




 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2023/0376			
Address	40 Charles Street LEICHHARDT			
Proposal	Demolition of rear portion of existing dwelling, construction of internal works and rear external extension at ground floor, first floor addition, new rooftop solar panels and external landscaping.			
Date of Lodgement	20 May 2023			
Applicant	Andrew Seller			
Owner	Ms Tatjana Tasic Mrs Zorica Tasic			
Number of Submissions	0			
Value of works	\$505,098.00			
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%			
Main Issues	Landscaped area non-compliance, private open space non-compliance			
Recommendation	Approved with Conditions			
Attachment A	Recommended conditions of consent			
Attachment B	Plans of proposed development			
Attachment C	Section 4.6 Exception to Development Standards			
				
LOCALITY MAP				
Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing single storey semi-detached dwelling at No. 40 Charles Street, Leichhardt.

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

The main issues that have arisen from the application include:

- Landscaped area development standard non-compliance
- Private open space non-compliance
- Solar access impacts
- Visual privacy impacts
- Roof design and best-practice stormwater disposal

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013 (LDCP 2013), respectively.

The proposed development will not result in significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest. Where overshadowing impacts occur to neighbouring properties, this is the result of an addition which is generally consistent with the applicable building envelope development standards and provisions.

In order to avoid the future creation of a large box gutter/valley between the subject site and the attached dwelling at No 38 Charles St, a condition is imposed to change the roof style/pitch of the first floor addition, so that any future first floor next door can simply abut a common wall.

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

2. Proposal

The proposed development seeks approval for alterations and additions to an existing single storey semi-detached dwelling, with the proposed works including:

- Partial demolition of the rear section of the existing dwelling, roof form and metal shed within rear garden;
- Construction of rear extension at ground floor level, with open plan living areas and associated timber deck area;
- Construction of first floor addition comprising a new bedroom, bathroom, storage and family room; and
- Landscaping works within rear garden.

3. Site Description

The subject site is approximately 183.4sqm in area and has a frontage of 6.095m to Charles Street and has rear lane access. The site is located on the western side of Charles Street. The site is legally identified as Lot 13, Section 11 in DP 2279.

The site presently accommodates a semi-detached single storey dwelling which forms a pair with the adjoining dwelling at No. 38 Charles Street. The site has a hardstand parking area at the rear of the dwelling accessed from the rear laneway. Surrounding dwellings on the western side of Charles Street are between one and two storeys in height, many of which have off-street parking.

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

The site is zoned R1 General Residential pursuant to Inner West Local Environmental Plan (IWLEP) 2022.

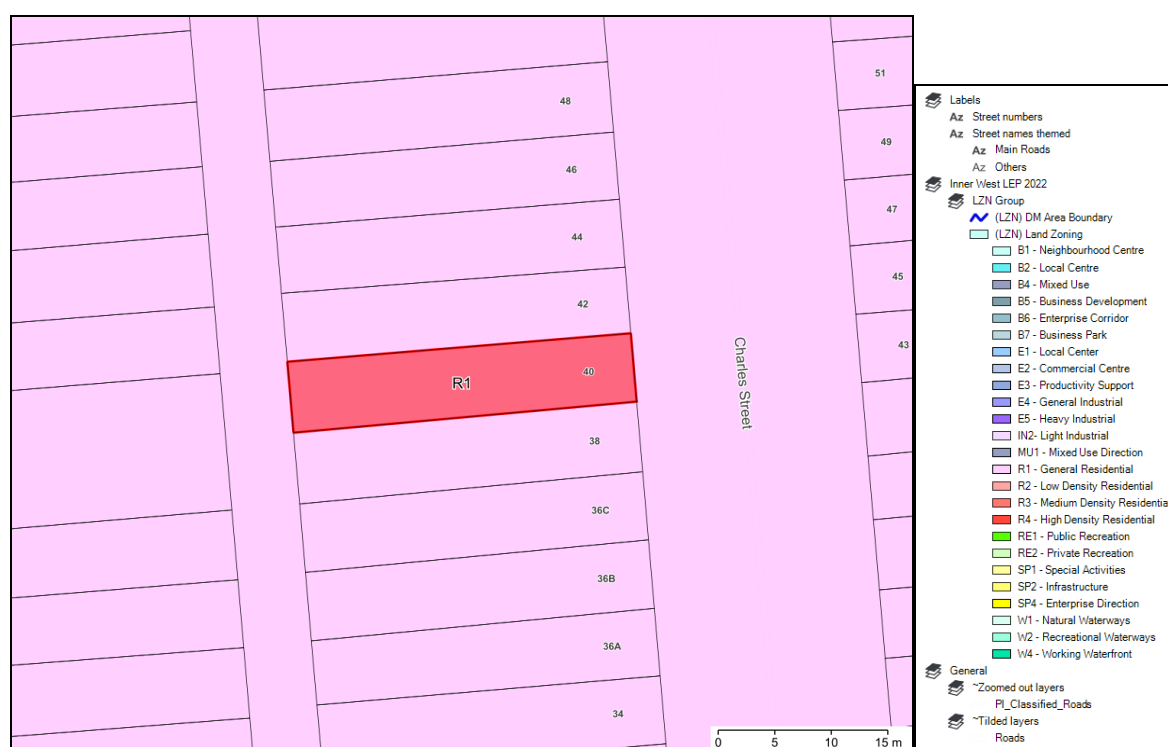


Figure 1: Zoning Map

DISCLAIMER: This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from its use or errors or omissions therein. While all care is taken to ensure a high degree of accuracy users are invited to notify any map discrepancies.



