor BLZ.

In accordance with the requirements under Control C6 of Part C3.2 of Leichhardt DCP 2013, the establishment of a new BLZ may be permitted where the proposal demonstrates:

- a. *amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;*

Comment: Satisfactory. The proposal has been designed to ensure adequate amenity is retained for surrounding properties. The proposal results in acceptable visual privacy impacts, will not result in adverse view loss impacts to surrounding properties and will not result in any additional overshadowing of neighbouring properties during the winter solstice.

- b. *the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;*

Comment: Satisfactory. The proposed development complements the scale of the existing dwelling within the streetscape, as the extent of new works are located at the rear of the existing dwelling and will not be a dominant visual element when viewed from the public domain.

- c. *the proposal is compatible in terms of size, dimensions, privacy and solar access of private open space, outdoor recreation and landscaping;*

Comment: Satisfactory. The proposal includes adequate areas of private open space and is satisfactory on solar access grounds. The proposed development does not seek to further reduce the permeable landscaped areas on the subject site.

- d. *Retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and*

Comment: Satisfactory. The proposed development is not considered to alter the ability of the site to accommodate for new significant vegetation.

- e. *The height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.*

Comment: Satisfactory. The proposed development has not sought excessive floor-to-ceiling heights and the first floor addition is commensurate with the massing of other first floor additions along this section of Junior Street.

In summary, the proposed ground floor and establishment of first floor BLZ is considered to be acceptable on merit as it will meet the BLZ tests outlined above.

Side Boundary Setbacks

The following is a compliance table assessed against the side setback control graph prescribed in Part C3.2 of the LDCP2013 relating to the proposed dwelling-house additions at each respective side boundary:

Dwelling House Side Elevation	Wall Height Proposed (m)	Proposed Side Setback (m)	Required Side Setback (m)	Complies (Y/N)
North	~5.42 – ~6.04	0	1.51 – 1.85	No
South	~5.42 – ~6.04	0	1.51 – 1.85	No

As assessed in the table above, the proposed development does not comply with the side wall height/side setback controls along the northern and southern side boundaries.

Notwithstanding, in accordance with C8 of this Part, Council may allow side walls higher than that required by the side boundary setback controls above, to be constructed to side boundaries where:

- a. *the development is consistent with relevant Building Typology Statements as outlined within Appendix B - Building Typologies of this Development Control Plan;*

Comment: Satisfactory. The proposal retains the front dwelling form as it presents to Junior Street and proposes a subservient first floor addition behind the apex of the front roof plane to be retained. The proposed development is in a location that is appropriate having regard to the provisions set in the Building Typologies and will comply with streetscape and desired future character controls.

- b. *the pattern of development within the streetscape is not compromised;*

Comment: Satisfactory. Dwelling houses on lots similar in width to the subject site are characterised by nil building setbacks, which is typical of terrace housing development. It is considered that the proposed wall heights and setbacks of the dwelling house will not be out of character with the pattern of development in the surrounding area.

- c. *the bulk and scale of development is minimised by reduced floor to ceiling heights;*

Comment: Satisfactory. The proposed development pitches internally from low floor-to-ceiling heights. In this regard, the proposed floor-to-ceiling heights are not deemed excessive, and the proposal has been designed to not result unreasonable visual impacts to properties adjoining the subject site.

- d. *the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*

Comment: Satisfactory. The proposal will have acceptable solar access impacts, minimal privacy impacts and raises no view loss concerns. As a result, the proposal is considered acceptable on amenity grounds.

- e. *reasonable access is retained for necessary maintenance of adjoining properties.*

Comment: The proposal adjoins Scyon Stria cladding at No. 45 Junior Street, which is considered to be of low maintenance. Further, the proposed first floor addition does not directly abut built form at No. 49 Junior Street, which does not have an upper level. As such, the proposal is acceptable with regard to this requirement.

Based on the above, the proposed variation to the Side Boundary Setbacks Graph is considered acceptable in this instance.

Having regard to the above, the proposed development is considered to satisfy the relevant controls and objectives in relation to building siting, scale and form under Part C3.2 of the LDCP 2013.

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 the Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to notification of the proposed development.

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.

- Development Engineer: No objection to the proposed development subject to the imposition of recommended conditions.

