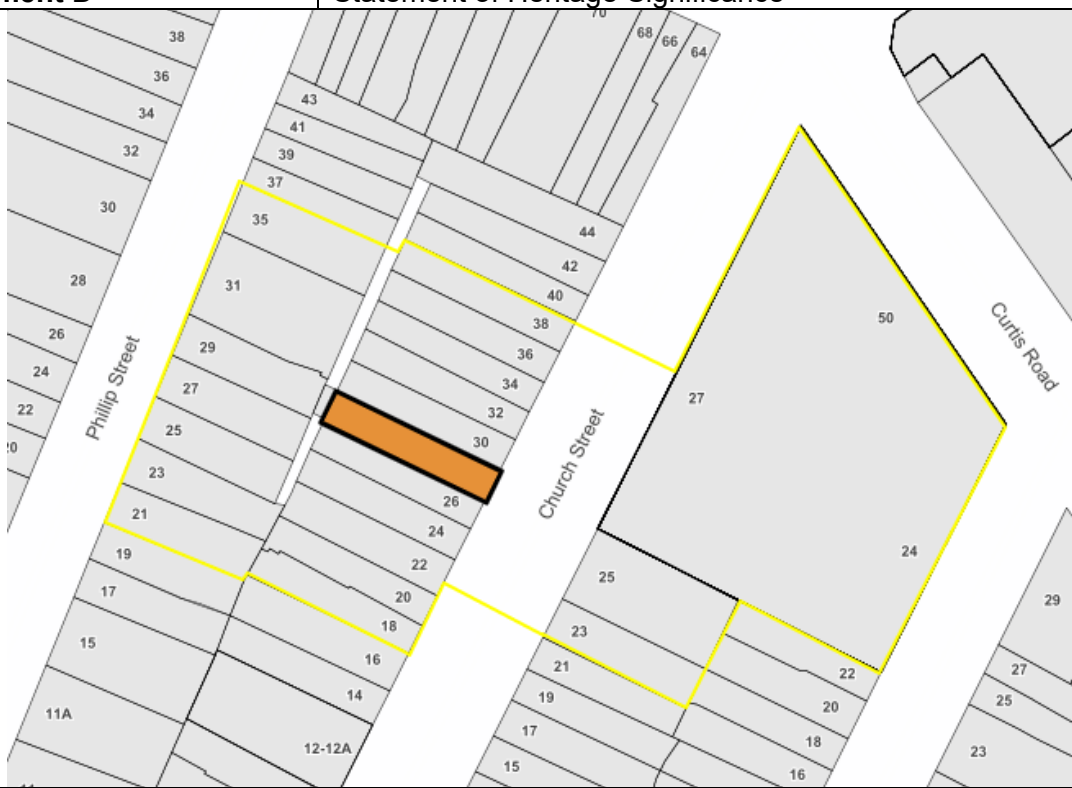





 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2022/0920
Address	28 Church Street BALMAIN NSW 2041
Proposal	Alterations and additions to an existing dwelling including construction of a new first floor addition with balcony and new attic level with dormer.
Date of Lodgement	01 November 2022
Applicant	Mr Dean M Lonergan
Owner	Mr Dean M Lonergan
Number of Submissions	Nil
Value of works	\$215,000.00
Reason for determination at Planning Panel	Section 4.6 variation to Floor Space Ratio exceeds 10%
Main Issues	Floor Space Ratio variation
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
Attachment D	Statement of Heritage Significance
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
Supporters	
	 N

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling including construction of a new first floor addition with balcony and new attic level with dormer at 28 Church Street Balmain.

The application was notified to surrounding properties and nil submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- The application results in an FSR of 1.1:1, a variation of 13.36sqm or 11.7%.

The form, scale and design of the proposed development is considered to be compatible with the streetscape and neighbourhood and the amenity impacts of the proposal are considered to be acceptable. Further, any non-compliances, including the FSR breach, are deemed to be acceptable given site context, including lot orientation and existing adjoining development, and therefore, the application is recommended for approval.

2. Proposal

The proposal seeks alterations and additions to the existing attached dwelling at the site. Specifically, the proposal seeks:

- Internal reconfigurations at ground level;
- Additions to the first floor level at the rear to provide a larger master bedroom and new stairs to access new habitable attic area; and
- Provision of a dormer at the attic level to create a usable space.

3. Site Description

The subject site is located on the western side of Church Street, between Darling Street and Curtis Road. The site consists of one (1) allotment and is rectangular in shape with a total area of 114 sqm.

The site has a frontage to Church Street of 4.5 metres.

The site supports an existing two-storey attached dwelling. The adjoining properties support two-storey attached dwellings which match the style and presentation of the subject site, whereby No. 30 Church Street has been modified in recent years to provide alterations and additions similar to that proposed under this application.

The property is not heritage listed, nor located in the vicinity of any environmental heritage, however, is located within a Heritage Conservation Area. There is no existing significant vegetation on the site.

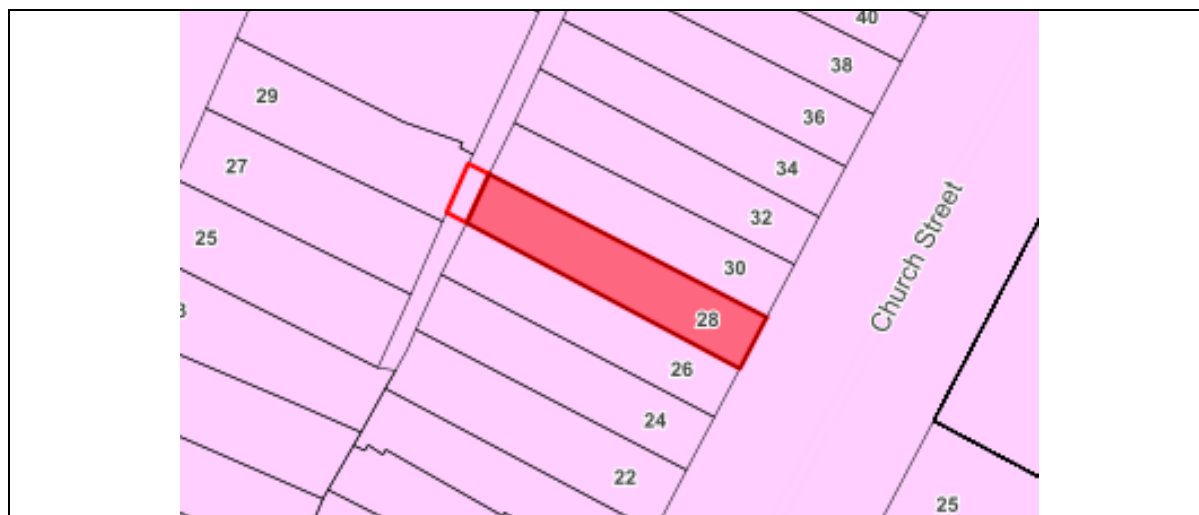


Figure 1: Zoning Map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2020/0128	Alterations and additions to dwelling	Advice Issued – 24/06/2020
BC/2016/12	For sale of property	Approved – 08/03/2016
M/2005/273	Section 96 (1A) modification of D/2000/606, which approved single-storey alterations & additions to the rear of existing 2-storey terrace. Modification involves removal of 2 trees, installation of a skylight & 2 air conditioning units on rear roof.	Approved – 07/06/2006
D/2000/606	Alterations and additions to an existing dwelling	Approved – 19/12/2000

Surrounding properties

Application	Proposal	Decision & Date
M/2018/53	30 Church Street - Modification of Development Consent D/2015/638 which approved alterations and additions to dwelling-house. Modifications entail changes to ground floor internal layout and extension to attic and new window W06 to rear.	Approved by Local Planning Panel – 14/08/2018
D/2015/638	30 Church Street - Alterations and additions to the existing dwelling including extensions at ground and first floor level.	Approved – 12/02/2016

4(b) Application history

Date	Action
04/01/2023	<p>Council forwarded a Request for Information correspondence to the applicant requesting following changes:</p> <ul style="list-style-type: none"> • Reduction in FSR; and • Amendments to address concerns raised by Council's Heritage Specialist.
03/02/2023	<p>Applicant submitted additional and amended information to the NSW Planning Portal. The amendments carried out by the applicant included:</p> <ul style="list-style-type: none"> • Relevant design changes as requested by Council's Heritage Specialist including: <ul style="list-style-type: none"> ○ Retention of front door and first-floor timber French doors in the Church Street elevation; ○ Windows in rear elevation to skillion dormer amended to be vertically proportioned; ○ Revised colours and finishes schedule; ○ Removal of storage shelving adjacent to dormer; ○ Reducing the Floor Space Ratio (FSR) by reducing floor area of attic level; and ○ Deletion of redundant chimney at attic level. <p>The amended plans lodged are assessed in this report. The amendments carried out result in a reduced or lesser impact with no additional impacts on the streetscape or amenity of adjoining properties, and hence, did not require renotification in accordance with Council's Community Engagement Framework.</p>

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*
- *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

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 will be referenced in any consent granted.

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) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition Requires Development Consent
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor Space Ratio
- Section 4.5 – Calculation of Floor Space Ratio and Site Area
- Section 4.6 – Exceptions to Development Standards
- Section 5.10 – Heritage Conservation
- Section 6.1 – Acid Sulfate Soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater Management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *IWLEP 2022*. The proposed works are to a dwelling house, which is a permissible form of development within the zone.

The development is consistent with the objectives of the R1 zone.