4. Background

4(a) Site history

Subject Site

There are no relevant applications on Council’s records.

Surrounding properties

None of relevance

4(b) Application history

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

Date	Discussion / Letter / Additional Information
2/06/2023	Council sent email requesting Clause 4.6 Request to address FSR non-compliance.
9/06/2023	Applicant submitted amended plans further information to the NSW Planning Portal, reducing the length of the First Floor by 400mm, to comply with the FSR development standard. Renotification was not required in accordance with Community Engagement Framework . The amended plans are the subject of this report.
15/06/2023	Council sent email requesting hourly shadow diagrams.
26/06/2023	Applicant submitted hourly shadow diagrams

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Inner West Local Environmental Plan (LEP) 2022*

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

Chapter 4 Remediation of land

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

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

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

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

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

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

Chapter 10 Sydney Harbour Catchment

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

5(a)(iv) Inner West Local Environmental Plan 2022 (IWLEP 2022)

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

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.21 – Flood planning
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

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

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R1 General Residential zone.

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
Floor Space Ratio Maximum permissible: 0.7:1 or 128.38sqm	0.7:1 or 128.38sqm	N/A	Yes
Landscape Area Minimum permissible: 15% or 27.5sqm	11.7% or 21.5sqm	6 sqm or 22%	No – see discussion
Site Coverage Maximum permissible: 60% or 110.04sqm	60% or 109.89sqm	N/A	Yes

It is noted that amended plans were received during the assessment of the application, reducing the proposed GFA by 1sqm and the resultant FSR to comply with the requirements of Clause 4.4 of the IWLEP 2022.

Section 4.6 Exceptions to Development Standards

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

- Section 4.3A – Landscaped areas for residential accommodation in Zone R1

The applicant seeks a variation to the landscaping area development standard under Section 4.3C of the *IWLEP 2022* by 22% (6sqm). Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below.

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

- The variation results in the substantial increase in amenity for the subject site without producing any adverse impacts on the privacy, views, solar access and overall amenity of surrounding properties.
- The northern side setback contains deep soil landscaping, which is capable of supporting shrubs, hedging and small trees. When counting this setback as landscaping, 22% of the site is landscaped. As this area is less than 1m in width, it is excluded and compliance is not achieved.
- The proposed works to the semi-detached dwelling will not alter the established character of the area, nor will they introduce an undesirable precedent to the locality
- The proposal fully complies with the maximum FSR and site coverage prescribed for the site. As such the new dwellings will not dominate the streetscape any more than the surrounding development.

- Ground floor rear extension works are required to provide an adequate level of residential amenity for the site whilst still providing a proposal that is visually complementary to the Charles Street streetscape. A reasonable reduction of landscaped area is a consequence of the ground floor extension works.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential Zone in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- *To provide for the housing needs of the community.*

The proposed alterations and additions will include an additional bedroom and additional living spaces, which will provide for the housing needs of the community.

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

The proposed development will retain the existing dwelling use, with the proposed works ensuring a variety of housing types is provided within the area.

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

Not relevant.

- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposal will retain the existing streetscape presentation to Charles Street, with landscaping in the front setback unchanged. The additions have been sited to minimise streetscape impacts. This ensures that the proposal will maintain the character of built and natural features within the surrounding area.

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

- a) *to provide landscaped areas for substantial tree planting and for the use and enjoyment of residents.*

The proposed landscaped area within the rear garden is capable of supporting substantial tree planting and providing for the use and enjoyment of residents.

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

The proposal will maintain the existing setback to the northern side boundary, with a strip of landscaping provided. This maintains a landscaped corridor between properties.

c) to ensure that development promotes the desired character of the neighbourhood.

The proposed development will promote the desired future character of the neighbourhood by retaining a similar visual presentation in the streetscape, which includes landscaping in the front garden. Variation to the landscaping standard will not limit compatibility with the desired future character.

d) to encourage ecologically sustainable development.

The proposal represents an ecologically sustainable development as it retains deep soil landscaped areas in similar locations to existing. In particular, the proposal retains landscaping within each setback.

e) to control site density.

The proposal will appropriately control site density through retaining a similar footprint to the existing dwelling, with a compliant overall site coverage.

f) to provide for landscaped areas and private open space.