7. Section 7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,230.00 would be required for the development under Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020. 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 Section 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the floor space ratio development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard 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/2022/0592 for alterations and additions to the existing two storey attached residence at 47 Junior Street, Leichhardt 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
DA.01(B)	Site Analysis / Roof Plan	18.07.22	Laura Cook
DA.03(B)	Demolition Plans	18.07.22	Laura Cook
DA.04(B)	Proposed Plans	18.07.22	Laura Cook
DA.05(B)	Elevations	18.07.22	Laura Cook
DA.06(B)	Elevations / Section	18.07.22	Laura Cook
-	Schedule of Finishes	May 2021	Not indicated
A400716_04	BASIX Certificate	20.07.22	Laura Cook

As amended by the conditions of consent.

FEES

2. 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.

Security Deposit:	\$5,600.00
Inspection Fee:	\$350.00

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.

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

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

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

Payment amount*:

\$3,230.00

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

4. 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

5. 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.

6. 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.

7. 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.

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

9. 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.

10. Dilapidation Report

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

11. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining

allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

12. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

13. 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.

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

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The Stormwater Drainage Concept plan on Drawing No. SW02 revision (A) prepared by APPROVED CONSULTING ENGINEERS and dated 28 April 2021, must be amended to comply with the following;
- b. 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 a public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a

system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;

- g. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- h. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- i. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- j. No nuisance or concentration of flows to other properties;
- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- l. 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;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. 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;
- p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- r. No impact to street tree(s);

15. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Structural Certificate from a practising structural engineer which verifies that the structural integrity of the existing "Party Walls" 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 wall/s.

16. 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.

17. 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.

18. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

19. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

20. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

21. No Encroachments

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

22. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

23. 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.

24. Plan of Redefinition

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that a plan of redefinition, as per the recommendations contained within the supporting documentation prepared by Burton & Field Surveying & Land Development and received by Council on 27/07/2022, has been registered at NSW Land Registry Services. This plan shall only be registered once completion of all works undertaken on or near the party wall(s) are completed.

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 Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

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.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

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.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

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 www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au

		Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100	www.dialprior toyoudig.com.au
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development

Inner West Council
7-15 Wetherill Street
Leichhardt NSW 2040
Phone 9392 5000

Schedule of Finishes

Alterations and additions to existing residence at 47 Junior Street, Leichhardt

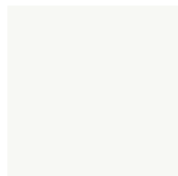
May 2021



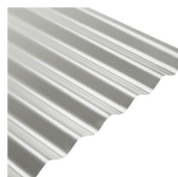
Proposed external cladding (to match existing)



Proposed external paint colour (to match existing)



Proposed Door/Window/Timber paint colour (to match existing)



Proposed roof sheeting (to match existing)



Location Plan 47 Junior Street, Leichhardt

Drawing List

- DA.01 Site Analysis/Proposed Roof Plan
- DA.02 Existing Plans
- DA.03 Demolition Plans
- DA.04 Elevation Plans
- DA.05 Elevations
- DA.06 Elevation/Section
- DA.07 Elevation/Section
- DA.08 Shadow Diagram
- DA.09 Shadow Diagram
- DA.10 Area Calculations

Area Calculations

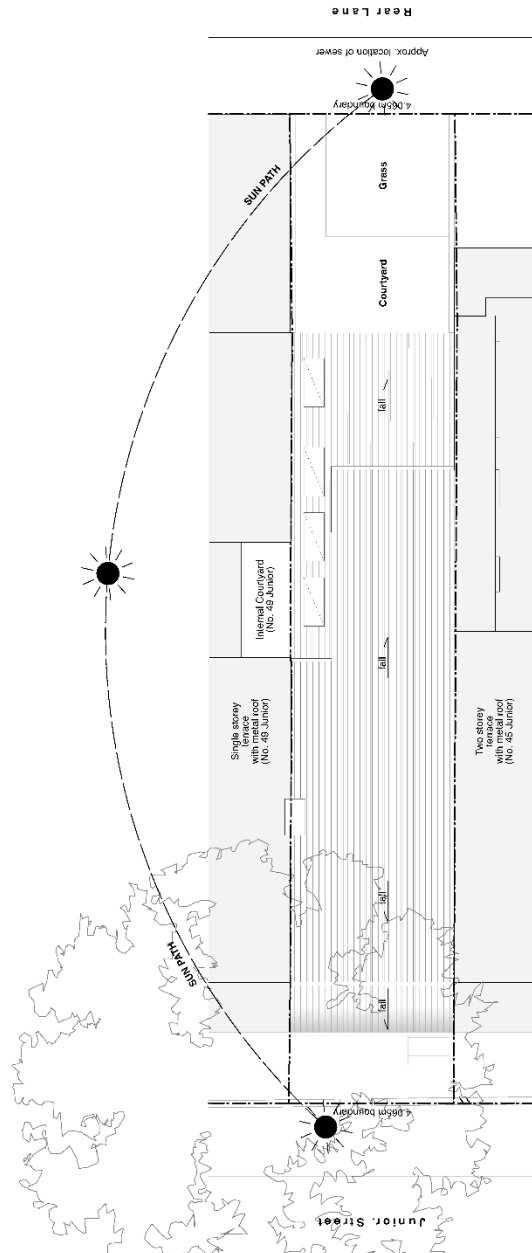
Site area 98.3sqm
 Existing site coverage 69.4sqm (70.17%)
 Proposed site coverage 68.4sqm (70.17%)

