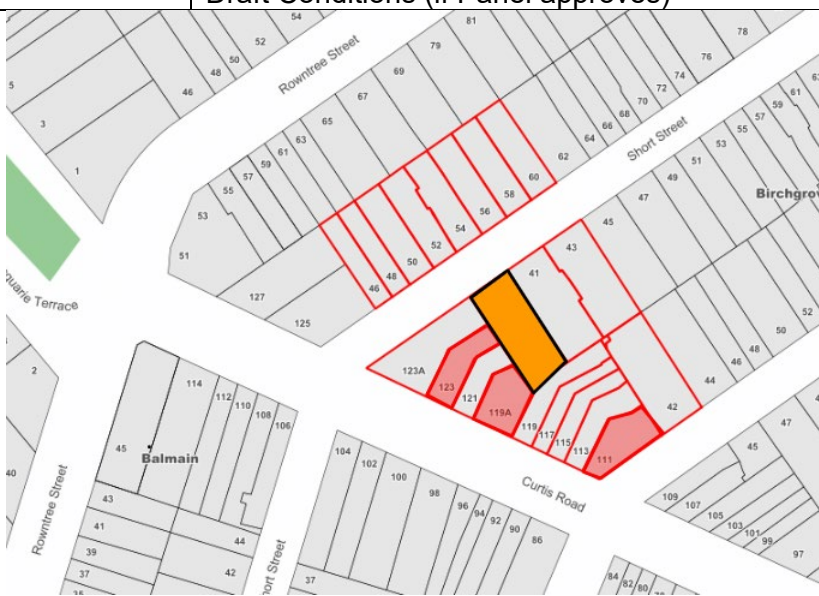





 DEVELOPMENT ASSESSMENT REPORT				
Application No.	REV/2021/0023			
Address	39 Short Street BIRCHGROVE NSW 2041			
Proposal	S8.2 Review of Development Application DA/2021/0603 which refused an application seeking consent for basement, ground and first floor alterations and additions to the existing dwelling-house.			
Date of Lodgement	21 December 2021			
Applicant	Benjamin R Morrison			
Owner	Benjamin R Morrison Kathryn A Morrison			
Number of Submissions	Initial: 4			
Value of works	\$1,899,396.00			
Reason for determination at Planning Panel	Recommendation reaffirms previous determination (refusal)			
Main Issues	Building Location Zone Side boundary setbacks Visual bulk and scale Character and pattern of development of the area Visual privacy Solar Access and overshadowing			
Recommendation	Refusal			
Attachment A	Reasons for refusal			
Attachment B	Plans of proposed development			
Attachment C	Statement of Heritage Significance			
Attachment D	DA/2021/0603 Assessment Report			
Attachment E	Draft Conditions (if Panel approves)			
 <p>Figure 1: Locality Map (subject site highlighted in red)</p>				
Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

A development application on the above property was submitted to Council on 12 July 2021.

The application was refused under delegated authority by Determination No 2021/0603 dated 14 October 2021 for the following reasons:

1. *The proposal results in unsatisfactory impacts on the Heritage Conservation Area, will be inconsistent with the desired future character controls of the area, and results in adverse amenity impacts on, and concerns for, adjoining properties in terms of height, bulk and scale and solar access and privacy, contrary to the following Aims of the Plan prescribed in Clause 1.2 of the Leichhardt Local Environmental Plan 2013:*
 - *To minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment.*
 - *To identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt.*
 - *To promote a high standard of urban design in the public and private domains.*
 - *To protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,*
 - *To maintain and enhance Leichhardt's urban environment.*
 - *To ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area; to ensure that development provides high quality landscaped areas in residential developments.*

2. *The proposal is unsatisfactory in terms of form, height and scale, will be inconsistent with the pattern of surrounding development, and does not result in satisfactory or acceptable amenity impacts on adjoining sites, contrary to the following Objectives of the R1 Zone contained in the Leichhardt Local Environmental Plan 2013:*
 - *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
 - *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

3. *The application does not comply with the Landscaped Area development standard prescribed in Clause 4.3A(3)(a) of the Leichhardt Local Environmental Plan 2013, and was not accompanied by a Clause 4.6 Exceptions to Development Standards request to vary the development standard.*

4. The proposed development is inconsistent with the following Clauses of the Draft Inner West Local Environmental Plan 2020 which has the weight of imminent and certain, and would undermine the intent of this draft instrument, and is therefore, not in the public interest.
 - Clause 1.2 – Aims of the Plan
 - Clause 2.3 – Zone Objectives and Land Use Table

5. The proposal results in unsatisfactory heritage, pattern of development, stormwater management, and amenity outcomes and impacts on adjoining sites, and does not comply with, or has not demonstrated compliance with, the following controls of the Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - Clause 5.10 of the Leichhardt Local Environmental Plan 2013 – Heritage Conservation.
 - Part C1.0 of the Leichhardt Development Control Plan 2013 – General Provisions.
 - Part C1.3 of the Leichhardt Development Control Plan 2013 - Alterations and additions.
 - Part C1.4 of the Leichhardt Development Control Plan 2013 - Heritage Conservation Areas and Heritage Items.
 - Part C1.11 of the Leichhardt Development Control Plan 2013 - Parking.
 - Part C2.2.2.5 of the Leichhardt Development Control Plan 2013 - Mort Bay Distinctive Neighbourhood.
 - Part C3.1 of the Leichhardt Development Control Plan 2013 – Residential General Provisions.
 - Part C3.2 of the Leichhardt Development Control Plan 2013 – Site Layout and Building Design.
 - Part C3.3 of the Leichhardt Development Control Plan 2013 - Elevation and Materials.
 - Part C3.9 of the Leichhardt Development Control Plan 2013 – Solar Access.
 - Part C3.11 of the Leichhardt Development Control Plan 2013 – Visual Privacy.
 - Part E of the Leichhardt Development Control Plan 2013 – Water.

6. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

7. The proposal is not considered suitable on the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

8. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

A copy of the report on the application is included as Attachment D to this report.

The applicant has requested that Council review the determination under Section 8.2 of the *Environmental Planning and Assessment Act, 1979*. Whilst the plans and supporting documentation submitted with the Review application have addressed some of the issues previously raised, the height, bulk and scale of the three storey rear addition has not been changed.

The application was notified to surrounding properties and 4 submissions were received in response.

The main issues that have arisen from the application include:

- Non-compliance with building location zone,
- Non-compliance with side boundary setbacks,
- Development inconsistent with pattern of development,
- Visual bulk and scale,
- Visual privacy,
- Solar access and overshadowing, and
- Impacts on HCA.

In particular, the visual bulk and scale impacts are considered unacceptable and, therefore, the application is recommended for refusal.

2. Proposal

The application has been lodged seeking a review under Section 8.2 of the Environmental Planning and Assessment Act 1979 of the refusal of DA/2021/0603 for alterations and additions to a dwelling house.

The proposal, as lodged under the subject review application, involves basement, ground and first floor alterations and additions to the existing dwelling-house at No. 39 Short Street Birchgrove. Specifically:

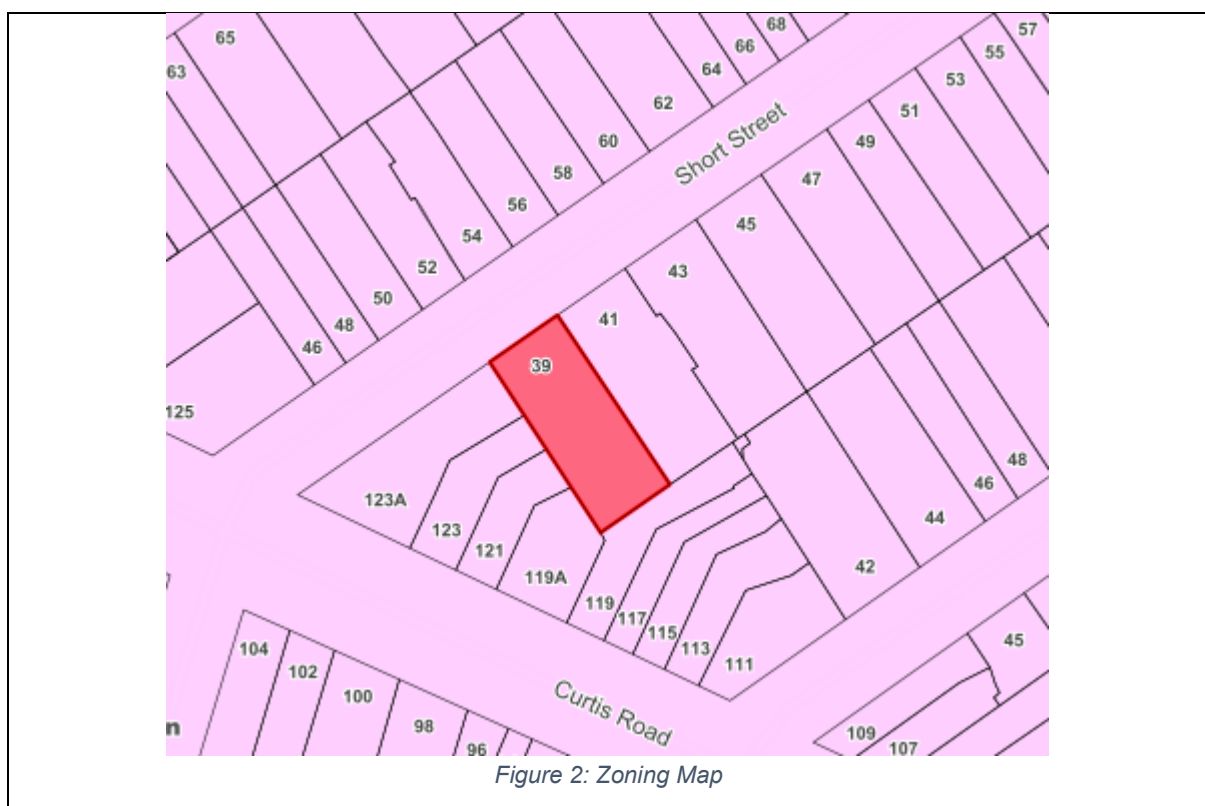
- Demolition of two storey rear addition,
- Internal and external alterations within main building, including removal of ventilated timber floor and new concrete slab,
- Tree removal,
- New front fence,
- Alterations to existing on-site parking space at the front along northern boundary,
- New landscaping.

3. Site Description

The subject site at No. 39 Short Street Birchgrove site is located on the south-western side of Short Street, between Curtis Road and Spring Street. The site consists of 1 allotment and is generally rectangular in shape with a total area of 255.5sqm with a frontage to Short Street of 10.06 metres. The site is legally described as Lot 5 in DP 708952.

The site slopes by approximately 2.5 metres from front to rear and supports a two-storey dwelling house that presents as single storey to Short Street. The adjoining properties support predominantly single and two storey dwelling houses.

The land is zoned R1 General Residential, located within a heritage conservation area and in the vicinity of a heritage item.



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	Date & Decision
DA/2021/0603	Lower ground, ground and first floor alterations and additions and additions to existing dwelling-house and associated works, including tree removal and new front fence.	14/10/2021 Refused 28/03/2022 Appealed
M/2005/207	S96(1) application to modify development consent D/2005/249 which approved demolition of existing swimming pool and installation of new swimming pool. Application to modify condition 6(d) and 12.	20/10/2005 Approved
D/2005/249	Removal of existing swimming pool and construction of a new swimming pool to rear yard.	19/08/2005 Approved

Application	Proposal	Decision & Date
D/2018/438	Ground and first floor alterations and additions to existing dwelling-house at No. 119 Curtis Road	06/11/2018 Approved
D/2017/616	Part demolition and alterations and additions to existing heritage-listed terrace, and associated works at No. 113 Curtis Road.	20/03/2018 Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
21/12/2021	Application lodged
12/04/2022	Council wrote to the applicant, raising the following issues: <ul style="list-style-type: none"> • Building siting, building height, bulk and scale • Visual privacy impacts • Concerns regarding impact on heritage conservation area • Insufficient details in shadow diagrams Council requested a response to the above-mentioned issues within 21 days.
05/05/2022	Council called the applicant, enquiring whether they would respond to the issues raised. The applicant advised that they would not respond.

5. Assessment

The following is a summary of the review of the application under Section 8.2 of the *Environmental Planning and Assessment Act 1979* having regard to the relevant considerations required by Section 4.15 of this Act.

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 is suitable for the proposed and existing use as there is no indication of contamination.

The application does not involve category 1 remediation under *SEPP (Resilience and Hazards) 2021*.

Notwithstanding, the application is recommended for refusal.

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

A BASIX Certificate was submitted with the application which is considered to be satisfactory. Notwithstanding, the application is recommended for refusal.

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

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of vegetation from within the site. The application was referred to Council's Tree Management Officer who advised that the tree removal of four *Magnolia grandiflora* can be supported, provided a replacement tree is planted to compensate for the removal of the larger of these trees

Overall, the proposal is considered acceptable with regard to the SEPP and Part C1.14 of the LDCP 2013, subject to replacement planting, which could be readily conditioned.

Notwithstanding, the application is recommended for refusal

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.

Notwithstanding, the application is recommended for refusal.

5(a)(iv) *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

(i) Clause 1.2 – Aims of the Plan

Due to concerns raised in relation to building siting, heritage and amenity impacts, it is considered that the proposal has not adequately demonstrated that it is a satisfactory response to the following aims of the plan under this clause:

- (b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,

- (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,
- (d) to promote a high standard of urban design in the public and private domains,
- (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,
- (f) to maintain and enhance Leichhardt’s urban environment,
- (l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,

(ii) Clause 2.3 – Zone Objectives and Land Use Table

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. However, the proposed development is considered to be inconsistent with the following objectives of the R1:

- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

This is discussed in further detail in this report

(iii) Clause 2.7 – Demolition

Clause 2.7 of the *LLEP 2013* states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works.

(iv) 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: 0.9:1 or 229.95sqm	0.73:1 or 187.63sqm	N/A	Yes
Landscape Area Minimum required: 20% or 51.1sqm	20% or 51.1sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 153.3sqm	50.88% or 130sqm	N/A	Yes

(v) Clause 5.10 Heritage Conservation

The subject site is a contributory dwelling located within the Town of Waterview Heritage Conservation Area (C4 in Schedule 5 of the *LLEP 2013*). The site is also in the vicinity of the heritage listed Former shop and residence and original signs, including interiors, at 113 Curtis Road, Balmain (1178). The Statement of Significance for the HCA and heritage item are in Attachment C.

Whilst, in principle, as concluded by Council's Heritage Advisor, "The proposal is generally acceptable from a heritage perspective", further information and changes were requested to ensure that the development is in accordance with this Clause and the relevant objectives and controls in the LDCP 2013, which is discussed in detail elsewhere in this report.

Given that the applicant did not provide the requested additional information, it is considered that the proposal is inconsistent with Objectives 1(a) and (b) of this Clause of the *LLEP 2013*.

(vi) Clause 6.1 - Acid Sulfate Soils

The site is identified as containing Class 5 acid sulfate soils (ASS) and the site is within 500m of land containing Class 2 ASS. The proposal is considered to adequately satisfy this clause as no works are proposed below 5 metres Australian Height Datum and proposed works are unlikely to lower the watertable.

(vii) Clause 6.2 – Earthworks

Excavation works are minor and could be adequately controlled by standard conditions of consent.

Notwithstanding, refusal of the application is recommended.

(viii) Clause 6.4 - Stormwater management

The proposal generally complies with this clause. Council's Development Engineer has assessed the proposal and raised no concerns, subject to conditions, which could be readily imposed with any consent granted.

Notwithstanding, refusal of the application is recommended.

5(b) Draft Environmental Planning Instruments

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

Draft Environmental Planning Instruments	Compliance
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes
Draft State Environmental Planning Policy (Environment) 2017	Yes

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

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

The proposal is considered to be contrary to Clause 1.2 (Aims of the Plan) and the objectives of Clause 2.3 (Zone objectives and land use table) for the following reasons:

- The proposal does not achieve a high-quality urban form.
- The proposal does not protect and enhance the amenity of Inner West for existing and future residents.
- The proposal does not provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings and the streetscape.
- The proposal does not protect and enhance the amenity of existing and future residents and the neighbourhood.

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	No – see discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	No – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes

C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	Yes
C1.14 Tree Management	Yes – see discussion
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	No – see discussion
C2.2.2.5(c) Upper Slopes Sub Area	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	No – see discussion
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	No – 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	
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	Yes
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	Yes
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

The following provides discussion of the relevant issues:

(i) C1.0 General Provisions

Due to concerns raised elsewhere in this report, the proposal has not adequately demonstrated that it is a satisfactory response to the following objectives and controls of this part:

- O3 To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.
- O4 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.
- O7 To ensure that the amenity, including solar access and visual privacy, of the development and adjacent properties is not adversely impacted.
- C1 Residential development is not to have an adverse effect on:
 - a. the amenity, setting or cultural significance of the place, including the portion of the existing building to be retained; and
 - b. the relationship of any Heritage Item or Heritage Conservation Area to its place, setting and cultural significance.
- C2 Additions to an existing building are generally:
 - c. maintain the form, fenestration, roof forms and chimneys of the existing building when viewed from the principal street frontage; and\
 - d. of a design which is compatible with but does not compete with the architectural character of the existing building or the Building Typologies; and
 - e. of a scale, proportion (including proportion of doors and openings) and material which is compatible with the existing building.

(ii) C1.3 Alterations and additions, C1.4 Heritage Conservation Areas and Heritage Items, C2.2.2.5 Mort Bay Distinctive Neighbourhood, C2.2.2.5(c) Upper Slopes Sub Area, C3.3 Elevation and Materials & C3.6 Fences

Whilst the plans and supporting documentation submitted as part of the review application have addressed a number of concerns previously raised by Council's Heritage Specialist, they concluded as follows:

The proposal is generally acceptable from a heritage perspective; however, further information and changes are required as per below to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013.

- *The timber floor to the basement of the existing building is to be retained under the main form of the building. If a concrete slab is required for structural reasons, it is to be detailed by a professional with experience in upgrades to heritage buildings registered on the NSW Heritage directory of heritage professionals, to ensure the building will not be impacted by rising damp, drainage and impacts to building foundations:*

<https://www.heritage.nsw.gov.au/search-for-heritage/directory-of-heritage-professionals/>

- *Clarification on materials and changes to existing roof skylight to be provided.*
- *Applicant to provide detail for all windows on western elevation showing vertical proportions.*
- *All windows visible from the public domain are to be specified as timber framed, and colours and finishes are to be provided.*
- *Demolition drawings indicate that "faux" leadlight windows are to be replaced, which are not indicated on plans/elevations or in the HIS. Further information is to be provided, and an assessment of heritage impact.*
- *A revised materials schedule is required to provide more detail of any new elements which are clearly visible from the public domain. Colours are to be specified to Australian Standards or an alternative proprietary colour chart for all new elements such as cladding, windows and doors. The revised schedule is to include the heritage advice as recommended in the HIS on external paint colour schemes, suitable for a building of the era.*
- *A revised design is to be submitted for the front fence responding to historic fences in the conservation area, including details of gates to front fence and bin storage.*
- *The side boundary masonry wall to the south-west is to be retained, unless supported by a report from an engineer. Where proposed to be replaced, details of replacement are to be provided, and an assessment of heritage impact.*
- *The proposed new location of A/C unit is to be provided, and shall not be fixed to the building/roof in areas visible from the public domain*
- *The extent of removal of the existing front yard tiling, and its replacement material is unclear. The floor plans are to be updated to clearly indicate in colour all new areas of works and specify replacement materials. Where new materials are proposed to verandah steps, entry areas etc. an assessment of heritage impact is to be provided, and materials specified that respond to the historic character of the building.*

Given the above, and issues outlined elsewhere in this report, the proposal is considered to be inconsistent with the desired future character of the distinctive neighbourhood.

As outlined elsewhere in this report, the applicant did not respond to the request for additional information and, as such, the issues raised by Council's Heritage Specialist remain outstanding.

As such the application is recommended for refusal.

(iii) C3.2 Site Layout and Building Design

It is noted that the plans submitted with the application for review do not include any amendments with regard to building location zone, side boundary setbacks, building height and the building envelope compared to the original development application which was previously refused.

Building Location Zone (BLZ)

As noted in the DA assessment report for DA/2021/0603,

The BLZ is the part of the subject site where it can be reasonably expected that a building can be located and is determined by having regard to only the main building on the adjacent properties. Pursuant to C5, the BLZ of the subject site "is to be determined by the location of the building on the adjacent property that most resembles the orientation, frontage width and site layout of the subject site", which is the adjoining site to the east, No. 41 Short Street.

The submitted plans depict the lower ground floor as a basement. The LLEP 2013 defines basements as follows:

***basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).*

Given that the proposed 'basement' does not meet this definition, the proposed levels and BLZs are assessed as, and considered to be for, a lower and upper ground floor and a first floor.

With regard to the proposed BLZs, the following is noted:

- *No change is proposed with regard to the front setbacks.*
- *No concerns are raised with regard to the rear setback of the lower ground floor (labelled 'basement' by the applicant).*
- *The proposal seeks to reduce the rear setback of the upper ground floor (labelled 'ground floor' by the applicant).*
- *Given that No. 41 Short Street does not have a first floor [third storey], the proposal is establishing a new first floor BLZ.*

Pursuant to C6 of this part of the DCP,

In the event of any proposed variation to the BLZ [or the establishment of a new BLZ] the onus is on the applicant to demonstrate that the proposed building is consistent with the pattern of development in the immediate locality (usually taken as the same street).

In the supporting documentation, the applicant outlines, *inter alia*, the following:

- *There are several examples of three-storey developments (usually three-storeys to the rear with the traditional form retained to street frontages as per the proposal) in the immediate locality, including 41 Short St and 119, 119A Curtis Road.*

- *The proposed ridge level of the first floor addition (RL37.75) is generally consistent and compatible with ridge levels of several developments in the immediate vicinity, including 41 Short St (RL36.8) and 119 (RL36.09), 119A (RL36.07) and 123 (RL35.38).*

In addition, to gain support for a variation with prescribed BLZs, or the establishment of a new BLZ, the following additional requirements need to be met:

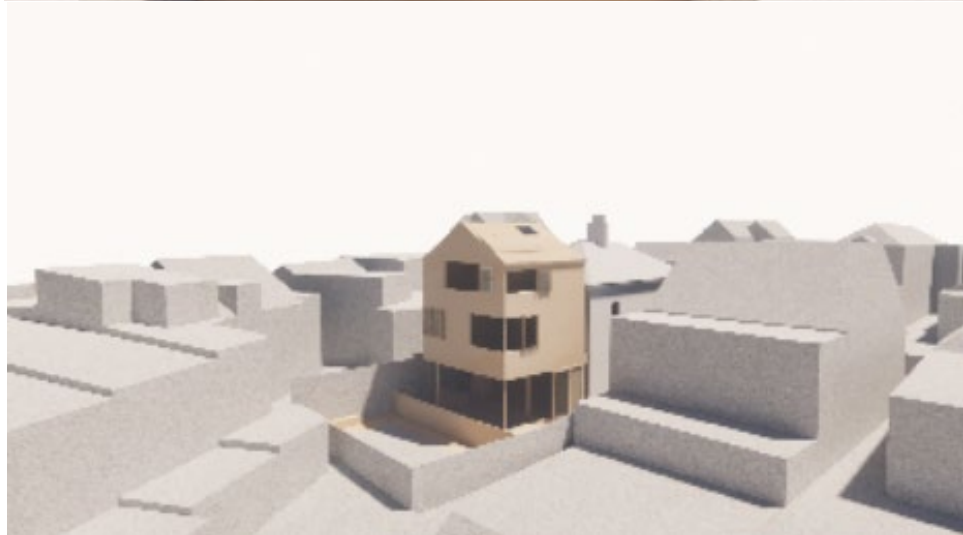
- a. amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;
- b. the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;
- c. the proposal is compatible in terms of size, dimensions, privacy and solar access of private open space, outdoor recreation and landscaping [subject site];
- d. retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and
- 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.

It is considered that the proposal satisfies the requirements of C6(c) and C6(d). However, C6(a), C6(b) and C6(e) have not been satisfactorily addressed as outlined below.

Whilst it is acknowledged that the dwelling houses at No. 119 and No. 119A Curtis Road are three storeys at the rear, three storey buildings are the exception in the area, including development along Short Street. In addition, it is noted that, pursuant to C6, only development in the same street is relevant when assessing consistency with the pattern of development. No. 41 Short Street is of similar style as the existing development at No. 39 Short Street, i.e., it presents as a single storey dwelling house to the street with two storeys to the rear. In addition, it is noted that the submitted Statement of Environmental Effects and survey depicts the dwelling house at No. 41 Short Street as a two storey dwelling house, not a three storey development.

The ridge levels at the adjoining properties mentioned by the applicant are located towards the front of these properties where visual bulk and scale impacts, when viewed from neighbouring private open space areas, is minimised. The proposed ridge level is, at least, 1m above the maximum ridge levels of adjoining sites and is located at the rear of the subject site, in close proximity and adjacent to the private open space areas of various adjoining properties.

The scale of the proposed development, in relationship with immediately surrounding development, is shown in Figure 3-5 below.



Figures 3-5: Photomontage of proposed development. Source: Submitted by the applicant as part of the DA submission and included in a submission lodged as part of the subject (review) application.

Given the above, the proposed three storey rear addition is considered to be inconsistent with the prevailing pattern of development in the street. The proposed development is considered to be incompatible with the scale of surrounding development and results in adverse, and unreasonable visual bulk and scale impacts to surrounding properties.

As outlined elsewhere in this report, the proposed development also results in adverse visual privacy impacts to surrounding sites and, given that the accuracy of the shadow diagrams could not be confirmed, it is unclear whether the proposed development complies with the solar access controls of the LDCP 2013.

In addition, given the issues raised with regard to other parts of the LDCP 2013, the proposed development is considered to be inconsistent with the desired future character of the area.

As a result, it is considered that the proposed ground floor and first floor BLZs cannot be supported as not all of the requirements within C6 have been satisfied.

Side boundary setbacks

The proposed wall heights along the northern and southern side boundaries, given the sloping nature of the site, vary between 6.4 and 8.1 metres. The following table outlines compliance with the prescribed side boundary setbacks, which are determined based on the graph within control C7.

Elevation	Wall height (m)	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
South	~ 6.5 – 8.1	2.1 – 3.1	1.2	N
North	~ 6.4 – 8.1	2.1 – 3.1	2.6	Y and N

As depicted in the table above, the proposed additions to rear do not comply with the prescribed side boundary setbacks. Pursuant to C8 of this part,

Council may allow 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;*
- b. the pattern of development within the streetscape is not compromised;*
- c. the bulk and scale of development is minimised by reduced floor to ceiling heights;*
- d. the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*
- e. reasonable access is retained for necessary maintenance of adjoining properties.*

In the supporting documentation, the applicant contends that the proposed additions to the rear are consistent with Appendix B – Building Typologies of the LDCP2013. Whilst the proposed additions are consistent with suggested design approaches for cottages, which are contained in Section 2, it is considered that the suggested design approaches for houses (Section 3) contain the appropriate guidelines for the subject site. C1(b) of this section outlines that “Development shall.... retain the amenity of the house and its neighbours”. As outlined in this report, the proposed rear additions are considered to result in adverse amenity impacts to neighbouring properties.

In addition, as discussed in detail above, the proposed three storey rear additions are considered to be inconsistent with the prevailing pattern of development in the street.

The proposed floor to ceiling heights are as follows:

- Lower ground floor – 2.6
- Upper ground floor – 2.4
- First floor – between 1.8 – 3.6

Whilst the proposed floor to ceiling heights are, in principle, acceptable for the proposed use of the rooms, as outlined above, the overall bulk and scale of the proposed development is considered to result in adverse amenity impacts, including visual bulk and scale impacts to neighbouring properties. In addition, the proposal results in adverse visual privacy impacts and it is unclear whether the proposal complies with solar access controls.

Whilst the last requirement of C8 is satisfied, given the other issues, the proposed variation with the prescribed side boundary setbacks is considered to result in adverse amenity impacts and, as such, not considered to be supportable.

Building Height and the Building Envelope

Given the scale of development on adjoining sites, the proposed first floor is contrary to C17 as the proposed overall height in storeys exceeds the height in storeys of the main building on adjoining sites. Therefore, the proposal is uncharacteristic of the general pattern of development in the street and general pattern of development in the vicinity.

In light of the issues raised above, the proposal is considered to be not supportable as it does not satisfy the following objectives of this part of the DCP:

- O1 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation.
- O2 To ensure the character of the existing dwelling and/or desired future character and established pattern of development is maintained.
- O3 To ensure that buildings are constructed within an appropriate Building Location Zone (BLZ) from the front and rear boundary to protect neighbourhood features such as streetscape, private open space, solar access and views.
- O4 To ensure that development:
 - a. reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and Leichhardt;
 - c. complements the siting, scale and form of adjoining development; and
 - d. creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of visual and acoustic privacy, air circulation, solar access, daylight, outlook and views.

As a result, the application is recommended for refusal.

(iv) **C1.14 Tree Management**

Council's Arborist has assessed the proposal and raised no objection to the proposed removal of four *Magnolia grandiflora cvs*, subject to a replacement tree being planted to compensate for the removal of the larger of these trees.

The proposed works within the Tree Protection Zone of the *Grevillea robusta*, which is located on the adjacent site at 119A Curtis Road and the proposed raising of the existing driveway raise no concerns, provided these works are undertaken as recommended to be conditioned by Council's Arborist.

Notwithstanding, the application is recommended for refusal.

(v) C3.9 Solar Access

Pursuant to C1 of this part, "All development applications that entail external additions are to include shadow diagrams and solar access analysis consistent with the Council's Specifications for Development Application Documentation", which require that altitude and azimuth angles are depicted on the shadow diagrams.

Council requested additional information from the applicant, requiring documentation to show casting lines (altitude and azimuth angles) on the shadow diagrams to assess these for accuracy. The applicant advised that they would not provide the requested information.

As such, an accurate and comprehensive assessment of the shadow diagrams could not be conducted and, therefore, the application is recommended for refusal.

Notwithstanding, based on the submitted shadow diagrams, the following is noted:

- During the winter solstice, the proposed development will not result in additional overshadowing to neighbouring private open space. The shadow diagrams depict that additional shadows will be cast onto neighbouring walls, glazing and roofs, and a small portion, on ground level, between the properties at No. 119A and 119 Curtis Road.
- Where additional shadows are cast onto glazing at neighbouring sites during the winter solstice, this glazing will receive solar access for, at least, three hours.
- The private open space at the subject site will receive solar access to, at least, 50% of the required open space area. However, it is noted that the area receiving this solar access is covered by the pool within the rear setback.

Notwithstanding the above these assumptions are based on whether the submitted diagrams are accurate and this cannot be verified as the requested information (altitude and azimuth angles) has not been provided.

(vi) C3.11 Visual Privacy

Windows at the lower ground level would be adequately screened by side boundary fencing. The windows to the side elevations that service the void and staircase do not require screening.

The windows on the upper ground floor (labelled ground floor by the applicant) and first floor to the north-eastern elevation serve bedrooms and incorporate timber screening. Given that these windows are not aligned with windows on adjoining sites, within 9 metres and 45 degrees, this part of the proposal complies with the controls of this part.

The windows to the rear elevation on the upper ground floor and first floor serve bedrooms and a bathroom. Whilst the bathroom window and W11 include timber privacy screening, no screening is proposed to the bedroom windows. Given the size of these windows and that these are aligned with windows, within 9 metres and 45 degrees, at No, 119 Curtis Road, this part of the proposal does not comply with C7. Whilst it is acknowledged that existing landscaping currently provides some screening, as outlined in C5, "The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure".

As such, it is considered that the proposal is inconsistent with O1 of this part, which requires that spaces are designed with a high level of consideration to protecting visual privacy and the application is recommended for refusal.

5(e) Reasons for Refusal

1. *The proposal results in unsatisfactory impacts on the Heritage Conservation Area, will be inconsistent with the desired future character controls of the area, and results in adverse amenity impacts on, and concerns for, adjoining properties in terms of height, bulk and scale and solar access and privacy, contrary to the following Aims of the Plan prescribed in Clause 1.2 of the Leichhardt Local Environmental Plan 2013:*

- *To minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment.*
- *To identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt.*
- *To promote a high standard of urban design in the public and private domains.*
- *To protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,*
- *To maintain and enhance Leichhardt's urban environment.*
- *To ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area; to ensure that development provides high quality landscaped areas in residential developments.*

Comment: Given the issues and non-compliances outlined in this report, it is considered that the plans and information submitted with the application for review have not addressed the reasons for refusal with regard Clause 1.2 of the LLEP 2013. The bulk and scale of the proposed development has not been reduced and the proposal still results in adverse visual bulk and scale impacts. Whilst the submitted shadow diagrams indicate that the proposal complies with solar access controls, given the lack of information provided on the diagrams, accuracy of these could not be confirmed.

Given the above, the plans accompanying the review have failed to satisfy the concerns raised in reason 1 of the determination.