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
Landscape Area <i>Minimum permissible: 15% or 17.1sqm</i>	0% or 0sqm *Note: no change from existing	17.1 sqm or 100%	No, however no change from existing
Site Coverage <i>Maximum permissible: 60% or 68.4sqm</i>	61.7% or 70.3sqm *Note: no change from existing	1.9 sqm or 2.78%	No, however no change from existing
Floor Space Ratio <i>Maximum permissible: 1:1 or 114 sqm</i>	1.1:1 or 127.36sqm	13.36sqm or 11.7%	No

Section 4.6 Exceptions to Development Standards

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

- Section 4.4 - Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Section 4.6 of the *IWLEP 2022* by 11.7% (13.36sqm).

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 *IWLEP 2022* below.

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposed development does not result in any significant loss of amenity, privacy or sunlight for any neighbouring properties.*
- *FSR controls are inconsistently applied in this area and are impractical for sites of this size and proportion. Neighbouring developments have similar site coverage which would indicate the greatly exceed the floor space ratio controls. The proposed development would be consistent with the density of all adjacent terrace houses.*
- *The existing FSR already exceeds the controls. The new development proposal aims to improve the amenity for a young and growing family with improved configuration, utilities, floor, and storage space of the existing house using sustainable*

development principles. The proposed development aims to improve visual and acoustic privacy for neighbouring properties with addition of new soft landscaping at the rear of the property and planting of mature trees.

- *In order to improve the environmental sustainability of our cities it is necessary to regenerate existing housing stock and increase urban density where appropriate, as in this case.*

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.

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 *IWLEP 2022* for the following reasons:

- The proposal provides for the housing needs of the community.
- Adds to providing a variety of housing types and densities.
- The proposal provides residential development that maintains the character of built and natural features in the surrounding area.
- The density of the development is commensurate with the character of the area.
- The proposal is compatible with the character and style of surrounding buildings and the mixed architectural styles and varied built form in the streetscape and area.
- The proposal will be compatible with the existing and desired future character of the area in relation to building bulk, form and scale.
- The proposal minimises amenity impacts to adjoining properties.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor space ratio development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The proposed density reflects the locality.
- The proposal provides an appropriate transition between development of differing densities.
- The proposal minimises adverse impacts on local amenity.
- The proposal will result in a development that is consistent with the housing needs of the community, providing additional floor area to a residential dwelling that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- The proposed additions will not result in any undue adverse impacts on the amenity of the subject dwelling on the site or any undue adverse amenity impacts on adjoining 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 *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the floor space ratio development standard and it is recommended the Section 4.6 exception be granted.

5(c) Draft Environmental Planning Instruments

There are no Draft Environmental Planning Instruments relevant to the application.

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.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	No – see discussion
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
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	
C2.2.2.5 Mort Bay Distinctive Neighbourhood	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	No – see discussion
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes

C3.9 Solar Access	Yes
C3.10 Views	N/A
C3.11 Visual Privacy	Yes – see discussion
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	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A
Appendix B – Building Typologies	Yes
Appendix C – Urban Framework Plans	Yes
Appendix D – Site Waste Minimisation and Management Plan	Yes
Appendix E – Water Guidelines	Yes

The following provides discussion of the relevant issues:

C1.12 Landscaping

As is noted against the assessment of Section 4 of the *IWLEP 2022*, the proposal provides no formal landscaped area at the site. Notwithstanding, this is no change from existing and is considered acceptable noting it is consistent with surrounding properties.

C3.2 Site Layout and Building Design

The proposal entails additions to the first floor level and a dormer at attic level, establishing new Building Location Zones at those levels.

The setbacks of the adjoining properties from the rear property boundary are 9.6m and 16.1m at first floor level. As such, the proposal with a rear setback of 9.7m at first floor departs from the BLZ control.

Additionally, at the attic level, the proposed dormer has been designed to match that at No. 30 whereby the dormers have a setback of 16.5m and 16.6m respectively. The adjoining neighbour at No. 26 does not provide a dormer at the attic level.

As such, the proposal departs from the BLZ control at both first floor and the attic level. An assessment against the tests under Control C6 of this part for the establishment of a new BLZ is provided below.

- *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: The development is acceptable with regard to solar access, privacy considerations, and will not result in any undue adverse view loss implications.

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

Comment: The development is appropriately sited and is an acceptable response to the streetscape and desired future character controls. The scale of the proposal is not inconsistent with the developments in the locality and is not out of character with the existing pattern of development in the vicinity of the site

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

Comment: The development will comply with Private Open Space (POS) controls prescribed in Part C3.8 of the DCP, and will not unduly impact on neighbour's privacy and will benefit from adequate levels of solar access.

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

Comment: There is no significant vegetation on the site. While the proposal which does not provide landscaping at the site, this is consistent with neighbouring properties.

- *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: The proposal enables neighbouring properties to the south to continue to achieve a compliant level of solar access to POS and has no impact on living room glazing. The proposal provides a built form which results in a BLZ which almost matches that at No. 30, utilising a similar presentation to the rear to ensure better cohesion and lesser impacts when viewed from neighbouring POS. This is considered an acceptable and sympathetic outcome with regard to the nature of the proposed development.

Given the above, the first floor and attic level BLZ to be established on the site is satisfactory as it will meet the objectives of the control.

Side Setbacks

The proposal results in variations to the side setback control as demonstrated in the table below.

Wall (ie elevation and ground / first)	Height (m)	Required Setback (m)	Proposed Setback (m)
North (first)	6.5	2.1	0
North (attic)	9	3.6	0-0.5
South (first)	6	1.85	0
South (attic)	8.5	3.3	0.8

To gain support for this variation, certain test pursuant to Control C8 of this part need to be satisfied. These tests are assessed below:

- *The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the Leichhardt DCP 2013 and complies with streetscape and desired future character controls.*

Comment: The application 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.

- *The pattern of development is not adversely compromised.*

Comment: The side wall setbacks and heights of the proposed works will not be out of character with the existing pattern of development on the site, in the street and / or wider area.

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

Comment: The proposal is satisfactory with respect to bulk and scale in terms of building location zone, floor space ratio and building envelope.

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

Comment: The development is acceptable with regard to solar access and privacy considerations and will not result in any undue adverse view loss implications. As noted in the DCP table above, the proposal complies with solar access and privacy controls.

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

Comment: The proposal will not obstruct any adjoining walls for maintenance purposes.

In light of the above, the proposal is considered to satisfy the above tests, and as such, the side wall heights and setbacks are supported in this instance.

Building Envelope

The proposal as existing does not comply with the building envelope applicable to the site. It is noted that the proposal does not seek to change the built form at the street elevation and maintains the existing non-compliance which is considered acceptable.

C3.4 Dormer Windows

The proposal seeks to provide a dormer window at the rear elevation to the attic level. The proposed dormer demonstrates general compliance with the controls contained with Part C3.4 of the Leichhardt DCP 2013 with the exception of Control C8 which prescribes the following:

- *C8 Dormer windows must not have a total width of more than 25% of the width of the roof.*

Notwithstanding the departure to the control above, the proposed dormer window is considered to be an appropriate design outcome reflective of other building styles in the locality including the neighbouring property at No. 30 Church Street and will be consistent with the Building Typology Statements in Appendix B of the DCP which allows for wider dormers to rear roof planes. The proposed dormer does not compromise the unity of any rows or groups of dwellings and is considered to positively contribute to the design of the additions to the dwelling.

C3.11 Visual Privacy

The addition at first floor level to create a master bedroom also seeks a balcony off this new addition. The proposed balcony has dimensions of 3.5m x 0.9m, therefore departing from the provisions of Control C9 of this part. Notwithstanding, visual privacy screens have been provided to all elevations of the balcony to ensure visual privacy is not compromised for neighbours.

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 the initial notification.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage
- Development Engineering

Standard conditions have been imposed in relation to stormwater drainage from the site.

6(b) External

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

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$2,150** would be required for the development under 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 *Inner West Local Environmental Plan 2022* 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 *Inner West Local Environmental Plan 2022*. 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/2022/0920 for alterations and additions to an existing dwelling including construction of a new first floor addition with balcony and new attic level with dormer at 28 Church Street, BALMAIN 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 04 Rev 6	Site plan	23.02.23	VNdraft.com
Sheet 05 Rev H	Site analysis plan	23.02.23	VNdraft.com
Sheet 06 Rev H	Existing/Demolish/Proposed ground floor plan	23.02.23	VNdraft.com
Sheet 07 Rev H	Existing/Demolish/Proposed first floor plan	23.02.23	VNdraft.com
Sheet 08 Rev H	Existing/Demolish/Proposed attic floor plan	23.02.23	VNdraft.com
Sheet 09 Rev H	Front elevation & Rear elevation	23.02.23	VNdraft.com
Sheet 10 Rev H	Side elevation/s	23.02.23	VNdraft.com
Sheet 11 Rev H	Section/s	23.02.23	VNdraft.com
Sheet 17 Rev H	Concept stormwater plan	23.02.23	VNdraft.com
Sheet 18 Rev H	Site/Waste management plan	23.02.23	VNdraft.com
Sheet 19 Rev H	Erosion & Sediment control	23.02.23	VNdraft.com

A448866_02	BASIX Certificate	07 September 2022	VNdraft PTY LTD
	Engineering Certificate	25 October 2022	Michael Ell Consulting Engineers

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:	\$2,800.00
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*:

\$2,150

*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.

GENERAL CONDITIONS**4. 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.

5. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

As there is no overland flow/flood path available from the rear courtyards to the Church Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:

- a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
- b. The maximum water level over the sag pit shall not be less than 150mm/300mm below the floor level or damp course of the building; and
- c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

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. Standard Street Tree Protection

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

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 adjoining properties at Nos. 26 and 30 Church 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. 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. 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 walls.