General Notes

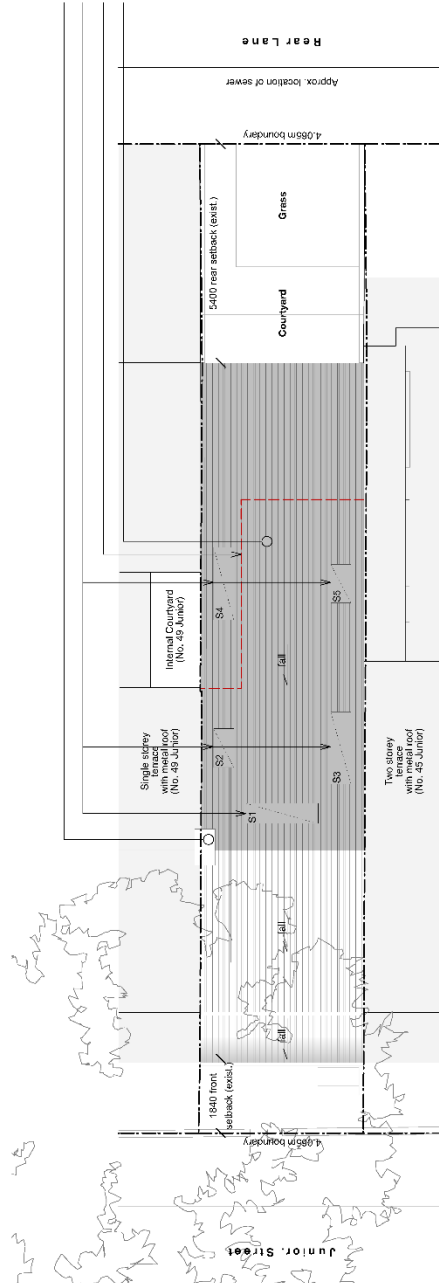
All external areas and existing landscaping to remain

Legend

- - - Line of existing building
- █ Extent of new roof



Existing Site Analysis Plan Scale 1:100



Proposed Roof Plan Scale 1:100

Existing chimney to remain.

5 x proposed skylights.

Dashed line indicates line of existing residence.

Proposed first floor roof (shown grey). Metal roofing to match existing.