2. *The proposal is unsatisfactory in terms of form, height and scale, will be inconsistent with the pattern of surrounding development, and does not result in satisfactory or acceptable amenity impacts on adjoining sites, contrary to the following Objectives of the R1 Zone contained in the Leichhardt Local Environmental Plan 2013:*

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

Comment: Given that the height, and bulk and scale of the proposed development has not been amended when comparing the review application and refused DA, it is considered that the plans and documentation submitted with the review application have not addressed this reasons for refusal. In addition, whilst visual privacy impacts have been minimised, the proposal still results in adverse visual privacy impacts to neighbouring sites. As outlined above, whilst the submitted shadow diagrams indicate that the proposal complies with solar access controls, given the lack of information provided on the diagrams, accuracy of these could not be confirmed.

Given the above, the proposal is not supported.

3. The application does not comply with the Landscaped Area development standard prescribed in Clause 4.3A(3)(a) of the Leichhardt Local Environmental Plan 2013 and was not accompanied by a Clause 4.6 Exceptions to Development Standards request to vary the development standard.

Comment: The plans submitted with the application for review proposal include an increase in landscaped area and the amended proposal complies with the landscaped area development standard. As such, a Clause 4.6 request was not required and this reason for refusal has been satisfactorily addressed.

4. The proposed development is inconsistent with the following Clauses of the Draft Inner West Local Environmental Plan 2020 which has the weight of imminent and certain, and would undermine the intent of this draft instrument, and is therefore, not in the public interest.

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone Objectives and Land Use Table

Comment: Given the adverse amenity impacts, issues with regard to streetscape and compatibility with other development in the streetscape, it is considered that the proposal remains to be inconsistent with the aims and objectives of Clause 1.2 and Clause 2.3 of the Draft IWLEP 2020.

5. The proposal results in unsatisfactory heritage, pattern of development, stormwater management, and amenity outcomes and impacts on adjoining sites, and does not comply with, or has not demonstrated compliance with, the following controls of the Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:

- Clause 5.10 of the Leichhardt Local Environmental Plan 2013 – Heritage Conservation.
- Part C1.0 of the Leichhardt Development Control Plan 2013 – General Provisions.
- Part C1.3 of the Leichhardt Development Control Plan 2013 - Alterations and additions.
- Part C1.4 of the Leichhardt Development Control Plan 2013 - Heritage Conservation Areas and Heritage Items.

- *Part C1.11 of the Leichhardt Development Control Plan 2013 - Parking.*
- *Part C2.2.2.5 of the Leichhardt Development Control Plan 2013 - Mort Bay Distinctive Neighbourhood.*
- *Part C3.1 of the Leichhardt Development Control Plan 2013 – Residential General Provisions.*
- *Part C3.2 of the Leichhardt Development Control Plan 2013 – Site Layout and Building Design.*
- *Part C3.3 of the Leichhardt Development Control Plan 2013 - Elevation and Materials.*
- *Part C3.9 of the Leichhardt Development Control Plan 2013 – Solar Access.*
- *Part C3.11 of the Leichhardt Development Control Plan 2013 – Visual Privacy.*
- *Part E of the Leichhardt Development Control Plan 2013 – Water.*

Comment: Whilst the plans and information submitted with the review application have addressed the issues and non-compliances with regard Part C1.11 (Parking) and Part E (Water) have been satisfactorily addressed, as outlined in this report in 5(d), the other issues remain, and the application is not supported.

6. *The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.*

Comment: Given that the development does not comply with the objectives and controls relating to amenity and streetscape in accordance with the LLEP 2013 and LDGP 2013, Council Officers consider that the development still results in adverse environmental impacts and the proposed development is not supported.

7. *The proposal is not considered suitable on the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.*

Comment: The site is zoned R1 General Residential. Given that the development does not comply with the objectives and controls relating to amenity and streetscape in accordance with the LLEP 2013 and LDGP 2013, Council Officers consider that the development remains unsuitable for the site.

8. *The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.*

Comment: The public interest is best served by consistent application of the requirements of the relevant Environmental Planning Instruments, in this case the LLEP 2013 and LDGP 2013, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The development fails to meet the objectives and controls in order to preserve the amenity of neighbouring properties, the streetscape and heritage conservation area. The development would set an undesirable precedent for the immediate streetscape and wider area and is, therefore, not considered to be in the public interest.

5(f) The Likely Impacts

The assessment of the Development Application and subject review application demonstrates that the proposal will have an adverse impact on the locality due to the excessive bulk and scale of the proposed three-storey rear addition. The development would result in visual privacy impacts and is considered to set an undesirable precedent for development in the vicinity of the site.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and, therefore, it is considered that the site is unsuitable to accommodate the proposed scale of development.

5(h) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

Four (4) submissions were received in response to the notification.

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

- Solar access to living rooms and private open space during winter solstice
- Visual bulk and scale
- Visual privacy
- Inconsistency with surrounding development with regard to height and bulk and scale

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

Issue: Reduced solar access to bedrooms

Comment: Solar access to bedrooms is not protected by LDCP 2013.

Issue: Reduced solar access during other times than winter solstice.

Comment: The solar access controls in the LDCP 2013 refer to solar access during the winter solstice only in order to consider the time of most impact to a site. However it is noted in the body of this report that the applicant has failed to provide sufficient information on the shadow diagrams to carry out a comprehensive assessment.

Issue: Reduction of solar access will reduce property value.

Comment: The impact of a proposed development on the property value of adjoining sites is not a matter for consideration under the Environmental Planning and Assessment Act 1979.

5(i) 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 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 Engineer
- Urban Forest (Arborist)

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies would be required for the proposal, if approved.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

8. Conclusion

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

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

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. 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*, refuse the Review Application No. REV/2021/0023 for S8.2 Review of Development Application DA/2021/0603, for basement, ground and first floor alterations and additions to existing dwelling-house at No. 39 Short Street, Birchgrove for the reasons outlined in Attachment A.

Attachment A – Reasons for refusal

REASONS FOR REFUSAL

1. The proposal results in unsatisfactory impacts on the Heritage Conservation Area, will be inconsistent with the desired future character controls of the area, and results in adverse amenity impacts on, and concerns for, adjoining properties in terms of height, bulk and scale and solar access and privacy, contrary to the following Aims of the Plan prescribed in Clause 1.2 of the *Leichhardt Local Environmental Plan 2013*:
 - To minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment.
 - To identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt.
 - To promote a high standard of urban design in the public and private domains.
 - To protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,
 - To maintain and enhance Leichhardt's urban environment.
 - To ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area; to ensure that development provides high quality landscaped areas in residential developments.

2. The proposal is unsatisfactory in terms of form, height and scale, will be inconsistent with the pattern of surrounding development, and does not result in satisfactory or acceptable amenity impacts on adjoining sites, contrary to the following Objectives of the R1 Zone contained in the *Leichhardt Local Environmental Plan 2013*:
 - To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
 - To protect and enhance the amenity of existing and future residents and the neighbourhood.

3. The proposed development is inconsistent with the following Clauses of the Draft Inner West Local Environmental Plan 2020 which has the weight of imminent and certain, and would undermine the intent of this draft instrument, and is therefore, not in the public interest.
 - Clause 1.2 – Aims of the Plan
 - Clause 2.3 – Zone Objectives and Land Use Table

4. The proposal results in unsatisfactory heritage, pattern of development, stormwater management, and amenity outcomes and impacts on adjoining sites, and does not comply with, or has not demonstrated compliance with, the following controls of the Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - Clause 5.10 of the Leichhardt Local Environmental Plan 2013 – Heritage Conservation.
 - Part C1.0 of the Leichhardt Development Control Plan 2013 – General Provisions.
 - Part C1.3 of the Leichhardt Development Control Plan 2013 - Alterations and additions.
 - Part C1.4 of the Leichhardt Development Control Plan 2013 - Heritage Conservation Areas and Heritage Items.
 - Part C2.2.2.5 of the Leichhardt Development Control Plan 2013 - Mort Bay Distinctive Neighbourhood.
 - Part C3.1 of the Leichhardt Development Control Plan 2013 – Residential General Provisions.
 - Part C3.2 of the Leichhardt Development Control Plan 2013 – Site Layout and Building Design.
 - Part C3.3 of the Leichhardt Development Control Plan 2013 - Elevation and Materials.
 - Part C3.9 of the Leichhardt Development Control Plan 2013 – Solar Access.
 - Part C3.11 of the Leichhardt Development Control Plan 2013 – Visual Privacy.

5. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

6. The proposal is not considered suitable on the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Attachment B – Plans of proposed development

DRAWING REGISTER	DRAWING NO.	DRAWING TITLE	SCALE	REV. NO.
1 INTRODUCTORY DOCUMENTS				
DA-A00	COVER SHEET		NIS @ A3	02
DA-A01	SITE PLAN		1:200 @ A3	02
DA-A02	BASEMENT DEMOLITION PLAN		1:100 @ A3	02
DA-A03	GROUND FLOOR DEMOLITION PLAN		1:100 @ A3	02
DA-A04	ROOF DEMOLITION PLAN		1:100 @ A3	02
DA-A05	BASIS SUMMARY		NIS @ A3	02
DA-A06	COMPLIANCE DIAGRAMS		1:200 @ A3	02
DA-A07	COMPLIANCE DIAGRAMS		1:200 @ A3	02
2 GENERAL ARRANGEMENTS				
DA-D01	BASEMENT FLOOR PLAN		1:100 @ A3	02
DA-D02	GROUND FLOOR PLAN		1:100 @ A3	02
DA-D03	FIRST FLOOR PLAN		1:100 @ A3	02
DA-D04	ROOF PLAN		1:100 @ A3	02
DA-E01	NORTH ELEVATION		1:100 @ A3	02
DA-E02	SOUTH ELEVATION		1:100 @ A3	02
DA-E03	EAST ELEVATION		1:100 @ A3	02
DA-E04	WEST ELEVATION		1:100 @ A3	02
DA-F01	SECTION A + B		1:100 @ A3	02
DA-F02	SECTION C		1:100 @ A3	02
DA-F03	SECTION D		1:100 @ A3	02
3 APPENDICES				
DA-M01	SCHEDULE OF MATERIALS + FINISHES		1:200 @ A3	02
DA-M02	SCHEDULE OF PAINT FINISHES		NIS @ A3	02
DA-P01	3D PERSPECTIVES		NIS	02
DA-S01	SHADOW DIAGRAMS - WINTER 9AM		1:100 @ A3	02
DA-S02	SHADOW DIAGRAMS - WINTER 10AM		1:100 @ A3	02
DA-S03	SHADOW DIAGRAMS - WINTER 11AM		1:100 @ A3	02
DA-S04	SHADOW DIAGRAMS - WINTER 12PM		1:100 @ A3	02
DA-S05	SHADOW DIAGRAMS - WINTER 1PM		1:100 @ A3	02
DA-S06	SHADOW DIAGRAMS - WINTER 2PM		1:100 @ A3	02
DA-S07	SHADOW DIAGRAMS - WINTER 3PM		1:100 @ A3	02
DA-S08	SHADOW DIAGRAM ELEVATION - 119A CURTIS ROAD		1:100 @ A3	02
DA-S09	SHADOW DIAGRAM ELEVATION - 119A CURTIS ROAD		1:100 @ A3	02
DA-S10	SHADOW DIAGRAM ELEVATION - 121 CURTIS ROAD		1:100 @ A3	02
DA-S11	SHADOW DIAGRAM ELEVATION - 121 CURTIS ROAD		1:100 @ A3	02
DA-S12	SHADOW DIAGRAM ELEVATION - 117 & 119 CURTIS RD..		1:100 @ A3	02
DA-S13	SHADOW DIAGRAM ELEVATION - 117 & 119 CURTIS RD		1:100 @ A3	02
DA-S14	SHADOW DIAGRAM ELEVATION - 41 SHORT ST		1:100 @ A3	02
DA-S15	SHADOW DIAGRAM ELEVATION - 41 SHORT ST		1:100 @ A3	02
4 CONSULTANT DOCUMENTATION				
SRV-01	SITE SURVEY		1:100 @ A2	1B



401 AERIAL MAP - NEAR MATS 18/04/20

39 SHORT ST, BIRCHGROVE
 Planning Instrument: Leichhardt Local Environmental Plan 2013 (LEP 2013)
 Leichhardt Development Control Plan 2013 (Amendment No.14) (LDCP 2013)
 State Environmental Planning Policy (Building Sustainability Index) (SEPP 65)
 Site Area: 252.7m² (BYP 708952) Site Dimensions: 10.15 x 25.15m² (approx)
 Land Zoning: R1 - General Residential

PLANNING INSTRUMENT	CONTROL	EXISTING	PROPOSED
LEP 4-A2B	Floor Space Ratio	0.91 (23.8m ²)	0.881 (174.47m ²)
LEP 4-A3	Building Height	No numerical control, alterations and additions to the rear of existing building to be of a suitable height in relation to the existing roof.	Existing Building Ridge: 36.65 Existing Chimney Top: 38.25 Proposed Building Ridge: 37.75 1.88m (N), 1.83m (S)
DCP C1.3	Front Setback	Predominant front building line.	Basement: 9.27m (N), 9.27m (S) Ground: 6.97m (N), 6.88m (N) Roof/Eaves: 6.55m (N), 6.38m (S) Front: 2.65m (N), 1.22m (S) Rear: 2.71 (N).
DCP C1.3	Rear Setback	Predominant rear building line.	Basement: 9.27m (N), 9.27m (S) Ground: 6.97m (N), 6.88m (N) Roof/Eaves: 6.55m (N), 6.38m (S) Front: 2.65m (N), 1.22m (S) Rear: 2.71 (N).
DCP C1.3	Side Setback	No numerical control, sloping scale.	Basement: 9.27m (N), 9.27m (S) Ground: 6.97m (N), 6.88m (N) Roof/Eaves: 6.55m (N), 6.38m (S) Front: 2.65m (N), 1.22m (S) Rear: 2.71 (N).
DCP C1.2	Landscaped Area	Minimum 20% total site area (50.58m ²)	20.20% (51.09m ²)
DCP 3.6	Private Open Space	Minimum area of 16m ² and minimum dimension of 3m	125.18m ²
DCP C1.11	Car Parking	Single Dwelling House Residents: Minimum 0, Maximum 2 spaces Car Drivelling Minimum dimension 6m x 3m per vehicle in garage or enclosed space. Can reduce by 1m in open space front or back of the parking space.	1 Car Space 2.24m x 5.865m Open Car Space (not compliant)

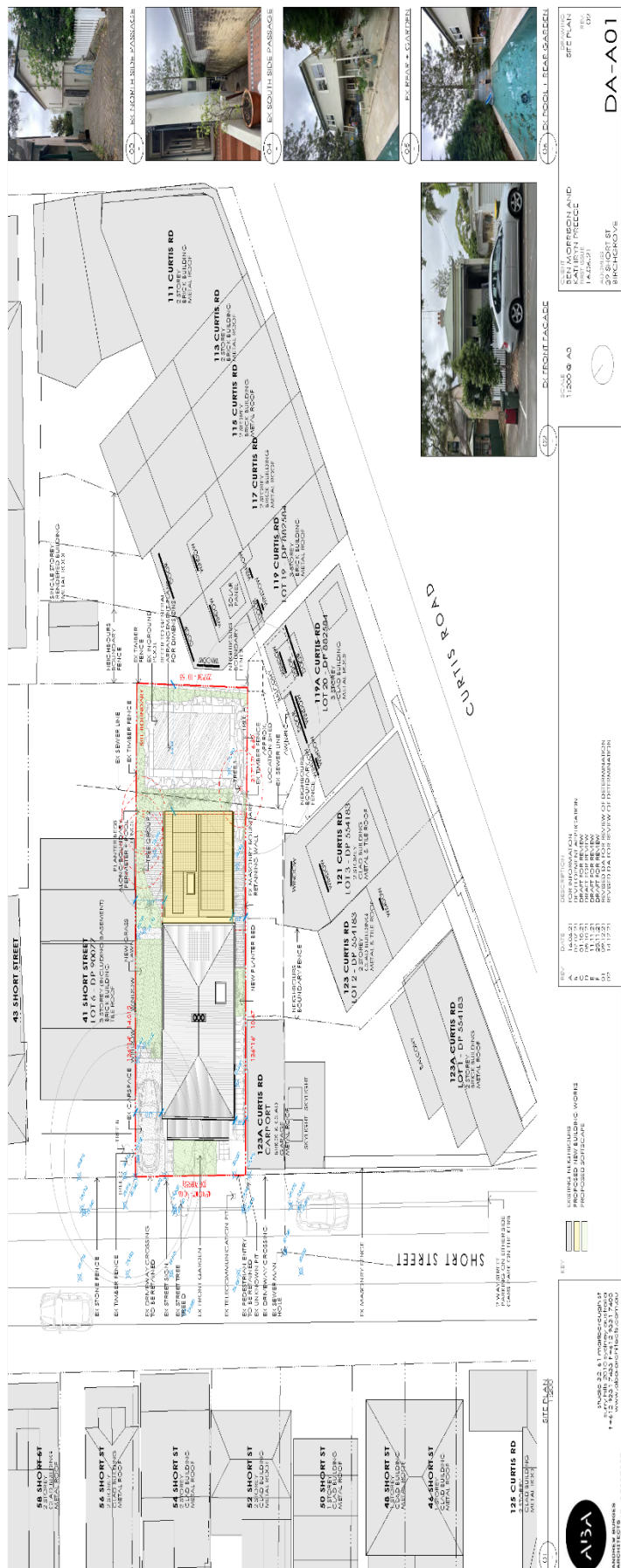
402 COMPLIANCE TABLE

CLIENT: BEN MORRISON AND KATHRYN FREECE
 PROJECT: 16/06/21
 ADDRESS: 39 SHORT ST BIRCHGROVE
 COVER SHEET
 DA-A00

SCALE: NIS @ A3

REV.	DATE	DESCRIPTION
A	16/06/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	04/08/21	GRANT FOR REVIEW
D	11/11/21	GRANT FOR REVIEW
E	11/11/21	GRANT FOR REVIEW
F	09/12/21	REFUSED DA FOR REVIEW OF DETERMINATION
G	09/12/21	REFUSED DA FOR REVIEW OF DETERMINATION
H	14/12/21	

REF: A3A ARCHITECTS
 ARCHITECTS
 Document Set ID: 36069699
 Version: 1, Version Date: 21/06/2022
 16/06/21 02:01 m:\dco\p\31
 14122 3331 7433 1412 0311 7488
 www.a3a-architects.com.au



111 CURTIS RD
2 STOREY BLDG
METAL ROOFING
METAL ROOFING

113 CURTIS RD
3 STOREY BLDG
METAL ROOFING
METAL ROOFING

115 CURTIS RD
3 STOREY BLDG
METAL ROOFING
METAL ROOFING

117 CURTIS RD
3 STOREY BLDG
METAL ROOFING
METAL ROOFING

119 CURTIS RD
3 STOREY BLDG
METAL ROOFING
METAL ROOFING

2-STOREY BLDG
METAL ROOFING

11500 00 AD
SITE PLAN

DA-A01
20 SHORT ST
BRICKENDALE

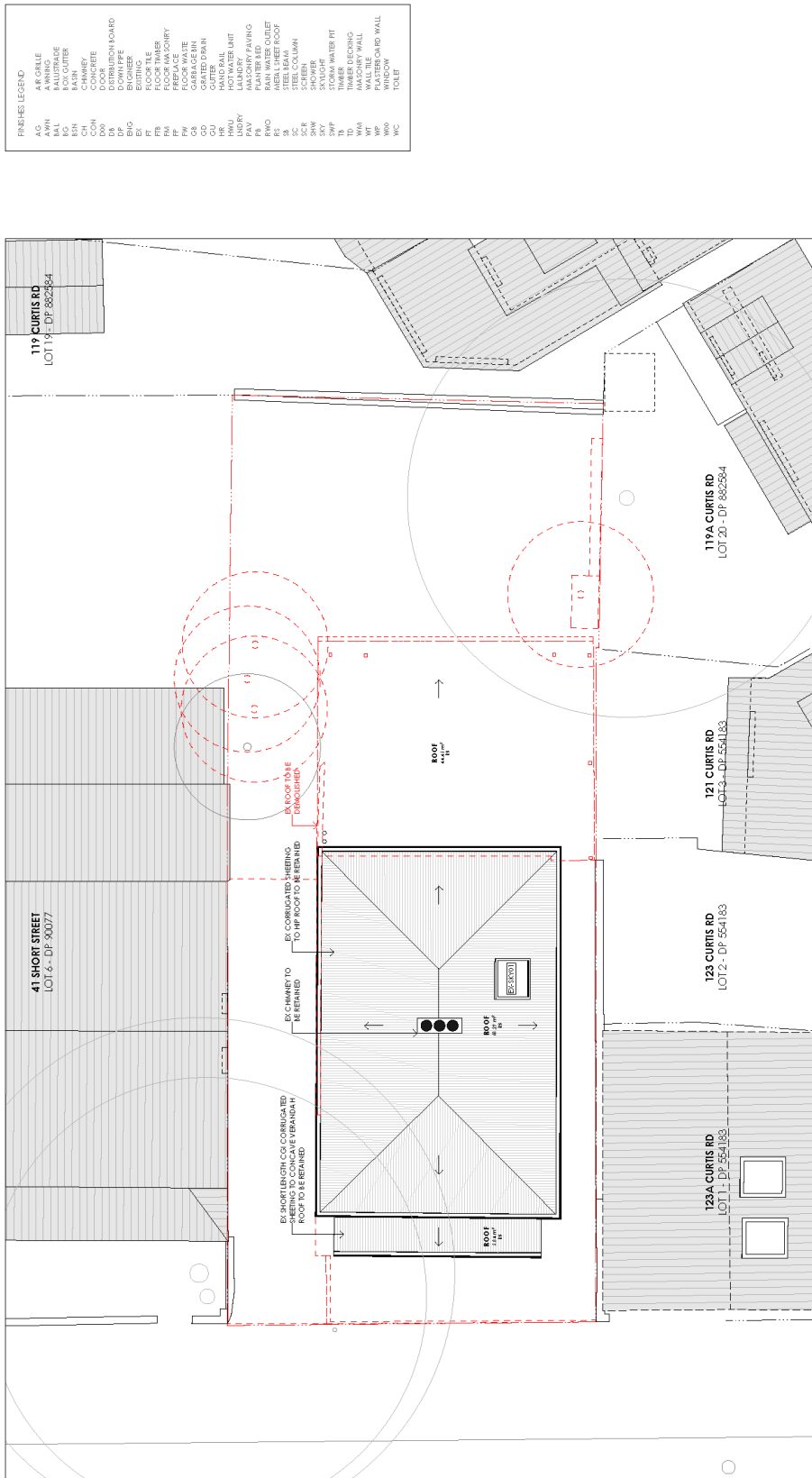
- A-1 50x10x21
- A-2 10x10x21
- B-1 11x11x21
- B-2 11x11x21
- C-1 11x11x21
- C-2 11x11x21

- EXISTING BUILDINGS
PROPOSED DEVELOPMENTS

2-MANOR STREET CARPORT
CORNER PLOT 201 1115 ST
1115 ST

ANNEX WORKS
1-41 SHORT ST
1115 ST
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Version: 1 - Variation Date: 23/03/2023



FINE LINE LEGEND

A/G	AIR GULLIE
A/KN	AIR KING
B/L	BALUSTRADE
B/SH	BATH SHOWER
B/SH	BATH
CON	CONCRETE
DO	DOOR
DP	DOWN PIPE
B/IC	BIGGIE
FT	FLOOR TILE
F/T	FLOOR TRIMER
FR	FREESTANDING
FR	FREESTANDING
GA	GASKET
GW	GARDEN WALL
GD	GRADED DRAIN
GR	GRATE
H/R	HAND RAIL
HWU	HOT WATER UNIT
IC	INSULATION
PAV	PAVING
P/V	PLASTER
R/S	ROOF SHEET
R/S	ROOF SHEET
S	SHEATHING
SC	SCHEDULE
SC	SCHEDULE
SK	SKYLINE
SWP	STORM WATER PIT
TD	TIMBER DOORING
T/W	TIMBER WALL
W/P	WATER PIPING
W/P	WATER PIPING
W/W	WINDOW
W/C	TOILET

CLIENT	BEN MORRISON AND KATHRYN PREECE	DRAWING	ROOF DEMOLITION PLAN
PROFESSOR	1606/21	REV	02
ADDRESS	39 SHORT ST BRIGHORVE		
			DA-A04

SCALE 1:100 @ A3

REV	DATE	DESCRIPTION
1	16/06/21	FOR INFORMATION
2	07/07/21	DEVELOPMENT APPLICATION
3	11/11/21	DRAWING FOR REVIEW
4	24/11/21	DRAFT FOR REVIEW
5	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
6	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

KEY	DESCRIPTION
[Symbol]	EXISTING STRUCTURES/HARD SURFACES TO BE DEMOLISHED
[Symbol]	EXISTING STRUCTURES/HARD SURFACES TO BE MAINTAINED
[Symbol]	EXISTING ROOF TO BE DEMOLISHED
[Symbol]	EXISTING ROOF TO BE MAINTAINED
[Symbol]	EXISTING ROOF TO BE DEMOLISHED (REFER ARCHITECT REPORT FOR MORE DETAIL)

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 ARCHITECTS
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Document Set ID: 36628889
 Version: 1, Version Date: 23/09/2022

DOOR AND WINDOW SCHEDULE

DOOR & WINDOW TYPES	LOCATIONS	WIDTH	HEIGHT	TYPE	
TB SG Timber or UPVC, single clear U-value= 5.71 SHGC= 0.66	NE	0.95	2.61	TB D G	
TB D G Timber or UPVC, double LO-to/air gap/clear U-value= 2.3 SHGC= 0.19	SW	0.95	2.24	TB D G	
3KY Timber, double clear/air fill U-value= 4.5 SHGC= 0.5	NE	0.95	2.86	TB D G	
DOOR & WINDOW SCHEDULE	LOCATION	WIDTH	HEIGHT	TYPE	
W01	Basement Living	NE	0.90	1.02	TB SG
W02	Basement Living	SW	1.93	1.02	TB SG
W03	Ground Void	NE	1.00	1.30	TB SG
W04	Ground Bedroom 02	NE	0.90	1.50	TB SG
W05	Ground Bedroom 02	NE	1.20	1.50	TB SG
W06	Ground Bedroom 02	SE	2.40	1.50	TB D G
W07	Ground Bathroom	NE	0.90	1.50	TB D G
W08	Ground Bathroom	SW	0.93	2.86	TB D G
W09	Front Study	NE	0.90	1.02	TB SG
W10	Front Study	NE	1.93	1.02	TB SG
W11	Front Study	SE	1.00	1.30	TB SG
W12	Front Bedroom	SE	0.37	1.20	TB SG
W13	Front Master Bedroom	SE	0.37	1.20	N/A - SOLID TB PANEL
W14	Front Ensuite	NW	1.25	0.94	TB D G
W15	Front Stairway	NW	2.14	1.02	TB SG
W16 A	Basement Living	NE	1.17	2.16	TB SG
W16 B	Basement Living	SE	1.18	2.01 / 1.9	TB SG
3KY01	New Roof	NE	0.76m2	(AREA)	3KY

GLAZING REQUIREMENTS

WINDOWS AND GLAZED DOORS

The applicant must install the windows, glazed doors and shading devices, in accordance with the following requirements:
 - Relevant glazing specification must be satisfied for each window and glazed door.
 - Relevant overhead glazing specifications must be satisfied for each window and glazed door.
 - The following requirements must also be satisfied in relation to each window and glazed door:
 - Each window or glazed door with standard aluminium or timber frames and single clear or toned glass must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.
 - Each window or glazed door with improved frames, or pyramic, lowe glass, or clear/air gap/clear (SHGC) or toned/air gap/clear (SHGC) must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.
 - Each window or glazed door with double glazing (SHGC) must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.
 - The description is provided for information only. Alternative systems, with complying U-value and SHGC may be substituted.
 - External louvre and blinds must fully shade the window or glazed door or be side which they are situated when fully down or closed.
 - Overhanging buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overhanging' column in the table below.

SKYLIGHTS

The applicant must install the skylight in accordance with the specifications listed in the table below. The following requirements must also be satisfied in relation to each skylight:
 - Each skylight must either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.

BASIX COMMITMENTS

FIXTURES - SYSTEMS

HOT WATER

The applicant must install the following hot water system in the development: gas instantaneous

LIGHTING

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

FIXTURES

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a star water rating.

- The applicant must ensure new or altered toilet have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.

- The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or a minimum 3 star water rating.

CONSTRUCTION

INSULATION REQUIREMENTS

The applicant must construct the new or altered construction (floor(s), walls, and ceiling/roofs) in accordance with the specifications listed in the table below. Sept (incl of additional insulation) is required for parts of altered construction where insulation already exists.