15. 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.

16. 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**17. 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.

PRIOR TO OCCUPATION CERTIFICATE**18. 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.

19. 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.

ON-GOING**20. Bin Storage**

All bins are to be stored within the site.

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.

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*.

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.

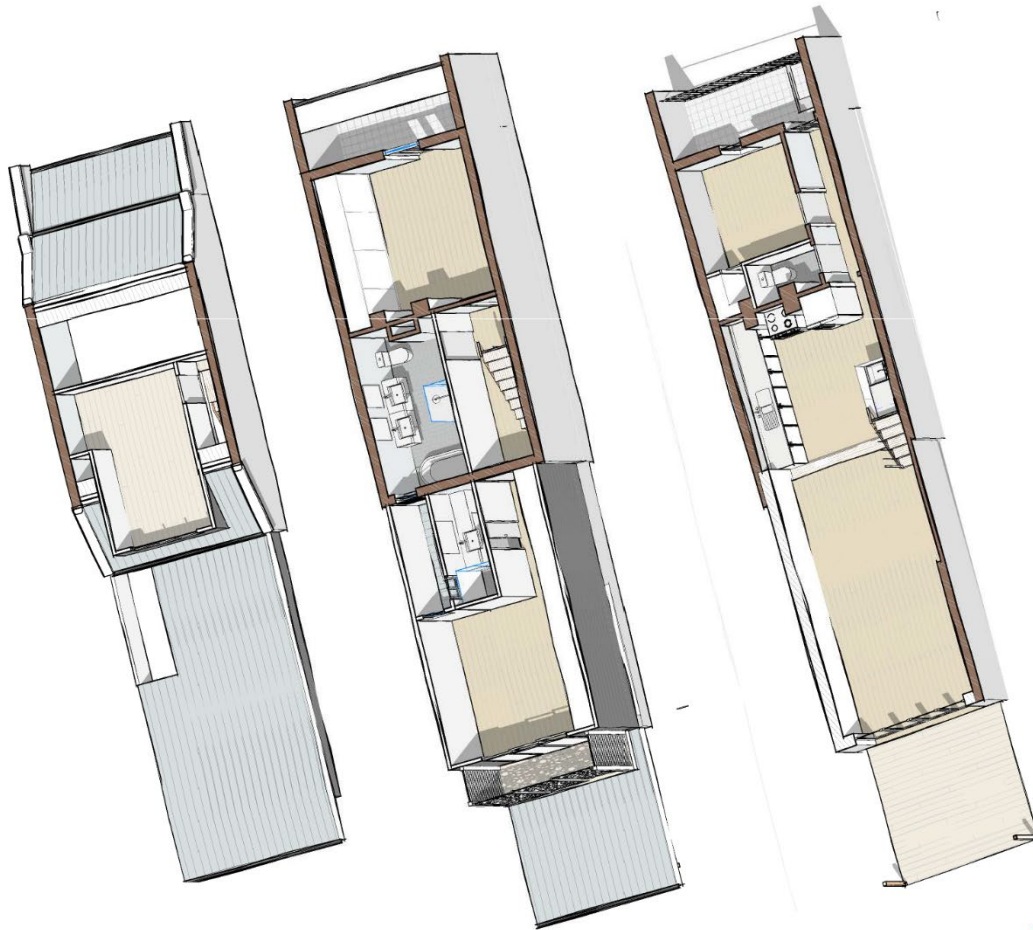
Dial before you dig

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.diyasafe.nsw.gov.au
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au
		Enquiries relating to work safety and asbestos removal and disposal.



Internal axonometric attic floor

Internal axonometric first floor

Internal axonometric ground floor

Purpose: Development application only (DA)

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Drawing: Internal axonometric

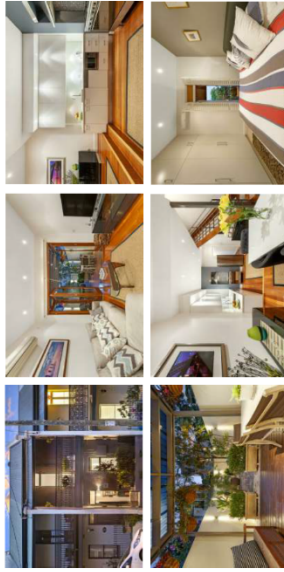
Address: 28 Church St, Balran NSW 2041

Project: 928880998 Client: Dean Loneragan

Sheet: 02 Size: A3

Date	S	R	Issued
22.07.15	10	F	As council letter 22.03.15
22.10.17	11	G	Council request
23.02.01	12	5	Amendment
23.02.03	13	H	Remove watermark

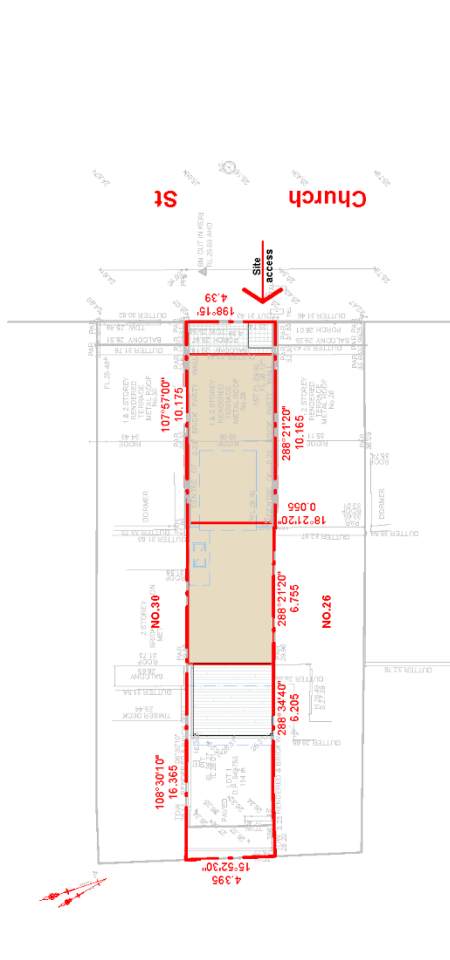




Existing status



Location plan

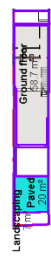


Site plan



Site legend

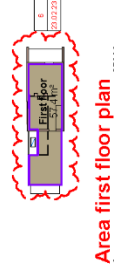
	Site access
	Boundary line
	Rooflight/structure above
	To be demolished
	Existing footprints/ building envelope
	Proposed footprints/ building envelope
	Conditioned
	Unconditioned



Area ground floor plan



Conditioned ground floor area



Area first floor plan



Conditioned first floor area



Area attic floor plan



Conditioned attic floor area



Development approval compliance

Condition	Existing	Proposed	Compliance
Site area	114 m²	nil	nil
Ground floor area	57.3 m²	63.2 m²	nil
First floor area	30.22 m²	52.9 m²	nil
Attic floor area	nil	11.9 m²	nil
Floor area	nil	77.9 m²	nil
Garage GFA excludes 1 car parking space (18m²)	89.0 m²	128 m²	125.4 m²
Excludes: Basements, Storage, Vehicle access, Terraces & Balconies with outer walls <14m high and Voils, Attic, Unhabitable area			
Gross floor area			
Floor space ratio	78 %	112 %	110 %
Excludes: Basements, Storage, Vehicle access, Terraces & Balconies with outer walls <14m high and Voils			
Site coverage	57.5 %	57.5 %	nil
Street setback	nil	nil	nil
Rear setback	nil	nil	nil
Side setback	0.9m up to 4.5m	0.9m up to 4.5m	nil
Total conditioned floor area	87.52 m²	118.0 m²	nil
Total landscaping	Front yard landscaping * Rear (yard landscaping)	7.0 m²	0.64

Purpose: Development application only (DA)