B ISSUED FOR DEVELOPMENT APPLICATION 18/07/22
 A ISSUED FOR PRE-DA 07/01/22

AMENDMENTS

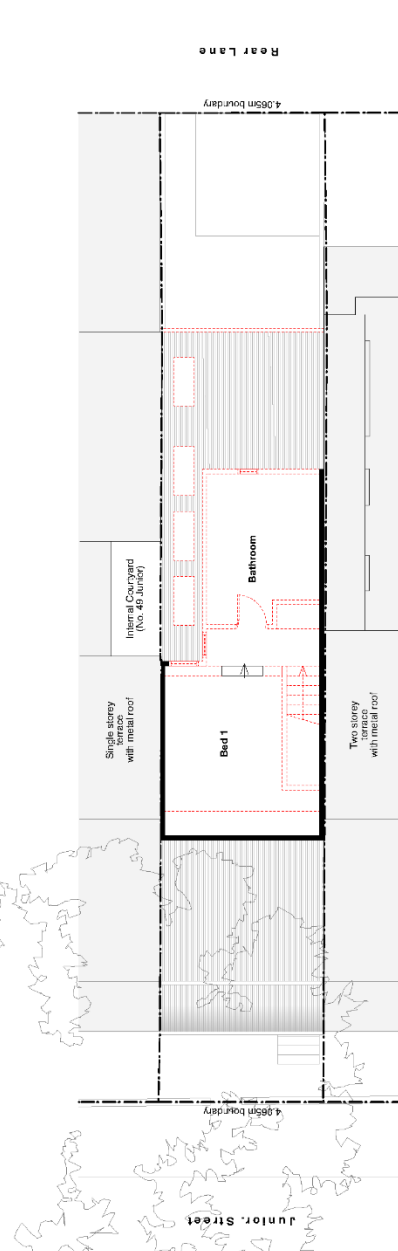
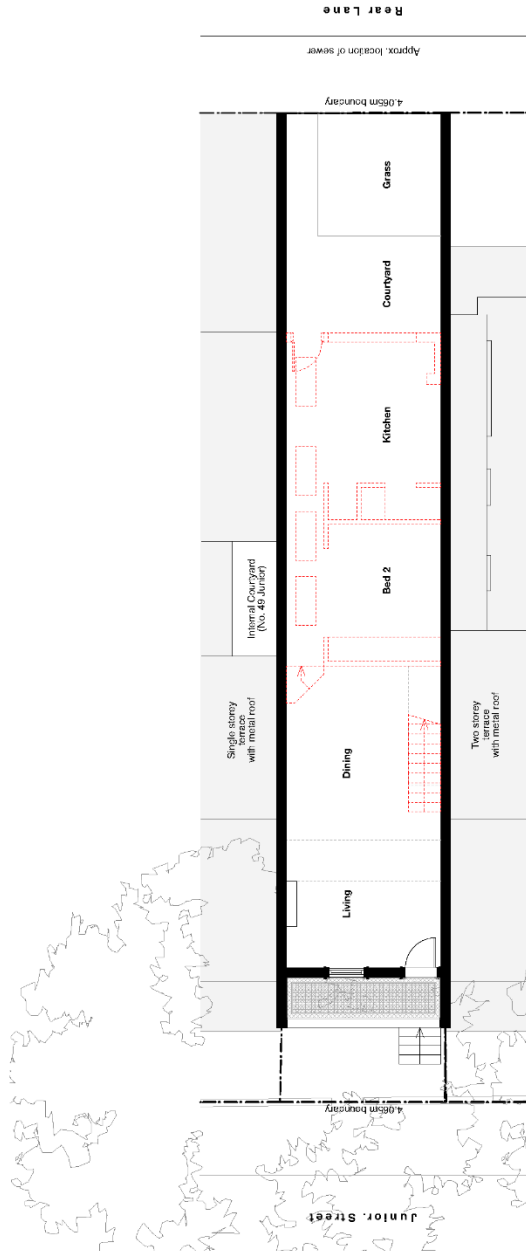
L A U R A C O O K
 Architect NSW AUSTRALIA - laur@lauracook.com.au - +61-4-84-189-231

PRES RESIDENCE
 47 JUNIOR STREET, LEICHHARDT
 DEVELOPMENT APPLICATION

SITE ANALYSIS/ROOF PLAN DRAWN LC
 SCALE 1:100 @ A3 DA.01(B)

All works to be in accordance with Australia's Standards, The Building Code of Australia, other relevant codes, and best practice in recommendations and not of one. Do not scale from drawings. Verify all dimensions on site prior to construction.

Legend
 — Existing walls to be retained
 - - - Existing walls to be demolished



B ISSUED FOR DEVELOPMENT APPLICATION 18/07/22
 A ISSUED FOR PRE-DA 07/01/22
AMENDMENTS

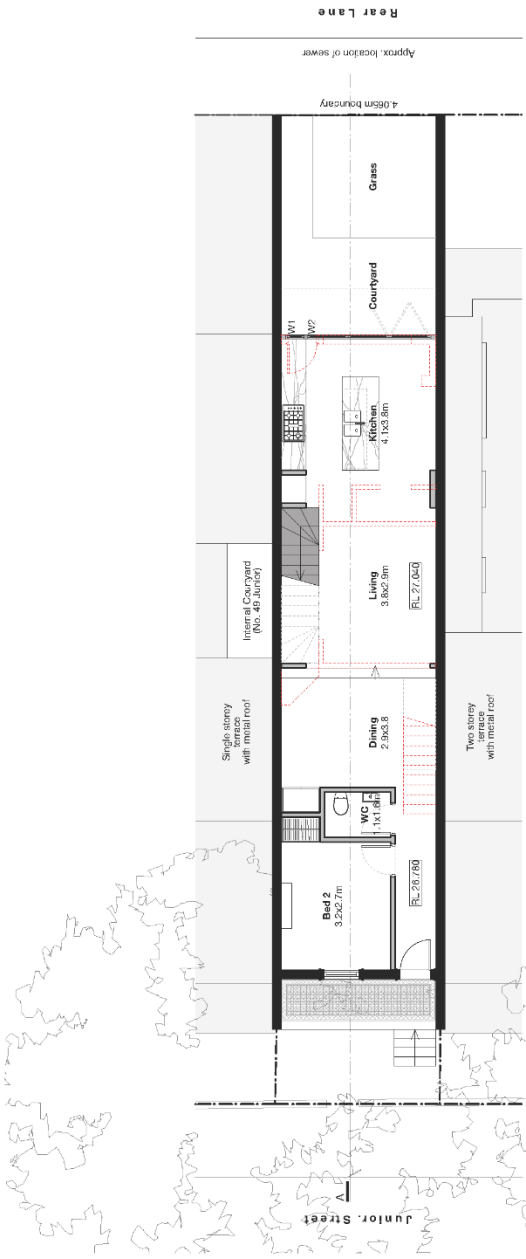
L A U R A C O O K
 Avonlea Beach NSW AUSTRALIA - laur@lauracook.com.au - +61 4 64 189 231