CONSTRUCTION	ADDITIONAL INSULATION REQUIRED	OTHER SPECIFICATION
Concrete slab on ground floor	Nil	Nil
Floor above existing dwelling or building	Nil	Nil
External wall framed (weatherboard, fibre metal clad)	R1.20 (or R1.70 including construction)	Nil
Raked ceiling, pitched/skillion roof: tiled/sarking roof: tiled	Ceiling: R2.50 (vap. roof: foil/sarking)	Medium (Solar exposure 0.475-0.70)

CLIENT: BEN MORRISON AND KATHRYN PREECE
 PROFESSIONAL OFFICE: 16/06/21
 ADDRESS: 39 SHOROT ST BRICHOVINE


REVISIONS: BASIX SUMMARY REV 02

DA-A05

SCALE: NTS @ A3



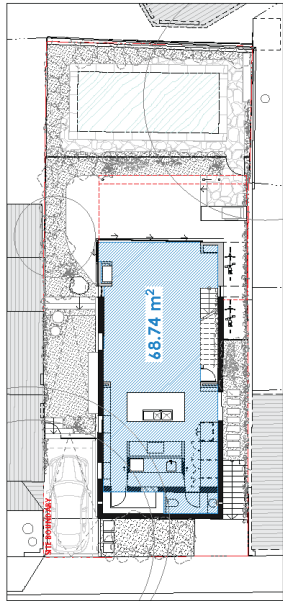
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A	16/06/21	FOR INFORMATION
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C	01/10/21	DRAFT FOR REVIEW
D	11/11/21	DRAFT FOR REVIEW
E	09/12/21	REVISED FOR REVIEW OF DETERMINATION
F	09/12/21	REVISED FOR REVIEW OF DETERMINATION
G	14/12/21	REVISED FOR REVIEW OF DETERMINATION



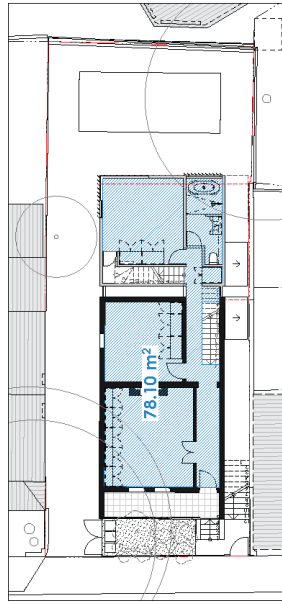
ANSA ARCHITECTS
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 Version: 1, Version Date: 23/09/2021

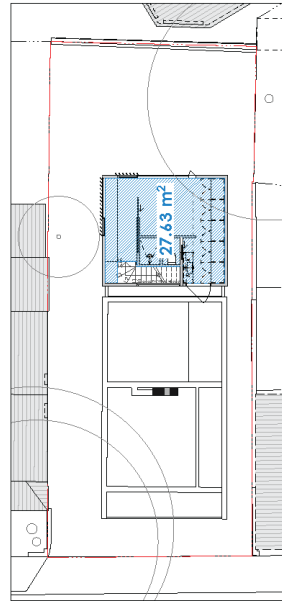
SITE AREA: 252.9m²
 REQUIRED GFA: 226.8m²
 REQUIRED FSR: 0.91
 EXISTING GFA: 154.7m²
 EXISTING FSR: 0.611
 PROPOSED GFA: 174.7m²
 PROPOSED FSR: 0.683



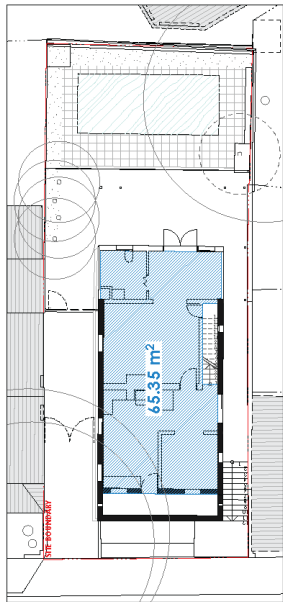
02 BASEMENT PLAN - GFA 1:200



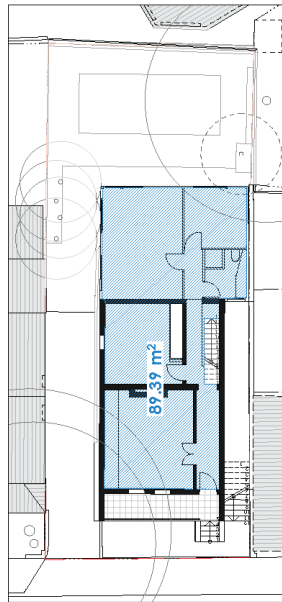
04 GROUND FLOOR PLAN - GFA 1:200



05 FIRST FLOOR PLAN - GFA 1:200



01 EXISTING BASEMENT PLAN - GFA 1:200



03 EXISTING GROUND FLOOR PLAN - GFA 1:200

CLIENT: BEN MORRISON AND KATHRYN FREECE
 PROFESSIONAL OFFICE: 16/66/21
 ADDRESS: 39 SHORR ST BRIGHORVE

DRAWING: COMPLIANCE DIAGRAMS
 REV: 02

DA-A06

SCALE: 1:200 @ A3

REV	DATE	DESCRIPTION
A	16/06/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	09/11/21	DRAFT FOR REVIEW
G	09/11/21	FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

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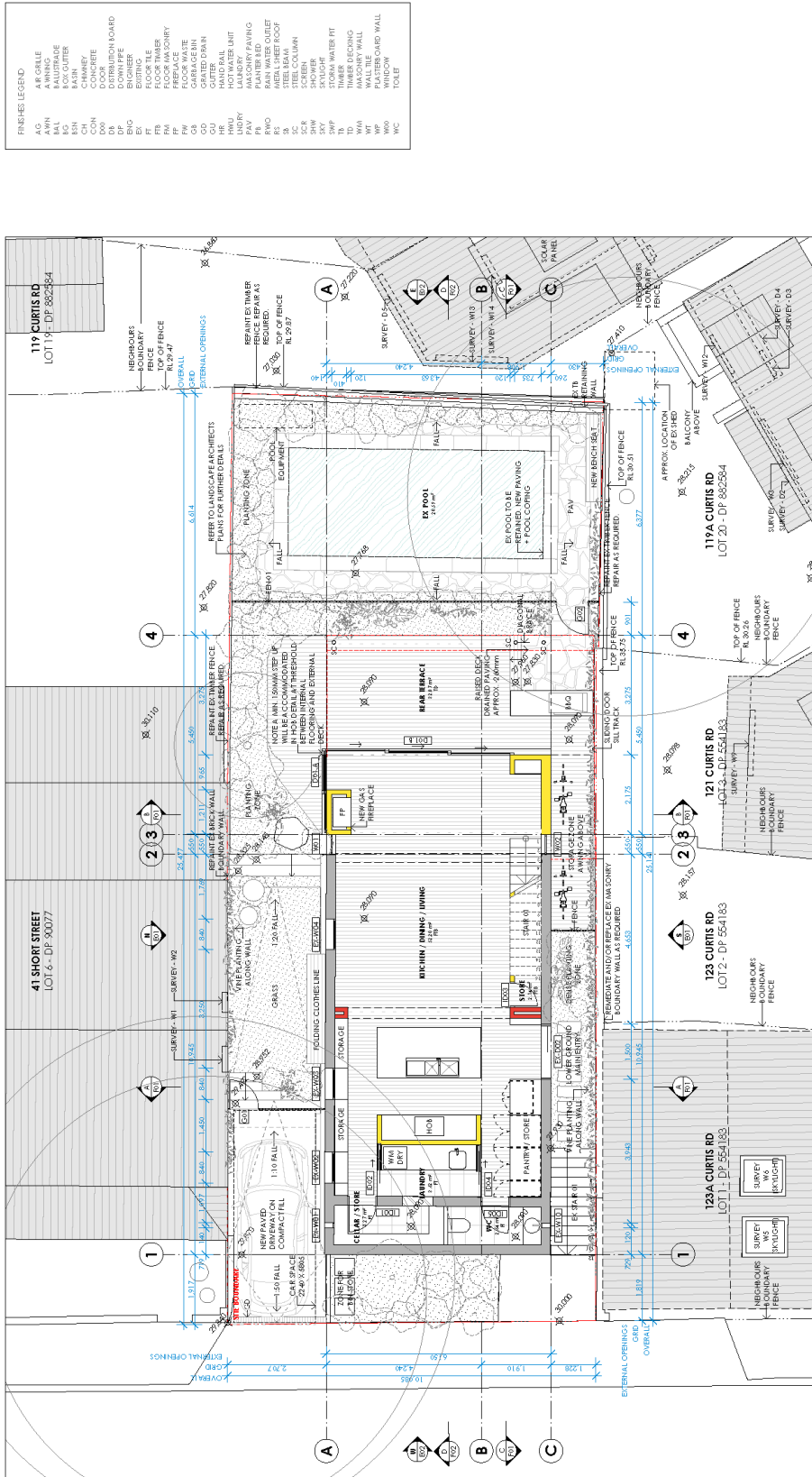
[Blue hatched box]	GROSS FLOOR AREA
[Red hatched box]	SITE COVERAGE
[Green hatched box]	PRIVATE OPEN SPACE
[Yellow hatched box]	LANDSCAPED AREA

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FINISH LEGEND

- A/G AIR GRADE
- A/W ASPHALT
- B/L BALUSTRADE
- B/SN BRICK SILLING
- C/ON CONCRETE
- D/DR DOOR
- D/SC DOWNSCAPE
- D/P DOWNPIPE
- E/BC EXTERIOR BRICK
- F/F FLOOR FINISH
- F/T FLOOR TILE
- F/R FLOOR COVERING
- F/P FLOOR POLISH
- G/GR GRATED DRAIN
- G/W GRASS
- H/H HANDRAIL
- H/W HOT WATER UNIT
- I/MI INTERIOR MASONRY
- P/PA PLASTER BOARD
- P/PL PLASTER
- P/RS ROOF
- P/S PLASTER BOARD
- S/S STEEL SILLING
- S/CB SCREEN COLLECTOR
- S/CR SCREEN
- S/SW SKYLINE
- S/WP STORM WATER PIT
- T/D TIMBER DOOR
- T/W TIMBER WALL
- W/W WINDOW
- W/WP WINDOW PANEL
- W/C TOILET

CLIENT: BEN MORRISON AND KATHRYN PREECE
 PROJECT: 1606/21
 ADDRESS: 39 SHORT ST BRIDGE GROVE

SCALE: 1:100 @ A3

DATE: DA-D01

REVISIONS

REV	DATE	DESCRIPTION
A	16/05/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	01/10/21	DRAFT FOR REVIEW
E	11/11/21	DRAFT FOR REVIEW
F	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
G	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

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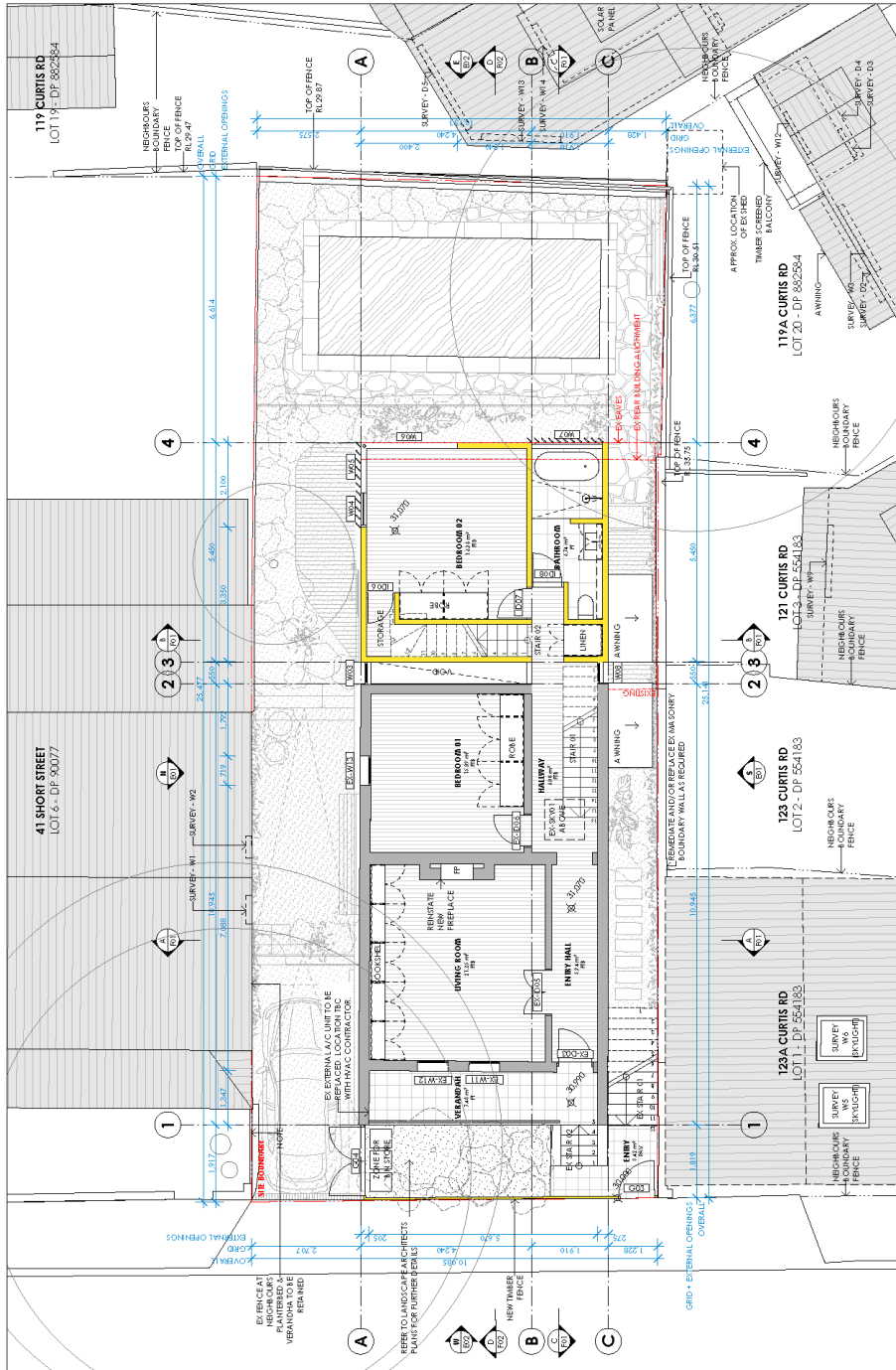
KEY	DESCRIPTION
(Grey box)	EXISTING STRUCTURE (H & B) SURFACES TO BE MAINTAINED
(Red box)	EXISTING MASONRY
(Blue box)	PROPOSED MASONRY STRUCTURE
(Green box)	PROPOSED ROOF/TILE
(Yellow box)	PROPOSED TIMBER FRAMED STRUCTURE
(Orange box)	PROPOSED CONCRETE STRUCTURE
(Purple box)	PROPOSED METAL STRUCTURE
(Light blue box)	PROPOSED GLAZING

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FINISH LEGEND

A/G	AIR GRILLE
A/WN	A WING
B/L	BALUSTRADE
B/S	BASIN
C/M	CONCRETE
C/N	CORNER
D	DOOR
D/S	DOWNSTAIRS
D/W	DOWNWIND
D/WL	DOWNWIND WALL
F	FLOOR
F/T	FLOOR TILE
F/W	FLOOR WALKER
F/WC	FLOOR WALKER
F/WI	FLOOR WALKER
G/A	GRATED DRAIN
G/D	GRATED DRAIN
G/H	GRATED DRAIN
H/R	HAND RAIL
H/W	HOT WATER UNIT
H/WL	HOT WATER UNIT
H/WW	HOT WATER UNIT
P	PLANTER BED
P/W	PLASTER BOARD WALL
R/S	REINFORCED CONCRETE
R/T	REINFORCED CONCRETE
R/W	REINFORCED CONCRETE
R/WL	REINFORCED CONCRETE
R/WW	REINFORCED CONCRETE
S	SCREEN
S/W	SKYDOME
S/WL	SKYDOME
S/WW	SKYDOME
SWP	STORM WATER PIT
T	TIMBER FLOORING
T/W	TIMBER WALL
T/WL	TIMBER WALL
T/WW	TIMBER WALL
W	WINDOW
W/W	WINDOW
W/WL	WINDOW
W/WW	WINDOW
WC	TOILET



CLIENT: BEN MORRISON AND KATHRYN FREECE
 PROJECT: 160621
 ADDRESS: 39 SHORT ST BRIDGEVILLE
DA-D02

SCALE: 1:100 @ A3

EXISTING STRUCTURES/ROAD SURFACES TO BE MAINTAINED
 EXISTING NEIGHBOURS
 PROPOSED MASONRY STRUCTURE
 PROPOSED ROOF/TILE
 PROPOSED TIMBER FRAMED STRUCTURE
 PROPOSED CONCRETE STRUCTURE
 PROPOSED METAL STRUCTURE
 PROPOSED GLAZING

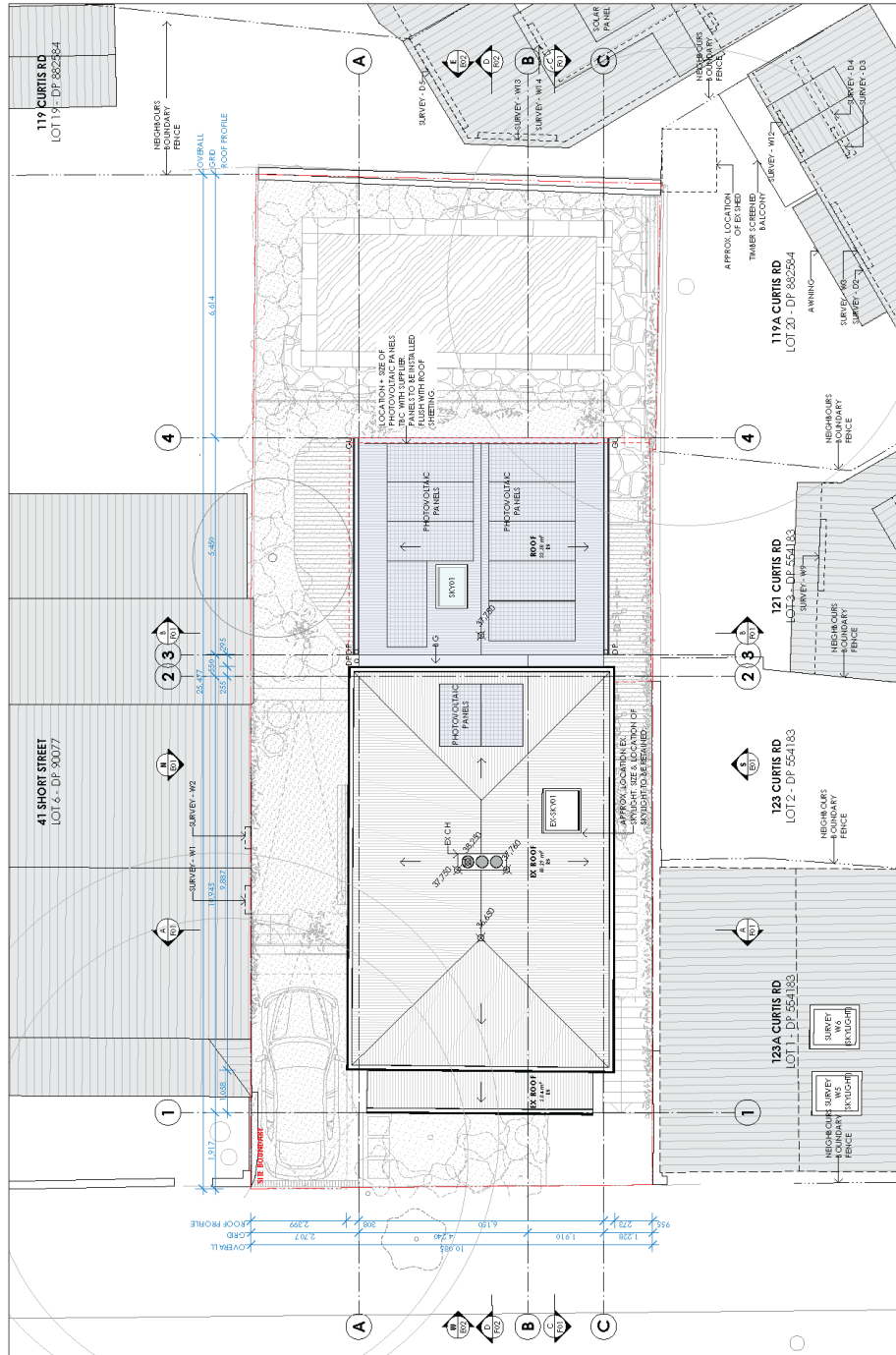
REV	DATE	DESCRIPTION
A	16/06/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	01/10/21	DRAFT FOR REVIEW
E	11/11/21	DRAFT FOR REVIEW
F	09/12/21	REMOVED FOR REVIEW OF DETERMINATION
G	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

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FINE LINE LEGEND


AG	AIR GRILLE
AWN	AWNING
BAL	BALCONY
BSH	BATH
BAS	BASIN
CON	CONCRETE
COV	COVER
DD	DOWN DRAIN
DP	DOWN PIPE
EG	ELECTRIC
ENCL	ENCLOSURE
FT	FLOOR TILE
FTR	FLOOR TRIMER
FR	FREESTANDING
FRP	FREESTANDING
GR	GRATED DRAIN
GD	GRAVEL
GA	GARAGE
GR	GRASS
HR	HAND RAIL
HW	HOT WATER UNIT
HWU	HOT WATER UNIT
MA	MASONRY
MDF	MASONRY FINISH
PL	PLASTER
RD	ROOF DRAIN
RS	STEEL ROOF SHEET
SS	STEEL
SC	SCREEN
SW	SKYLIGHT
SWP	STORM WATER PIT
TD	TIMBER DOCKING
W	MASONRY WALL
WP	PLASTERED WALL
WV	WINDOW
WC	TOILET



CLIENT: BEN MORRISON AND KATHRYN FREEZE
 PROFESSIONAL: 160621
 ADDRESS: 39 SHORT ST BRIDGE GROVE
 DRAWING: ROOF PLAN
 REV: 02
DA-D04

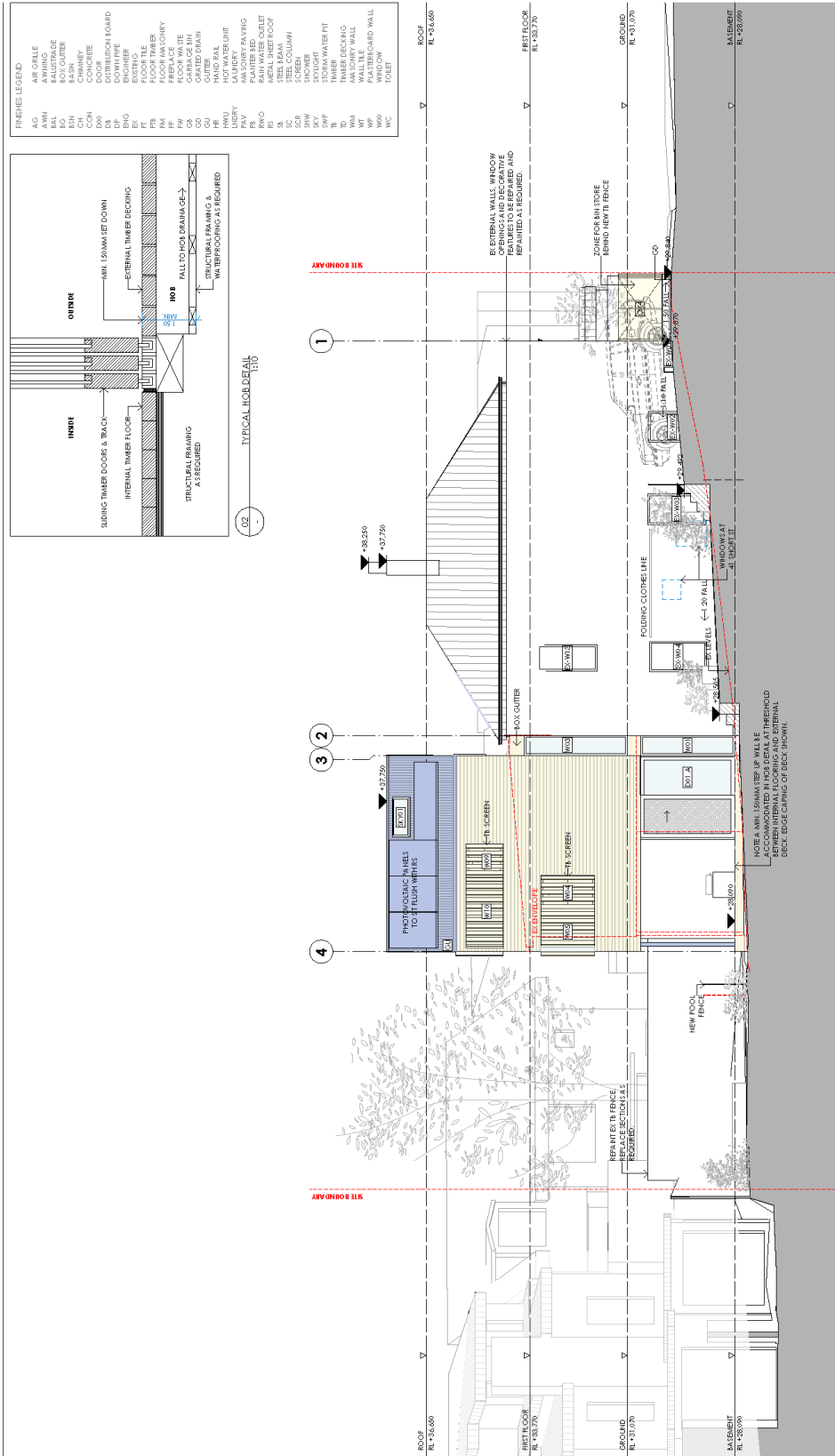
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REV	DATE	DESCRIPTION
A	16/05/21	FOR INFORMATION
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C	01/10/21	DRAFT FOR REVIEW
D	11/11/21	DRAFT FOR REVIEW
E	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
F	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION



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Document No: ALDA-2021-088
 Version: 1, Version Date: 23/09/2022



01 NORTH ELEVATION
1:100

CLIENT: BEN MORRISON AND KATHRYN FREECE
 PROFESSIONAL REFERENCE: 1606521
 ADDRESS: 39 SHORI ST BRIGHORNE

REVISIONS:
 NORTH ELEVATION
 REV: 02
DA-E01

SCALE: 1:100 @ A3

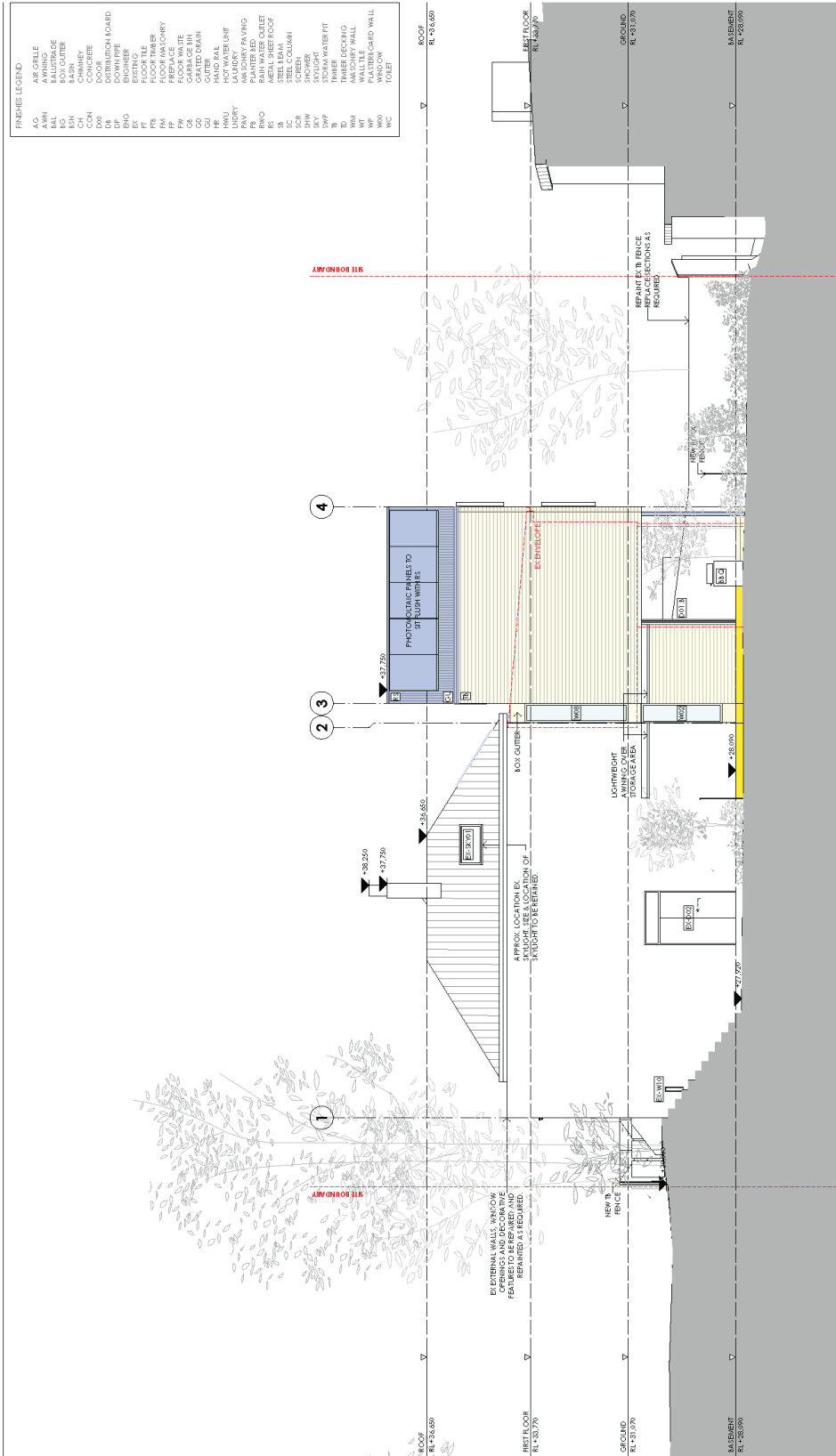
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G	14/12/21	REVISED FOR REVIEW OF DETERMINATION

KEY	DESCRIPTION
[Grey]	EXISTING STRUCTURES/IN SITU SURFACES TO BE MAINTAINED
[Orange]	EXISTING MASONRY STRUCTURE
[Light Blue]	PROPOSED MASONRY STRUCTURE
[Yellow]	PROPOSED ROOF/TILE
[Light Green]	PROPOSED TIMBER FRAMED STRUCTURE
[Dark Green]	PROPOSED CONCRETE STRUCTURE
[Blue]	PROPOSED METAL STRUCTURE
[White]	PROPOSED GLAZING

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01 SOUTH ELEVATION
1:100

FINISHES LEGEND

- AG AIR GALLE
- AW ARCHITECTURAL WALL
- BA BALUSTRADE
- EG EXISTING GUTTER
- CH CHIMNEY
- CC CONCRETE
- DA DISTRIBUTION BOARD
- DB DOWNPIPE
- BR BRICK
- EX EXISTING
- FB FLOOR BOARD
- FM FLOOR MASONRY
- FT FLOOR TILE
- FW FLOOR WARE
- GB GARAGE BIN
- GU GUTTER
- HD HANDRAIL
- HU HUNG
- LA LAUNDRY
- LV LAUNDRY VENT
- PL PLASTER
- PN PLYWOOD
- RWO RAIN WATER OUTLET
- SC STEEL COLUMN
- SK SKYLIGHT
- SH SHOWER
- SHW SHOWER
- TH THIMBER
- TL TIMBER DECKING
- WA WALL TILE
- WT WINDOW
- WO WINDOW
- WC TOILET