Version: 1, Version Date: 28/03/2023

Document Set ID: 37698937

Project: 928886098

Client: Dean Loneragan

Address: 28 Church St, Balmain NSW, 2041

Project: 928886098

Client: Dean Loneragan

Sheet: 04

Size: A3

Scale: A3

Date: 22.10.17

Issue: 11

Request: Council request

Date: 23.02.01

Issue: 12

Request: Amendment

Date: 23.02.03

Issue: 13

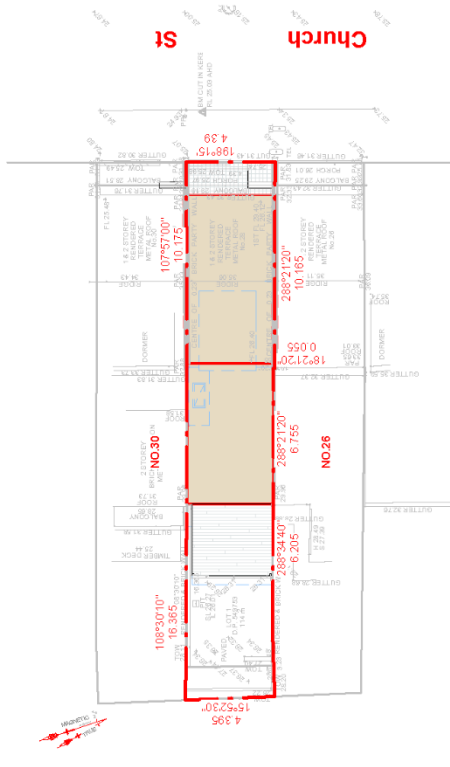
Request: Remove watermark

Date: 23.02.23

Issue: 15

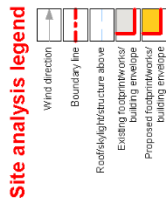
Request: Update as Samantha comment



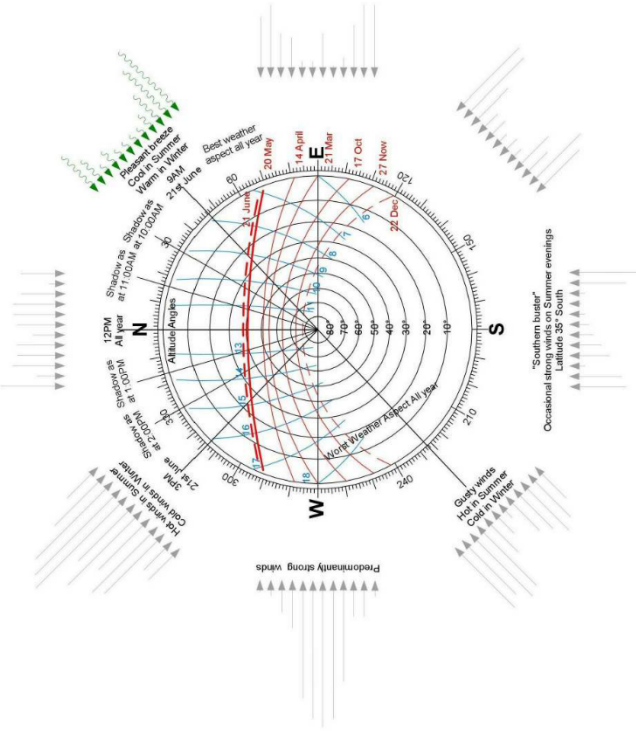


Site analysis plan

Scale 1:200
10000



Climate site analysis



Note

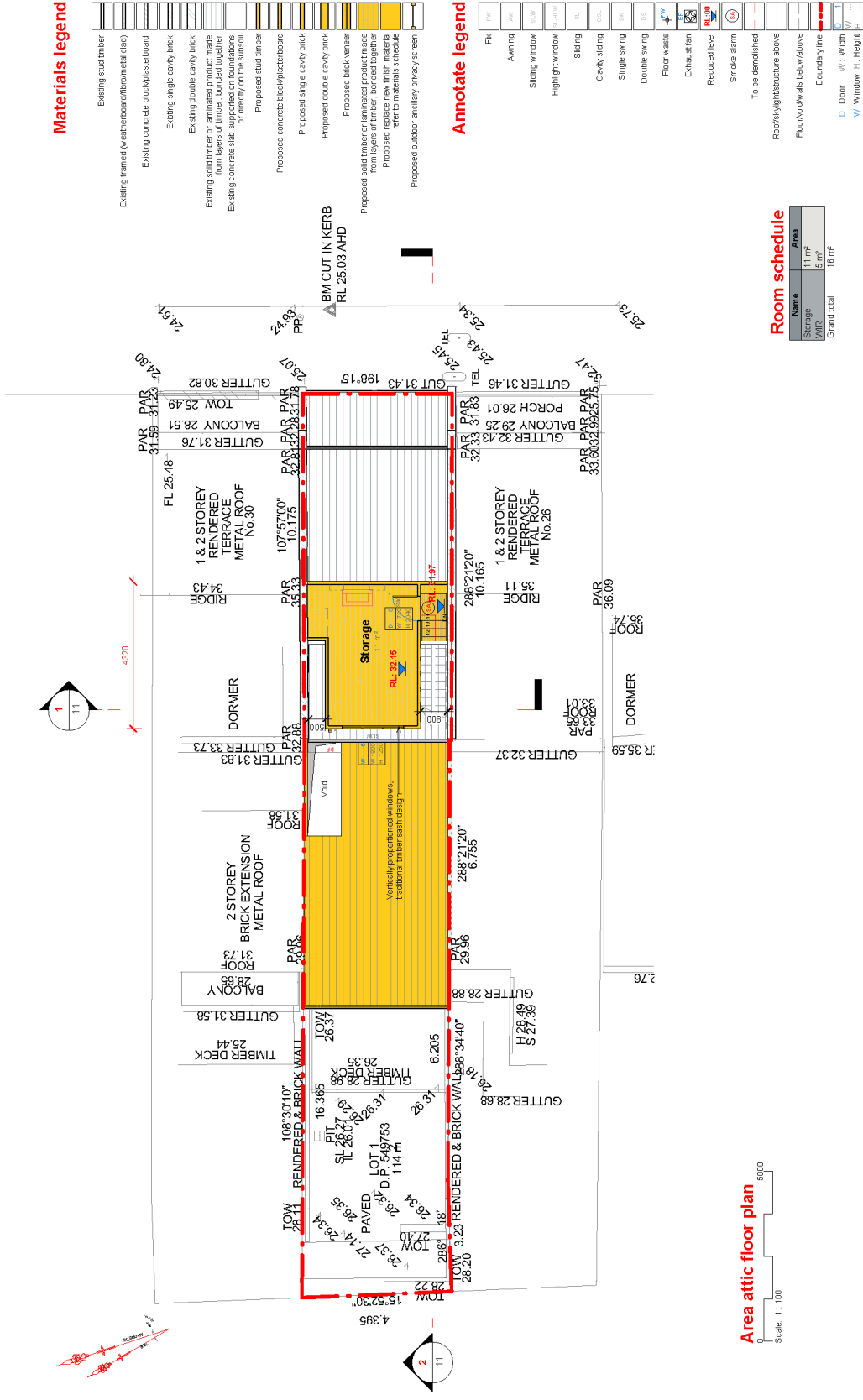
- The wind rose shown corresponds with the 12 months in the year
- The lines are read in a clockwise direction
- The length of the line is proportional to the frequency (% of time) of the wind from that direction in that month.
- The sun path diagram shown in the centre of the wind rose indicates the path scribed by the sun during different periods of the year
- The hours of the day are shown in blue
- The months of the year are indicated using the red lines
- The Compass is based upon 'True North', from the Map Grid Australia (MGA)
- True North based on survey completed by 'surveyor' 'date' comments are for Sydney Basin

Purpose: Development application only (DA)

2023/03/23 14:16 PM
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 Version: 1, Version Date: 28/03/2023

Date	S	R	Issued
22.07.15	10	F	As council letter 22.03.15
22.10.17	11	G	Council request
23.02.01	12	S	Amendment
23.02.09	13	H	Remove watermark





Purpose: Development application only (DA)

Version 1, Version Date: 26/03/2023

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Exterior finishes schedule

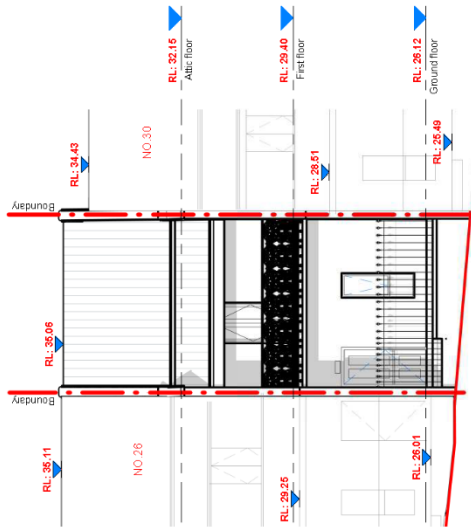
Images	Material	Description
	01	Cobbleboard windspray colour rest
	02	Dulux Brownsone, or similar to match the colour of the paint on the front of the terrace.
	03	Glass window, door skilght, railing or similar material image
	04	Timber frame, stained and lacquered.
	05	Aluminium, cool gray or similar material image

Materials legend

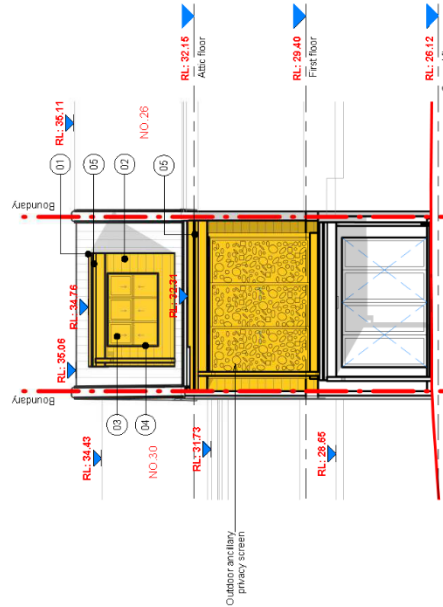
- Existing render finish wall
- Existing cobbleboard roof
- Horizontally laid timber weatherboards or FC sheathing
- Proposed cobbleboard roof
- Proposed outdoor ancillary privacy screen

Annotate legend

- Reduced level RL: 40
- New ground level NGL: 00
- New ground line
- Natural ground line
- 8.5m max height limit
- Boundary line