The proposal will provide soft landscaping within the front and rear gardens, as well as a strip of landscaping along the northern side setback. Although areas within the side setback are excluded in accordance with the dimension requirements, this contributes to on-site landscaping.

The proposed private open space will include a mixture of lawn and decking, directly adjacent to the main ground level internal living spaces. Notwithstanding the constrained nature of the site (in relation to the existing and retained parking arrangement), the proposed rear private open space will provide a functional space for occupants.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the landscaped area development standard and it is recommended the Section 4.6 exception be granted.

5(b) 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	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A

Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and Additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes
C1.12 Landscaping	Yes – see discussion in Section 5(a)
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.3.4 Helsarmel Distinctive Neighbourhood	Yes
C2.2.3.4(b) Helsarmel Laneways Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	No – see discussion
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	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	

D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	N/A
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	
Part G: Site Specific Controls	

The following section provides discussion of the relevant issues:

Building Location Zone (First Floor Rear)

Control C3 under Section C3.2 of the LDCP relates to the building location zone (BLZ), indicating this to be a function of the adjacent buildings at a floor by floor basis. Neither No. 38 nor No. 42 Charles Street have an existing first floor level, while there is no established pattern for rear BLZ of first floor levels within Charles Street.

Accordingly, the rear BLZ of the proposed first floor level is considered on merit:

- A. Amenity to adjacent properties is protected, compliance with solar access control achieved: The proposal adequately protects the amenity of neighbouring properties. The proposed addition has been inset from the rear alignments of neighbouring dwellings and the bulk and scale has been minimised, to minimise shadowing impacts and ensure compliance with solar access provisions, where reasonable.
- B. Compatibility within streetscape: The proposed first floor addition will remain compatible within the existing streetscape, particularly in relation to recent first floor additions on the western side of Charles Street. When viewed from the rear laneway, the proposed addition will establish an acceptable built form outcome.
- C. Compatible size, dimensions, privacy and solar access of POS and landscaping: The proposed first floor addition is of a compatible size and scale. The proposal has been appropriately sited to maintain privacy and solar access to neighbouring POS.
- D. Retention of significant vegetation and opportunities for new vegetation maximised: The proposed first floor addition will not result in the loss of existing significant vegetation, nor will it impact upon new planting opportunities.

- E. Bulk and scale from neighbouring POS minimised: The proposed first floor addition will be inset from the existing rear building line of neighbouring ground floor levels. When viewed from the POS of neighbouring properties, bulk and scale has been minimised.

The proposed first floor rear BLZ is therefore acceptable on merit and will not establish an unacceptable built form outcome.

Side Setback

Control C7 under Section C3.2 of the LDCP contains Figure C129, which provides a sliding scale for required side boundary setbacks. When considering the required setback for the proposed first floor addition which has a wall height of 6.688m at the northern elevation, a side setback of 2.24m is required, while the proposal adopts a setback of 2.051m which does not comply with Control C7.

Where non-compliance occurs with Control C7, Control C8 allows consideration of side setback variations, subject to the following tests:

- a. Consistency with the relevant Building Typology Statements: The proposed development is consistent with the relevant Building Typology Statements within Appendix B of the LDCP.
- b. Pattern of development within streetscape not compromised: The proposed first floor addition will not compromise the pattern of development within the streetscape, particularly as viewed from Charles Street.
- c. Bulk and scale minimised (by minimising floor to ceiling heights): Floor to ceiling heights within the first floor have been minimised, particularly at the northern side which has a minimum of 2.256m proposed.
- d. Amenity impacts to adjoining properties minimised: The proposed addition does not result in unreasonable amenity impacts to neighbouring properties.
- e. Reasonable access maintained for maintenance purposes: The wall alignment at the ground floor is unchanged, with maintenance access therefore maintained.

Accordingly, the proposed variation to the side setback provision is acceptable in this instance.

Notwithstanding the above the proposal seeks to replace and relocate several windows along the northern side boundary at the ground floor level, with Windows W1, W2, W3, W4 and W5 appearing to be just within 900mm of the side boundary to No. 42 Charles Street. A condition has been imposed requiring the glazed surface of these windows to be set the requisite 900mm from the boundary.

Private Open Space

In accordance with the minimum dimension requirements of 3 metres, under Control C1(b) under Section C3.8 of the LDCP, the proposal will provide 0sqm of private open space (POS), which does not comply with the 16sqm minimum requirements. This may be considered a function of retention of the existing hardstand parking space, which, in addition to the relatively narrow site width, limits strict compliance. Notwithstanding this, the proposal will provide 22.5sqm of POS at the rear of the site, in the form of a covered deck area and rear garden.