CLIENT: BEN MORRISON AND KATHRYN FREECE
 PROFESSIONAL: 160621
 ADDRESS: 39 SHORI ST BRICHOVE

REVISIONS: SOUTH ELEVATION
 REV: 02

DA-E02

SCALE: 1:100 @ A3

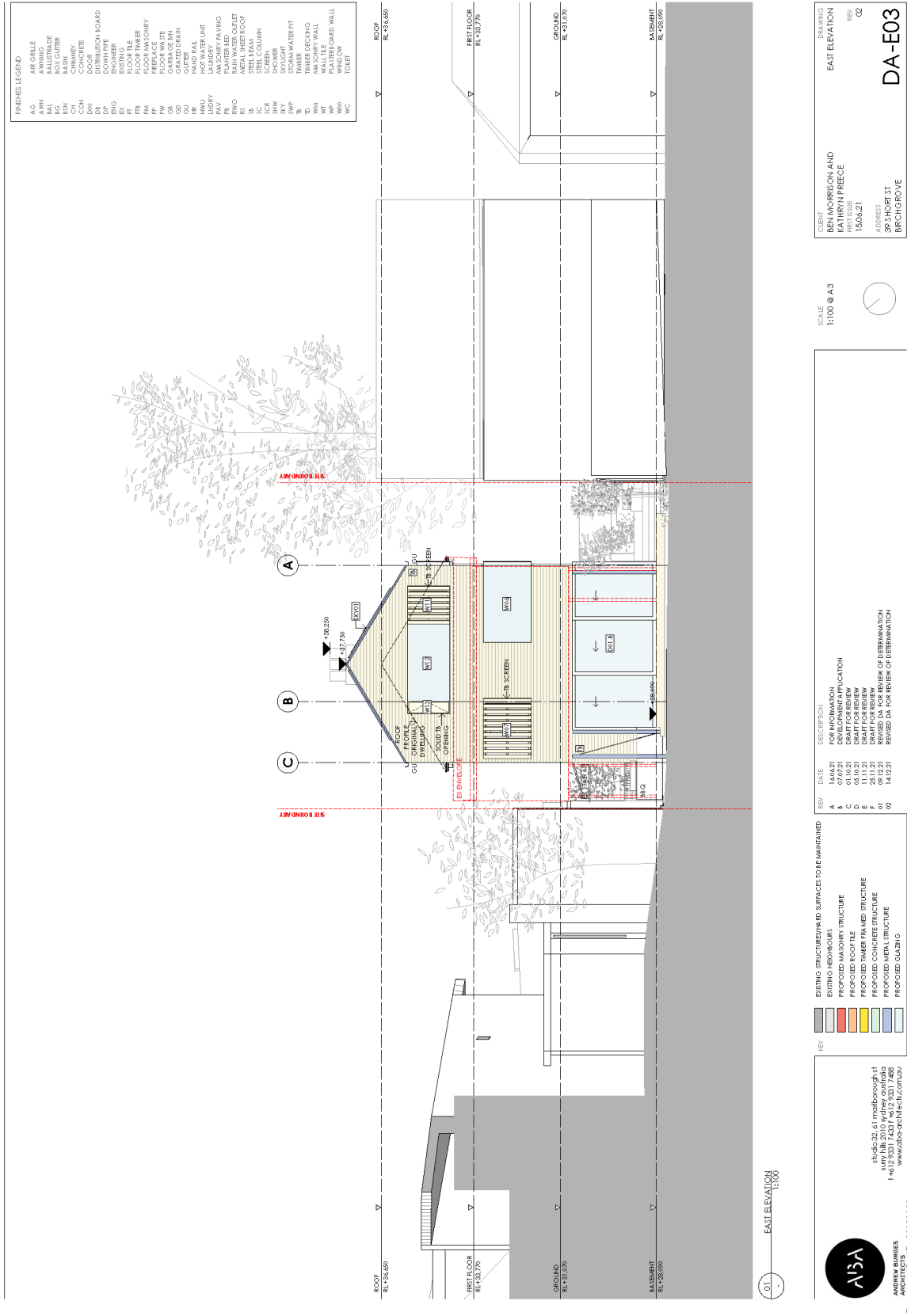
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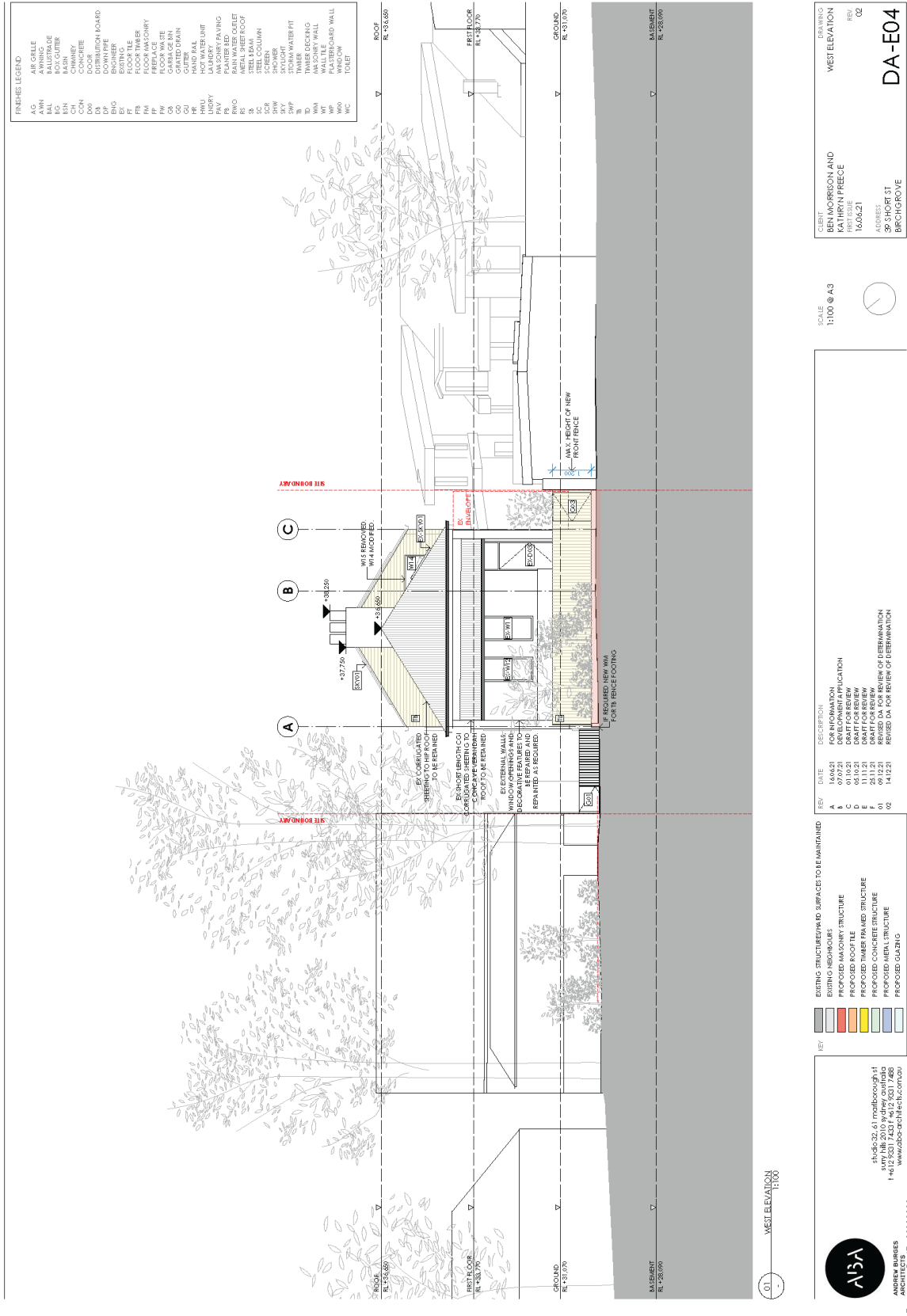
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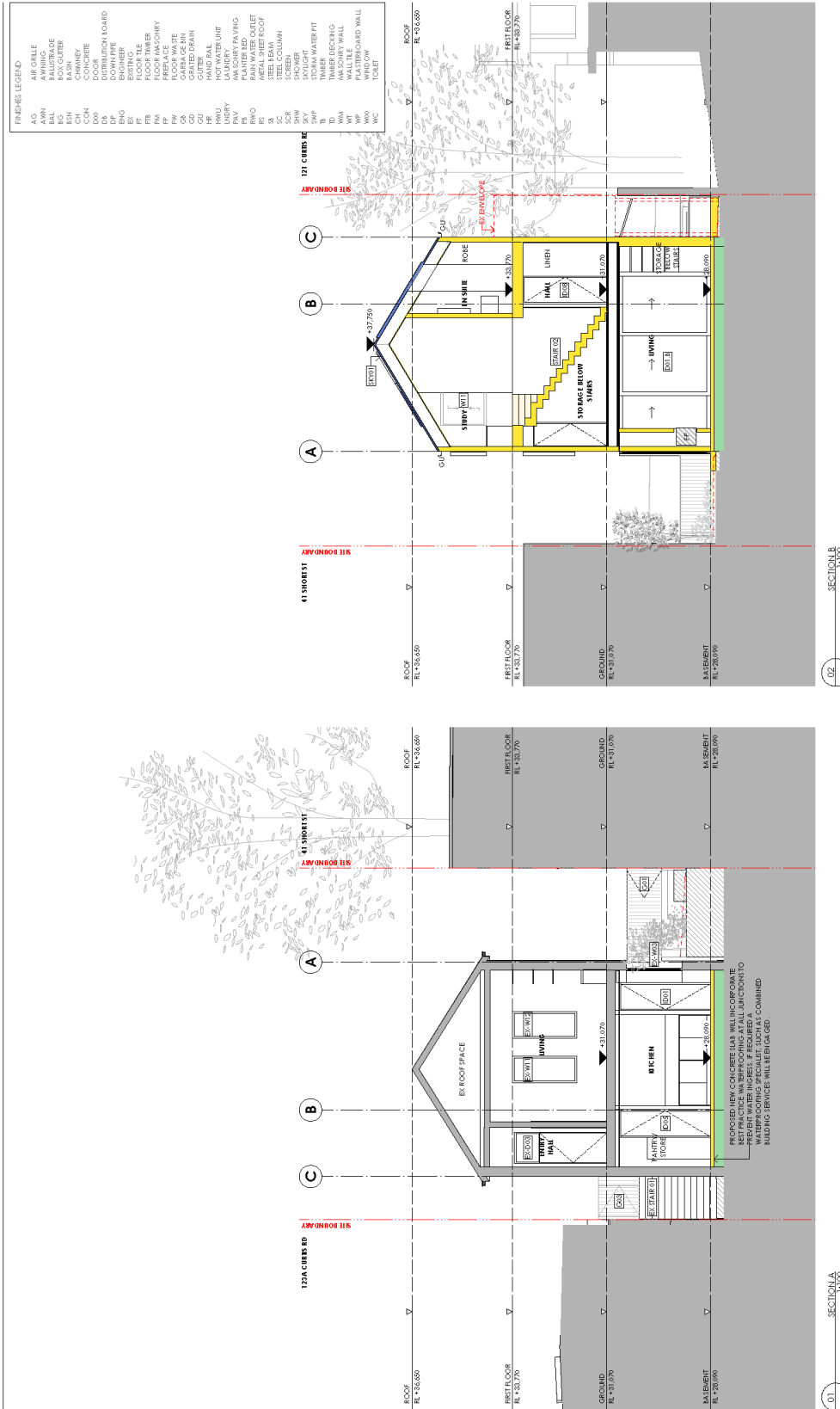
KEY	DESCRIPTION
[Grey]	EXISTING STRUCTURES/HARD SURFACES TO BE MAINTAINED
[Red]	EXISTING MASONRY
[Orange]	PROPOSED MASONRY STRUCTURE
[Yellow]	PROPOSED ROOF/TILE
[Green]	PROPOSED TIMBER FRAMED STRUCTURE
[Blue]	PROPOSED CONCRETE STRUCTURE
[Light Blue]	PROPOSED METAL STRUCTURE
[Dark Blue]	PROPOSED GLAZING

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CLIENT
BEN MORRISON AND
KATHRYN FREECE

PROFESSIONAL
16/06/21

ADDRESS
39 SHORR ST
BRIDGE GROVE

DRAWING
SECTION A + B
REV 02

DA-F01

KEY

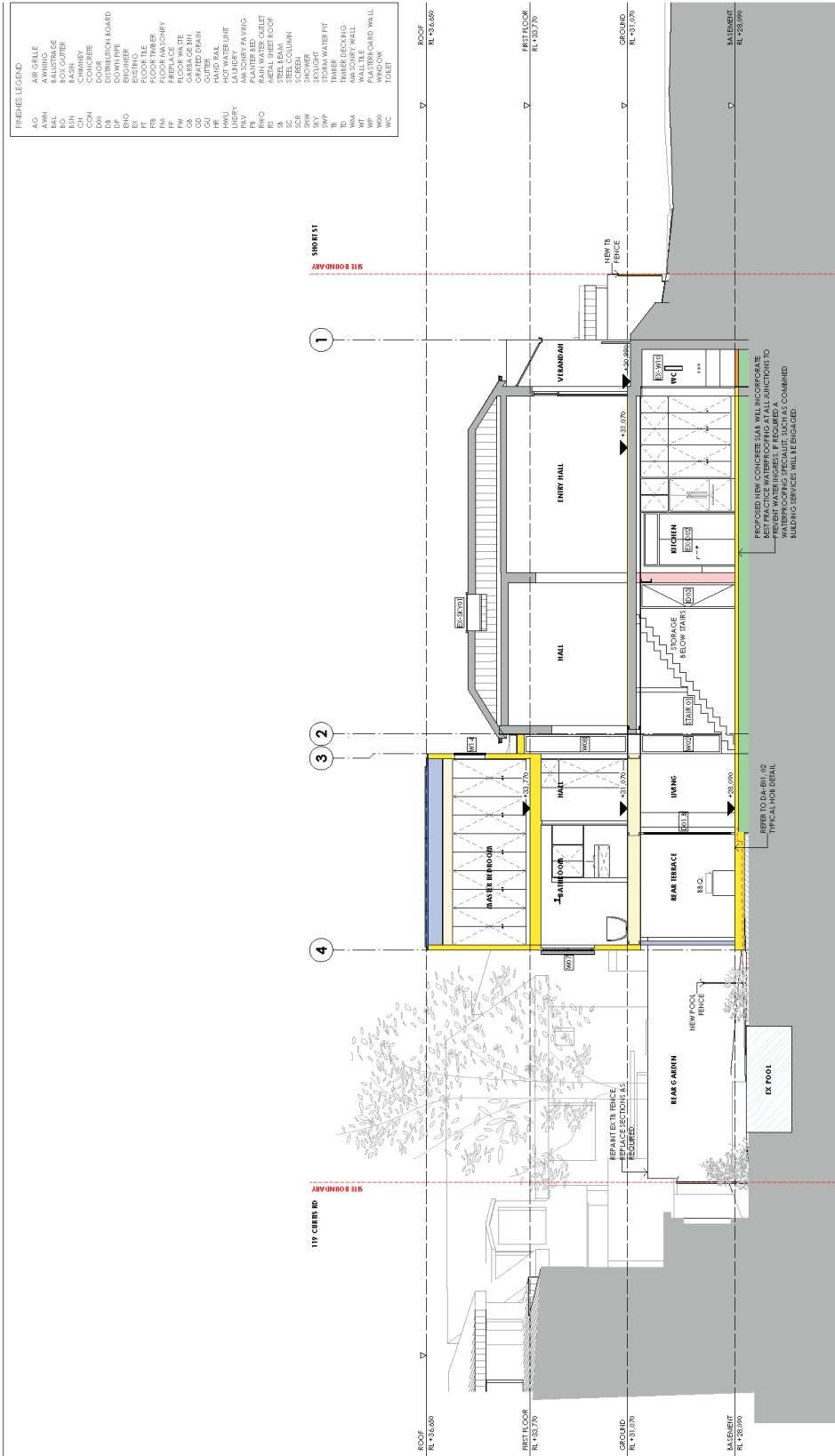
- EXISTING STRUCTURE (Hatched)
- EXISTING ROOF (Hatched)
- PROPOSED MASONRY STRUCTURE (Red)
- PROPOSED ROOF (Blue)
- PROPOSED TIMBER FRAMED STRUCTURE (Green)
- PROPOSED CONCRETE STRUCTURE (Yellow)
- PROPOSED METAL STRUCTURE (Purple)
- PROPOSED GLAZING (Light Blue)

PROPOSED NEW CONCRETE SLAB WILL INCORPORATE
WATERPROOFING SPECIALTY, SUCH AS COMBINED
WATERPROOFING SPECIALTY, SUCH AS COMBINED
BUILDING SERVICES WILL BE ENGAGED.

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CLIENT BEN MORRISON AND KATHRYN FREECE
PROPOSAL 160621
ADDRESS 39 SHORI ST BRIDGE GROVE

SECTION C
REV 02
DA-F02

SCALE 1:100 @ A3

REV	DATE	DESCRIPTION
A	16/06/21	FOR INFORMATION
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G	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

KEY

- EXISTING STRUCTURES/HARD SURFACES TO BE MAINTAINED
- EXISTING MASONRY
- PROPOSED MASONRY STRUCTURE
- PROPOSED ROOF/TILE
- PROPOSED TIMBER FRAMED STRUCTURE
- PROPOSED CONCRETE STRUCTURE
- PROPOSED METAL STRUCTURE
- PROPOSED GLAZING

NOTES

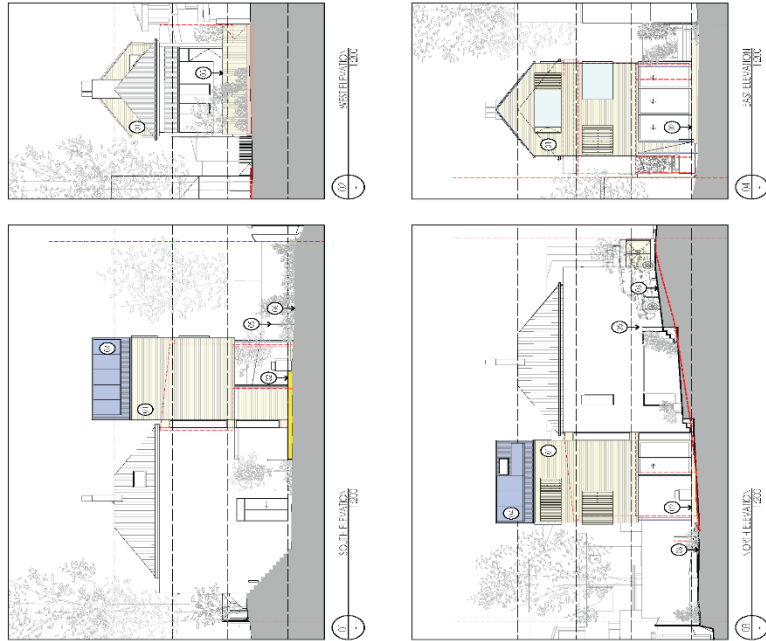
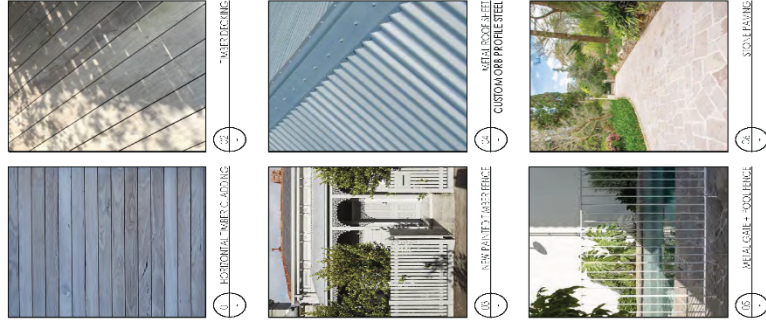
- PROPOSED NEW CONCRETE SHALL INCORPORATE REINFORCING BARS AT ALL JOINTS TO PREVENT WATER INGRESS. IF REQUIRED, WATERPROOFING SPECIFIC TO SUCH AS COMBINED BUILDING SERVICES WILL BE REQUIRED.
- REPAIR TO EXISTING CONCRETE SHALL BE TYPICAL FOR DETAIL.

STUDIO 32
 11/11/21
 160621
 39 SHORI ST
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 NSW 2163
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Version: 1, Version Date: 23/09/2021





PROJECT NO.	DA-M01
CLIENT	MR JACKSON AND MRS JAYNE PRITCHARD
ADDRESS	25 SOUTH STREET, BIRCHBROOK
DATE	15/06/21
SCALE	AS SHOWN
DESIGNER	ALVA ARCHITECTURE
DATE	23/09/2021

SCALE: 1:200 & AS SHOWN

NO.	REV.	DATE	DESCRIPTION
1	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
2	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
3	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
4	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
5	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
6	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
7	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
8	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
9	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT
10	ISSUE FOR PERMIT	23/09/2021	FOR PERMIT

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 ARCHITECTURE
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 SA 5091
 T 411 531 1531 F 411 531 1533
 www.alvaarchitect.com.au

Document Set ID: 38546499
 Version: 1, Version Date: 23/09/2021



- EX CHIMNEY TO BE REPAINTED
- EX ROOF SHEETING AND FINISH TO BE RETAINED. PATCH REPAIR AS REQUIRED.
- EX METAL BALUSTRADE TO BE REPAINTED
- EX FRONT DOOR TO BE REPAINTED
- EX BUILDING TO BE REPAINTED. ASHLAR COURSING TO BE RETAINED.
- EX TIMBER WINDOW FRAMES TO BE REPAINTED AND REPAIRED AS REQUIRED
- EX METAL BALUSTRADE TO BE REPAINTED
- NEW PAINTED TIMBER FENCE



EX HOUSE & CHIMNEY PAINT
 FINISH:
 PORTER'S PAINTS MINERAL PAINT
 WOOD SMOKE OR EQUAL



EX METALWORK & FRONT DOOR PAINT FINISH:
 PORTER'S PAINTS 'SEDIMENT' OR EQUAL



NEW REAR METAL ROOF FINISH:
 COLORBOND WALLABY OR EQUAL

50 REAR FACADE OF EX-HOUSE

CLIENT: ZELMORRISON AND SALLY/IN PRECE
 PROJECT: DA-1021
 ADDRESS: 39 ALBERT ST BRICIGROVE
 DRAWING: SCHEDULE OF PAINT FINISHES
 REV: 02
DA-M02

SCALE: 1:50

REV	DATE	DESCRIPTION
1	01.10.21	DRAFT FOR REVIEW
2	05.02.21	DRAFT FOR REVIEW
3	14.11.21	REVISION 1/2
4	09.10.21	REVISION 1/2
02	14.12.21	REPAIRED FOR REVIEW/ DETERMINATION

AV3A ARCHITECTS
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 www.av3aarchitects.com.au
 Studio: 02 61 74 00 00
 Sydney: 02 93 93 93 93
 Document Set ID: 36590889
 Version: 1, Version Date: 23/08/2022



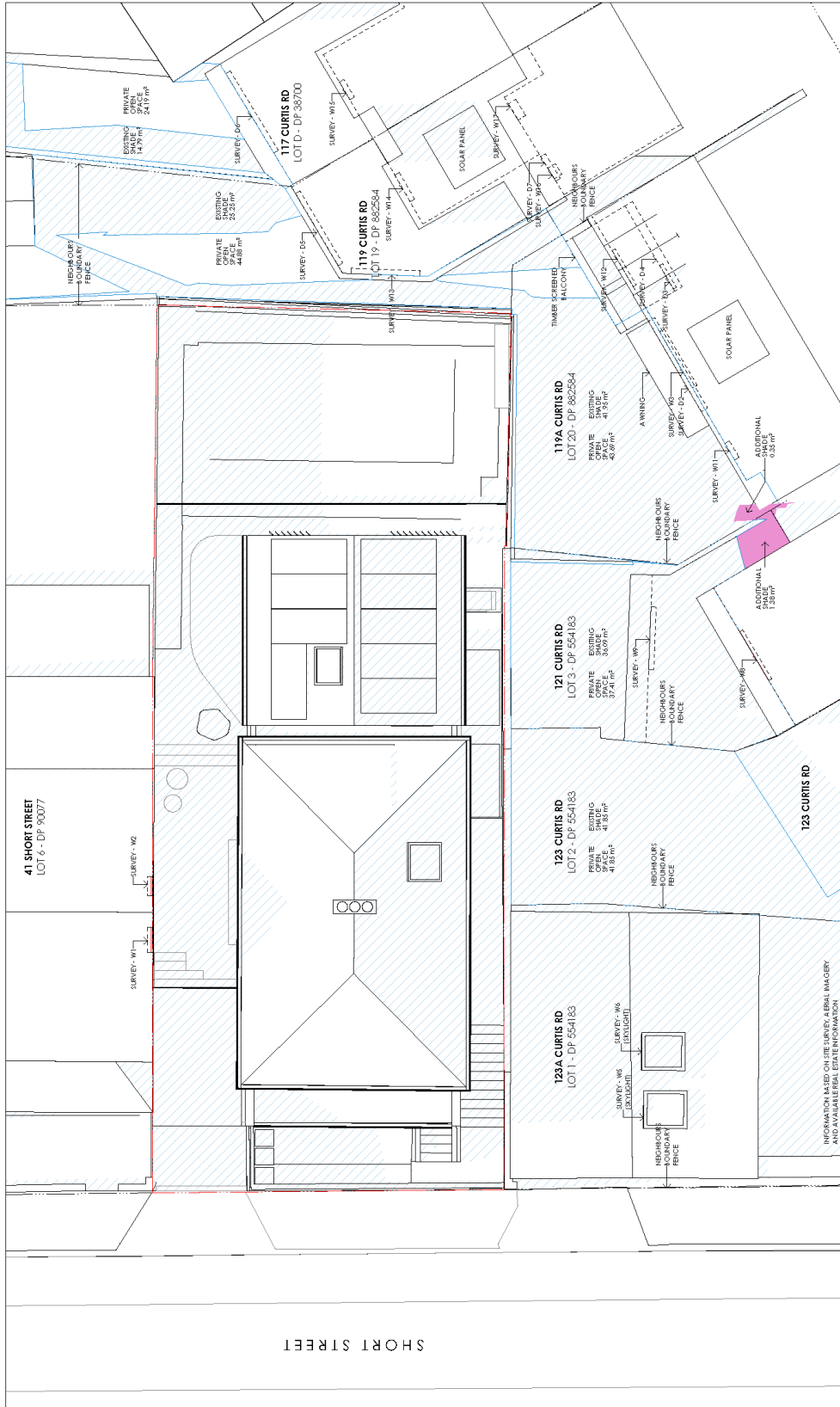

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 moadborough vic 3190
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Document S&B ID: 36689868
 Version: 1, Version Date: 23/08/2021

REV	DATE	DESCRIPTION
A	16/06/21	FOR INFORMATION
B	07/07/21	DEVELOPER APPLICATION
C	03/10/21	DRAFT FOR REVIEW
D	03/10/21	DRAFT FOR REVIEW
E	11/11/21	DRAFT FOR REVIEW
F	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
G	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

CLIENT	PROJECT
BEN MORRISON AND KATHRYN PREECE	3D PERSPECTIVES
RESIDENCE 1626/21	REV 02
ADDRESS 39 SHORT ST BIRCHGROVE	

DA-P01



SHORT STREET

41 SHORT STREET
LOT 6 - DP 90077

117A CURTIS RD
LOT 19 - DP 882584

119 CURTIS RD
LOT 19 - DP 882584

117 CURTIS RD
LOT 19 - DP 38700

119A CURTIS RD
LOT 20 - DP 882584

121 CURTIS RD
LOT 3 - DP 554183

123 CURTIS RD
LOT 2 - DP 554183

123 CURTIS RD

123A CURTIS RD
LOT 1 - DP 554183

SHORT STREET

INFORMATION BASED ON LIDAR SURVEY, AERIAL IMAGERY
AND OWNERS/RELEVANT INTERESTS INFORMATION.

01 FLOOR PLAN SHADOW DIAGRAM - WINTER SOLSTICE 2020

SCALE 1:100 @ A3

CLIENT BEN MORRISON AND KATHRYN FRECE
PROFESSOR 1606521
ADDRESS 39 SHORR ST BRIGHORVE

REVISED DA FOR REVIEW OF DETERMINATION

REV	DATE	DESCRIPTION
A	16/05/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	01/10/21	DRAFT FOR REVIEW
D	11/11/21	DRAFT FOR REVIEW
E	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

KEY

- EXISTING SHADOW AREA
- ADDITIONAL SHADOW AREA
- REDUCED SHADOW AREA

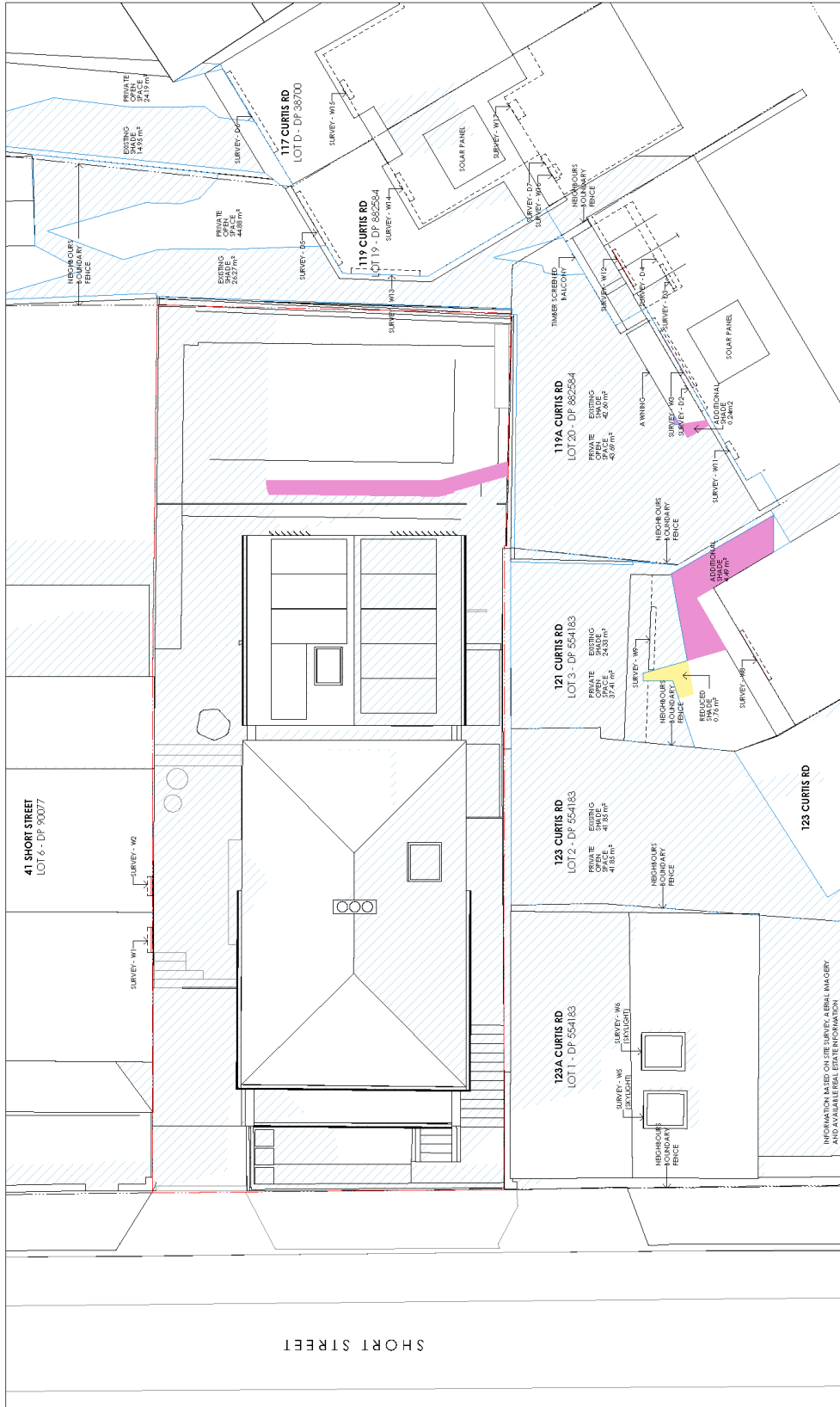
REVISIONS
SHADOW DIAGRAMS - WINTER
9AM
REV 02

DA-S01

STUDIO 320/61 MORRISON ST
BRIGHORVE NSW 2576
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ANDREW BURGESS
ARCHITECTS

Document SH ID: 36829889
Version: 1, Version Date: 23/09/2022



CLIENT: BEN MORRISON AND KATHRYN FREECE
 REFERENCE: 01.10.21
 ADDRESS: 39 SHORT ST BRIGHORVE

REVISIONS: SHADOW DIAGRAMS - WINTER
 DRAWN: DAAM
 REVISED: 02

DA-S02

SCALE: 1:100 @ A3

REV	DATE	DESCRIPTION
A	01.10.21	DRAFT FOR REVIEW
B	05.10.21	DRAFT FOR REVIEW
C	23.11.21	DRAFT FOR REVIEW
D	09.12.21	REVISED DA FOR REVIEW OF DETERMINATION
E	14.12.21	REVISED DA FOR REVIEW OF DETERMINATION

LEGEND:

- EXISTING SHADOW AREA
- ADDITIONAL SHADOW AREA
- REDUCED SHADOW AREA

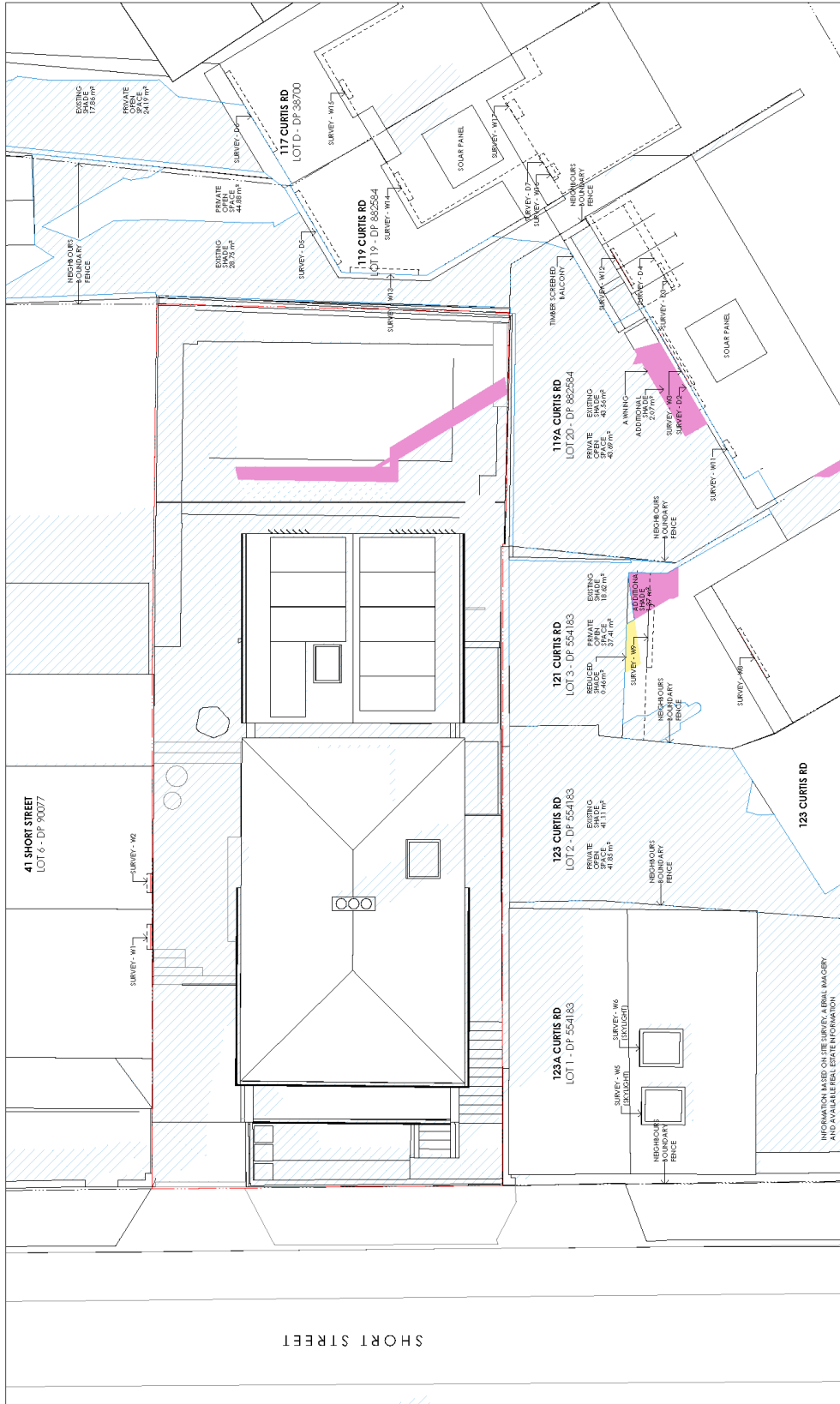
01 FLOOR PLAN SHADOW DIAGRAM - WINTER SOLAR ILLUMINATION 1:100

INFORMATION BASED ON THE SURVEY, AERIAL IMAGERY AND OWNERS VERBAL REPRESENTATION.

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SHORT STREET

41 SHORT STREET
LOT 6 - DP 90077

117 CURTIS RD
LOT D - DP 38700

119 CURTIS RD
LOT 19 - DP 882584

119A CURTIS RD
LOT 20 - DP 882584

121 CURTIS RD
LOT 3 - DP 554183

123 CURTIS RD
LOT 2 - DP 554183

123A CURTIS RD
LOT 1 - DP 554183

SHORT STREET

INFORMATION BASED ON LIDAR SURVEY, AERIAL IMAGERY AND OWNERS/RELEVANT INTERESTS INFORMATION.