PRES RESIDENCE
 47 JUNIOR STREET, LEICHHARDT
 DEVELOPMENT APPLICATION

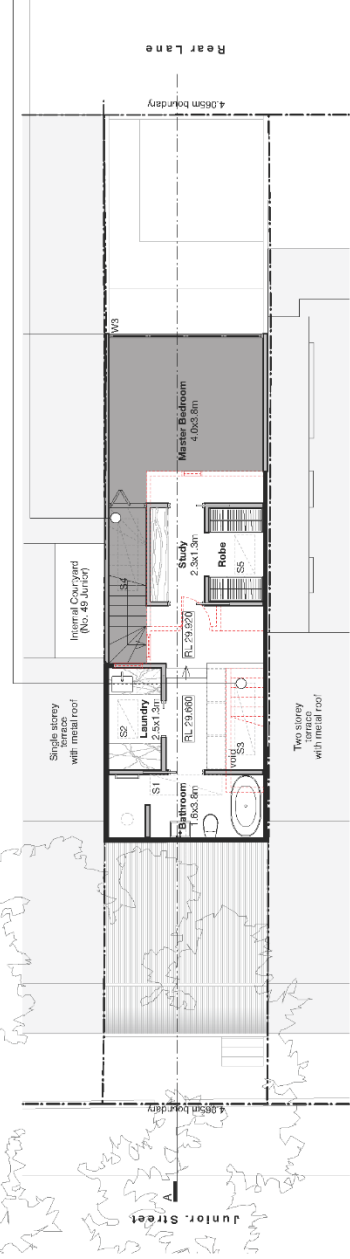
DEMOLITION PLANS
 SCALE 1:100 @ A3
 DRAWN LC
 DA.03(B)

All works to be in accordance with Australian Standards, the Building Code of Australia, other relevant codes, and all manufacturers' recommendations and instructions.
 Do not scale from drawings. Verify all dimensions on site prior to construction.

- Legend**
- Existing walls to be retained
 - Existing walls to be demolished
 - Extent of new floor area
 - Extent of proposed lightweight construction
- Basic Requirements** (certificate number A400716)
- A gas instantaneous hot water system must be installed
 - A minimum of 40% of new or altered lighting fittings to be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps
 - All new or altered taps and showerheads to have a flow rate no greater than 9 litres per minute or a 3 star water rating
 - All new or altered toilets to have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating
 - All new external framed walls to have a minimum R-value of R1.30 (or R1.70 including construction)
 - All new ceilings to have a minimum R-value of R1.76 (up)
 - All new roofs to be constructed with foliagarking and to be light in colour with a solar absorptance < 0.175
 - All new windows, glazed doors and shading devices to be installed in accordance with the specifications listed in the table below
- | Window, Sliding Door, Patio and Glass Type | Frame and Glass Type |
|--|--|
| R172 - Low permeable window | Low permeable frame and glass for Low permeable window (see LPLC 0.0.17) |
| WS - Window | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| S1 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SP - Patio or pergola | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA1 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA2 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA3 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA4 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA5 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA6 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA7 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA8 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA9 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA10 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
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| SA46 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA47 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
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| SA49 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA50 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
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| SA68 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA69 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA70 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA71 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA72 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA73 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA74 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA75 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA76 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA77 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA78 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA79 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA80 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA81 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA82 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA83 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA84 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA85 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA86 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA87 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA88 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA89 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA90 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA91 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA92 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA93 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA94 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA95 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA96 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA97 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA98 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA99 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |
| SA100 - Sliding door | Standard aluminium, specific pyrolytic low e, cavity argon or krypton |



Proposed Ground Floor Plan Scale 1:100



Proposed First Floor Plan Scale 1:100

Remove existing stair (void to remain).
Proposed stair to first floor.