The proposed design is not inconsistent with the relevant objective under Section C3.8 of the DCP, inter alia:

O1 Private open space:

- a) *is provided for each dwelling;*

- b) *is of a size and dimensions that are useable and capable of accommodating a range of private recreation needs of residents;*
 - c) *integrates with and is capable of serving as an outdoor extension of the dwelling's main living area;*
 - d) *has access to desirable breezes, air circulation and sunlight;*
 - e) *balances visual privacy with engagement and casual surveillance of the public domain; and*
 - f) *minimises visual and acoustic privacy impacts for surrounding residential properties.*
- The proposal includes POS for the enjoyment of occupants;
 - The proposed POS is of a size which is capable of accommodating a range of public recreation needs of occupants;
 - The proposed POS has been located directly adjacent to the main internal living areas and will act as an outdoor extension of these areas;
 - The proposed POS has access to desirable breezes, air circulation and sunlight. The POS will maintain compliant solar access.
 - The proposal appropriately balances visual privacy for occupants with engagement and casual surveillance of the laneway to the rear; and
 - Subject to a design change condition requiring a fixed privacy screen at the southern edge of the proposed deck, the proposed POS will minimise visual and acoustic privacy impacts to surrounding residential properties.

Accordingly, the proposed POS arrangement is acceptable in this instance.

Visual Privacy

Control C1 of Section C3.11 of the LDCP indicates that where sight lines are available within 9m and 45 degrees between the living room or POS of a dwelling to the living room window or POS of another dwelling, measures for screening or obscuring are to be provided. The proposed family room at the First Floor adopts openings at the north (side) and west (rear) elevations which result in sightlines across side boundaries to the POS of Nos. 38 and 42 Charles Street. Window (W7) within the west (rear) elevation is proposed to have a sill height of 1.2m and does not incorporate any screening measures. Windows W8 and 9 within the north (side) elevation are sufficiently offset from neighbouring POS and living room windows.

To ensure compliance with Control C1, a privacy condition is included in the recommendation to raise the window sill of Windows W7 to 1.6m (or above) the finished floor level of the first floor. This will ensure that acceptable privacy to the rear POS of No. 38 Charles Street is maintained. This condition will also ensure an acceptable outcome in relation to Control C10, in relation to the location of living areas at the first floor level.

Solar Access (neighbouring POS)

As neighbouring properties adopt west facing private open space (POS), Control C18 applies to the proposal and states:

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

An assessment of the submitted shadow diagrams indicate the following impacts in relation to neighbouring POS:

- The proposal will result in additional shadowing to the private open space of No. 36C Charles Street, though this will not alter compliance with Control C18.
- The proposal will result in additional shadowing to the private open space of No. 38 Charles Street, between 9am and 2pm. The POS of this property does not retain 2.5 hours of solar access between 9am and 3pm, to 50% of the space.

Given the above, the proposal will be contrary to Control C18, with less than 2.5 hours of solar access maintained to 50% of the POS of No. 38 Charles Street.

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

a. The reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development.

Comment: As previously noted and mentioned in this report, the proposal will be located towards the rear of the subject site in a location where additions and extensions are generally allowed / permitted to be carried out. In terms of compliance with Council's development standards, the proposal complies with the bulk and scale provisions of Floor Space Ratio and Site Coverage. The proposal does not comply with the landscape area standard, though this is a function of existing site conditions. The proposal is considered reasonable and will have acceptable bulk and scale impacts and respects the existing pattern of development in the street and area.

b. Site orientation;

Comment: The subject site and its adjoining neighbours have an east west site orientation with the rear private open space facing the west. As such, any first floor additions will have some form of impact to the adjoining properties to the south in terms of overshadowing in mid-winter, particularly in the morning. However, as discussed elsewhere in this report, the additions are sited in a location where development can be reasonably be expected to be carried out, and in order to minimise or reduce the overshadowing impact, the first floor rear addition provides some reasonable setbacks to the side boundaries with floor to ceiling heights minimised.

c. The relative levels at which the dwellings are constructed.

Comment: Satisfactory. The ground floor addition is minimally elevated above existing ground levels and the first floor has been designed to minimise height, bulk and scale as previously discussed.

d. The degree of skill employed in the design to minimise impact and whether reasonably available alternative design solutions would produce a superior result.

Comment: As previously noted, the first floor addition is in a location where first floor additions are generally located and accepted. Due to orientation, any first floor addition would result in additional shadowing to neighbouring properties, therefore requiring strict compliance with the solar provisions would sterilise development on the site. Despite their orientation, the adjoining rear yards will still receive / maintain some solar access at various times of the day in mid-winter.

Notwithstanding this, a lower roof pitch would result in reduced overshadowing to neighbouring properties. Therefore a condition is recommended for the first floor addition to be a skillion roof.

As per the above discussion, it is considered that the proposed works in this application, are, subject to conditions, considered appropriate in bulk, scale and the overshadowing impacts onto the adjoining neighbouring property at No. 38 Charles Street in mid-winter is not

considered unreasonable. On the basis of the above, the proposal is considered to be satisfactory with respect to its solar access impacts on this adjoining site.