01 FLOOR PLAN SHADOW DIAGRAM - WINTER SOLSTICE 11:00

REV	DATE	DESCRIPTION
A	01/10/21	DRAFT FOR REVIEW
B	05/10/21	DRAFT FOR REVIEW
C	23/11/21	DRAFT FOR REVIEW
D	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
E	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

SCALE: 1:100 @ A3

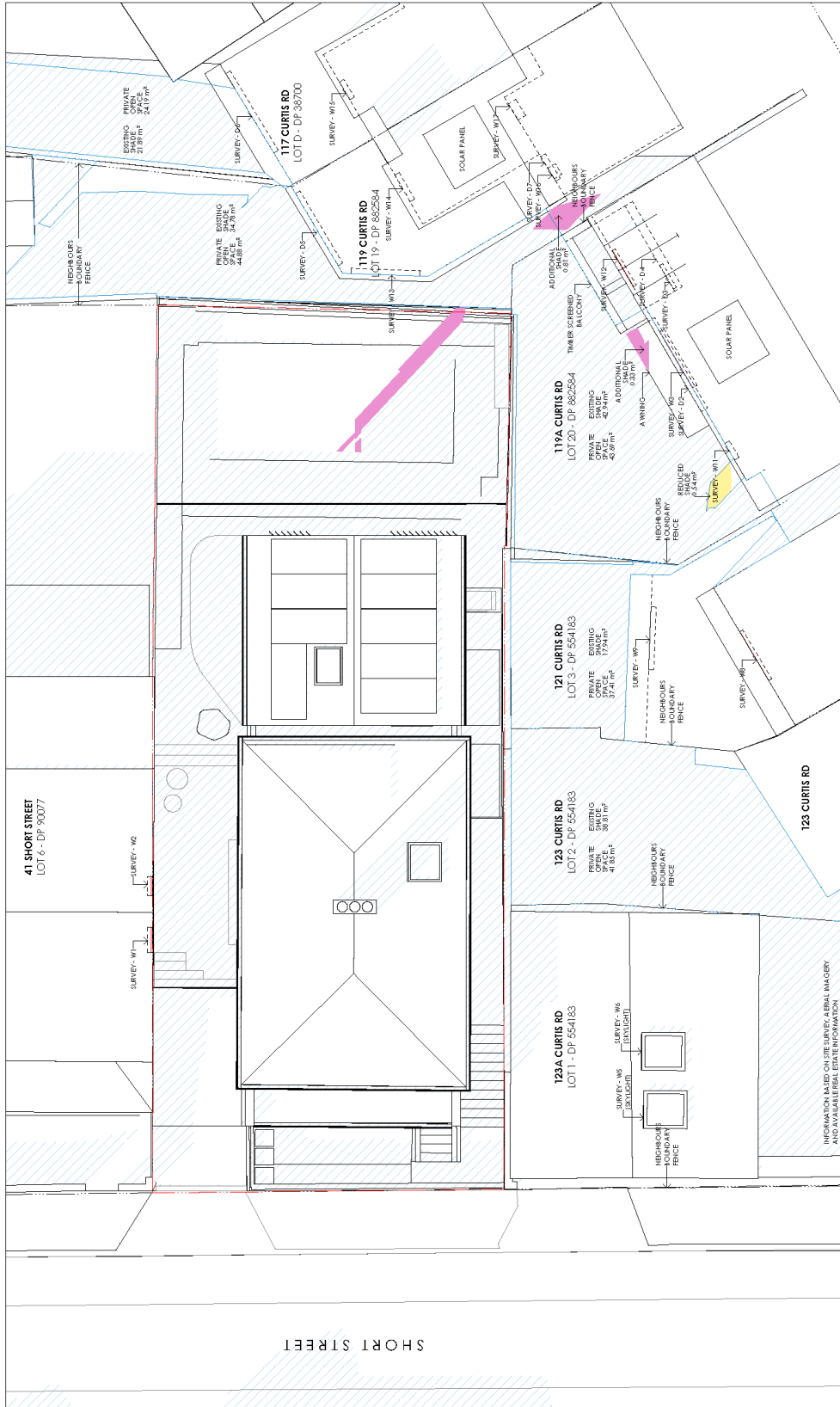
CLIENT: BEN MORRISON AND KATHRYN FREECE
PROJECT NO: 01/10/21
ADDRESS: 39 SHORT ST BRIGHORVE

REVISIONS: SHADOW DIAGRAMS - WINTER 11AM
REV: 02

DA-S03

STUDIO: 32/61 mossborough st
ARCHITECTS: 14/12/2021 7:23 PM 2/23/21 7:49
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Document SW ID: 36829889
Version: 1, Version Date: 23/09/2021



01 FLOOR PLAN SHADOW DIAGRAM - WINTER SOLSTICE 12PM

KEY

[Blue hatched area]	EXISTING SHADOW AREA
[Pink hatched area]	ADDITIONAL SHADOW AREA
[Yellow hatched area]	REDUCED SHADOW AREA

REV	DATE	DESCRIPTION
A	16/05/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	01/10/21	DRAFT FOR REVIEW
D	11/11/21	DRAFT FOR REVIEW
E	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

SCALE
1:100 @ A3

CLIENT
BEN MORRISON AND
KATHRYN PREECE
PROFESSIONAL
16/06/21
ADDRESS
39 SHORT ST
BRIGHORNE

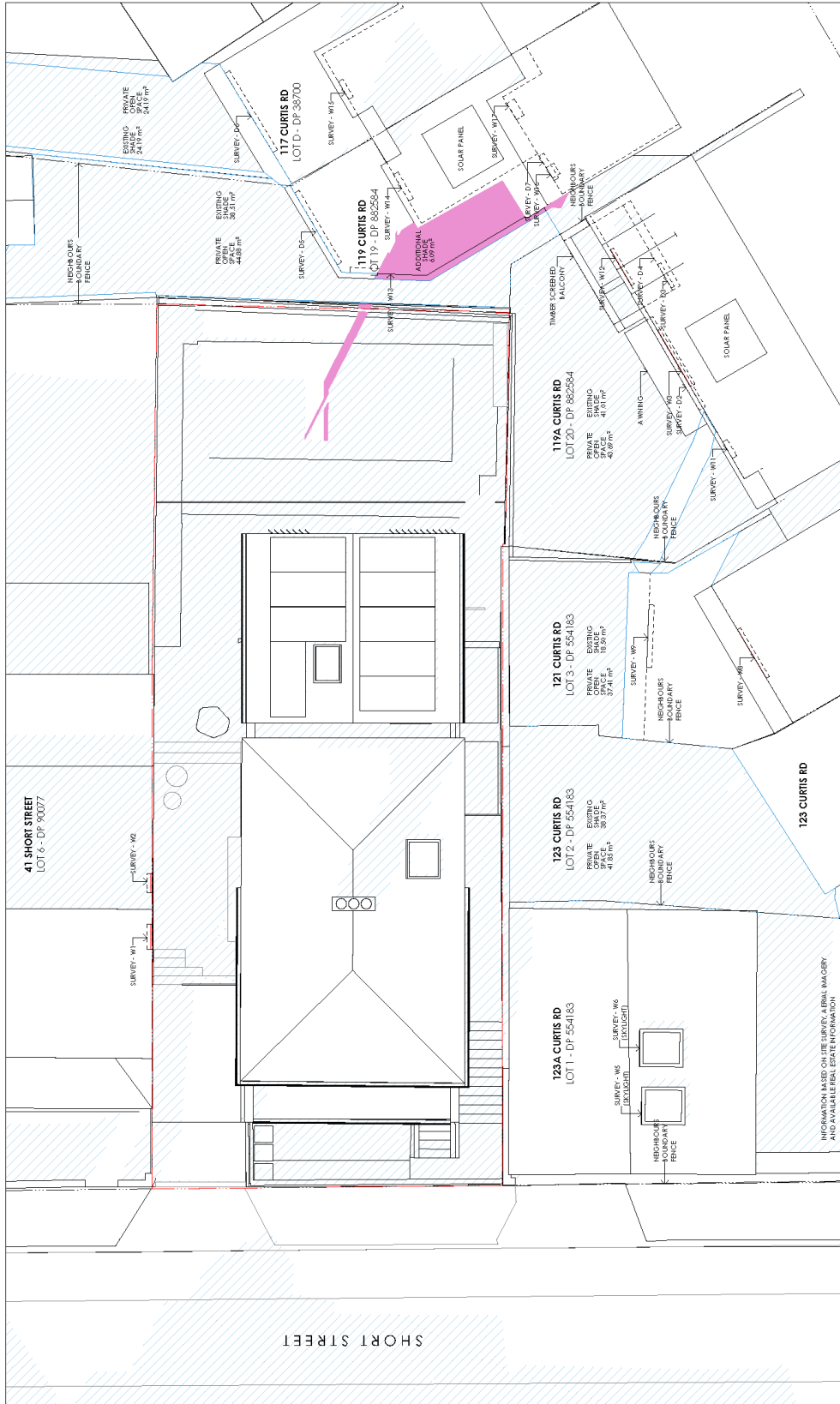
REVIEWS
SHADOW DIAGRAMS - WINTER
12PM
REV
02

DA-S04

01

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Version: 1, Version Date: 23/09/2022



01 FLOOR PLAN SHADOW DIAGRAM - WINTERS SOLISTICE 15/10

SCALE: 1:100 @ A3

REV	DATE	DESCRIPTION
A	01/10/21	DRAFT FOR REVIEW
B	05/10/21	DRAFT FOR REVIEW
C	23/11/21	DRAFT FOR REVIEW
01	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

EXISTING SHADOW AREA
 ADDITIONAL SHADOW AREA
 REDUCED SHADOW AREA

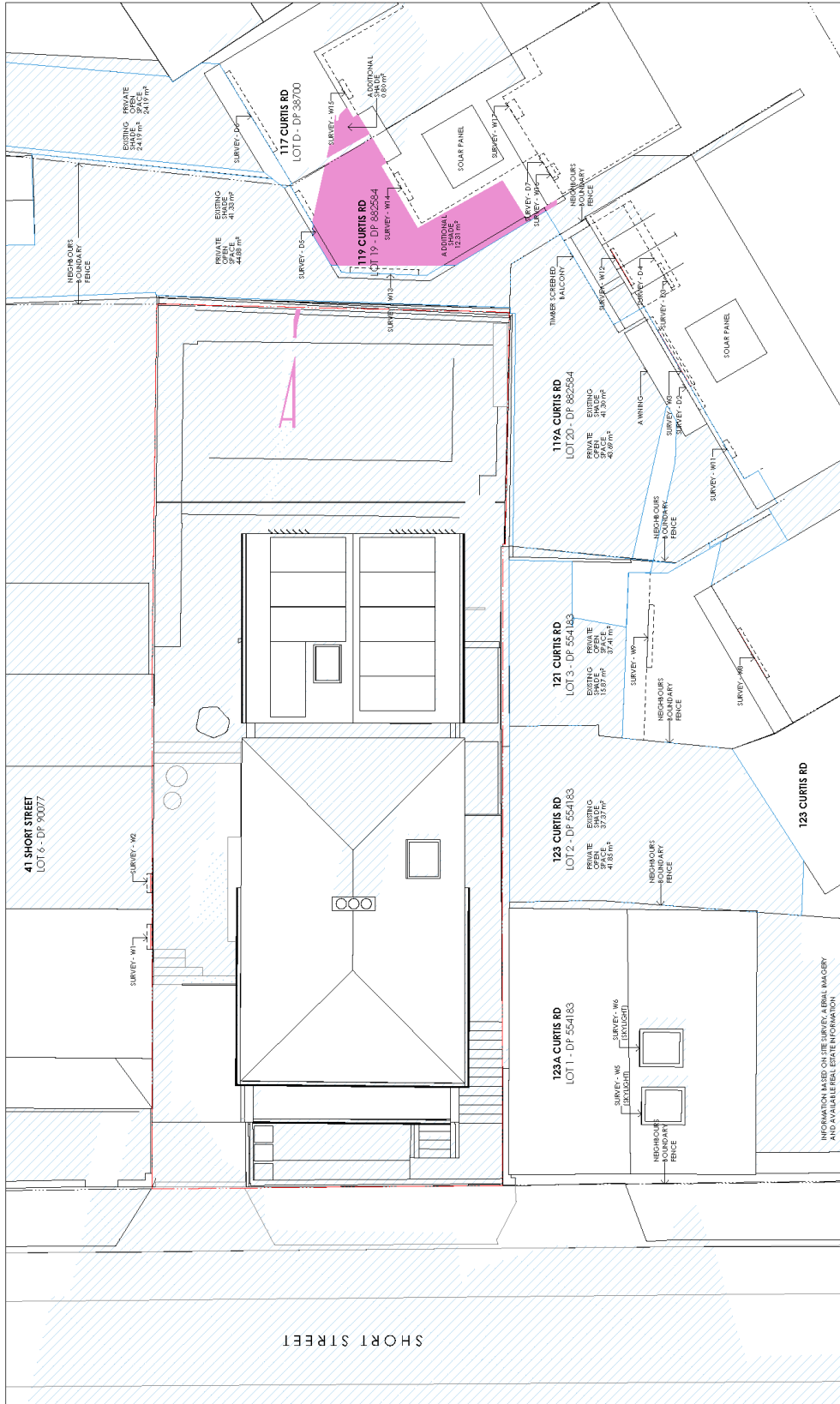
CLIENT: BEN MORRISON AND KATHRYN FREECE
 REFERENCE: 01/10/21
 ADDRESS: 39 SHORT ST BRIGHORVE

DRAWING: SHADOW DIAGRAMS - WINTER
 IPM
 REV: 02

DA-S05

STUDIO: 32/61 mossborough st
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 KATHRYN PREECE
 REFERENCE
 01.10.21
 ADDRESS
 39 SHORT ST
 BRIGHORVE

REVISIONS
 SHADOW DIAGRAMS - WINTER
 2PM
 REV
 02

DA-S06

SCALE
 1:100 @ A3

REV	DATE	DESCRIPTION
A	01.10.21	DRAFT FOR REVIEW
B	05.10.21	DRAFT FOR REVIEW
C	23.11.21	DRAFT FOR REVIEW
01	09.12.21	REVISED DA FOR REVIEW OF DETERMINATION
02	14.12.21	REVISED DA FOR REVIEW OF DETERMINATION

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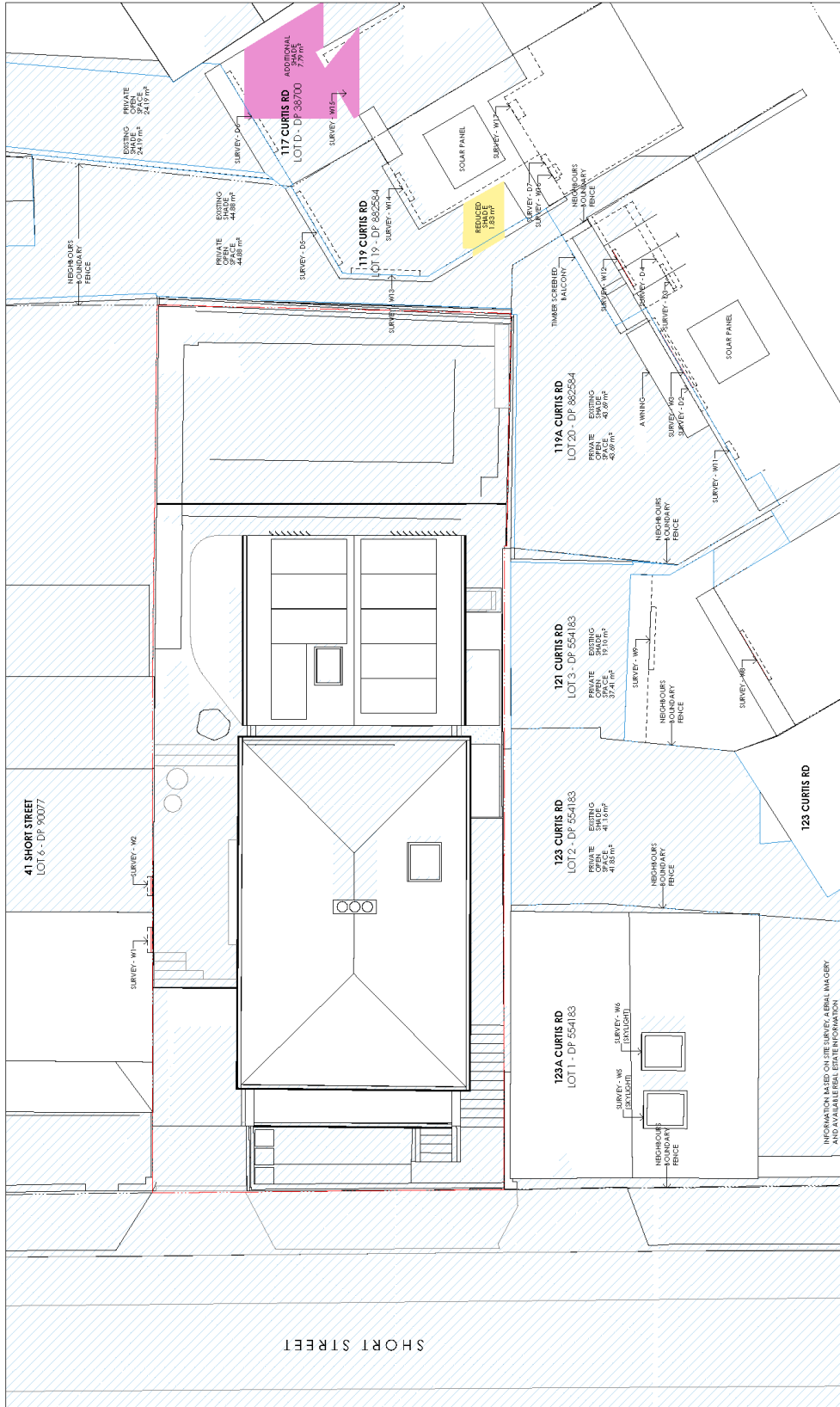
- EXISTING SHADOW AREA
- ADDITIONAL SHADOW AREA
- REDUCED SHADOW AREA

INFORMATION BASED ON LIDAR SURVEY, AERIAL IMAGERY AND OWNERS/NEIGHBOUR DETERMINATION.

01 FLOORPLAN SHADOW DIAGRAM - WINTER SOLSTICE 2PM

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Document Set ID: 36693939
 Version: 1, Version Date: 23/09/2021



01 FLOORPLAN SHADOW DIAGRAM - WINTERS SOLISTICE 2020

CLIENT: BEN MORRISON AND KATHRYN PREECE
 PROFESSIONAL ADDRESS: 1666/21 39 SHORR ST BRIGHORVE

REVISIONS:
 SHADOW DIAGRAMS - WINTER 3P/M
 REV: 02

DA-S07

SCALE: 1:100 @ A3

REV	DATE	DESCRIPTION
A	16/06/21	FOR INFORMATION
B	07/07/21	DEVELOPMENT APPLICATION
C	01/10/21	DRAFT FOR REVIEW
D	11/11/21	DRAFT FOR REVIEW
E	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

KEY

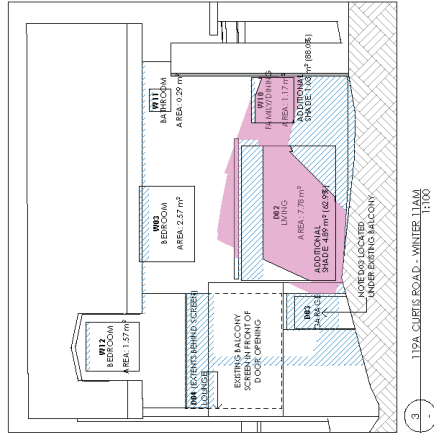
- EXISTING SHADOW AREA
- ADDITIONAL SHADOW AREA
- REDUCED SHADOW AREA

INFORMATION BASED ON LIDAR SURVEY, AERIAL IMAGERY AND OWNERS REPORTS FOR INFORMATION.

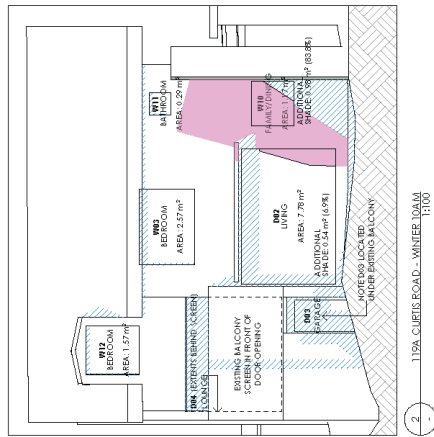
STUDIO: 32/61 moadborough st
 ARCHITECTS: 14/12/2021 7:23 F 4/12/2021 7:49
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ANDREW BURGESS
 ARCHITECTS

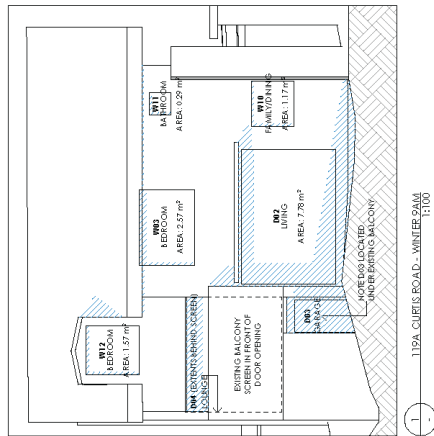
Document Set ID: 36829889
 Version: 1, Version Date: 23/09/2021



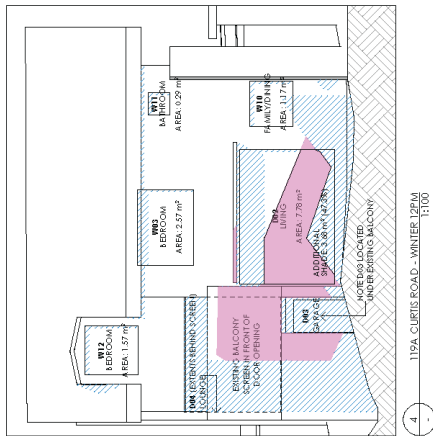
3 119A CURTIS ROAD - WINTER 11AM
1:100



2 119A CURTIS ROAD - WINTER 10AM
1:100



1 119A CURTIS ROAD - WINTER 9AM
1:100



4 119A CURTIS ROAD - WINTER 12PM
1:100

119A CURTIS ROAD - SHADOW ANALYSIS

	9AM			10AM			11AM			12PM						
	OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA					
D2	2.78m ²	3.02m ²	39%	-	2.45m ²	31%	0.54m ²	7%	2.55m ²	33%	4.87m ²	63%	3.15m ²	40%	3.68m ²	47%
W0	2.57m ²	0.42m ²	16%	-	0.42m ²	17%	-	-	0.46m ²	18%	-	-	0.52m ²	20%	-	-
W10	1.17m ²	0.13m ²	11%	-	0.19m ²	16%	0.38m ²	84%	0.11m ²	9%	1.03m ²	88%	0.23m ²	20%	-	-
W11	0.29m ²	0.07m ²	24%	-	0.06m ²	21%	-	-	0.05m ²	17%	-	-	0.08m ²	28%	-	-
W12	1.57m ²	0.17m ²	11%	-	0.14m ²	9%	-	-	0.10m ²	6%	-	-	0.17m ²	11%	-	-

	1PM			2PM			3PM									
	OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA							
D2	2.78m ²	3.47m ²	45%	-	4.14m ²	53%	-	5.67m ²	73%	-	-	-	-	-	-	-
W0	2.57m ²	0.69m ²	28%	-	0.49m ²	27%	-	0.78m ²	30%	-	-	-	-	-	-	-
W10	1.17m ²	0.21m ²	18%	-	0.82m ²	70%	-	1.17m ²	100%	-	-	-	-	-	-	-
W11	0.29m ²	0.10m ²	34%	-	0.13m ²	45%	-	0.29m ²	100%	-	-	-	-	-	-	-
W12	1.57m ²	0.26m ²	17%	-	0.33m ²	21%	-	0.43m ²	27%	-	-	-	-	-	-	-

GENERAL NOTE:
- WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SURVEY 19A06_DE_1b
- DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
- INFORMATION OBTAINED ONLINE FROM RELEVANT REAL ESTATE AND COUNCIL DOCUMENTS

CLIENT: BEN MORRISON AND KATHRYN FREECE
PROJECT/SITE: 25.11.21
ADDRESS: 39 SHORR ST BRIGHORVE

REVISIONS:
SHADOW DIAGRAM ELEVATION - 119A CURTIS ROAD REV: 02

DA-S08

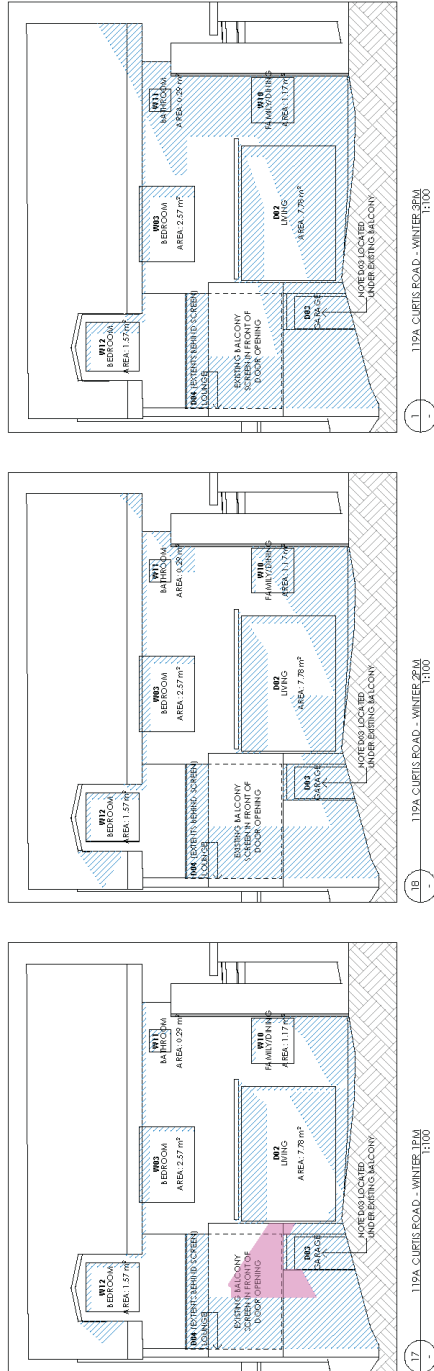
SCALE: 1:100 @ A3

REV	DATE	DESCRIPTION
A	25.11.21	DRAFT FOR REVIEW
01	09.12.21	REVISED DA FOR REVIEW OF DETERMINATION
02	14.12.21	REVISED DA FOR REVIEW OF DETERMINATION



studio:32, 61 moadborough st
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Version: 1, Version Date: 23/09/2021



119A CURTIS ROAD - SHADOW ANALYSIS

	9AM		10AM		11AM		12PM					
	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA				
D2	3.02m ²	3.9%	2.45m ²	31%	2.55m ²	33%	4.87m ²	63%	3.15m ²	40%	3.68m ²	47%
W0	2.57m ²	16%	0.43m ²	17%	0.46m ²	18%	0.52m ²	20%	0.52m ²	20%	0.52m ²	20%
W10	1.17m ²	11%	0.17m ²	16%	0.17m ²	9%	1.00m ²	86%	0.23m ²	20%	0.23m ²	20%
W11	0.29m ²	0.07m ²	0.07m ²	21%	0.05m ²	17%	0.05m ²	17%	0.05m ²	28%	0.05m ²	28%
W12	1.57m ²	0.17m ²	0.17m ²	9%	0.10m ²	6%	0.10m ²	6%	0.17m ²	11%	0.17m ²	11%

	1PM		2PM		3PM	
	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA
D2	7.78m ²	3.47m ²	4.14m ²	53%	5.67m ²	73%
W0	2.57m ²	0.60m ²	0.65m ²	27%	0.78m ²	30%
W10	1.17m ²	0.21m ²	0.22m ²	70%	1.17m ²	100%
W11	0.29m ²	0.10m ²	0.13m ²	45%	0.29m ²	100%
W12	1.57m ²	0.26m ²	0.33m ²	21%	0.43m ²	27%

GENERAL NOTE:
- WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SITE SURVEY 19A01_DE_1B
- SHADING ANALYSIS IS BASED ON THE SHADING INFORMATION OBTAINED ONLINE FROM RELEVANT REAL ESTATE AND COUNCIL DOCUMENTS

CLIENT: BEN MORRISON AND KATHRYN FREECE
PROJECT: 119A CURTIS ROAD
ADDRESS: 39 SHORT ST BRIGHORVE
SCALE: 1:100 @ A3
REV: 02

DA-S09

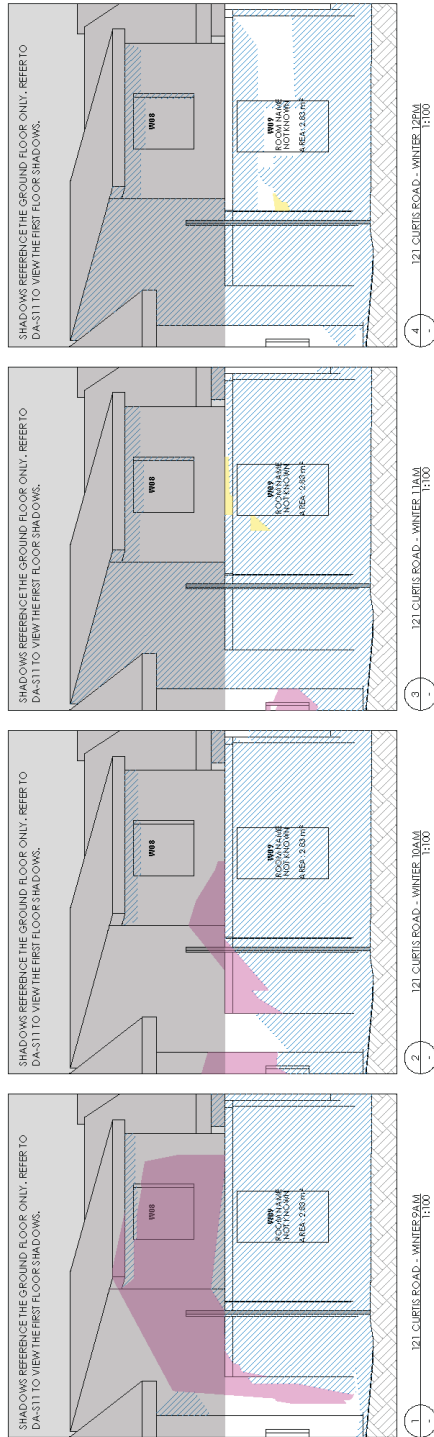
REVISIONS:
REV: 01 DATE FOR REVIEW: 09/12/21
REV: 02 DATE FOR REVIEW: 14/12/21

KEY:
EXISTING SHADOW AREA
ADDITIONAL SHADOW AREA
REDUCED SHADOW AREA
EXISTING GROUND PLANE

shula.32.61@brighorve.nsw.gov.au
14/12/2021 7:43:31 AM
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Version: 1, Version Date: 23/09/2021



121 CURTIS ROAD - SHADOW ANALYSIS

9AM				10AM			
OPENING	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%	
W85	2.45m ²	0.25m ²	10%	2.14m ²	0.36m ²	15%	
W89	2.83m ²	2.83m ²	100%	2.83m ²	2.83m ²	100%	

11AM				12PM			
OPENING	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%	
W85	2.45m ²	0.41m ²	17%	0.52m ²	0.52m ²	21%	
W89	2.83m ²	2.83m ²	100%	1.82m ²	1.82m ²	64%	

1PM				2PM			
OPENING	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%	
W85	2.45m ²	0.22m ²	9%	0.70m ²	0.70m ²	29%	
W89	2.83m ²	1.65m ²	59%	2.47m ²	2.47m ²	87%	

3PM			
OPENING	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	%
W85	2.45m ²	0.32m ²	13%
W89	2.83m ²	2.83m ²	100%

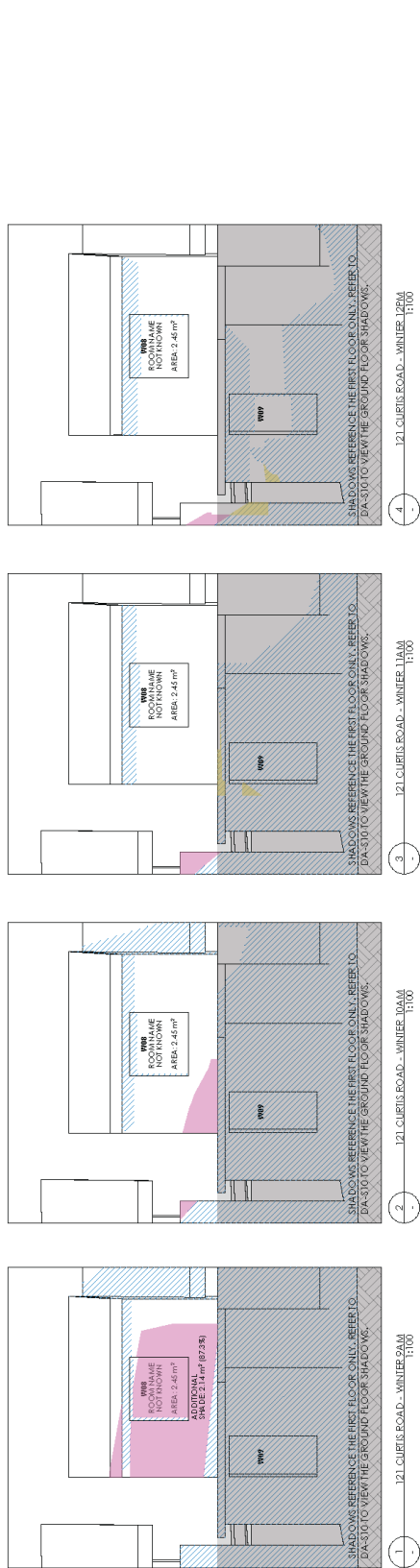
CLIENT: BEN MORRISON AND KATHRYN PREECE
 PROJECT: 121 CURTIS ROAD
 ADDRESS: 39 SHORI ST BRIGHORVE
 DRAWING: DA-S10