B ISSUED FOR DEVELOPMENT APPLICATION 18.07.22
A ISSUED FOR PRE-DA 07.01.22

AMENDMENTS

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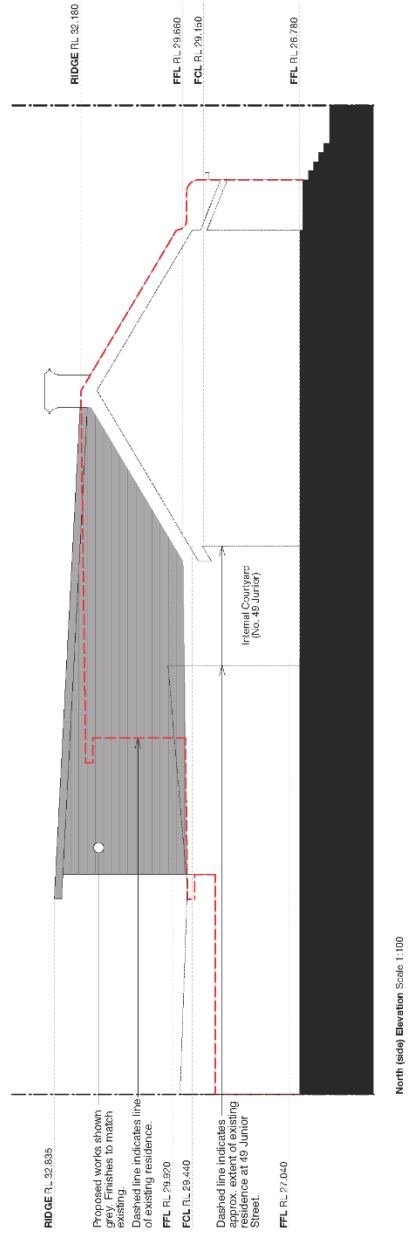
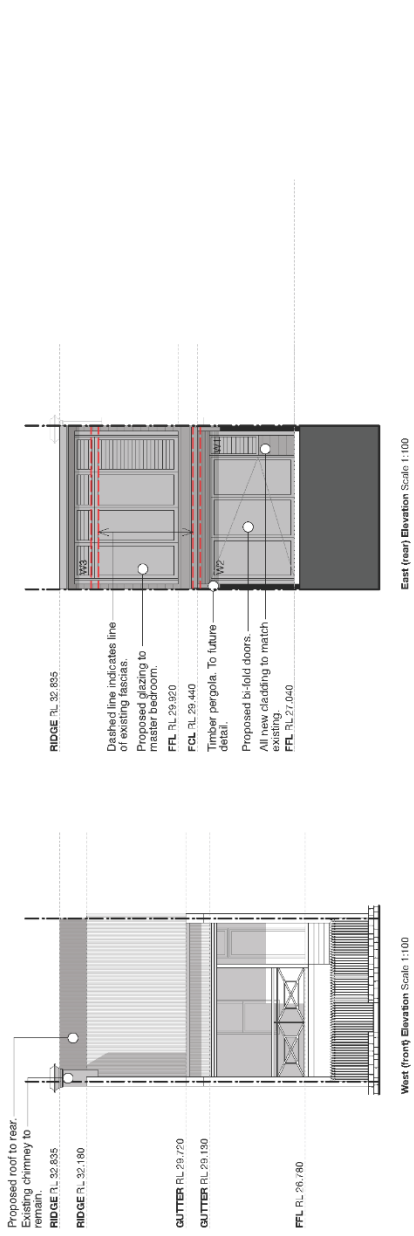
PRESS RESIDENCE
47 JUNIOR STREET, LEICHHARDT

DEVELOPMENT APPLICATION

PROPOSED PLANS SCALE 1:100 @ A3 DRAWN LC DA.04(B)

All works to be in accordance with Australian Standards, the Building Code of Australia, other relevant codes, and all manufacturers' recommendations and instructions.
Do not scale from drawings. Verify all dimensions on site prior to construction.

- Legend**
- Existing walls to be retained
 - Line of existing building
 - Existing walls/roof to be demolished
 - Extent of new works
 - Extent of proposed lightweight construction