5(c) The Likely Impacts

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

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

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

5(e) Any submissions

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

No submissions were received in response to the notification.

5(f) The Public Interest

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

The proposal is not contrary to the public interest.

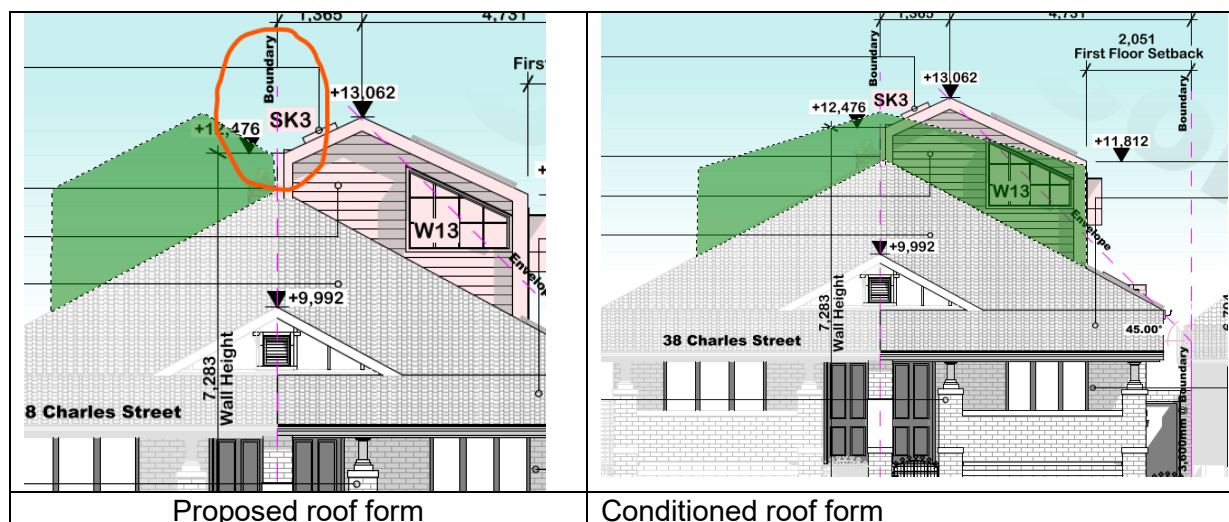
6 Referrals

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

- Development Engineering: Approved, subject to conditions.

With regard to stormwater disposal from the roof, the proposed roof style would potentially create a large box gutter/roof valley if (as is not unreasonable to anticipate) No 38 Charles St was to pursue a first floor addition of similar location and extent. A condition is recommended to alter the roof form to permit a better stormwater solution for future development.

See figure below:



- Urban Forest: Supported, subject to the imposition of conditions.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$12,251.00 would be required for the development under Inner West Infrastructure Contributions Plan 2022. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.3C of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the landscape area standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0376 for alterations and additions to the existing semi-detached dwelling at No. 40 Charles Street, Leichhardt.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA105	Landscape Plan	09/06/2023	Andy's Home Design
DA107	Site Management & Stormwater Concept Plan	09/06/2023	Andy's Home Design
DA201	Exist/Demo Ground Floor	09/06/2023	Andy's Home Design
DA202	Exist/Demo Roof	09/06/2023	Andy's Home Design
DA301	Ground Floor	09/06/2023	Andy's Home Design
DA302	First Floor	09/06/2023	Andy's Home Design
DA303	Roof Plan	09/06/2023	Andy's Home Design
DA400	Sections I	09/06/2023	Andy's Home Design
DA500	North Elevations	09/06/2023	Andy's Home Design
DA501	East Elevations	09/06/2023	Andy's Home Design
DA502	South Elevations	09/06/2023	Andy's Home Design
DA503	West Elevations	09/06/2023	Andy's Home Design
DA612	Material Selection	09/06/2023	Andy's Home Design
Certificate No. A485010_03	BASIX Certificate	09/05/2023	Andy's Home Design
Version 002	Arboricultural Impact Assessment	08/05/2023	Arborsaw

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. Windows W1, W2, W3, W4 and W5 are to be installed so that the glazed surface of each window is set not less than 900mm from the boundary. New window openings are to comply with NCC fire safety requirements.
- b. The roof above the first floor addition is to be redesigned as a skillion roof form, sloping away and down from the new common wall with No. 38 Charles Street, so that any future first floor development of No 38 Charles St can avoid a central box gutter/valley. The common wall may be raised a further 150mm to accommodate NCC ceiling clearances.