Street elevation

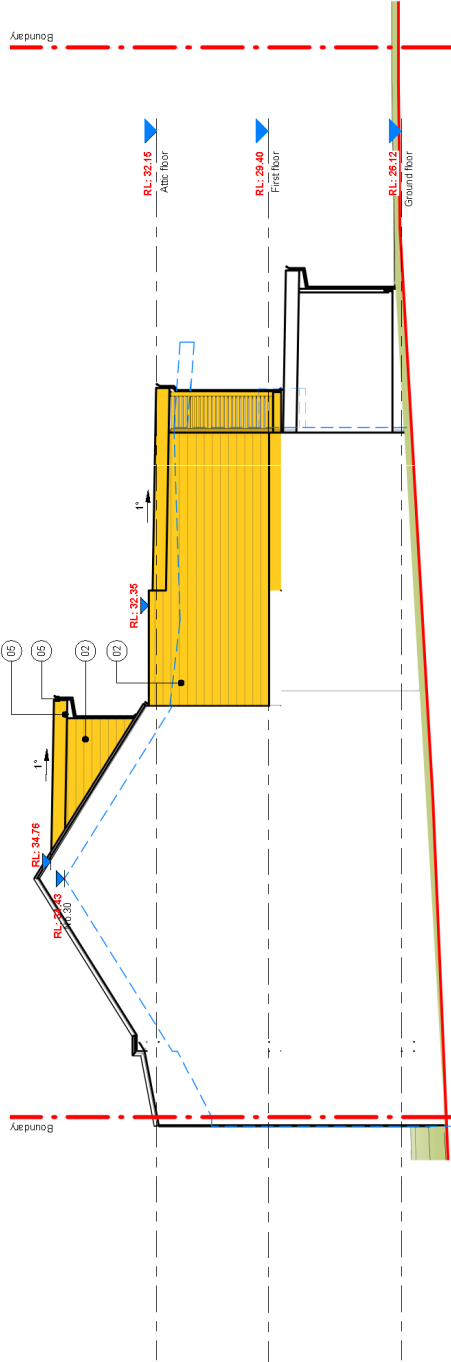


Rear elevation



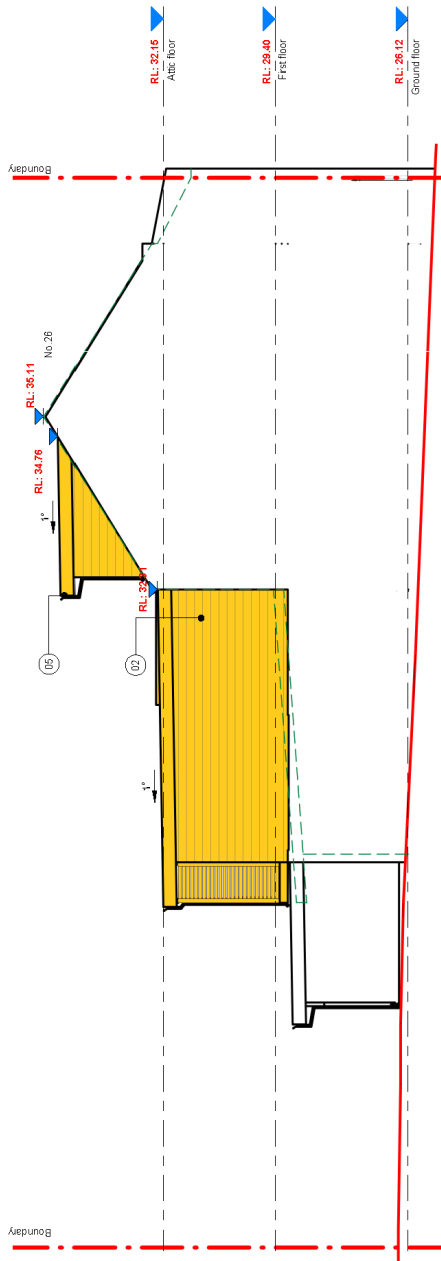
Purpose: Development application only (DA)
 2023/03/31 09:18 PM
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 Drawing: Front elevation & Rear elevation
 Address: 28 Church St, Balmain NSW 2041
 Project: 928886098 Client: Dean Limerigan Sheet: 06 Size: A3
 Date: 22/07/15 10 F As council letter 22/03/15
 22/10/17 11 G Council request
 23/02/01 12 5 Amendment
 23/02/09 13 H Remove watermark





Side elevation 1

Scale: 1:100
0 5000



Side elevation 2

Scale: 1:100
0 5000

Materials legend

- Existing render finish wall
- Existing colourbond roof
- Horizontally laid timber weatherboards or FC sheeting
- Proposed colourbond roof
- Proposed outdoor ancillary privacy screen

Annotate legend

- Reduced level
- New ground level
- Natural ground line
- Boundary line
- No. 26
- No. 30

Purpose: Development application only (DA)

22/02/2023 3:51 PM
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 Version: 1, Revision Date: 28/03/2023

Date	S	R	Issued
22.07.15	10	F	As council letter 22.03.15
22.10.17	11	G	Council request
23.02.01	12	5	Amendment
23.02.03	13	H	Remove watermark

Drawing: Side elevations
 Address: 26 Church St, Balmuir NSW 2041
 Project: 528880098 Client: Dean Loneragan Sheet: 10 Size: A3



Window schedule

Mark	Height	Width	Sill Height	Legend	Operating type	Frame	Glass type
First floor							
1	800	800	1500	SLW	Sliding	Timber	Single glazed, tint
2	800	800	1500	SLW	Sliding	Timber	Single glazed, tint
3	800	800	1500	SLW	Sliding	Timber	Single glazed, tint
4	800	1200	SK	SK	Skylight	Timber	Double clear/air fill
Attic floor							
1	1250	1800	800	SLW	Combination: less than 50% hinged or projected opening	Aluminium	Double glazed air, Hi - Tint, low-e/Clear
Grand total: 5							

Door schedule

Mark	Height	Width	Operating type	Frame	Glass type
Exterior					
1	2100	2400	Sliding	Timber/PVC/Fibreglass	Single Lo-Tint/None
Interior					
2	2040	720	Normal	Timber/PVC/Fibreglass	N/A
3	2040	720	Normal	Timber/PVC/Fibreglass	N/A
4	2040	820	Normal	Timber/PVC/Fibreglass	N/A
5	2040	720	Cavity sliding	Timber/PVC/Fibreglass	N/A
6	2040	720	Normal	Timber/PVC/Fibreglass	N/A
7	2040	820	Cavity sliding	Timber/PVC/Fibreglass	N/A
Grand total: 7					

Operating type

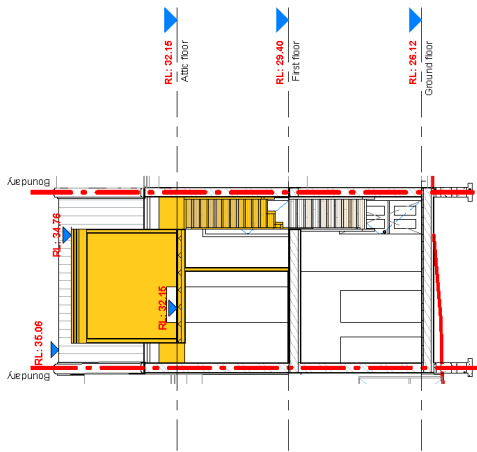
Operating type	Ventilation potential	Air infiltration	Frame Fraction
Hinged/projected	High	Medium	High
Fixed	None	Low	Medium
Sliding	Medium	Low	Low

Materials legend

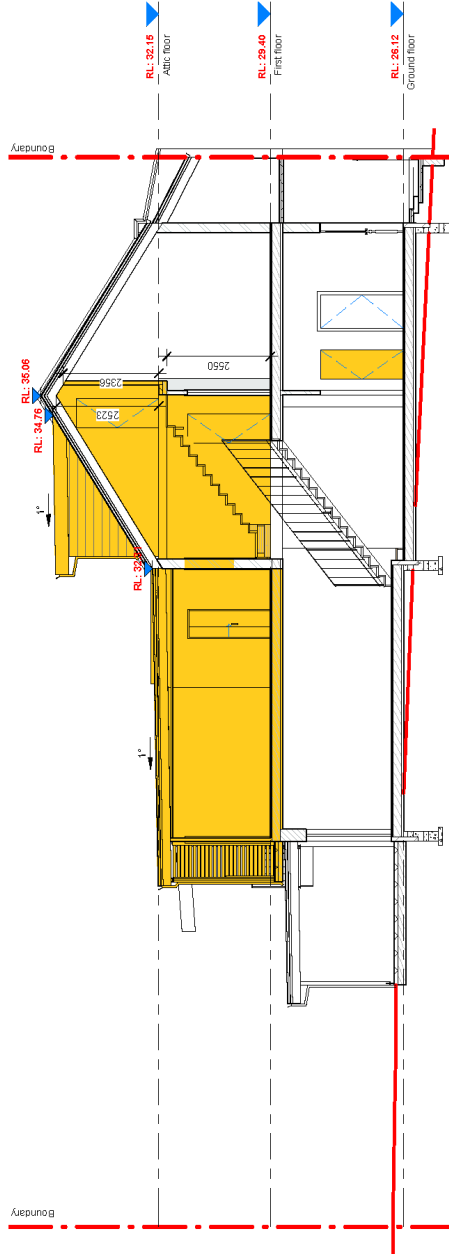
- Existing stud timber
- Existing concrete block/stoneboard
- Existing single cavity brick
- Existing double cavity brick
- Existing brick veneer
- Existing colourbond roof
- Existing concrete floor
- Existing timber floor
- New stud timber
- New frames (weatherboard/colourbond/stoneboard)
- Concrete block/stoneboard
- New single cavity brick
- New double cavity brick
- New brick veneer
- New colourbond roof
- New concrete floor
- New timber floor

Annotate legend

- Reduced level RL:0.00
- New ground level RL:0.00
- New ground line
- Natural ground line
- 8.5m max height limit
- Boundary line