B ISSUED FOR DEVELOPMENT APPLICATION 18/07/22
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AMENDMENTS

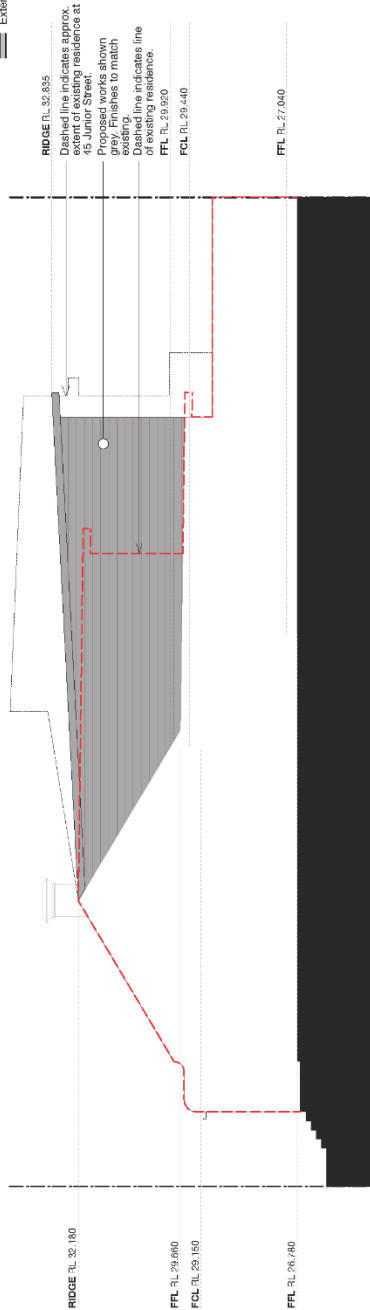
L A U R A C O O K
 Architect
 Avonlea Beach NSW AUSTRALIA | laur@lauracook.com.au | +61 4 64 189 231

PRESS RESIDENCE
 47 JUNIOR STREET, LEICHHARDT
 DEVELOPMENT APPLICATION

ELEVATIONS SCALE 1:100 @ A3
 DRAWN LC
 DA.05(B)

All works to be in accordance with Australian Standards, the Building Code of Australia, other relevant codes, and with manufacturers' recommendations and instructions.
 Do not scale from drawings. Verify all dimensions on site prior to construction.

- Legend**
- Existing walls to be retained
 - Line of existing building
 - Line of existing wall/roof to be demolished
 - Existing walls/roof to be demolished
 - Extent of new works
 - Extent of proposed lightweight construction



South (side) Elevation Scale 1:100



Section A Scale 1:100

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AMENDMENTS

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PRESS RESIDENCE
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 DEVELOPMENT APPLICATION

ELEVATION/SECTION SCALE 1:100 @ A3 DRAWN LC **DA.06(B)**

All works to be in accordance with Australian Standards, the Building Code of Australia, other relevant codes, and all manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.

Attachment C- Section 4.6 Exception to Development Standards

Inner West Council
7-15 Wetherill Street
Leichhardt NSW 2040
Phone 9392 5000



4.6 Exception to Development Standard 4.4 Floor Space Ratio

Alterations and additions to existing residence at 47 Junior Street, Leichhardt

June 2022

Leichhardt Local Environmental Plan 2013

Clause 4.6 Exceptions to development standards

This Clause 4.6 variation request has been prepared to accompany the Development Application for alterations and additions to the existing two-storey terrace house at 47 Junior Street, Leichhardt.

The proposed alterations and additions seek to modify the existing residence, providing natural light and ventilation to all habitable rooms in the house.

Bedroom 02 currently has no access to natural light or ventilation + the Bathroom is only accessible via the Master Bedroom on the first floor.

The proposal has been carefully designed to sit sympathetically within the street and general locality, and the building footprint will remain the same.

The objectives of this clause are as follows –

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

This Clause 4.6 variation also takes into account the relevant aspects of the Land and Environment Court judgement from *Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734*, as revised by the NSW Court of Appeal in *RebelMH Neutra Bay Pty Ltd v North Sydney Council [2019] NSWCA 130*.

Development Standard to be Varied

Part 4 Principal Development Standards

4.4 Floor Space Ratio

In accordance with Clause 4.4 of the LLEP2013, the maximum floor space ratio for the site is 0.80:1.

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings to the site to the site area.

The proposed FSR exceeds the 0.80:1 ratio as illustrated in the table below:

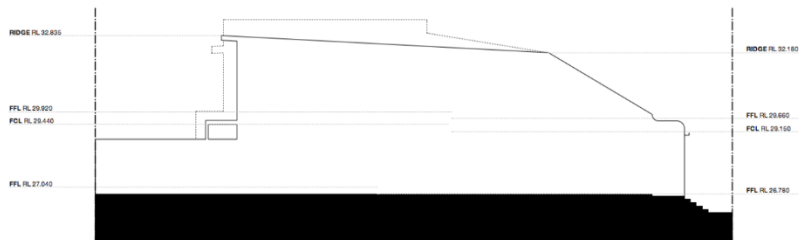
Floor Space Ratio:

Numerical Control	Proposal	Non-compliance
Maximum permissible: 0.8:1 or 76.12sqm	1.03:1 or 102.2sqm	29.17% or 23.08sqm

The proposed development requests a deviation from the development standard of 23.08sqm (29.17%). The small allotment size amplifies the percentage and it should be taken into consideration that a variation of 29.17% on such a small allotment is unlikely to have any adverse effects, whilst greatly improving the amenity for the current and future residents.