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

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

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

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

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

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

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

5. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$8,759.00
Community Facilities	\$1,623.00
Transport	\$1,152.00
Plan Administration	\$112.00
Drainage	\$604.00
TOTAL	\$12,251.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

Cpayment = is the contribution at time of payment

Cconsent = is the contribution at the time of consent, as shown above

CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on [insert email address and phone number] to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

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. Stormwater Drainage System – Simple

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

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

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

An overland flowpath must be provided within the setback to the northern side boundary between the rear of the dwelling and the Charles Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.

8. 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 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
1	<i>Murraya paniculata</i> (Orange Jessamine)	Adjacent site - rear
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Street tree

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report prepared by Arborsaw dated May 2023 for tree numbering and locations.*

9. 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.

10. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating Window W7 (First Floor level, West Elevation, from Family Room) being amended in the following manner:

- a. Minimum sill height of 1.6 metres above floor level.

11. 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.

12. 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.

13. 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.

14. Works Outside the Property Boundary

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

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

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. Changes to Levels

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

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

21. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall.

22. 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.

23. 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

24. Acoustic Report – Aircraft Noise

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

DURING DEMOLITION AND CONSTRUCTION

25. Tree Protection

To protect the following trees, ground and trunk protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council’s *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
1	<i>Murraya paniculata</i> (Orange Jessamine) - ground protection between the boundary fence and the carspace
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush) - trunk protection

Note - trunk protection must be removed prior to the issue of the Occupation Certificate and at the completion of work.

26. 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
Tree 1 - <i>Murraya paniculata</i> (Orange Jessamine) Tree 2 - <i>Callistemon viminalis</i> (weeping Bottlebrush)	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

27. 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.

28. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

29. 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.

30. 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.

31. 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 AQF5 Certificate of Horticulture or Arboriculture that:

A minimum of 1 x 45 litre size canopy tree, which will attain a minimum mature height of six (6) metres, has been planted in a suitable location within the property at a minimum of 1 metres from any boundary 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 and species recognised to have a short life span will not be accepted as suitable.

If the tree is found dead or dying before it reaches dimensions where it is protected by Council's Tree Management Controls, it must be replaced in accordance with this condition.

32. 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 tree planting and the role of the project arborist have been complied with.

33. Aircraft Noise –Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

ON-GOING**34. Bin Storage**

All bins are to be stored within the site.

ADVISORY NOTES**Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

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

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

Insurances

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

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*.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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 Payments Corporation	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.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Attachment B – Plans of proposed development

Project #40

**Development Application
Alts & Adds**

for

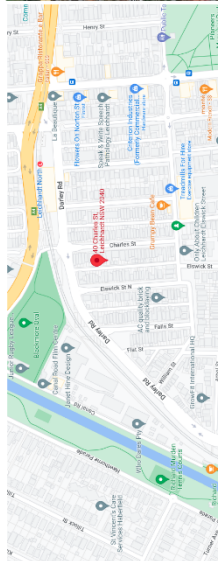
TATJANA TASIC

at

40 CHARLES STREET LEICHHARDT NSW 2040



Andy's Home Design PTY LTD
Director: Andy Seller
ABN: 52 624 682 024
0430-592-043
info@andyshome.design