Section 1
Scale: 1 : 100



Section 2
Scale: 1 : 100

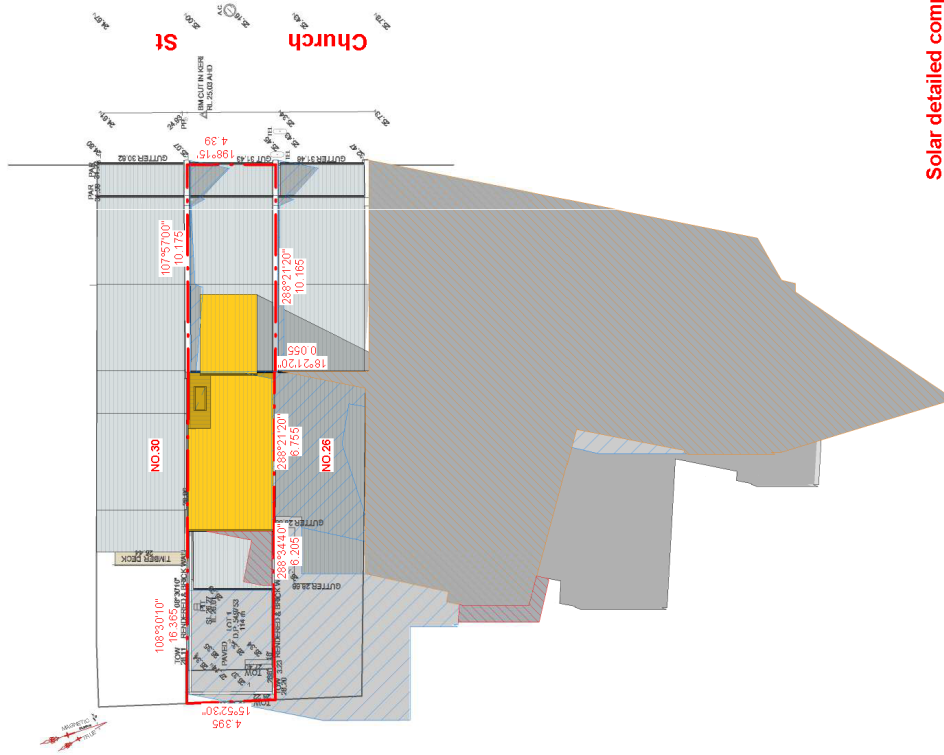
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Drawing Sections
 Address: 26 Church St, Berrigan NSW 2041
 Project: 928886098 Client: Dean Lonerigan
 Sheet: 11 Size: A3

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Shadow diagram June 21st 9am

Scale 1:200

Shadow legend

- No.28 shadow
- No.30 shadow
- Existing shadow
- Proposed shadow

Solar detailed compliance table

Unit	Min 3 hours sunlight @ 60% of POS area, Winter solstice on June 21st											Sunlight average				
	9 am	10 am	11 am	12 pm	1 pm	2 pm	3 pm	4 pm	5 pm	6 pm	7 pm					
1	40.00 sqm	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	6.87%	45.15%
2	40.00 sqm	59.57%	15.27%	0.00%	0.00%	32.95%	20.80%	62.00%	89.20%	100%	100%	100%	100%	100%	6.87%	41.41%
3	40.00 sqm	10.05%	19.12%	28.02%	33.17%	41.80%	56.57%	69.00%	79.00%	84.00%	86.00%	87.00%	87.00%	87.00%	6.87%	40.75%
4	40.00 sqm	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	6.87%	45.15%
5	40.00 sqm	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	6.87%	45.15%

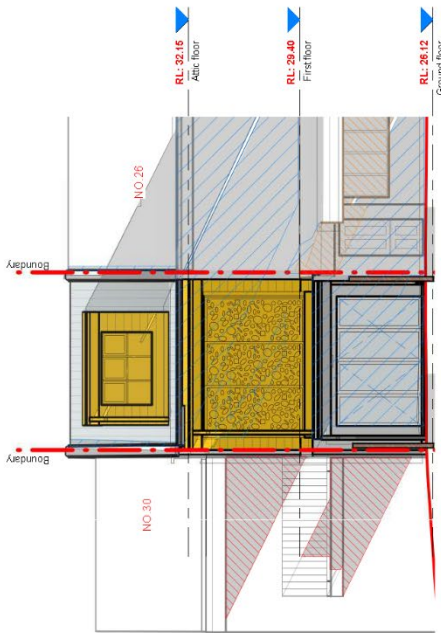
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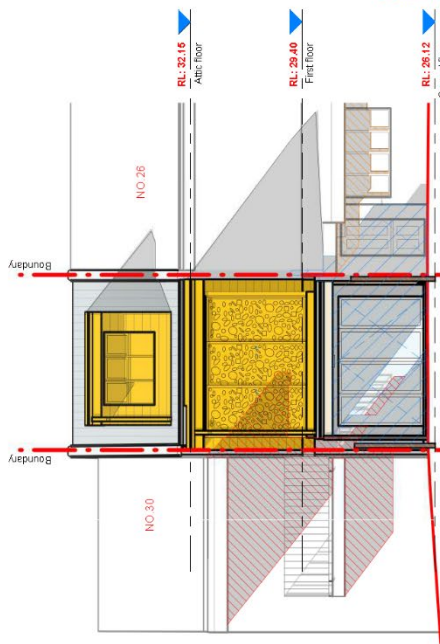
Drawing: Shadow diagram June 21st 9am
 Address: 26 Church St, Balmain NSW 2041
 Project: 52888098 Client: Dean Loneragan Sheet: 12 Size: A3
 Date: 22.07.15 10 F As council letter 22.03.15
 22.10.17 11 G Council request
 23.02.01 12 5 Amendment
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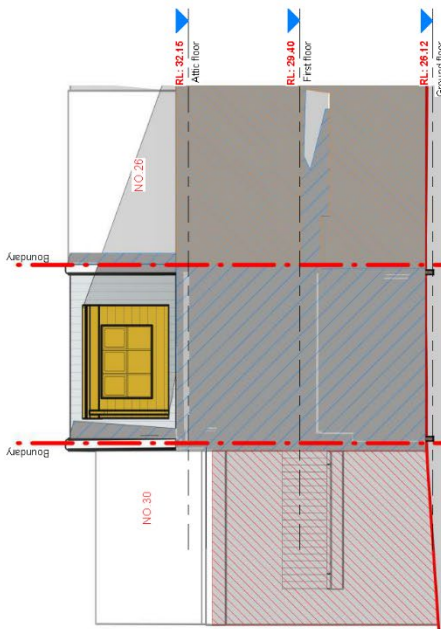




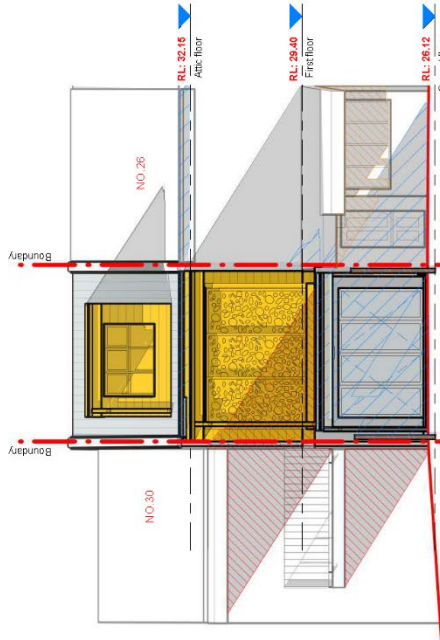
Rear elevation shadow diagram June 21st 10am



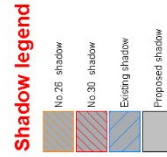
Rear elevation shadow diagram June 21st 12pm



Rear elevation shadow diagram June 21st 9am



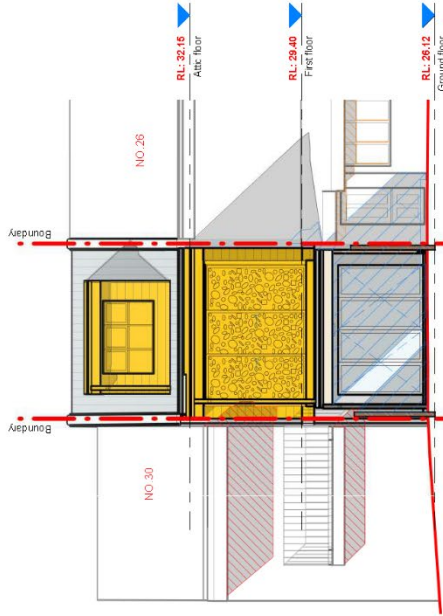
Rear elevation shadow diagram June 21st 11am



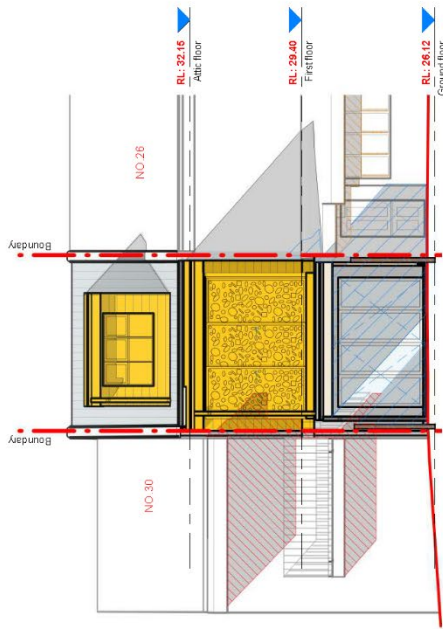
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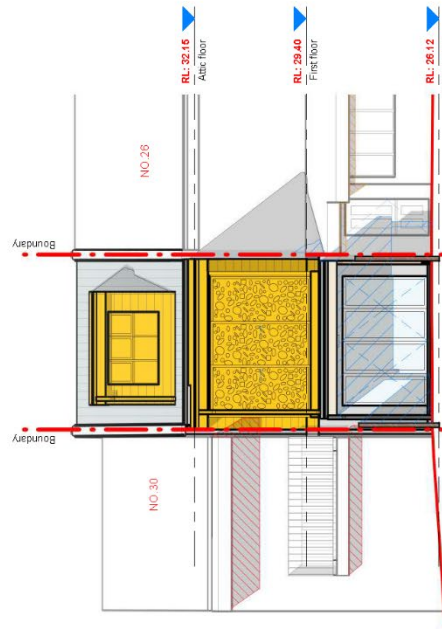
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Rear elevation shadow diagram June 21st 2pm