SCALE: 1:100 @ A3

DESCRIPTION: DRAFT FOR REVIEW
 REVISED DA FOR REVIEW OF DETERMINATION
 REVISED DA FOR REVIEW OF DETERMINATION

KEY:
 EXISTING SHADOW AREA
 ADDITIONAL SHADOW AREA
 REDUCED SHADOW AREA
 EXISTING GROUND PLANE
 HATCHED AREA EXCLUDED FROM THIS VIEW

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121 CURTIS ROAD - SHADOW ANALYSIS

9AM		10AM	
OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	ADDITIONAL SHADE AREA
W09	2.45m ²	0.25m ²	2.14m ²
W09	2.83m ²	100%	2.83m ²

11AM		12PM	
OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	ADDITIONAL SHADE AREA
W09	2.45m ²	0.41m ²	0.52m ²
W09	2.83m ²	100%	1.82m ²

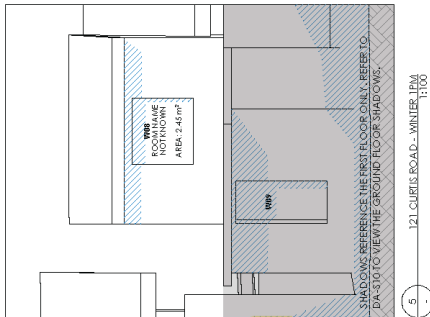
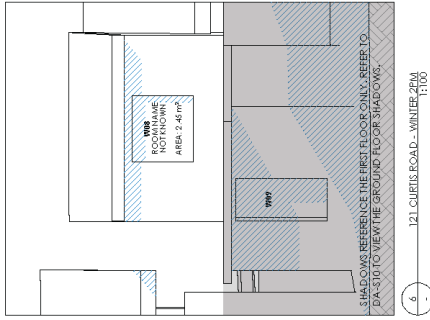
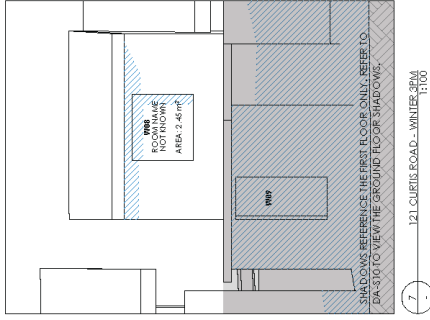
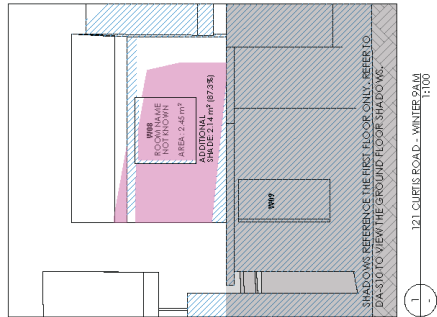
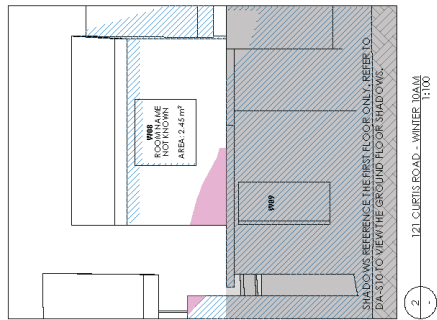
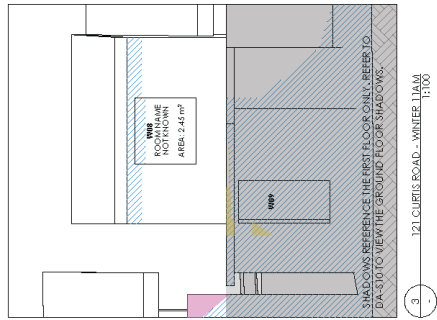
1PM		2PM	
OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	ADDITIONAL SHADE AREA
W09	2.45m ²	0.22m ²	0.70m ²
W09	2.83m ²	1.65m ²	2.47m ²

3PM		4PM	
OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE AREA	ADDITIONAL SHADE AREA
W09	2.45m ²	0.73m ²	30%
W09	2.83m ²	2.83m ²	100%

GENERAL NOTE:
- WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SITE SURVEY 1994_DEL_1B

CLIENT: BEN MORRISON AND KATHRYN PREECE
PROJECT/SITE: 25/11/21
ADDRESS: 39 SHORR ST BRIGHORVE

DA-S11



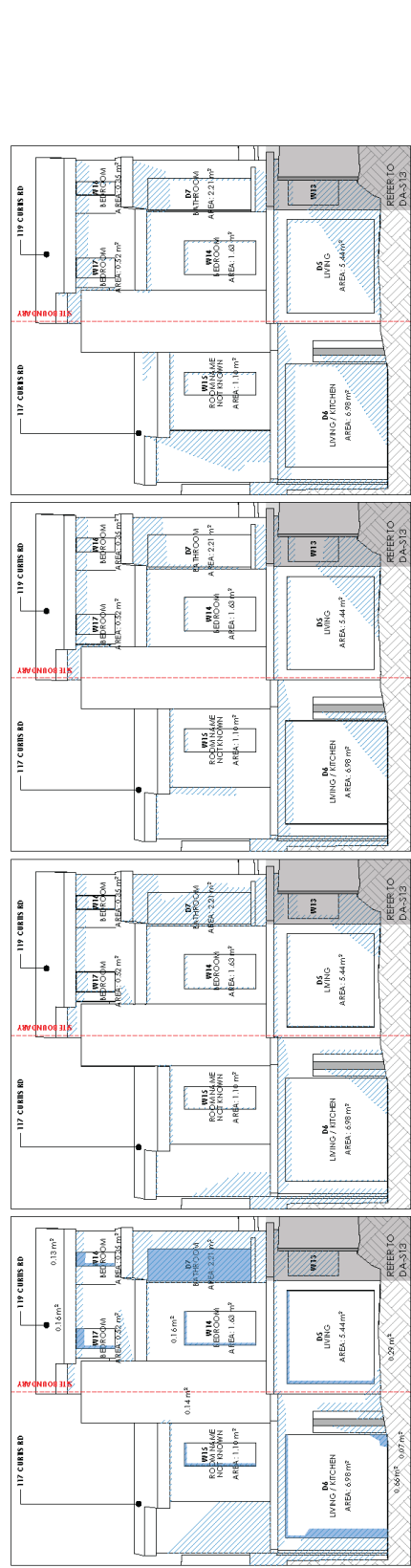
GENERAL NOTE:
- WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SITE SURVEY 1994_DEL_1B
- INFORMATION OBTAINED ONLINE FROM RELEVANT REAL ESTATE AND COUNCIL DOCUMENTS

REV	DATE	DESCRIPTION
A	25/11/21	DRAFT FOR REVIEW
01	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

- EXISTING SHADOW AREA
- ADDITIONAL SHADOW AREA
- REDUCED SHADOW AREA
- EXISTING GROUND PLANE
- HATCHED AREA EXCLUDED FROM THIS VIEW

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Version: 1, Version Date: 23/09/2021

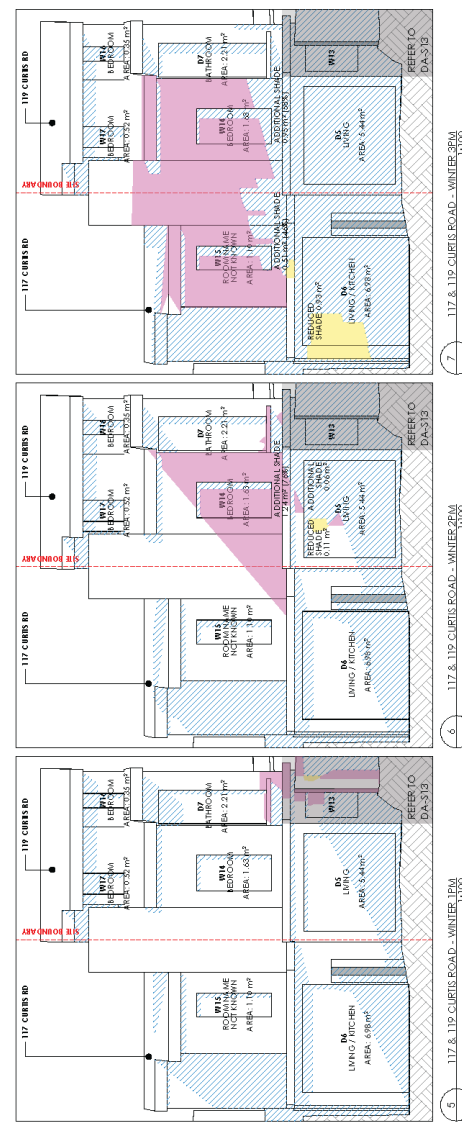


1. 117 & 119 CURTIS ROAD - WINTER 10AM 1:100
 2. 117 & 119 CURTIS ROAD - WINTER 10AM 1:100
 3. 117 & 119 CURTIS ROAD - WINTER 11AM 1:100
 4. 117 & 119 CURTIS ROAD - WINTER 12PM 1:100

117 & 119 CURTIS ROAD - SHADOW ANALYSIS

WIND	7 AM			10 AM			12 PM		
	OPENING AREA	EXISTING SHADE AREA	ADDITIONAL SHADE %	EXISTING SHADE AREA	ADDITIONAL SHADE %	EXISTING SHADE AREA	ADDITIONAL SHADE %		
D6	5.44m ²	0.29m ²	5%	0.44m ²	8%	-	-		
D4	6.98m ²	0.73m ²	10%	0.27m ²	13%	-	-		
D7	2.21m ²	2.21m ²	100%	2.11m ²	95%	-	-		
W13	2.57m ²	2.24m ²	87%	0.95m ²	37%	-	-		
W14	1.50m ²	0.16m ²	10%	0.12m ²	7%	-	-		
W15	1.00m ²	0.10m ²	10%	0.11m ²	10%	-	-		
W16	0.35m ²	0.10m ²	37%	0.13m ²	37%	-	-		
W17	0.52m ²	0.16m ²	31%	0.17m ²	33%	-	-		

GENERAL NOTE:
 - WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SITE CURVEY 190401_DE_1b
 - SHADING ANALYSIS IS BASED ON THE SHADING INFORMATION OBTAINED ONLINE FROM RELEVANT REAL ESTATE AND COUNCIL DOCUMENTS



5. 117 & 119 CURTIS ROAD - WINTER 13:00 1:100
 6. 117 & 119 CURTIS ROAD - WINTER 2PM 1:100
 7. 117 & 119 CURTIS ROAD - WINTER 3PM 1:100
 8. 117 & 119 CURTIS ROAD - WINTER 4PM 1:100

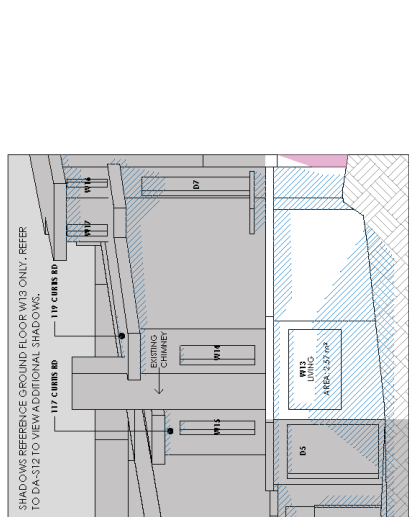
CLIENT: BEN MORRISON AND KATHRYN PREECE
 PROJECT NO: 23.11.21
 ADDRESS: 39 SHORI ST BRIDGE GROVE
 DRAWING NO: DA-S12

SCALE: 1:100 @ A3

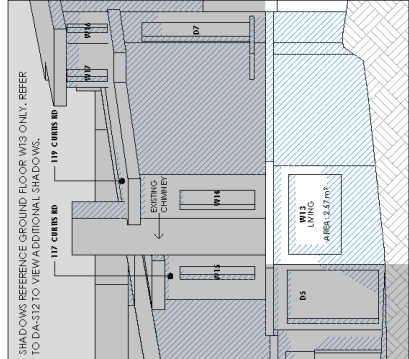
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01	09.12.21	REVISED DA FOR REVIEW OF DETERMINATION
02	14.12.21	REVISED DA FOR REVIEW OF DETERMINATION



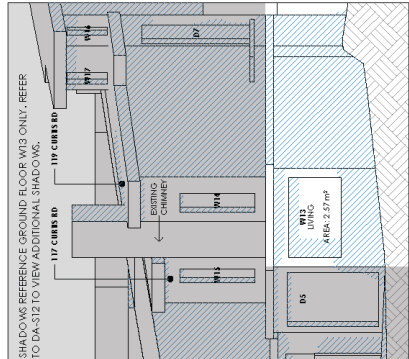
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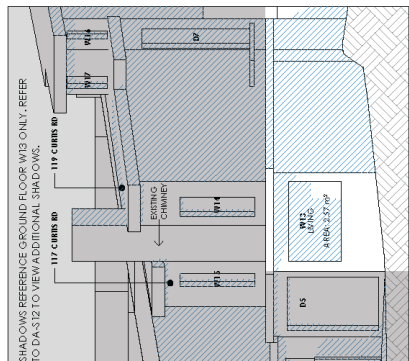
4 117 & 119 CURTIS ROAD - WINTER 12PM 1:100



3 117 & 119 CURTIS ROAD - WINTER 11AM 1:100



2 117 & 119 CURTIS ROAD - WINTER 10AM 1:100



1 117 & 119 CURTIS ROAD - WINTER 9AM 1:100

117 & 119 CURTIS ROAD - SHADOW ANALYSIS

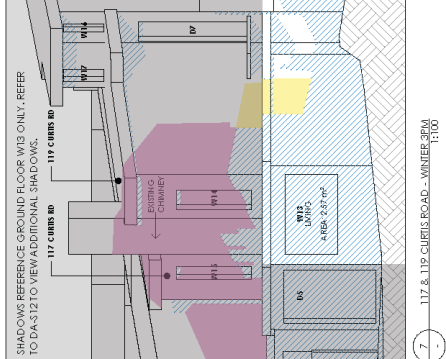
1 PM				2 PM			
OPENING	EXISTING SHADE	ADDITIONAL SHADE	%	EXISTING SHADE	ADDITIONAL SHADE	%	ADDITIONAL SHADE
AREA	AREA	AREA	%	AREA	AREA	%	AREA
D5	5.44m ²	2.83m ²	52%	4.47m ²	82%	18%	-
D6	6.96m ²	2.92m ²	42%	3.70m ²	53%	18%	1.66
D7	2.21m ²	0.66m ²	30%	0.80m ²	28%	100%	-
W13	2.27m ²	1.86m ²	72%	0.42m ²	2.27m ²	100%	-
W14	1.63m ²	0.26m ²	16%	0.28m ²	23%	76%	-
W15	1.10m ²	0.26m ²	23%	0.26m ²	1.24m ²	11%	-
W16	0.35m ²	0.21m ²	60%	0.28m ²	71%	-	-
W17	0.52m ²	0.27m ²	52%	0.21m ²	60%	-	-

3 PM			
OPENING	EXISTING SHADE	ADDITIONAL SHADE	%
AREA	AREA	AREA	%
D5	5.44m ²	5.44m ²	100%
D6	6.96m ²	6.04m ²	87%
D7	2.21m ²	0.79m ²	33%
W13	2.27m ²	2.57m ²	100%
W14	1.63m ²	0.67m ²	41%
W15	1.10m ²	0.59m ²	54%
W16	0.35m ²	0.29m ²	83%
W17	0.52m ²	0.29m ²	67%

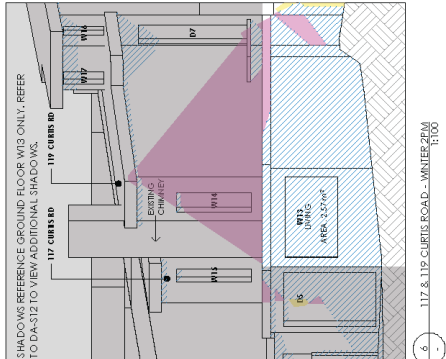
GENERAL NOTE:
 - WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SURVEY 190401_1b
 - SHADOWS ARE SHOWN ON THE REFERENCE PLANE
 - INFORMATION OBTAINED ONLINE FROM RELEVANT REAL ESTATE AND COUNCIL DOCUMENTS

CLIENT: BEN MORRISON AND KATHY PREECE
 PROJECT: 117 & 119 CURTIS RD
 ADDRESS: 39 SHORR ST BRIGHORVE

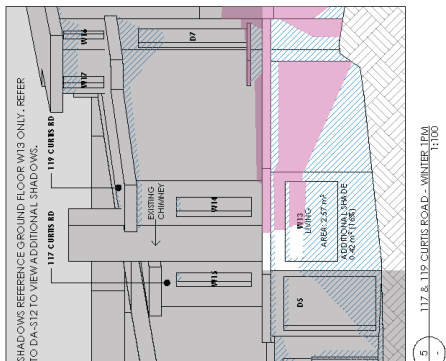
SCALE: 1:100 @ A3
 REV: 02
 DA-S13



7 117 & 119 CURTIS ROAD - WINTER 5PM 1:100



6 117 & 119 CURTIS ROAD - WINTER 2PM 1:100



5 117 & 119 CURTIS ROAD - WINTER 1PM 1:100

REVISIONS

REV	DATE	DESCRIPTION
A	25/11/21	DRAW FOR REVIEW
01	09/12/21	REVISED DA FOR REVIEW OF DETERMINATION
02	14/12/21	REVISED DA FOR REVIEW OF DETERMINATION

- KEY
- EXISTING SHADOW AREA
 - ADDITIONAL SHADOW AREA
 - REDUCED SHADOW AREA
 - EXISTING GROUND PLANE
 - HATCHED AREA EXCLUDED FROM THIS VIEW

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GENERAL NOTE:
 - WINDOW AND DOOR NUMBERS REFER TO THE WINDOW/DOOR SCHEDULE ON THE SITE SURVEY 1904.DEL_18
 - ROOM NAMES HAVE BEEN EXTRACTED FROM INFORMATION OBTAINED ONLINE FROM RELEVANT REAL ESTATE AND COUNCIL DOCUMENTS
 - ROOM NAMES HAVE NOT BEEN PROVIDED FOR 41 SHORE ST AS NO ADDITIONAL SHADOWING IS PRESENT FROM 9AM-3PM.

CLIENT	BEN MORRISON AND KATHRYN FREECE
PROJECT	39 SHORE ST BRIDGE GROVE
DATE	25.11.21
REVISION	02
PROJECT NO.	DA-S14

SCALE
 1:100 @ A3

REV	DATE	DESCRIPTION
A	25.11.21	DRAFT FOR REVIEW
01	09.12.21	REVISED DA FOR REVIEW OF DETERMINATION
02	14.12.21	REVISED DA FOR REVIEW OF DETERMINATION

KEY	DESCRIPTION
[Diagonal lines]	EXISTING SHADOW AREA
[Horizontal lines]	ADDITIONAL SHADOW AREA
[Vertical lines]	REDUCED SHADOW AREA
[Cross-hatch]	EXISTING GROUND PLANE

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ABCDEFGHIJ

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LEGEND:

- Stormwater pipe
- Aerial Pipe
- Flush Line
- Sub Soil / Agricultural Pipe
- Pump Line
- Existing stormwater Pipe
- Existing Pipe
- Disused / Redundant Pipe
- Sediment Fence
- Site Fence
- Conduit by others
- Electrical Wiring by others
- Existing Authority Stormwater Main
- Existing Authority Sewer Main
- Existing Authority Water Main
- Existing Authority Gas Main
- Existing Authority Electrical Cabling
- Existing Telstra Cabling
- Stormwater pit (Grated / Solid Cover)
- Drainage Outlet
- Downpipe / Riser
- Dropper
- Direction of flow
- Pipe continuation
- Pipe continuation not shown
- Spreader
- Surface Fall
- Overland Flow

ABBREVIATIONS:

- AG Agricultural Line
- AP Aerial Pipe
- BG Box Gutter
- BO Balcony Outlet
- CO Cleatout
- CL Changed Line
- DP Downpipe
- EG Eave Gutter
- FW Floor Waste
- Galv Galvanised
- GD Grated Drain
- HD Heavy Duty
- HP High Point
- IL Invert Level
- IO Inspection Opening
- L Lines
- LS Level Spreader
- LS Lines Per Second
- Ls/m Lines Per Second Per Metre
- LD Light Duty
- m Metres
- m² Square Metres
- m³ Cubic Metres
- mm/h Millimetres per Hour
- O/F Overflow
- OLF Overland Flow
- OSD On Site Detention
- PDO Planter Drain Outlet
- PL Pump Line
- PVC Poly Vinyl Chloride
- PVC-U Poly Vinyl Chloride - Unplasticised
- RH Rainwater Head
- RHS Rectangular Hollow Section
- RL Reduced Level
- RWT Rainwater Tank
- RWO Rainwater Outlet
- S Sump
- SW Stormwater Pipe
- TB Thrust Block

GENERAL NOTES:

1. All work is to be performed in accordance with AS3600.3 and council codes where applicable.
2. The Plumber/Drainer shall inspect the site and confirm the existing site structures, services and conditions prior to proceeding. If any discrepancies found, contact the engineer for further instructions.
3. All underground pipes shall be sewer grade P.V.C. laid at min. 1:100, unless noted otherwise.
4. All connections to P.V.C. pipes are to be solvent welded to manufacturers specification
5. All prefabricated pits, drains etc. are to be of heavy duty concrete construction unless noted other.
6. Precise location of down pipes shall be nominated by others. Locations shown are for hydraulic design purposes only.
7. Precise location of pits shall be nominated by others. Locations shown are for hydraulic design purposes only.
8. All leaves gutters shall be of minimum cross sectional area of 660mm² unless noted otherwise.
9. This design covers the collection and disposal of rainwater from ROOF AREAS ONLY. Any paved areas not noted on the supplied architectural drawings are not included, unless shown.
10. This design does not cover sub surface hydraulic flows.
11. The installer is encouraged to use the 'Dig Before You Dig' service prior to excavation. No underground services have been noted or surveyed in this design. Dig at your own risk.
12. IF IN DOUBT ASK. Consult the design engineer for any changes, omissions and discrepancies.
13. System design has been produced to reflect reduced levels shown on architect supplied drawings.
14. Pipe cover for uPVC pipes:
 - a. Single overalls: no vehicular loading - 100mm
 - b. Single overalls: vehicular loading without pavement - 450mm
 - c. Single overalls: heavy vehicular loading on concrete - 100mm below underside of concrete
 - d. Single overalls: no vehicular loading on un-reinforced concrete/pavers - 50mm below underside of concrete/pavers
 - e. Single overalls: light vehicular loading on un-reinforced concrete/pavers - 75mm below underside of concrete/pavers
15. Silt arrester pit and rain guards must be regularly inspected and cleaned.
16. Location of Stormwater Systems, including downpipes, pipes, pits and rainwater tanks are indicative only. Exact locations shall be determined on site to suit site conditions.
17. Sub-soil drains for retaining walls shall be installed by the builder and connected to Stormwater lines. All AG Lines shall be 100mm DIA, unless noted otherwise.
18. Levels are approximate only. The plumber/drainer shall confirm the levels prior to proceeding. If any discrepancies found, contact the engineer for further instructions.
19. Inspection and certification, if required, shall be done prior to backfilling, allow 24 hour notice for the engineer to carry out the inspection.
20. Any damage to services during construction shall be repaired immediately at the plumber/drainers own expense.
21. Areas & Geometry calculated are approximate and dependent on Surveyors & Architects drawings.
22. It is essential that areas calculated are within plus/minus 5% range.
23. Provide adequate access and overland flow routes out of property and not into adjoining properties
24. Provide minimum 75mm clearance under all gates and operable external doors as to not impede overland flow
25. Water entry and backflow into buildings should be prevented at all times
26. All finished ground surfaces should fall away from structures
27. Changed lines are to be flushed regularly and flush/arrestor pits are to be regularly inspected and cleaned
28. All pipes entering a water tank shall have a first flush device installed
29. All water tanks will be insect proofed by others
30. If tanked water is being reused for drinking or sanitary purposes, appropriate disinfecting by others should be considered.
31. Schedule of calculations is based on plan areas
32. Plumber to provide 'leaf guard' or similar over all gutters, rainheads & sumps

Rev	Date	Amendment/Description	By	Appr.
01	25.06.2021	Revised to suit updated architectural	JR	BM
02	15.10.2021	Revised as per council RTI	JR	BM
03	18.11.2021	Updated to suit revised architectural	JR	BM



LOCALITY PLAN
Not to scale

Ben Morrison & Kathryn Preece

ABA Architects

H&M
Consultancy

HARRISON & MORRIS CONSULTANCY PTY LTD
15/01/21 H&M AIN SALES 94 686
15/01/21 H&M AIN SALES 94 686
SUBJECT TO H&M CONTRACTS AND TERMS AND CONDITIONS
IN 36302947 FROM WWW.H&MCONSULTANCY.COM

39 Short Street
Bircgrove NSW 2041

Stormwater Drainage
Project Information Sheet

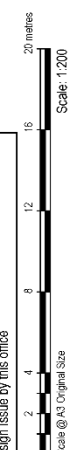
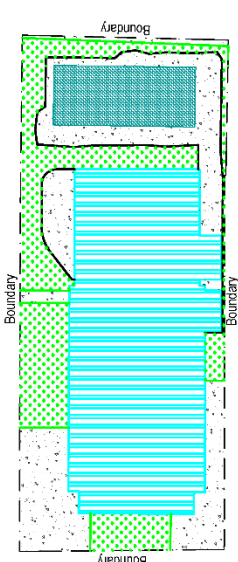
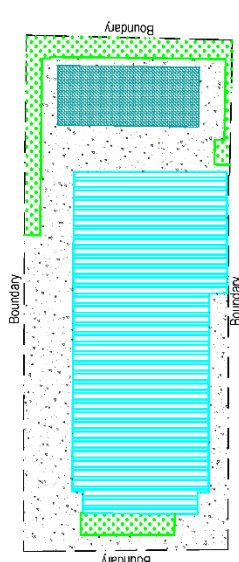
DATE: April, 2021
SCALE: Not to scale
REVISED: 2021-191

DATE: April, 2021
SCALE: Not to scale
REVISED: 2021-191

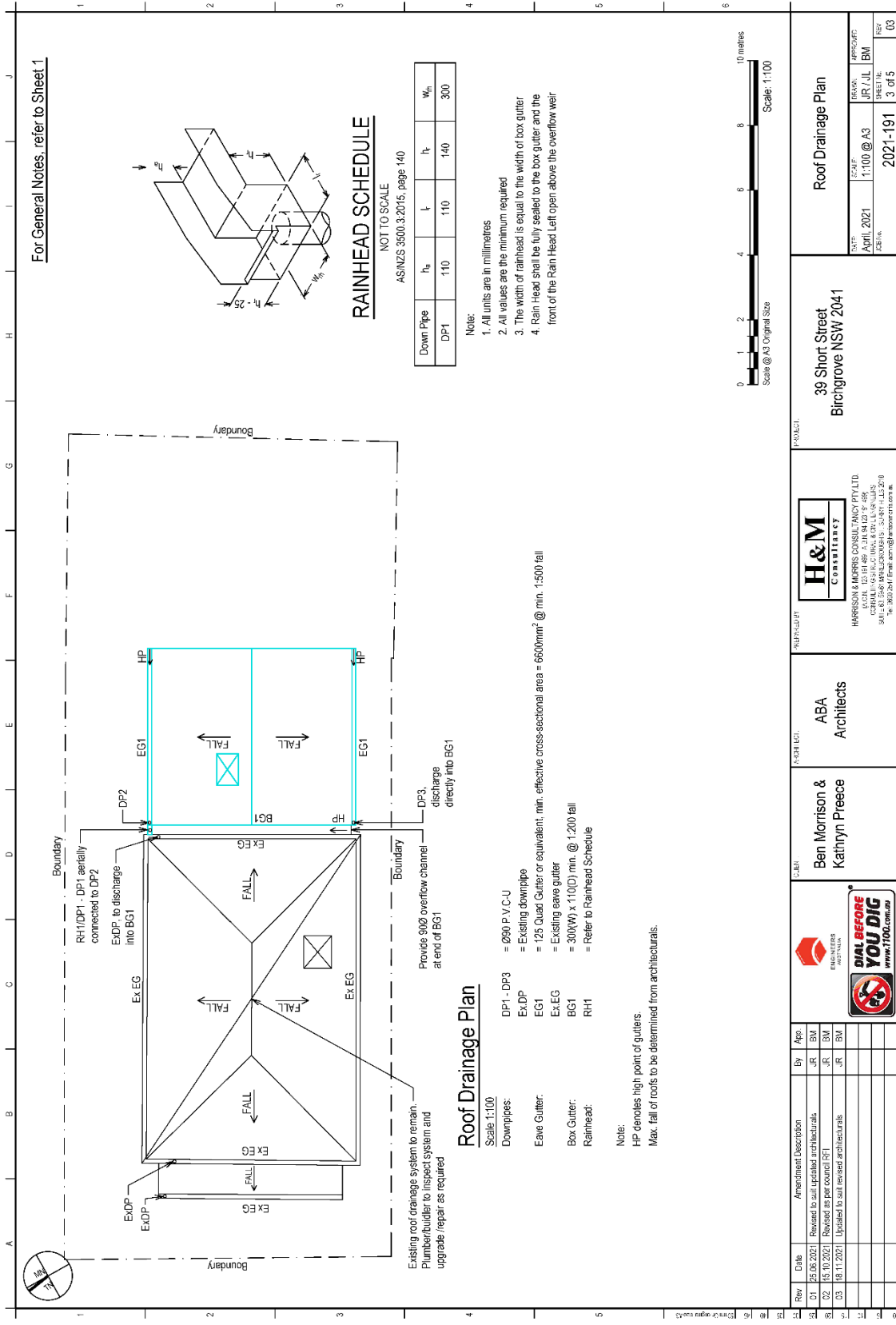
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REVISED: 2021-191

For General Notes, refer to Sheet 1

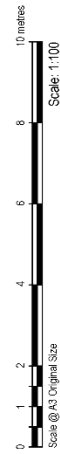
ITEM	VALUE	UNITS
SCHEDULE OF CALCULATIONS		
CATCHMENT DATA		
100% Rainfall Intensity - BOM 19/4/21	251	mm/h
2% Rainfall Intensity - BOM 19/4/21	194	mm/h
5% Rainfall Intensity - BOM 19/4/21	145	mm/h
Site Area Existing	255.44	m ²
Total Roof Area	117.16	m ²
Total Additional Impervious Area	93.54	m ²
Total Pavious Area	24.16	m ²
Total Pool Area	20.58	m ²
Total Runoff for Existing Catchment Q ₁₀₀	14.88	L/s
Total Runoff for Existing Catchment Q ₂₀	11.50	L/s
Total Runoff for Existing Catchment Q ₅ Proposed	8.60	L/s
Total Roof Area	113.80	m ²
Total Additional Impervious Area	64.61	m ²
Total Pavious Area	58.45	m ²
Total Pool Area	20.58	m ²
Total Runoff for Proposed Catchment Q ₁₀₀	13.96	L/s
Total Runoff for Proposed Catchment Q ₂₀	10.79	L/s
Total Runoff for Proposed Catchment Q ₅	8.06	L/s
SITE DISCHARGE DATA		
Total Proposed Flow to Kerb - Q ₃₀	6.40	L/s
Total Proposed Overland Flow to Rear Boundary - Q ₃₀	4.39	L/s
Total Existing Flow to Kerb - Q ₃₀	6.31	L/s
Total Existing Overland Flow to Rear Boundary - Q ₃₀	5.19	L/s
Note: Overland flow over rear boundary has been decreased by 0.80L/s (Q ₃₀) and hence will not cause nuisance additional flows to downstream properties.		
Note: Impervious area has been decreased by 32.29 square meters, and site discharge has been lowered by 0.71L/s (Q ₃₀), hence On-Site Detention has not been provided in accordance with control C1 of E1.2.3 of Leichhardt Council Development Control Plan.		
Refer to certificate of Hydraulic Design issue by this office		



 HARRISON & MORRIS CONSULTANCY PTY LTD 15/101-103/150-152/154-156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000
CLIENT: Ben Morrison & Kathryn Preece
 DIAL BEFORE YOU DIG www.100.com.au
PROJECT: 39 Short Street Bircrigrove NSW 2041
EXISTING & PROPOSED SITE COVERAGE
DATE: April 2021 SCALE: 1:200 @ A3 DRAWN: JR/JUL/BM CHECKED: JR/JUL/BM SHEET NO: 2 of 5 REV: 03 2021-191