Location View



Satellite View Of Suburb



Existing Street View

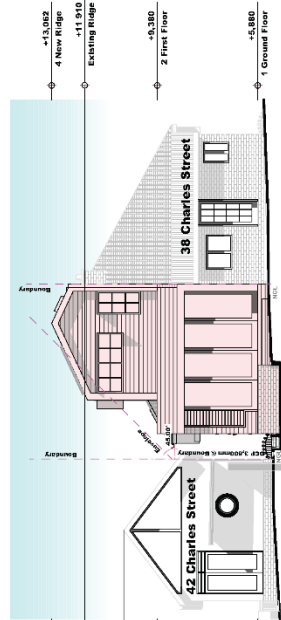
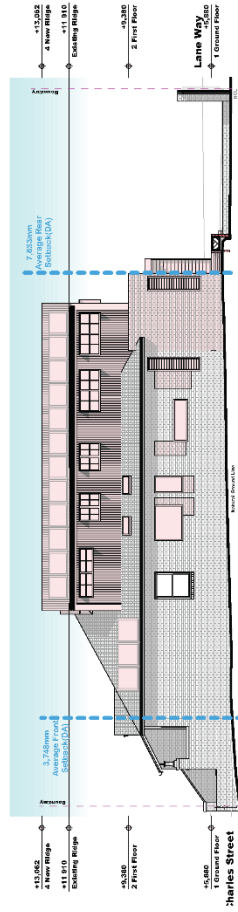
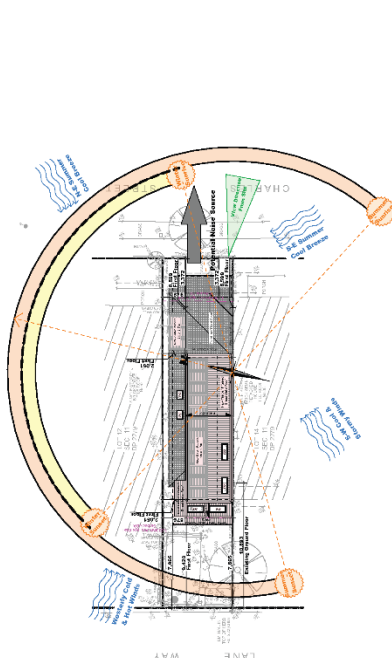
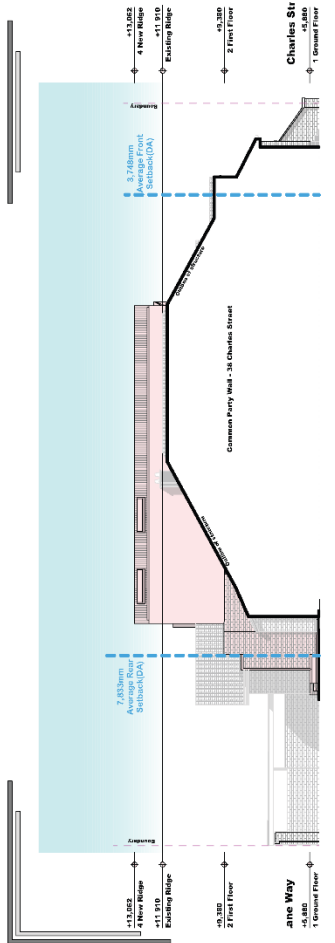
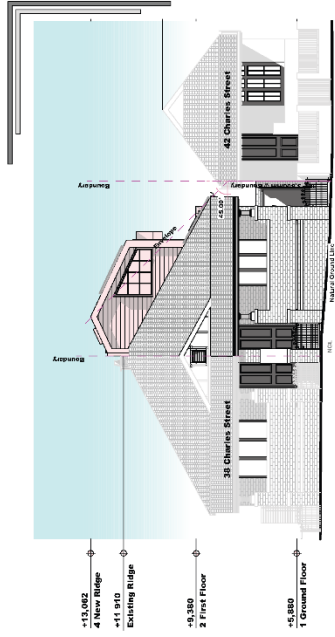
DRAWING No.	DESCRIPTION	Issued Date
DA101	A4 Notification Plan	3/05/2023 8:33 PM
DA102	Site Survey	3/05/2023 8:33 PM
DA103	Site Plan, Analysis & Roof Plan	3/05/2023 8:33 PM
DA104	Calculations Plan	3/05/2023 8:33 PM
DA105	Landscape Plan	3/05/2023 8:33 PM
DA106	Floor Space Ratio Plan	3/05/2023 8:33 PM
DA107	Site Management & Stormwater Concept Plan	3/05/2023 8:33 PM
DA108	Foundation & Retention Plan	3/05/2023 8:33 PM
DA201	Exist/Demo Ground Floor	3/05/2023 8:33 PM
DA301	Ground Floor	3/05/2023 8:33 PM
DA302	First Floor	3/05/2023 8:33 PM
DA303	Roof Plan	3/05/2023 8:33 PM
DA400	Sections 1	3/05/2023 8:33 PM
DA500	North Elevations	3/05/2023 8:33 PM
DA501	East Elevations	3/05/2023 8:33 PM
DA502	South Elevations	3/05/2023 8:33 PM
DA603	West Elevations	3/05/2023 8:33 PM
DA605	Perspectives - External 1	3/05/2023 8:33 PM
DA606	Perspectives - External 2	3/05/2023 8:33 PM
DA607	Perspectives - External 3	3/05/2023 8:33 PM
DA608	Perspectives - External 4	3/05/2023 8:33 PM
DA609	Perspectives - Cut Aways 1	3/05/2023 8:33 PM
DA610	Perspectives - Cut Aways 2	3/05/2023 8:33 PM
DA611	Perspectives - Cut Aways 3	3/05/2023 8:33 PM
DA612	Material Selection	3/05/2023 8:33 PM
DA613	Commitments & Standards	3/05/2023 8:33 PM
DA614	Schedules	3/05/2023 8:33 PM
DA615	BASIX Commitments	3/05/2023 8:33 PM
DA617	Diagram 1 - 9am - Winter Solstice	3/05/2023 8:33 PM
DA618	Diagram 2 - 12pm - Winter Solstice	3/05/2023 8:33 PM
DA619	Diagram 3 - 3pm - Winter Solstice	3/05/2023 8:33 PM
DA620	Wall Elevation 1 - 9am - Winter Solstice - Front	3/05/2023 8:33 PM
DA621	Wall Elevation 2 - 9am - Winter Solstice - Front	3/05/2023 8:33 PM
DA622	Wall Elevation 3 - 9am - Winter Solstice - Front	3/05/2023 8:33 PM
DA623	Wall Elevation 1 - 9am - Winter Solstice - Rear	3/05/2023 8:33 PM
DA624	Wall Elevation 2 - 12pm - Winter Solstice - Rear	3/05/2023 8:33 PM