Rear elevation shadow diagram June 21st 1pm



Rear elevation shadow diagram June 21st 3pm

Shadow legend

- No. 26 shadow
- No. 30 shadow
- Existing shadow
- Proposed shadow

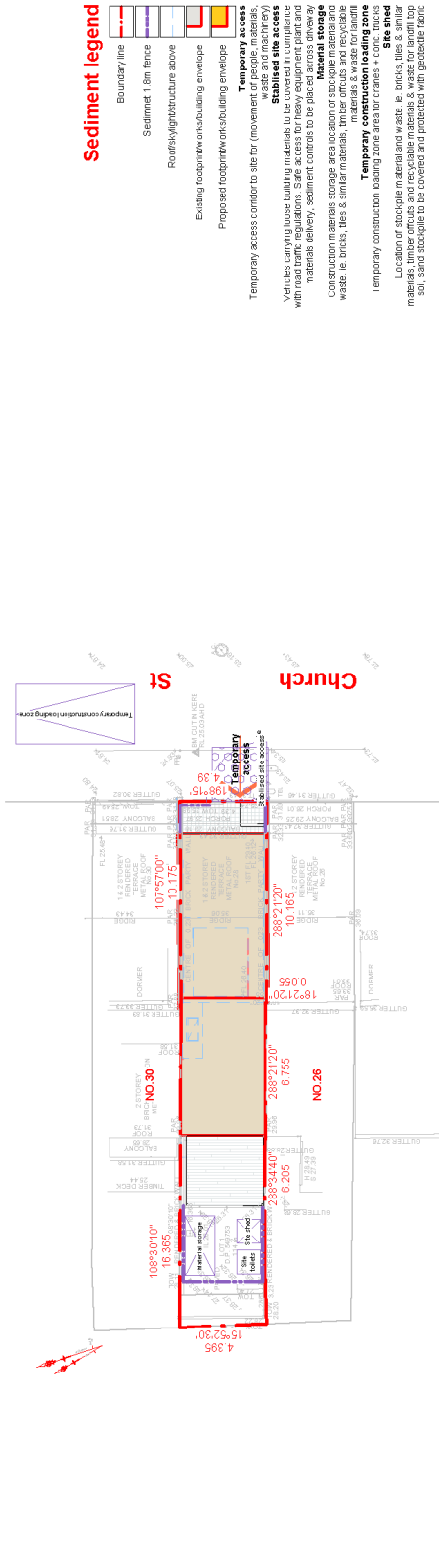
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Drawing: Elevation shadow diagram June 21st
 Address: 28 Church St, Balmain NSW 2041
 Project: 828880098 Client: Dean Limerigan
 Sheet: 16 Size: A3

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Site/Waste management plan

Scale 1:200

Sediment legend

- Boundary line
- Sediment 1.5m fence
- Rouffes/light structure above
- Existing footpath/overbuilding envelope
- Proposed footpath/overbuilding envelope

Temporary access
Temporary access corridor for (movement of people, material, vehicles carrying loose building material to be covered in compliance with road traffic regulations. Site access necessary for site preparation and material delivery. Access corridor to be prepared prior to construction.

Material storage
Construction materials storage area location of stockpile material and waste i.e. bricks, tiles & similar materials, materials & waste for landfill.

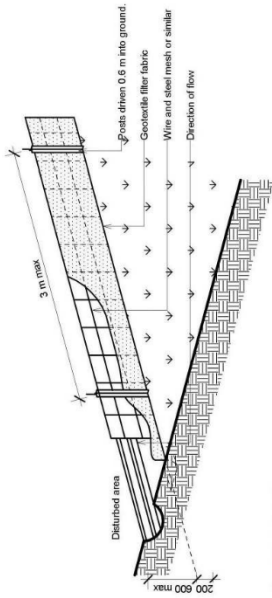
Temporary construction loading zone
Temporary construction loading zone area for cranes + concrete pumps. Location of stockpile material and waste i.e. bricks, tiles & similar materials, timber offcuts and recyclable materials & waste for landfill top soil, sand stockpile to be covered and protected with geotextile fabric.

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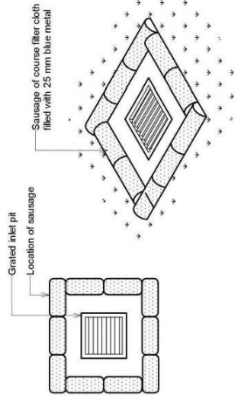
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Drawing: Site/Waste management plan
Address: 26 Church St, Berran NSW 2041
Project: 828880098 Client: Deam Lonerigan Sheet: 18 Size: A3

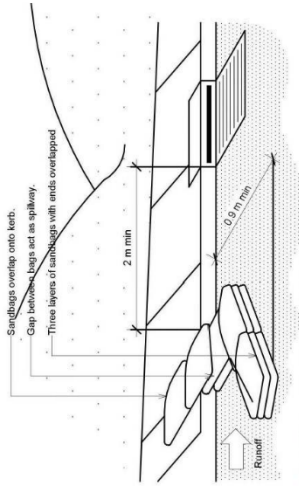




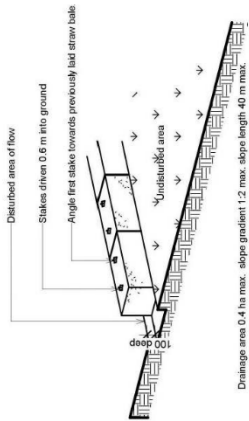
Sediment fence



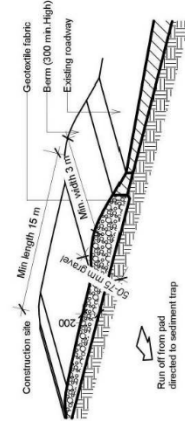
Location of sausage



Sandbag kerb inlet sediment trap

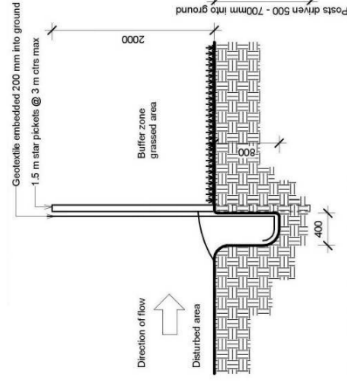


Straw bale sediment filter

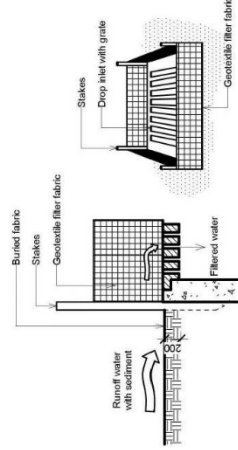


Geofabric lined silt fence (structure type A)

Detail of stabilised site access



Geofabric lined silt fence (structure type A)



Geotextile filter fabric drop inlet sediment trap

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Drawing: Erosion & Sediment control
 Address: 28 Church St, Balmain NSW 2041
 Project: 92888098 Client: Dean Loneragan
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Attachment C- Section 4.6 Exception to Development Standards



INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

About this form:	Use this form to request a variation to a development standard for a Development Application.
How to complete:	<ol style="list-style-type: none"> 1. Ensure that all fields have been filled out correctly. 2. Once completed, please refer to the lodgement details section for further information.

Development Application Details:	
Address:	28 Church Street Balmain NSW 2041
Proposed Development:	Alterations and Additions

Standard sought to be varied:	
<input checked="" type="checkbox"/>	Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
<input type="checkbox"/>	Site Coverage – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	Subdivision Allotment size – Clause 4.1 of LEP 2013
<input type="checkbox"/>	Foreshore Building Area – Clause 6.5 of LEP 2013
<input type="checkbox"/>	Diverse Housing – Clause 6.13 of LEP 2013
<p>The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items</p>	
<p>Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:</p> <ol style="list-style-type: none"> a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case b. that there are sufficient environmental planning grounds to justify contravening the development standard. 	