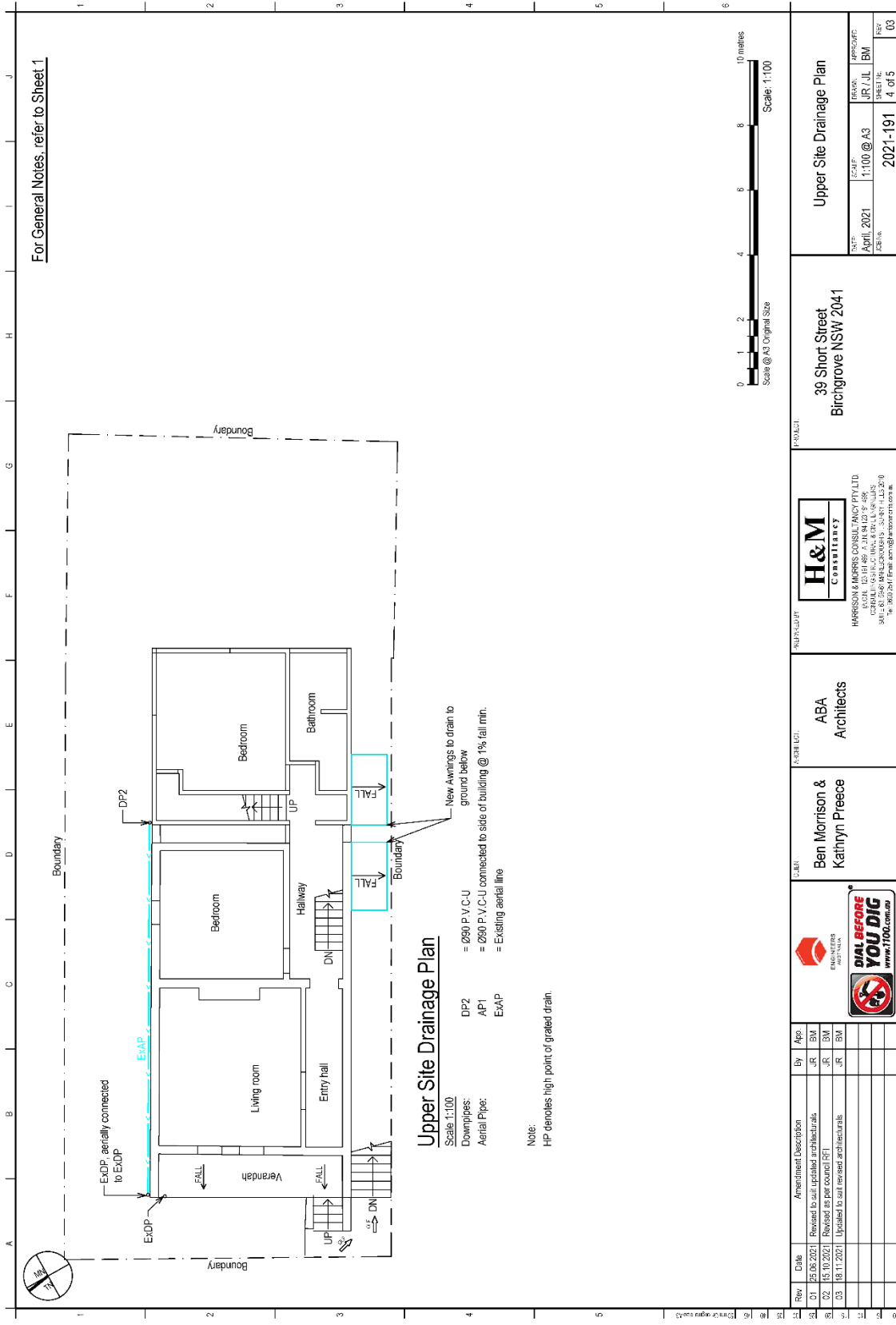


For General Notes, refer to Sheet 1



Rev	Date	Amendment Description	By	App.
01	25.06.2021	Revised to suit updated architecturals	JR	BM
02	15.10.2021	Revised as per council RTI	JR	BM
03	18.11.2021	Updated to suit revised architecturals	JR	BM

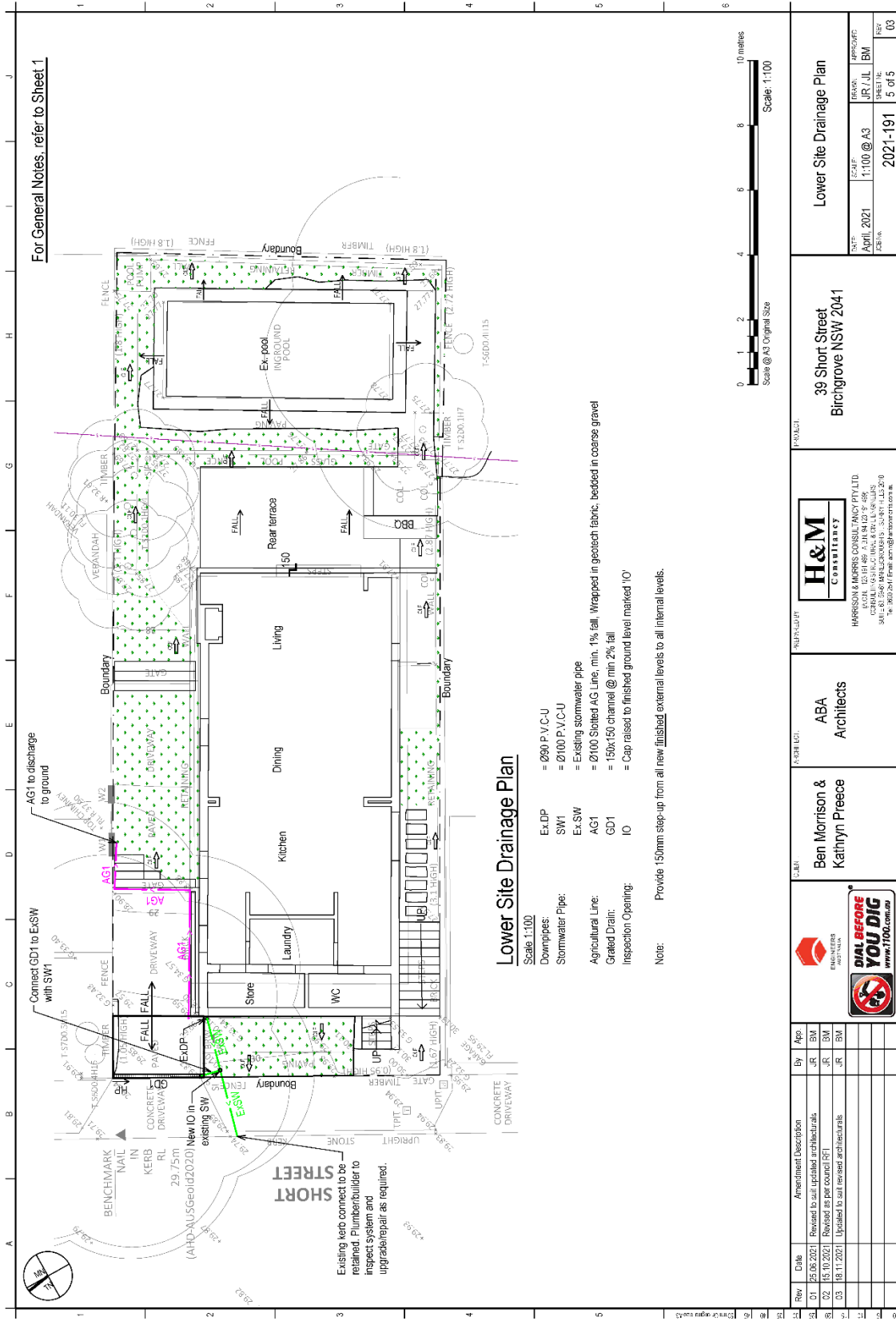
BEN MORRISON & KATHYRN PREECE ARCHITECTS		ABA ARCHITECTS	
PROJECT: 39 Short Street Birtchgrove NSW 2041		PRODUCT: Roof Drainage Plan	
DATE:	APRIL 2021	SCALE:	1:100 @ A3
DESIGNER:	JR	DRAWN:	JR
CHECKED:	BM	APPROVED:	BM
DATE:	2021-191	SHEET NO.:	3 of 5
REV:	03	REV:	



Rev	Date	Amendment Description	By	Appr.
01	25.06.2021	Revised to suit updated architectural	JR	BM
02	15.10.2021	Revised as per council RTI	JR	BM
03	18.11.2021	Updated to suit revised architectural	JR	BM

Ben Morrison & Kathryn Preece ARCHITECTS		ABA Architects	
CLIENT: Ben Morrison & Kathryn Preece		PRODUCT: 39 Short Street Bircgrove NSW 2041	
DATE: April 2021		SCALE: 1:100 @ A3	
DRAWN: JR/JUL		APPROVED: BM	
SHEET NO: 4 of 5		PROJECT NO: 2021-191	
REV:		REV:	

Document Set ID: 36594999
Version: 1, Version Date: 23/09/2022



For General Notes, refer to Sheet 1

Lower Site Drainage Plan

- Scale 1:100
- Downpipes: Ex.DP = Ø90 P.V.C-U
 - Stormwater Pipes: SW1 = Ø100 P.V.C-U
 - Ex.SW = Existing stormwater pipe
 - Agricultural Line: AG1 = Ø100 Slotted AG Line, min. 1% fall. Wrapped in geotech fabric, bedded in coarse gravel
 - Grated Drain: GD1 = 150x150 channel @ min 2% fall
 - Inspection Opening: IO = Cap raised to finished ground level marked 'IO'
- Note: Provide 150mm step-up from all new finished external levels to all internal levels.



Rev	Date	Amendment Description	By	App.
01	25.06.2021	Revised to suit updated architectural	JR	BM
02	15.10.2021	Revised as per council RTI	JR	BM
03	18.11.2021	Updated to suit revised architectural	JR	BM

BEN MORRISON & KATHRYN PREECE ARCHITECTS		ABA ARCHITECTS	
PROJECT: 39 Short Street Bircgrove NSW 2041		PRODUCT: Lower Site Drainage Plan	
DATE:	April 2021	SCALE:	1:100 @ A3
DESIGN:	JR	DRAWN:	JR
DATE:	2021-191	APPROVED:	JR
REV:	5 of 5	SHEET NO:	5 of 5
REV:	03	REV:	03

Document Set ID: 3659499
Version: 1, Version Date: 23/09/2022

Attachment C – Statement of Heritage Significance

Godden Mackay Logan

Area 15 Town of Waterview Conservation Area

Landform

The land in this conservation area is located around a small creek (known as Curtis Waterhole) that enters Waterview Bay (now Morts Bay) at its most western point. The area is generally sheltered and includes flat low-lying land near the bay (where Morts Dock was built) rising south to higher land along Darling Street and west to the prominent knoll of Dock Road and Bates Street.

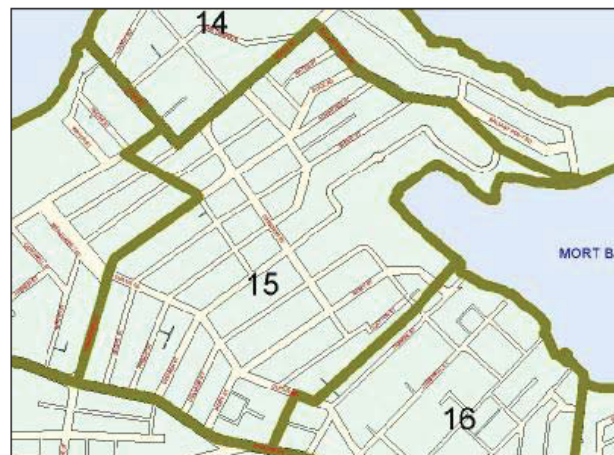


Figure 15.1 Town of Waterview Conservation Area Map.

History

The area that was later developed by Thomas Mort as the Town of Waterview included land originally purchased from Gilchrist's Salmain Estate in 1836 by Curtis and Lamb. In 1854 these two lots at the eastern end of the bay were purchased by Captain Rowntree and Thomas Holt for a slipway and dry dock. Thomas Mort was impressed with the sheltered bay and joined them in the enterprise.

Mort also accepted the transfer of most of the land around the dock area and commissioned Surveyor FH Reuss to lay out a township of 700 modest residential allotments. Initially Mort sought to provide rental accommodation near the dock to attract skilled labour and he indicated that a building society might be formed to assist purchasers, probably so that there would always be a pool of skilled workers living nearby. Allotments were 1/2 chain (33ft) wide with depths ranging from 84-109 feet, but subsequent resubdivision to allow two houses (terrace or semi) on one allotment occurred at the time of building and produced many smaller parcels. There were no back lanes for night soil disposal.

Small groups of similar houses suggest the area was constructed by small-scale building contractors, or by individual owner/builders.

Godden Mackay Logan

Mort purchased more land adjoining the original township and after his death in 1877 his trustees continued the dense subdivision and development of this area in response to the growth of Morts Dock Industries and the building boom of the 1880s.

It took forty years from 1857 for the town to be fully occupied. Just over half the allotments had been sold by 1878, but by 1896 the streets created within Mort's Town – Mort, Church, Phillip, Short, College, Rowntree, Curtis, Spring and Cameron Streets – were filled with an assortment of houses, 796 in all, 396 of brick, 348 of weatherboard, 51 of stone and one of iron. Small groups of corner shops and pubs served the community.

By 1861 the dock was leasing facilities to other maritime activities, and it developed its own associated engineering industries. Morts Dock and Engineering Co grew rapidly to become the largest private employer in Australia in a variety of maritime and engineering industries. During the 1940s it built corvettes, frigates and a floating dock. Economic fluctuations affecting the dock also affected its workers. The dock, the Town of Waterview and its pubs were the site of the beginnings of the urban labour movement. The dock closed in 1958; the site was levelled and used as a container terminal. More recently, the land was developed for residential purposes by the Department of Housing.

Sources

Solling, M and Reynolds, P 1997, 'Leichhardt: on the margins of the city', *Leichhardt Historical Journal*, Vol. 22, Allen and Unwin.

Reynolds, P 1985, 'The first 22 lots – an overview: Suburbanisation in Balmain', *Leichhardt Historical Journal*, Vol. 14.

Further research by Max Solling.

Significant Characteristics

- Regular street pattern made up of wider streets (about 50ft wide) marking the boundaries of the township (Rowntree, Mort, Curtis and Cameron Streets) or giving access to the dock (Church Street) with narrower streets filling the remainder.
- Lack of back lanes.
- A very regular streetscape resulting from:
 - regular width allotments of 33ft (or half 33ft) giving rise to uniform densely developed streets of single or double -fronted houses/terraces;
 - use of limited range of building materials – either rendered brick or painted weatherboard;
 - face brick houses of post c1890 and the fifty-odd stone buildings are noticeable for their different building materials; and
 - remarkably intact collection of single and two-storey attached and detached dwellings, many of them weatherboard.

Godden Mackay Logan

- Density of pubs.
- Corner stores and small groups of stores and pubs at some cross roads.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area, through the form and fabric of its houses, corner shops and pubs, its street layout and allotment shapes, demonstrates a remarkably intact area of early workers' housing from 1850s to 1890s with later infill development prior to World War II (ie pre-1939). It is significant for its surviving development prior to World War II.
- Demonstrates through the density of pubs (and former pubs) within the township area its close association with the growth of the urban labour movement. A number of these pubs are of national heritage significance for their historical and enduring social values as part of the history of unionism and of the Ships Painters and Dockers Union in particular.
- Demonstrates, through the nature of its housing, the important role played by Morts Dock as a magnet for workers and the location of their housing.
- Demonstrates, through its rendered and painted brickwork, the nature of construction in Sydney before the ready availability of hard pressed, face bricks.
- Demonstrates the work of Surveyor Reuss.
- Associated with prominent local entrepreneurs and land developers, some of whom were aldermen of Council.
- Demonstrates, with Bodalla Village on the New South Wales south coast, the role of Thomas Mort in providing 'appropriate' housing for his employees.

Management of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- All pubs, preferably as public houses, or in related activities (boarding houses etc) or as small-scale commercial uses.
- All pre-1939 buildings, especially timber buildings, and all their architectural details. Replacement of lost detail, based only on evidence, should be encouraged.
- Original finishes, particularly rendered brick houses.

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- All remaining sandstone kerbs and gutter.

Avoid

- Diagonally placed chicanes, and other works that diminish the straight line of the original road layout.
- Alterations that change the shape (form) of the pubs – particularly the removal of verandahs or the creation of new verandahs for which there is no historical evidence.
- Alterations that change the shape of the building or original roof forms on the main part of the buildings.
- Removal of original detail. (Encourage restoration from evidence.)
- Additions of details not part of the original fabric of the building.
- Interruption to the almost continuous kerb and gutters.

Statement of Significance - 113 Curtis Road BALMAIN NSW 2041

No. 113 Curtis Road is of local historic and aesthetic significance as a good and intact example of a former shop building constructed in the late Victorian/ early Federation period around 1885. The building retains its early scale, character and fabric including rendered facades, high parapet wall, and pattern of openings including ground floor shopfronts and awning. The building makes a positive contribution to the Curtis Road streetscape.

Attachment D – DA/2021/0603 Assessment Report



DEVELOPMENT APPLICATION ASSESSMENT			
1. Development Application Details			
Application Number:	DA/2021/0603		
Property Address:	39 Short Street BIRCHGROVE NSW 2041		
Description of Development:	Lower ground, ground and first floor alterations and additions and additions to existing dwelling-house and associated works, including tree removal and new front fence.		
Responsible Officer:	Ferdinand Dickel		
Zoning:	R1 General Residential		
Building Class:	1a and 10b		
Is the use permissible in the Zone?	Yes		
Integrated Development?	No		
History (Subject Site)	No recent relevant history.		
Recent Relevant History (Surrounding Properties)	Date	Application No	Application Details
	06/11/2018	D/2018/438	Ground and first floor alterations and additions to existing dwelling-house at No. 119 Curtis Road
	20/03/2018	D/2017/616	Part demolition and alterations and additions to existing heritage-listed terrace, and associated works at No. 113 Curtis Road.
Relevant Application History:	Date	Application lodged	
	12/07/2021	Council wrote to the applicant, raising the following issues:	
	13/09/2021	<ul style="list-style-type: none"> • Non-compliance with Landscaped Area Development Standard • Unsupportable building siting, building height, and bulk and scale • Insufficient shadow diagrams and non-compliance with solar access controls • Insufficient information to assess the proposal against applicable visual privacy controls • Concerns regarding impact on heritage conservation area • Insufficient information regarding stormwater management 	
Outcome	Approved		

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council@innerwest.nsw.gov.au
 PO Box 14, Petersham NSW 2049

Document Set ID: 36309608
 Version: 1, Version Date: 13/05/2022

DEVELOPMENT APPLICATION ASSESSMENT	
1. Development Application Details	
	<ul style="list-style-type: none"> Concerns regarding gates/doors adjacent to parking space
28/09/2021	Council requested to respond to the above-mentioned issues within 21 days. Council and the applicant's architect, heritage advisor and planner met to discuss the above-mentioned issues.
06/10/2021	The applicant's architect requested an additional 25 days to respond to the issues raised by Council.
07/10/2021	Council advised that the request for an extension of time could not be granted. Council recommended withdrawal of the application by COB on and advised that, otherwise, the application would likely be recommended for refusal.
It is noted that the applicant's architect did not respond. Therefore, the application has been assessed based on the initially submitted plans and information and is recommended for refusal as outlined below.	
Recommendation: Refusal	
2. Accuracy of Survey	
Has the survey been checked against spot levels?	Yes
Does the survey provide a survey of the boundaries or offsets?	Offsets depicted.
Are the improvements on the survey marked by survey or estimated?	Diagrammatic
3. Public Participation	
Application advertised in accordance with Council's Community Engagement Framework?	Yes
Closing date of submissions:	16/03/2021
Submissions received:	(5) submissions received. For issues raised in the submissions, refer to discussion below.

3. Public Participation	
<p>Issue: Proposed scale is not compatible with surrounding development Comment: As outlined elsewhere in the report, the proposed height and bulk and scale are considered to result in adverse amenity impacts to surrounding sites and, therefore, the proposal is recommended for refusal.</p> <p>Issue: Loss of solar access to private open space, living areas and bedrooms during all seasons Comment: As outlined elsewhere in this report, a comprehensive solar access and overshadowing assessment could not be conducted. However, based on the submitted shadow diagrams, it appears that, currently, adjoining sites do not receive the required amount of solar access to private open space. The LDCP 2013 prescribes that, in these instances, additional overshadowing of neighbouring sites is not permitted. Given that the proposal results in additional overshadowing of neighbouring private open space, the proposal is not supported. In addition, the following is noted:</p> <ul style="list-style-type: none"> • Solar access impacts to neighbouring glazing servicing living areas could not be assessed. • Solar access controls only prescribe solar access requirements during the winter solstice. • Solar access to bedrooms is not protected under the LDCP 2013. <p>Given the above, the proposal is not supported and recommended for refusal.</p> <p>Issue: Adverse visual privacy impacts Comment: As outlined elsewhere in this report, based on the submitted plans, a comprehensive assessment against applicable visual privacy controls could not be conducted. As such, the proposal is recommended for refusal.</p> <p>Issue: Loss of property value Comment: Property values of adjoining sites is not a relevant consideration for Council under the provisions of the <i>Environmental Planning and Assessment Act, 1979</i>.</p> <p>Issue: Did not receive formal notification Comment: The application was notified to surrounding properties in accordance with Council's Community Engagement Framework and a notification was sent to all required properties and property owners.</p> <p>Issue: Potential of toxic dust, including asbestos, during demolition Comment: Removal of toxic materials, such as asbestos, is regulated by NSW State policies and, to ensure that compliance with these, this could have been readily conditioned. Notwithstanding, the application is recommended for refusal.</p>	Complies / Applicable
4. State Environmental Planning Policies	
	Comment

4. State Environmental Planning Policies						
	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP - Affordable Rental Housing 2009	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP - Exempt and Complying Development Codes 2008	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP - Infrastructure 2007	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP - Mining, Petroleum Production and Extractive Industries 2007	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP - (State Significant Precincts) 2005	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP - Building Sustainability Index 2004	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A A BASIX certificate has been submitted. Notwithstanding, refusal of the application is recommended.
SEPP - Housing for Seniors or People with a Disability 2004	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP No. 70 – Affordable Housing	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP No. 64 – Advertising and Signage	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP No. 55 – Remediation of Land	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
SEPP No. 33 – Hazardous and Offensive Development	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP No. 19 – Bushland in Urban Areas	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP – City West (Formerly REP No. 26)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
SEPP – Sydney Harbour Catchment (Formerly REP)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
SEPP - (Vegetation in Non-Rural Areas) 2017	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A The removal of four (4) <i>Magnolia grandiflora</i> cvs is proposed, which is supported by Council's Arborist. Notwithstanding, refusal of the application is recommended.
SEPP - (Coastal Management) 2018	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
4a. Contaminated Land Planning Guidelines (State Environmental Planning Policy No.55 – Remediation of Land)						
Step 1 – Initial Evaluation						
					Yes	No

4. State Environmental Planning Policies	
Council Records	The following sources to be checked to determine if there is potential for contamination.
Zoning	Was the site previously zoned for industrial, agricultural or defence purposes? <input type="checkbox"/>
Development & Applications	Do permissible uses or any consent allow for industrial, agricultural, defence purposes? <input checked="" type="checkbox"/>
Property & Remediation Files	Do files indicate any correspondence, previous investigations and/or land use restrictions concerning contamination issues? Is the site contaminated? <input type="checkbox"/>
Land Contamination Map	Has the site been identified as having a possible contamination issue? <input checked="" type="checkbox"/>
Adjacent Sites	Information concerning contamination impacts on sites immediately adjacent to the subject site should be obtained in determining whether or not a contamination risk exists. Is any of the above information applicable to adjacent sites? <input type="checkbox"/>
Applicant Information	Does information provided by the applicant suggest contamination issues? <input type="checkbox"/>
Site Inspection	Is information inconsistent with Council records? <input checked="" type="checkbox"/>
	A Site Inspection is required when issues are to be clarified, the application is for a sensitive use or there are contamination risks from adjacent sites. Does a site inspection reveal contamination risks? <input type="checkbox"/>

5. Draft State Environmental Planning Policies	
Draft SEPP – Environment	Complies / Applicable
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

6. Leichhardt Local Environmental Plan 2013	
Clause	Complies
Part 1 – Preliminary	<input type="checkbox"/> N/A
1.2 – Aims of the Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Due to concerns raised in relation to building siting, heritage and amenity impacts, and stormwater management issues, the proposal has not adequately demonstrated that it is a satisfactory response to the following Aims of the Plan under this clause:	
(b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,	
(c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,	
	Unsatisfactory. For details, refer to discussion below.

<p>(d) to promote a high standard of urban design in the public and private domains, (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt, (f) to maintain and enhance Leichhardt's urban environment, (l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area, (m) to ensure that development provides high quality landscaped areas in residential developments.</p>				
1.8A – Savings Provisions relating to Development Applications	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
1.9A – Suspension of Covenants, agreements & instruments	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Part 2 – Permitted or Prohibited Development				
2.3 – Zone objectives and Land use Table	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Unsatisfactory. For details, refer to discussion below.
<p>The proposal fails to comply with a number of the standards and controls of the LLEP 2013 and LDCP 2013 and is not considered to be compatible with the pattern of surrounding development. Therefore, the proposal is not considered to be acceptable with regard to the following relevant objectives of the R1 General Residential Zone:</p> <ul style="list-style-type: none"> To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas. To protect and enhance the amenity of existing and future residents and the neighbourhood. 				
2.4 – Unzoned Land	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
2.6 – Subdivision Requirements	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
2.7 – Demolition Requires Development Consent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
2.8 – Temporary Use of Land	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Land Use Table	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Whilst dwelling houses are permitted with consent within the R1 – General Residential Zone, as outlined above, the proposal is an unsatisfactorily response with regard to the zone objectives of the R1 Zone.
Part 3 – Exempt & Complying Development				
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Part 4 – Principal Development Standards				
	<input type="checkbox"/> N/A			

4.1 – Minimum subdivision lot size	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A															
4.3 – Height of Buildings	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A															
4.3A (3)(a) – Landscaped Area for residential development in Zone R1	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 10%; text-align: center;">%</td> <td style="width: 40%;"></td> </tr> <tr> <td>Minimum =</td> <td style="text-align: center;">20%</td> <td>Sqgm</td> </tr> <tr> <td>Proposed =</td> <td style="text-align: center;">15.85%</td> <td style="text-align: center;">51.1</td> </tr> <tr> <td>Variation =</td> <td style="text-align: center;">20.74%</td> <td style="text-align: center;">40.5</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">-10.60</td> </tr> </table> <p>Notes:</p> <ul style="list-style-type: none"> • Landscaped area increased from 8.4sqm. • The submitted plans and calculation provided by the applicant depict that the proposal complies. However, not all the depicted landscaped areas can be included in the calculation as they have a width and/or length of less than 1 metre. <p>For further details, refer to Clause 4.6 assessment below.</p>								%		Minimum =	20%	Sqgm	Proposed =	15.85%	51.1	Variation =	20.74%	40.5			-10.60
	%																				
Minimum =	20%	Sqgm																			
Proposed =	15.85%	51.1																			
Variation =	20.74%	40.5																			
		-10.60																			
4.3A (3)(b) – Site Coverage for residential development in Zone R1	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 10%; text-align: center;">%</td> <td style="width: 40%;"></td> </tr> <tr> <td>Maximum =</td> <td style="text-align: center;">60%</td> <td>Sqgm</td> </tr> <tr> <td>Proposed =</td> <td style="text-align: center;">50.52%</td> <td style="text-align: center;">153.3</td> </tr> <tr> <td>Variation =</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">129.07</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">N/A</td> </tr> </table>								%		Maximum =	60%	Sqgm	Proposed =	50.52%	153.3	Variation =	N/A	129.07			N/A
	%																				
Maximum =	60%	Sqgm																			
Proposed =	50.52%	153.3																			
Variation =	N/A	129.07																			
		N/A																			
4.4 – Floor Space Ratio	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 10%; text-align: center;">FSR</td> <td style="width: 40%;"></td> </tr> <tr> <td>Maximum =</td> <td style="text-align: center;">0.9</td> <td>Sqgm</td> </tr> <tr> <td>Proposed =</td> <td style="text-align: center;">0.72</td> <td style="text-align: center;">229.95</td> </tr> <tr> <td>Variation =</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">183.9</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">N/A</td> </tr> </table>								FSR		Maximum =	0.9	Sqgm	Proposed =	0.72	229.95	Variation =	N/A	183.9			N/A
	FSR																				
Maximum =	0.9	Sqgm																			
Proposed =	0.72	229.95																			
Variation =	N/A	183.9																			
		N/A																			
4.4A – Floor Space Incentives for active street frontages	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A															
4.5 - Calculation of floor space ratio and site area	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A															
4.6 - Exceptions to development standards	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A															
As outlined above, the proposal results in a non-compliance with Clause 4.3A(3)(a)(i). Pursuant to Clause 4.6(3):																					
Refer to Appendix A for Clause 4.6 assessment.																					

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

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

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

As outlined in Section 1 above, a written request has not been submitted and, as such, Council is unable to grant consent for the proposed development.

Part 5 – Miscellaneous Provisions		<input type="checkbox"/> N/A		
5.3 – Development near zone boundaries	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
5.4 – Control relating to miscellaneous permissible uses	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
5.7 – Development below mean high water mark	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
5.10 – Heritage Conservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A

Council's heritage Advisor provided the following comments:

Heritage Listing:

The subject property at 39 Short Street, Birchgrove, is a contributory dwelling located within the Town of Waterview Heritage Conservation Area (C4 in Schedule 5 of the Leichhardt LEP 2013). The site is also in the vicinity of the heritage listed Former shop and residence and original signs, including interiors, at 113 Curtis Road, Balmain (1178).

Heritage Significance:

The Statement of Significance for the Town of Waterview Heritage Conservation Area is in the Leichhardt DCP 2013, which is available via the link below:
<https://www.innerwest.nsw.gov.au/develop/planning-controls/heritage-and-conservation/heritage-conservation-areas>

The Statement of Significance for the Former shop and residence and original signs is available from the Office of Environment & Heritage, heritage database website at:
https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems?_ga=2.194634413.1287674448.1622413288-185055993.1593564306

Heritage Comments:

Clause 5.10: Heritage Conservation from the Leichhardt LEP 2013 and Parts C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items, C.2.2.5. Mort Bay Distinctive Neighbourhood, C.2.2.5(c) Upper Slopes Sub Area and C3.6: Fences from the Leichhardt DCP 2013 apply to the proposal.

The proposal includes demolition of the rear addition, alterations and additions to the existing dwelling, including lower ground, ground and first floor alterations and additions and associated works, including tree removal and new front fence.

As part of the works, it is proposed to convert the 2 window openings to doorways and block up the existing doorway in the western façade of the basement, demolition of the interior layout of the basement level within the main building form, including fireplaces and chimney breasts, and demolish the stairs from ground floor to the basement. C3 a. of Part C1.4 of the DCP requires that development must not include the demolition of the internal walls of the front rooms within the main building form, fireplaces and chimney breasts. The applicant is encouraged to retain the original layout of the basement level, the fireplaces and chimney breasts and the staircase.

A concrete slab is proposed to be laid at the basement floor level, adjacent to existing foundations. The removal and replacement of the existing ventilated timber floor and replacement with a concrete slab poured on sand or other fill must be avoided. The concrete and its associated damp-proof membrane prevent evaporation, and the soil moisture rising beneath the building becomes focused on the walls. Rising damp problems are almost guaranteed, whereas before there may have been no significant damp, even though the walls may have lacked effective damp proof courses.

Large expanses of glass are not to be used in areas visible from the public domain. Openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). The triangle window proposed in the west elevation of rear addition (W15) are to be amended to vertically proportioned windows. Large horizontal windows are proposed in the north and east elevations of the addition. Normally not supported in HCAs, and required to be amended to vertically proportioned windows, they are acceptable in this instance because they will not be visible from the public domain.

Materials, finishes, textures and colours must be complementary to the colour schemes of contributory dwellings within the streetscape. The HIS states it is proposed to paint the existing dwelling. A colour scheme has not been submitted with the DA. Greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby". A colours and materials schedule will need to be submitted for consideration.

C18 of Part C2.2.5 of the DCP encourages the use of traditional timber, stone or render finishes, corrugated iron roofing (custom orb profile steel) and timber windows. The vertical cladding to the rear addition is to be amended so it is laid horizontally because it will be visible from the public domain.

Proposed front timber fence is acceptable. The height of the front timber fence to not to exceed 1.2m to ensure it complies with C4 of Part 3.6 of the DCP.

The existing skylight on the south roof plane is not to be increased in size. Any increase in size would require the demolition of the main roof form, which is inconsistent with C10 of Part C1.3 of the DCP which requires that where rear additions are visible from the public domain the original roof form must be maintained and new additions are to be sympathetic to the original roof, and C3 b. and C6 of Part C1.4 of the DCP, which requires that development within HCAs retain whole roof forms.

Photovoltaic panels are proposed on the rear roof plane of the main gable roof form and on the gable roof form of the rear addition. The panels are to be installed so they sit flush with the roof sheeting to reduce the likelihood of visibility from the public domain.