A concession to the strict adherence of the Floor Space Ratio control is requested for the following reasons:

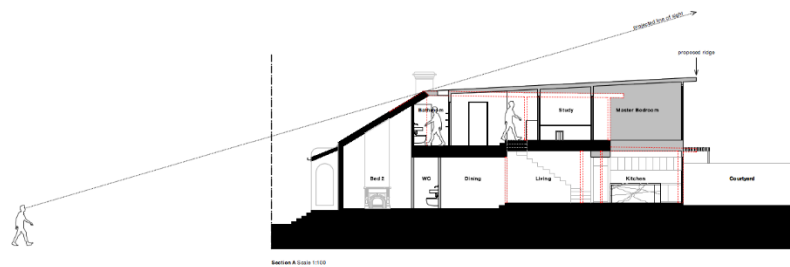
1. The proposal will result in a development similar in scale to neighbours in the immediate vicinity (refer to image below).



Note: Solid outline indicates building outline of *proposed works* at 47 Junior St
 Dashed line indicates *existing* building outline of neighbouring property at 45 Junior St

2. The existing building footprint will remain unaltered.

3. The existing line of site from Junior Street is protected (refer to image below).



Whilst the control itself has not been satisfied, the objectives of the control have all been satisfied; as listed below:

Objectives

(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 development is compatible with the desired future character; and

(d) to minimise adverse environmental and amenity impacts on adjoining properties, the public

domain, heritage conservation areas and heritage items

**note: (b) and (d) refer to the Draft IWLEP 2020 Clause 4.4 Floor Space Ratio which was placed on public exhibition commencing on 16 March 2020.*

The maximum floor space ratio control prescribed under Clause 4.4 of the LLEP2013 is a development standard capable of being varied under Clause 4.6 of the LLEP2013.

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)* which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The proposed development achieves the objectives of the floor space ratio development standard as outlined in the table below:

(a) to ensure that residential accommodation –

<p><i>(a) to ensure that residential accommodation</i></p> <p><i>(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and</i></p>	<p>The proposal will result in a development similar in scale to neighbours in the immediate vicinity.</p>
<p><i>(a) to ensure that residential accommodation</i></p> <p><i>(ii) provides a suitable balance between landscaped areas and the built form, and</i></p>	<p>The existing building footprint/landscaped area will remain unaltered.</p>
<p><i>(a) to ensure that residential accommodation</i></p> <p><i>(iii) minimises the impact of the bulk and scale of buildings.</i></p>	<p>The existing line of site from Junior Street is protected.</p>
<p><i>(b) to ensure that development is compatible with the desired future character</i></p>	<p>The proposal will result in a development similar in scale to neighbours in the immediate vicinity.</p>
<p><i>(d) to minimise adverse environmental and amenity impacts on adjoining properties, the public domain, heritage conservation</i></p>	<p>The proposal will result in a development similar in scale to neighbours in the immediate vicinity.</p>

areas and heritage items	
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4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard

The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

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

in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.

There are sufficient environmental planning grounds to justify contravening the development standard:

The proposed distribution of built form and massing across the site is the result of a considered analysis of the context of the site and the desire to deliver a development, which is consistent with the objectives for the development of the area.

- As a consequence, the alterations and additions will now see the residence complying with the relevant Building Code of Australia (BCA) provisions in regards to minimum ceiling heights (within habitable rooms), natural light & ventilation (to habitable rooms) and staircase design. Bedroom 02 currently has no access to natural light or ventilation + the Bathroom is only accessible via the (non compliant) stair and the Master Bedroom.
- Despite the additional density, the proposal still complies with the relevant setbacks.
- The proposal will deliver a high quality development in keeping with adjacent properties.
- There are no unacceptable adverse impacts in terms of shadow, view, visual and acoustic privacy impacts resulting from the proposed variation to the floor space ratio.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the wider local community.

Conclusion

Strict compliance with the FSR development standard contained within clause 4.4 of the Leichhardt LEP 2013 has been found to be unreasonable and unnecessary in the circumstances of the case.

The proposed development will be in the public interest *because* it is consistent with the objectives of the development standard and the objectives for development of the relevant zone.