INNER WEST COUNCIL

Development Applications

Exceptions to Development Standards

<p>What are the environmental planning grounds that justify contravening the development standard?</p>												
<p>It is proposed that the non-compliance with floor space ratio development controls results in a design outcome that better meets objectives of the Inner West Local Environment Plan 2022, clause 1.2 Aims of the plan:</p> <ul style="list-style-type: none"> a. To encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecological sustainable development principles b. To conserve and maintain the natural, built and cultural heritage of the Inner West <p>g) to encourage diversity in housing to meet the needs of, and enhance amenity for, Inner West residents h) to create a high quality of urban place through the application of design excellence in all elements of the built environment and public domain, i) to prevent adverse social, economic and environmental impacts on the local character of the Inner West, j) to prevent adverse social, economic and environmental impacts, including cumulative impacts.</p>												
<p>Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable)</p>												
<p>The site area is 114m² and the permissible FSR for Balmain is 0.7:1</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">The permissible floor space is</td> <td style="width: 20%;">79.8m²</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>The existing total floor area is</td> <td>89.0m²</td> <td>= existing</td> <td>FSR = 0.78:1</td> </tr> <tr> <td>The proposed total floor area is</td> <td>125.4m²</td> <td>= proposed</td> <td>FSR = 1.1:1</td> </tr> </table> <p>The proposed FSR exceeds the permissible FSR, however we believe that compliance with the standard in this case is unreasonable and unnecessary for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development does not result in any significant loss of amenity, privacy or sunlight for any neighboring property. 2. FSR controls are inconsistently applied in this area and are impractical for sites of this size and proportion. Neighboring developments have similar site coverage which would indicate they greatly exceed the floor space ratio controls. The proposed development would be consistent with the density of all adjacent terrace houses. 3. The existing FSR already exceeds the controls. The new development proposal aims to improve the amenity for a young and growing family with improved configuration, utilities, floor, and storage space of the existing house using sustainable development principles. The proposed development aims to improve visual and acoustic privacy for neighboring properties with addition of new soft landscaping at the rear of the property and planting of mature trees. 4. In order to improve the environmental sustainability of our cities it is necessary to regenerate existing housing stock and increase urban density where appropriate, as in this case. 	The permissible floor space is	79.8m ²			The existing total floor area is	89.0m ²	= existing	FSR = 0.78:1	The proposed total floor area is	125.4m ²	= proposed	FSR = 1.1:1
The permissible floor space is	79.8m ²											
The existing total floor area is	89.0m ²	= existing	FSR = 0.78:1									
The proposed total floor area is	125.4m ²	= proposed	FSR = 1.1:1									
<p>Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone?</p>												
<p>The development standard to which this objection relates is Clause 4.4 - Floor Space Ratio: (2) the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>Objectives of the Standard (1) The Objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a. To establish a maximum floor space ratio to enable appropriate development density, b. To ensure development density reflects its locality, c. To provide an appropriate transition between development of different densities, d. To minimise adverse impacts on local amenity, e. To increase tree canopy and protect the use and enjoyment of private properties and the public domain. <p>Justification for the Variation of the Standard and Matters for Consideration It is recognised that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify an exemption to the development standards under clause 4.6 of the Inner West LEP 2022, although in circumstances of this case, the absence of material impacts on adjacent properties as detailed in the Statement of Environmental Effects is of considerable merit.</p>												

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Development Applications Exceptions to Development Standards

It is noted that the proposed FSR of 1.1:1 is due to the 3-story nature of the terrace dwelling that is consistent with the general pattern of development for the area and general density levels. The first-floor addition is in keeping with the rear building setback and bulk and scale of the general surrounds.

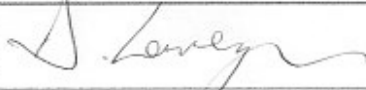
This development proposal with its inherent floor space ratio breach was designed to provide increased amenity for a young and growing family and to not impose a loss of amenity - sunlight, visual or acoustic privacy and views of adjacent properties while maintaining the streetscape and character of the surrounding area.

For the reasons stated above, it is considered that this objection to the Standard under clause 4.6 of the Inner West LEP 2022 is well founded, is consistent with the underlying objectives of the Standard, and strict compliance with the Floor Space Ratio development standard – Clause 4.4 is unreasonable and unnecessary in the circumstances of this case.

It is the opinion of the applicant that the objection to the Floor Space Ratio development standard – Clause 4.4 is appropriate, and the objection should be upheld.

Inner West Council Exceptions to Development Standards	council@innerwest.nsw.gov.au PO Box 14, Petersham, NSW 2049	Updated Sept 2020 Page 2 of 3
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 **INNER WEST COUNCIL**
Development Applications
Exceptions to Development Standards

Applicant's signature:		Date:	3 1 2 1 2 3
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Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.

Instructions for applicants

Lodging an application requires a completed application form, all relevant information and the payment of the required fee. The Application will be checked at lodgement to ensure the required information is provided. For a list of required information, please refer to Council's [Development Application Checklist](#) and [DA Document Requirements](#).

Incomplete/illegible applications will not be accepted and will be returned to you.

Lodge online: <https://www.planningportal.nsw.gov.au/onlineDA>

Fees and charges: Find fees and charges on the Council website: www.innerwest.nsw.gov.au/FeesAndCharges

Upon review of the documentation, if found to be satisfactory, the application will be entered into our system. You will then be sent an invoice. Please note that the application is not considered to be 'Lodged' until the fees have been paid.

Inconsistency in Lodgement Information: Where information on this form differs from information entered into the Planning Portal Application (PAN) the information on this form will prevail.

Attachment D – Statement of Heritage Significance

Heritage Impact Statement

Property: 28 Church Street, Balmain
Lot 1 of D.P. 549753
Owner: Dean Lonergan
Prepared by: Dean Lonergan

This Heritage Impact Statement is to be read in conjunction with:

- Statement of Environmental Effects.
- Proposed Development Application architectural drawings prepared by VN Draft Architects and accompanying BASIX certificate.
- Engineering Report – prepared by Michael EII Consultants
- Site survey prepared by Benchmark Surveys NSW Pty Ltd.

This Heritage Impact Statement aims to meet relevant Heritage Item and Conservation objectives and controls listed in:

- The Leichhardt Local Environment Plan 2013 (LLEP) and
- The Leichhardt Development Control Plan (LDCP) 2013

Contents

Heritage Impact Statement 1

 Introduction 3

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 Part 5 Miscellaneous provisions 4

 Requirements under the Leichhardt Development Control Plan 2013 4

 Part C: Place – Section 1 – General Provisions 4

 Built form and presentation..... 4

 Demolition and construction 4

 Heritage Assessment / Conservation Area 4

 Streetscape 5

Introduction.

28 Church Street, Balmain is two level – two, bedroom terrace house located in a conservation area although it is not heritage listed. This Development Application retains the heritage character of the existing dwelling being both sympathetic in its bulk, scale, form, use of new materials and maintains all current setbacks consistent neighboring properties. No heritage items are being demolished. The streetscape will be unaffected as proposed development is at the rear of the dwelling. The proposed development makes no change to the maximum height of the building will not be visible from the opposite footpath of Church street. Newly proposed roof heights will provide an appropriate transition in built form and land use intensity. New works are to be built in materials, colour and style consistent with the character of the neighbourhood and existing house. All new additions – windows and doors will be timber framed to match the existing character of the area and building. Timber boards on the external attic dormer and new corrugated roofing, are to match the existing neighbourhood and house in style and colour.

Internally the proposed development maintains the current heritage, character, and usage of the property in line with the Leichardt Local Environment Plan and Leichardt Development Control Plan considering the needs of a growing family with twin 5 – year old boys.

Therefore, it is submitted that the objectives of the conservation area are not compromised. In accordance with LDCP 2103 – C1.4 Heritage conservation areas and heritage items.

Requirements under the Leichhardt Local Environment Plan 2013

Part 5 Miscellaneous provisions

Clause	Requirement	Comments	Compliance
5.10	Heritage conservation	The site does not include a heritage item but is located within a heritage conservation area.	Yes

Requirements under the Leichhardt Development Control Plan 2013

Clause	Objectives & Controls	Comments	Compliance
Part C: Place – Section 1 – General Provisions			
C1.2	Demolition	No heritage items are being demolished. New works are being built in materials and style consistent with the character of the area	yes
C1.4	Heritage conservation areas and heritage items	The development proposal is sympathetic to the historic character of the building and encourages its continuing use for its original purpose. New works are being built in similar bulk, scale, materials and style. All setbacks are maintained in keeping with the character of the area.	Yes

Built form and presentation

This development proposal maintains and enhances the existing look and feel of the building. All external finishes are to match existing, using timber boards on the external attic dormer and timber-framed windows and doors. Proposed new works are not visible from the street, being at the rear of the property. The proposed development makes no change to the maximum height of the building and newly proposed roof heights will provide an appropriate transition in built form and land use intensity. The roofing will match the existing corrugated roofing type and colour. Internally the proposed development maintains the current heritage, character, and usage of the property in accordance with LDCP – C1.4 Heritage conservation areas and heritage items

Demolition and construction

No heritage items or buildings are being demolished.

Heritage Assessment / Conservation Area

The dwelling at 28 Church St, Balmain is in a conservation area although it is not heritage listed. This development proposal to retains the heritage character of the existing house being sympathetic in its bulk, scale, form, use of new materials and maintains all current setbacks of neighboring properties. All new windows and doors will be timber frame to match the existing character of the area and current building. The streetscape will be unaffected by the proposed development as the new additions are at the rear of the dwelling and will not be visible from the opposite side of Church street. The proposed development makes no change to the maximum height of the building and newly proposed roof heights will provide an appropriate transition in built form and land use intensity. Therefore, it is submitted that the objectives of the conservation area are not compromised. In accordance with LDCP 2103 – C1.4 Heritage conservation areas and heritage items.

Streetscape

The residence at 28 Church Street, Balmain is located, in the middle of a row of twelve terraces with identical facades and setbacks between Darling Street and Curtis Road. The new proposal will have no impact on the frontal appearance of the property or neighboring terraces. The streetscape of Church Street will remain unaffected by the new construction as it is located at the rear of the property and will not be visible from the opposite side of Church Street. In accordance with LDCP 2103 – C1.4 Heritage conservation areas and heritage items and LLEP 2013 – 4.3 heights of buildings.