Recommendation

The proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Town of Waterview Heritage Conservation Area providing the design changes below are implemented to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013.

Conclusion

Acceptable with the following amendments to the application:

1. It is recommended that the design be amended to incorporate the following design changes:

- a. The removal and replacement of the existing ventilated timber floor and replacement with a concrete slab poured on sand or other fill at basement level should be avoided. A suitable alternative must be considered.
- b. The existing skylight on the south roof plane is not to be increased in size.
- c. The triangle window proposed in the west elevation of rear addition (W15) are to be amended to vertically proportioned windows.
- d. Photovoltaic panels are to be installed so they sit flush with the roof sheeting.
- e. The height of the front timber fence to not to exceed 1.2m.

2. The applicant is encouraged to retain the original layout of the basement level, the fireplaces and chimney breasts and the staircase.

3. A colours and materials schedule will need to be submitted for consideration and in accordance with the following:

- a. The vertical cladding to the rear addition is to be laid horizontally.
- b. Greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used.
- c. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

Planner's Comment

<p>Given that the applicant has not provided amended plans or additional information, the concerns raised by Council's Heritage Advisor have not been satisfied and, therefore, the proposal is contrary to the aims of this Clause as the proposal does not conserve the heritage significance of the heritage conservation areas.</p>			
5.21 - Flood Planning	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
<p>The site is not flood affected.</p>			
<p>Part 6 – Local Provisions</p>			
6.1 – Acid Sulphate Soils	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p>The site is identified as class 5 acid sulphate soils; however, the proposed works are not considered to lower the watertable below 1 metre AHD. Notwithstanding, refusal of the application is recommended.</p>			
6.2 – Earthworks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p>Excavation works will be minor and could be adequately controlled by standard conditions of consent. Notwithstanding, refusal of the application is recommended.</p>			
6.4 - Stormwater Management	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
<p>Refer to discussion below.</p>			
<p>As outlined in Section 1 above, Council's Development Engineer requested additional information with regard to the submitted stormwater drainage concept plan.</p>			
<p>Given that the applicant did not provide amended plans or additional information, the proposal does not satisfy this clause for the following reason:</p>			
<ul style="list-style-type: none"> It has not been demonstrated that the proposal avoids significant adverse impacts of stormwater runoff on adjoining properties <p>In addition, given that the proposal does not comply with the landscaped area development standard, it is not considered that the proposal maximises the use of water permeable surfaces.</p>			
<p>6a. Draft Local Environmental Plans</p>			
<p>Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)</p>		<p>Complies / Applicable</p>	
<p>The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	
<p>The proposal is contrary to Clause 1.2 (Aims of the Plan) and the objectives of Clause 2.3 (Zone objectives and land use table) for the following reasons:</p>			

6a. Draft Local Environmental Plans		
<ul style="list-style-type: none"> The proposal does not achieve a high-quality urban form. The proposal does not protect and enhance the amenity of Inner West for existing and future residents. The proposal does not provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings and the streetscape. The proposal does not protect and enhance the amenity of existing and future residents and the neighbourhood. 		
7. Leichhardt Development Control Plan 2013		
Clause	Complies	Comment
Part A: Introductions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Section 3 – Notification of Applications	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Refer to Section 3 above.
PART B		
Part B: Connections	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
B1.1 Connections – Objectives	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
B2.1 Planning for Active Living	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
B3.1 Social Impact Assessment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Part C: Place – Section 1 General Provisions		
C1.0 General Provisions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unsatisfactory, refer to discussion below.
Due to the pattern of development and amenity concerns raised in this report, the proposal is considered to be contrary to the following general objectives of this part:		
<ul style="list-style-type: none"> O3 - Adaptable: places and spaces support the intended use by being safe, comfortable, aesthetically appealing, economically viable and environmentally sustainable and have the capacity to accommodate altered needs over time. O4 Amenable: places and spaces provide and support reasonable amenity, including solar access, privacy in areas of private open space, visual and acoustic privacy, access to views and clean air. O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. 		
C1.1 Site and Context Analysis	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
C1.2 Demolition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A

C1.3 Alterations and additions	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	Unsatisfactory. For details, refer to Clause 5.10 assessment in Section 6 above and to discussion below.
The proposal is contrary to the following controls:							
<ul style="list-style-type: none"> C1(b) – As the proposed scale, including wall height, is not compatible with adjoining dwellings. C5 – The proposed materials and fenestration is not compatible with the existing building. C9(d) – As the proposal does not comply, as outlined elsewhere in this report, with other relevant residential development controls within the LDCP 2013. 							
As such, the proposal is contrary to the following objectives:							
<ul style="list-style-type: none"> O1(a) – As the proposed scale, including wall height, does not complement the scale and wall height of other development in the streetscape. O1(e) – As the proposal does not protect existing residential amenity, including solar access and privacy to the existing dwelling and surrounding dwellings. 							
C1.4 Heritage Conservation Areas and Heritage Items	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	Unsatisfactory. For details, refer to Clause 5.10 assessment in Section 6 above.
C1.5 Corner Sites	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	
C1.6 Subdivision	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	
C1.7 Site Facilities	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	Notwithstanding, refusal of the application is recommended.
C1.8 Contamination	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	
C1.9 Safety by Design	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	
C1.10 Equity of Access and Mobility	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	
C1.11 Parking	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	Refer to discussion below.
Council's Development Engineer also advised the following:							
<p>The design of the access and car parking facilities must comply with AS/NZS 2890. 1: 2004 Parking Facilities Part 1: Off-street car parking, therefore, the following details must be submitted:</p> <ol style="list-style-type: none"> The parking module dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004; The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; The floor level of the parking space must be higher than the street kerb and footpath across the full width of the vehicle crossing or 170mm above the adjacent road gutter level, whichever is the highest; 							

<p>d. The proposed drop adjacent to the end of the parking module exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided.</p> <p>e. The above physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS 2890.1-2004</p> <p>f. A longitudinal section along each edge of the vehicular access to the end of proposed parking shall be provided to demonstrate compliance with the ground clearance for B85 of the Standard. The sections must extend to the centreline of the road carriageway. The template for B85 shall be placed centrally over the property boundary and also with the front wheel in the kerb invert for entry direction. The longitudinal sections shall include all existing and proposed levels and shall be drawn at a 1:20 scale;</p> <p>g. The parking space must be set back from the property boundary by a minimum of 1000mm to allow opening of a new door for bin storage (plan DA-D02/B);</p> <p>h. The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in Shore Street in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.</p>						
Planner's comments						
Given that it is only proposed to alter the existing parking space, as outlined in Section 1 above, Council only requested to amend the proposed gates/doors along the southern and eastern edges of the parking space. Whilst this could be readily conditioned, the application is recommended for refusal.						
C1.12 Landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A Notwithstanding, refusal of the application is recommended.
C1.13 Open Space Design Within the Public Domain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
C1.14 Tree Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A Council's Arborist has assessed the proposal and raised no objections, subject to recommended conditions. Notwithstanding, refusal of the application is recommended.
C1.15 Signs and Outdoor Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
C1.17 Minor Architectural Details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
C1.18 Laneways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
C1.20 Foreshore Land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
C1.21 Green Roofs and Green Living Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Part C: Place – Section 2 – Urban Character						

Suburb Profile			
C2.2.2.5 Mort Bay Distinctive Neighbourhood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
C2.2.2.5(c) Upper Slopes Sub Area	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
Part C: Place – Section 3 – Residential Provisions			
C3.1 Residential General Provisions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
Due to concerns raised elsewhere in this report, the proposal has not adequately demonstrated that it is a satisfactory response to the following objectives and controls of this part:			
<ul style="list-style-type: none"> • O3 To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting. • O4 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings. • O7 To ensure that the amenity, including solar access and visual privacy, of the development and adjacent properties is not adversely impacted. • C1 Residential development is not to have an adverse effect on: <ul style="list-style-type: none"> a. the amenity, setting or cultural significance of the place, including the portion of the existing building to be retained; and b. the relationship of any Heritage Item or Heritage Conservation Area to its place, setting and cultural significance. • C2 Additions to an existing building are generally: <ul style="list-style-type: none"> c. maintain the form, fenestration, roof forms and chimneys of the existing building when viewed from the principal street frontage; and d. of a design which is compatible with but does not compete with the architectural character of the existing building or the Building Typologies; and e. of a scale, proportion (including proportion of doors and openings) and material which is compatible with the existing building. 			
C3.2 Site Layout and Building Design	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
<p>Unsatifactory. The proposal does not comply with the building location zone and side boundary setback controls of this part, which is not supported. For details, refer to discussion below.</p>			
Building Location Zone (BLZ)			
<p>The BLZ is the part of the subject site where it can be reasonably expected that a building can be located and is determined by having regard to only the main building on the adjacent properties. Pursuant to C5, the BLZ of the subject site "is to be determined by the location of the building on the adjacent property that most resembles the orientation, frontage width and site layout of the subject site", which is the adjoining site to the east, No. 41 Short Street.</p> <p>The submitted plans depict the lower ground floor as a basement. The LLEP 2013 defines basements as follows:</p> <p>basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).</p>			

<p>Given that the proposed 'basement' does not meet this definition, the proposed levels and BLZs are assessed as, and considered to be for, a lower and upper ground floor and a first floor.</p> <p>With regard to the proposed BLZs, the following is noted:</p> <ul style="list-style-type: none"> No change is proposed with regard to the front setbacks. No concerns are raised with regard to the rear setback of the lower ground floor (labelled 'basement' by the applicant). The proposal seeks to reduce the rear setback of the upper ground floor (labelled 'ground floor' by the applicant). Given that No. 41 Short Street does not have a first floor, the proposal is establishing a new first floor BLZ. <p>Pursuant to Control C6 of this part, in order to gain support for the proposed first floor BLZ, various requirements need to be met, which are discussed below:</p> <ul style="list-style-type: none"> 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. <p><u>Comment:</u> As outlined elsewhere in this report, impacts on the amenity of adjacent properties is contrary to applicable controls and not acceptable. Therefore, the proposal does not comply with this requirement.</p> <ul style="list-style-type: none"> The proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development. <p><u>Comment:</u> As outlined elsewhere in this report, the proposed development is contrary to relevant heritage controls of the LDCP 2013. In addition, the scale of the proposed development is not considered to be compatible with the scale of development on adjoining sites. Therefore, the proposal does not comply with this requirement.</p> <ul style="list-style-type: none"> The proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping. <p><u>Comment:</u> Whilst the proposal is considered acceptable with regard to relevant controls regarding size, dimensions and privacy of the subject site's private opens pace, given the issues raised elsewhere, the application is recommended for refusal.</p> <ul style="list-style-type: none"> Retention of existing significant vegetation and opportunities for new significant vegetation is maximised. <p><u>Comment:</u> Whilst the proposal, in principle, satisfies this requirement, given the issues raised elsewhere, the application is recommended for refusal.</p> <ul style="list-style-type: none"> 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. <p><u>Comment:</u> The proposed first floor addition is considered to result in adverse bulk and scale impacts to neighbouring properties, in particular when viewed from the private open space.</p>

As a result, the proposed variation with the prescribed ground floor BLZ and new first floor BLZ are not supported as not all of the requirements of control C6 are satisfied.

Side boundary setbacks

The proposed wall heights along the northern and southern side boundaries, given the sloping nature of the site, vary between 6.4 and 8.1 metres. The following table outlines compliance with the prescribed side boundary setbacks, which are determined based on the graph within control C7.

Elevation	Wall height (m)	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
South	~ 6.5 – 8.1	2.1 – 3.1	1.2	N
North	~ 6.4 – 8.1	2.1 – 3.1	2.6	N

As depicted in the table above, the proposed additions to rear do not comply with the prescribed side boundary setbacks. Pursuant to control C8 of this part, in order to gain support for the proposed variations, various requirements need to be met. These are discussed below:

- The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.
Comment: As discussed elsewhere in this report, the proposal is not consistent streetscape controls.
- The pattern of development within the streetscape is not compromised.
Comment: Whilst the proposed side boundary setbacks are not inconsistent with side boundary setbacks of other development in the vicinity, the proposal is recommended for refusal.
- The bulk and scale of development is minimised by reduced floor to ceiling heights.
Comment: The proposed floor to ceiling heights are as follows:
 - Lower ground floor – 2.6
 - Upper ground floor – 2.4
 - First floor – between 1.8 – 3.6
 Whilst the proposed floor to ceiling heights are generally acceptable for the proposed use of the rooms, the overall bulk and scale, as outlined elsewhere in this report, is considered to result in adverse amenity impacts, including bulk and scale impacts to neighbouring properties.
- The proposal is acceptable with respect to applicable amenity controls, e.g. solar access, privacy and access to views.

<p>Comment: Impacts on the amenity, including bulk and scale, visual privacy and solar access, of adjacent properties is contrary to applicable controls and not acceptable.</p> <ul style="list-style-type: none"> The proposal does not unduly obstruct adjoining properties for maintenance purposes. <p>Comment: The proposal is considered to be acceptable with regard to this requirement.</p> <p>Building Height and the Building Envelope</p> <p>The proposed first floor is contrary to C17 as the proposed overall height in storeys exceeds the height in storeys of the main building on adjoining sites. Therefore, the proposal is uncharacteristic of the general pattern of development in the street and general pattern of development in the vicinity.</p> <p>In light of the issues raised above, the proposal is not supported as it does not satisfy the following objectives of this part:</p> <ul style="list-style-type: none"> O1 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation. O2 To ensure the character of the existing dwelling and/or desired future character and established pattern of development is maintained. O3 To ensure that buildings are constructed within an appropriate Building Location Zone (BLZ) from the front and rear boundary to protect neighbourhood features such as streetscape, private open space, solar access and views. O4 To ensure that development: <ul style="list-style-type: none"> a. reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and Leichhardt; b. complements the siting, scale and form of adjoining development; and c. creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of visual and acoustic privacy, air circulation, solar access, daylight, outlook and views <p>As a result, the application is recommended for refusal.</p>						
C3.3 Elevation and Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	Unsatisfactory. As outlined elsewhere in this report, the proposed finishes and materials are not compatible within the HCA and other development in the streetscape.
C3.4 Dormer Windows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
C3.5 Front Gardens and Dwelling Entries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
C3.6 Fences	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
C3.7 Environmental Performance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	BASIX affected development.
C3.8 Private Open Space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	

C3.9 Solar Access	Yes	No	N/A	Unsatisfactory. As outlined in Section 1 above, the submitted shadow diagrams are insufficient to enable a comprehensive assessment of the impacts of overshadowing on adjoining properties. However, the submitted shadow diagrams depict additional overshadowing to neighbouring private open space and, potentially, windows servicing living areas. This appears to be contrary to applicable solar access controls as compliance with these is not achieved/has not been demonstrated. As such, it has not been demonstrated that the proposal protects residential amenity for adjoining development and that overshadowing to neighbouring properties has been minimised.
C3.10 Views	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	
C3.11 Visual Privacy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	Unsatisfactory. As outlined in Section 1 above, the submitted plans are insufficient to enable a comprehensive assessment with regard to visual privacy impacts to adjoining properties as not all windows on adjoining sites within 9 metres and 45 degrees of proposed new windows, and fence lines, are depicted on the submitted plans. As such, it has not been demonstrated that the proposal will protect visual privacy within the dwelling, in particular the main living room, and private open space of both the subject site and nearby residential uses.
C3.12 Acoustic Privacy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	
C3.13 Conversion of Existing Non-Residential Buildings	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
C3.14 Adaptable Housing	<input type="checkbox"/>	<input type="checkbox"/>	N/A	

Part C: Place – Section 4 – Non-Residential Provisions		N/A						
Part D: Energy		N/A						
Section 1 – Energy Management		Yes	No					N/A
Section 2 – Resource Recovery and Waste Management		Yes	No					N/A
D2.1 General Requirements		Yes	No					N/A
D2.2 Demolition and Construction of All Development		Yes	No					N/A
D2.3 Residential Development		Yes	No					N/A
D2.4 Non-Residential Development		Yes	No					N/A
D2.5 Mixed Use Development		Yes	No					N/A
Part E: Water								
Section 1 – Sustainable Water and Risk Management								
E1.1 Approvals Process and Reports Required with Development Applications								
E1.1.1 Water Management Statement		Yes	No					N/A
E1.1.2 Integrated Water Cycle Plan		Yes	No					N/A
E1.1.3 Stormwater Drainage Concept Plan		Yes	No					N/A
E1.1.4 Flood Risk Management Report		Yes	No					N/A
E1.1.5 Foreshore Risk Management Report		Yes	No					N/A
E1.2 Water Management								
E1.2.1 Water Conservation		Yes	No					N/A
E1.2.2 Managing Stormwater within the Site		Yes	No					N/A
E1.2.3 On-Site Detention of Stormwater		Yes	No					N/A
E1.2.4 Stormwater Treatment		Yes	No					N/A
E1.2.5 Water Disposal		Yes	No					N/A
E1.2.6 Building in the vicinity of a Public Drainage System		Yes	No					N/A
E1.2.7 Wastewater Management		Yes	No					N/A
E1.3 Hazard Management								

Satisfactory, subject to compliance with a Waste Minimisation and Management Plan in accordance with this Part of the LDCP2013, which could be readily conditioned in the event of an approval.
However, the application is recommended for refusal.

Unsatisfactory. Refer to Clause 6.4 assessment above.

E1.3.1 Flood Risk Management	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
E1.3.2 Foreshore Risk Management	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A
Part F: Food	<input checked="" type="checkbox"/>	N/A				
Part G: Site Specific Controls	<input checked="" type="checkbox"/>	N/A				

8. Other Development Control Plans			
Development Control Plan	Complies		Comment
Sydney Harbour Foreshores & Waterways Area DCP 2005	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A

9. Referrals		Comments / Any specific conditions provided	
Referral received			
Urban Forest	<input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	N/A Satisfactory, subject to conditions, which could be readily conditioned in the event of an approval. However, the application is recommended for refusal.
Development Engineer	<input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	N/A Unsatisfactory. For details, refer to Clause 6.4 assessment in Section 6 above.
Heritage	<input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	N/A Unsatisfactory. For details, refer to Clause 5.10 assessment in Section 6 above.

10. Section 7.11 / 7.12 Contributions	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	If the application were to be approved, Section 7.11 contributions would apply to the proposal; however, refusal is recommended.
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11. Section 4.15 Assessment		Comment	
Matters for Consideration	Satisfactory		
Environmental Planning Instruments	<input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Assessment of the proposal has demonstrated that it is inconsistent with the objectives and controls of the Leichhardt Local Environmental Plan 2013 as outlined in the assessment of this report.

11. Section 4.15 Assessment		Yes	No	Assessment of the proposal has demonstrated that it is inconsistent with the objectives and controls of the Draft Inner West Local Environmental Plan 2020 as outlined in the assessment of this report.
Draft Environmental Planning Instruments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	Assessment of the proposal has demonstrated that it is inconsistent with the objectives and controls of the Draft Inner West Local Environmental Plan 2020 as outlined in the assessment of this report.
Development Control Plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	The proposed development is inconsistent with the objectives and controls of the Leichhardt Development Control Plan 2013 as outlined in the assessment of this report.
Environmental Planning & Assessment Regulation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No	
Likely impacts - environmental, social & economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality.
Suitability of the site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	The site is zoned R1 General Residential. It is considered that the proposal will have an adverse impact on the locality, and therefore, it is considered that the site is unsuitable to accommodate the proposed development.
Any submissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	Refer to Section 3 above.
Public Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	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 approval of the application, which is contrary to numerous planning controls contained in the LLEP 2013 and LDCP 2013, would be contrary to the public interest.

12. Land and Environment Court – Planning Principles	Yes	No	N/A	An assessment of, potentially, applicable Planning Principles could not be conducted as insufficient information has been submitted (e.g., shadow diagrams).
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

13. Recommendation & Comments

That Council, as the consent authority, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, refuse the application for the following reasons:

1. The proposal does not satisfy the following Clauses of the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a. Clause 1.2 - Aims of the Plan
 - b. Clause 2.3 - Zone Objectives and Land Use Table
 - c. Clause 4.3A(3)(a) – Landscaped Areas for residential development in Zone R1
 - d. Clause 4.6 - Exceptions to development standards
 - e. Clause 5.10 - Heritage Conservation
 - f. Clause 6.4 – Stormwater Management

2. The proposal does not satisfy the following Parts of the Draft Inner West Local Environmental Plan 2020, pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979:
 - a. Clause 1.2 – Aims of the Plan
 - b. Clause 2.3 – Zone Objectives and Land Use Table

3. The proposal does not satisfy the following Parts of the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a. Part C1.0 – General Provisions
 - b. Part C1.3 - Alterations and additions
 - c. Part C1.4 - Heritage Conservation Areas and Heritage Items
 - d. Part C1.11 - Parking
 - e. Part C3.1 – Residential General Provisions
 - f. Part C3.2 – Site Layout and Building Design
 - g. Part C3.3 - Elevation and Materials
 - h. Part C3.9 – Solar Access
 - i. Part C3.11 – Visual Privacy
 - j. Part E – Water

13. Recommendation & Comments

- 4. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
- 5. The proposal is not considered suitable on the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- 6. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Attachment E – Draft Conditions (if Panel approves)

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-A02 Rev 2	BASEMENT DEMOLITION PLAN	14/12/2021	Andrew Burges Architects
DA-A03 Rev 2	GROUND FLOOR DEMOLITION	14/12/2021	Andrew Burges Architects
DA-A04 Rev 2	ROOF DEMOLITION PLAN	14/12/2021	Andrew Burges Architects
DA-D01 Rev 2	BASEMENT FLOOR PLAN	14/12/2021	Andrew Burges Architects
DA-D02 Rev 2	GROUND FLOOR PLAN	14/12/2021	Andrew Burges Architects
DA-D03 Rev 2	FIRST FLOOR PLAN	14/12/2021	Andrew Burges Architects
DA-D04 Rev 2	ROOF PLAN	14/12/2021	Andrew Burges Architects
DA-E01 Rev 2	NORTH ELEVATION	14/12/2021	Andrew Burges Architects
DA-E02 Rev 2	SOUTH ELEVATION	14/12/2021	Andrew Burges Architects
DA-E03 Rev 2	EAST ELEVATION	14/12/2021	Andrew Burges Architects
DA-E04 Rev 2	WEST ELEVATION	14/12/2021	Andrew Burges Architects
DA-F01 Rev 2	SECTION A + B	14/12/2021	Andrew Burges Architects

DA-F02 Rev 2	SECTION C	14/12/2021	Andrew Burges Architects
DA-F03 Rev 2	SECTION D	14/12/2021	Andrew Burges Architects
DA-M01 Rev 2	SCHEDULE OF MATERIALS + FINISHES	14/12/2021	Andrew Burges Architects
DA-M02 Rev 2	SCHEDULE OF PAINT FINISHES	14/12/2021	Andrew Burges Architects
A419551_02	BASIX	30/11/2021	Andrew Burges Architecture
2021-191 Sheets 1 of 5 Rev 03	Stormwater Drainage Project Information Sheet	April 2021	H&M Consultancy
2021-191 Sheets 2 of 5 Rev 03	Existing & Proposed Site Coverage	April 2021	H&M Consultancy
2021-191 Sheets 3 of 5 Rev 03	Roof Drainage Plan	April 2021	H&M Consultancy
2021-191 Sheets 4 of 5 Rev 03	Upper Site Drainage Plan	April 2021	H&M Consultancy
2021-191 Sheets 5 of 5 Rev 03	Lower Site Drainage Plan	April 2021	H&M Consultancy
39/SHORT/AIA/A	ARBORICULTURAL IMPACT ASSESSMENT TREE PROTECTION SPECIFICATION	23/06/2021	Tree IQ

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The triangle window proposed in the west elevation of rear addition (W14) must be amended to a vertically proportioned window.
- b. The proposed relocation for the replacement air conditioning unit (TBC) must be deleted from the proposal. A separate DA approval will need to be lodged when the

proposed location has been determined. The air conditioning unit must not be fixed to the main building form, the main roof form or in areas visible from the public domain.

- c. The existing "faux" leadlight windows shown in the demolition drawings as proposed to be replaced must be retained and repaired, if required.
- d. The bin store proposed behind the front fence must be relocated behind the new paved driveway.
- e. Photovoltaic panels must be installed so they sit flush with the roof sheeting.
- f. The height of the front timber fence must not exceed 1.2m.

FEES

3. Security Deposit - Custom

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

Security Deposit:	\$8,432.00
Inspection Fee:	\$241.50

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

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

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

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

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

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

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

\$18,993.96

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. Long Service Levy

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

GENERAL CONDITIONS

6. Boundary Alignment Levels

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

7. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating Windows W06, W07, W11, W12, and W13 to the rear elevation being amended in the following manner:

- a. Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level; **OR**
- b. Suitable externally fixed screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level;
Note: The louvers are to individual opening more than 30mm wide and a total area of opening that is less than 30% of the surface area of the screen and made of durable materials. Louvered screens must be securely fitted and may be able to be tilted open from a closed position to an angle of 45 degrees in a downward or upward position.

8. Waste Management Plan

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

9. Erosion and Sediment Control

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

10. 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.

11. Works Outside the Property Boundary

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

12. Tree Protection

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
2	<i>Magnolia grandiflora</i> cvr / Bull Bay Magnolia - western most tree	Rear
A	<i>Grevillea robusta</i> / Silky Oak	Adjacent site (119A Curtis Road)
B	<i>Eucalyptus saligna</i> / Sydney Blue Gum	Adjacent site (41 Short Street)
C	<i>Melaleuca bracteata</i> / Black Tea Tree	Adjacent site (41 Short Street)
D	<i>Backhousia citriodora</i> / Lemon Scented Myrtle	Street tree

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

1. Green for trees to be retained;
2. Red for trees to be removed;
3. Blue for trees to be pruned; and
4. Yellow for trees to be transplanted.

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report prepared by Tree iQ dated 23 June 2021 for tree numbering and locations*.

13. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

14. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
Tree 2 - <i>Magnolia grandiflora</i> cvr - 3 x eastern most trees	Removal
Tree 1 - <i>Magnolia grandiflora</i> cvr - rear southern side	

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

PRIOR TO ANY DEMOLITION

15. 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.

16. 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 the adjoining properties at No. 41 Short Street and 123A Curtis Road 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.

17. 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.

18. 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

19. 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.

20. 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 design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. 2021-191 Sheets 1 to 5 (Rev 03) prepared by H&M Consultancy and dated 18/11/2021, and must 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; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
- 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 other than to drain downpipes to the rainwater tank(s);
- f. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- g. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- h. No nuisance or concentration of flows to other properties;
- i. 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;
- j. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- k. 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 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- l. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- m. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- n. No impact to street tree(s); and
- o. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.

21. 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.

22. 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

23. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the approved works (demolish paving and lay new paving, level changes, bench seat, deck, pool fencing and posts supporting dwelling above) will utilise tree sensitive construction techniques (as detailed in Section 3.2.3, 3.3.3 and 3.4.3 of the Arboricultural Impact Assessment report prepared by Tree iQ and dated 23 June 2021) within the specified radius of the trunks of the following trees:

Tree No.	Botanical/Common Name	Radius in metres
A	<i>Grevillea robusta</i> (Silky Oak)	5 m
B	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	6 m
C	<i>Melaleuca bracteata</i> (Black Tea Tree)	4 m
2	<i>Magnolia grandiflora</i> cvr (Bull Bay Magnolia) - western most tree	2 m

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater plans that are certified by a qualified (AQF Level 5) Arborist that verify that the proposed underground services are located where (or can be installed so) there will be no significant impact to trees to be retained (Trees A, B, C, 2) located on the subject site and adjoining sites (including trees located within the public domain).

DURING DEMOLITION AND CONSTRUCTION

24. 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.

25. 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.

26. Tree Protection Zone

To protect the following trees, no work must commence until their Protection Zone is fenced off (or alternate protection measures installed) to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan or as specified by the Project Arborist and in accordance with Council's *Development Fact Sheet—Trees on Development Sites*. The tree protection (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site and must be removed when the works have finished.

Tree No.	Botanical/Common Name
2	<i>Magnolia grandiflora</i> cvr / Bull Bay Magnolia
A	<i>Grevillea robusta</i> (Silky Oak)
B	<i>Eucalyptus saligna</i> (Sydney Blue Gum)
C	<i>Melaleuca bracteata</i> (Black Tea Tree)
D	<i>Backhousia citriodora</i> (Lemon Scented Myrtle)

27. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
2 - <i>Magnolia grandiflora</i> cvr/ Bull Bay Magnolia / western most tree in group	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
A - <i>Grevillea robusta</i> / Silky Oak / 119A Curtis Road B - <i>Eucalyptus saligna</i> / Sydney Blue Gum / 41 Short Street C - <i>Melaleuca bracteata</i> / Black Tea Tree / 41 Short Street D - <i>Backhousia citriodora</i> (Lemon Scented Myrtle)	During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all excavation, fill (including approving materials used) trenching works, landscaping works and tree/planting replenishment within the TPZ; • Supervise all tree work.

	<ul style="list-style-type: none"> • Works to generally be undertaken as recommended in the Arboricultural Impact Assessment report prepared by Tree iQ and dated 23 June 2021. I
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28. Limited Root Pruning

No tree roots of 25mm or greater in diameter located within the specified radius of the trunks of the following trees may be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
2	<i>Magnolia grandiflora</i> cvr / Bull Bay Magnolia - western tree. Root pruning over 15mm is not approved for this tree.	2 m
A	<i>Grevillea robusta</i> / Silky Oak	5 m
B	<i>Eucalyptus saligna</i> / Sydney Blue Gum	6 m
C	<i>Melaleuca bracteata</i> / Black Tea Tree	4 m

All excavation/fill within the specified radius of the trunks must be undertaken as specified by, and under the direct supervision of, the Project Arborist. If tree roots less than 25 mm in diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

29. Excavation Methods to Limit Impacts to Trees

Excavation for the installation of any services within the Tree Protection Zone of Trees 2 (2 m), A (5 m), B (6 m) and C (4 m) must be undertaken as specified by, and under the direct supervision of, the Project Arborist.

PRIOR TO OCCUPATION CERTIFICATE

30. 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.

31. 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.

32. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of 1 x 100 litre tree, which will attain a minimum mature height of six (6) metres, must be planted in a suitable location within the property and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements. If the tree is found dead or dying before it reaches a height where it is protected by Council's Tree Management Controls, it must be replaced with the same species at the same size as conditioned.

33. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

ADVISORY NOTES**Permits**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;

- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;

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

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.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 - 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.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

REASONS FOR REFUSAL

1. The proposal results in unsatisfactory impacts on the Heritage Conservation Area, will be inconsistent with the desired future character controls of the area, and results in adverse amenity impacts on, and concerns for, adjoining properties in terms of height, bulk and scale and solar access and

- privacy, contrary to the following Aims of the Plan prescribed in Clause 1.2 of the *Leichhardt Local Environmental Plan 2013*:
- To minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment.
 - To identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt.
 - To promote a high standard of urban design in the public and private domains.
 - To protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,
 - To maintain and enhance Leichhardt's urban environment.
 - To ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area; to ensure that development provides high quality landscaped areas in residential developments.
2. The proposal is unsatisfactory in terms of form, height and scale, will be inconsistent with the pattern of surrounding development, and does not result in satisfactory or acceptable amenity impacts on adjoining sites, contrary to the following Objectives of the R1 Zone contained in the *Leichhardt Local Environmental Plan 2013*:
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
 - To protect and enhance the amenity of existing and future residents and the neighbourhood.
3. The proposed development is inconsistent with the following Clauses of the Draft Inner West Local Environmental Plan 2020 which has the weight of imminent and certain, and would undermine the intent of this draft instrument, and is therefore, not in the public interest.
- Clause 1.2 – Aims of the Plan
 - Clause 2.3 – Zone Objectives and Land Use Table
4. The proposal results in unsatisfactory heritage, pattern of development, stormwater management, and amenity outcomes and impacts on adjoining sites, and does not comply with, or has not demonstrated compliance with, the following controls of the Leichhardt Local Environmental Plan 2013 and

Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:

- Clause 5.10 of the Leichhardt Local Environmental Plan 2013 – Heritage Conservation.
 - Part C1.0 of the Leichhardt Development Control Plan 2013 – General Provisions.
 - Part C1.3 of the Leichhardt Development Control Plan 2013 - Alterations and additions.
 - Part C1.4 of the Leichhardt Development Control Plan 2013 - Heritage Conservation Areas and Heritage Items.
 - Part C2.2.2.5 of the Leichhardt Development Control Plan 2013 - Mort Bay Distinctive Neighbourhood.
 - Part C3.1 of the Leichhardt Development Control Plan 2013 – Residential General Provisions.
 - Part C3.2 of the Leichhardt Development Control Plan 2013 – Site Layout and Building Design.
 - Part C3.3 of the Leichhardt Development Control Plan 2013 - Elevation and Materials.
 - Part C3.9 of the Leichhardt Development Control Plan 2013 – Solar Access.
 - Part C3.11 of the Leichhardt Development Control Plan 2013 – Visual Privacy.
5. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
 6. The proposal is not considered suitable on the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
 7. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.