Proposed Street View

Revision #	Change Name	Date
01		13/01/2023

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Development Application - Project 40 - Alterations & Additions 40 Charles Street, Leichhardt (DA), NSW			
Site Area = 185.3m ²	L03_13_DP_2378 Inner West Council		
Planning Controls	Applied/Required	Existing	Proposed
LSEP	200m ²	185.3m ²	Remains as is
Lot of Site	Min. 15% of Site Area (0.81m ²)	34.04m ² (18%)	No Refer to DA46 report
Development Area	N/A	77.06m ² (41.5%)	126 (66m ² / 7.1%)
Floor space ratio	N/A	R1	Remains as is
Height of buildings	R1 - General Residential	R1	
Height to eaves	Class 5		
Height to roof	Class 5		
Acid sulfate soils	N/A		
Overhead power lines	N/A		
Coastal hazard	N/A		
Coastal erosion	N/A		
Coastal protection	N/A		
Landfill (EP1)	N/A		
Min. Min. dimension of	3m	31.06m	26.50m ⁺
Setback		3.27m (0.00m above)	Yes
Front (DA)	2.825	2.85m (0.00m above)	MEBT
Side (DA)	2.825	2.85m (0.00m above)	MEBT
Rear (DA)	2.825	2.85m (0.00m above)	Yes

LEGEND

- Proposed
- Existing
- Demolition
- Concrete
- Masonry
- Timber
- Concrete Block
- Roof Above Structure Above Below
- Roof Above Structure Above Below
- Roof Above Structure Above Below
- Roof Above Structure Above Below
- Roof Above Structure Above Below

ANDY'S HOME DESIGN

Project #40
DA I 01

DATE: 9/05/2023
CLIENT: PROJECT SHEPHERD

PREPARED BY: ANDY'S HOME DESIGN
DATE: 9/05/2023

PROJECT NO.: DA I 01

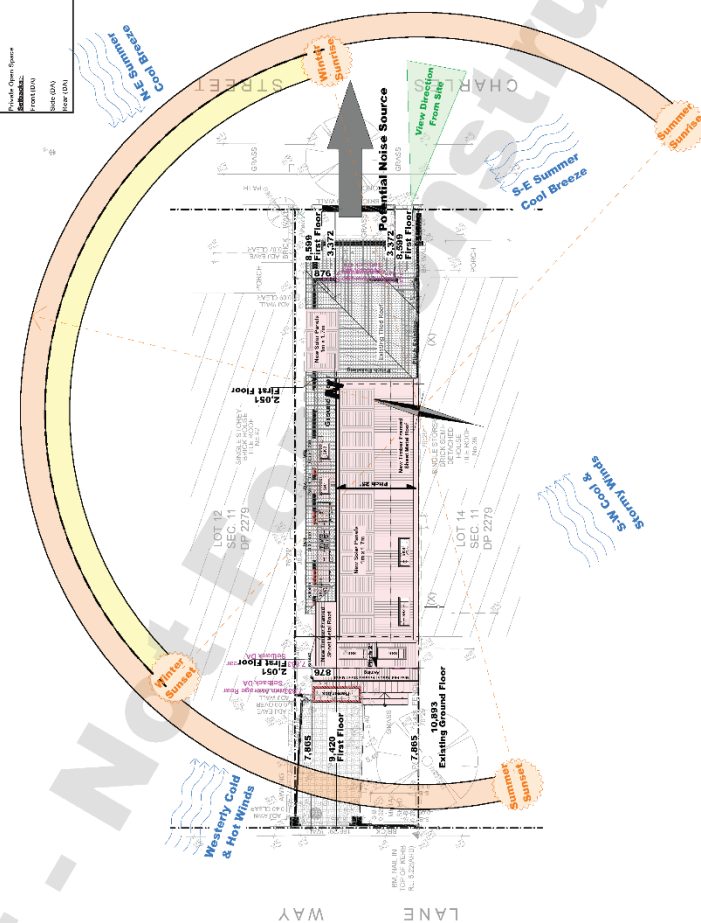
REVISION NO.:

40 CHARLES STREET LEICHDARTD NSW 2040

NOTE Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to construction drawings for any discrepancies or omissions. This drawing reflects design by Andy's Home Design Pty Ltd and is to be used only for work when authorised by the relevant local government. All boundaries and contours are subject to survey drawing DA102. All levels to Australian Height Data. It is the contractor's responsibility to confirm all dimensions and levels on site. All documents here within are subject to Australian Copyright Laws.

Planning Controls	Site Area = 182.8m ²	Applicable Requirements	Existing	Proposed	Compliance
Min Lot Size	200m ²		180m ²	Romanex 19	Yes
Min. (50% of site area)	91.4m ²		81.0m ²	Romanex 19	Yes
Min. (20% of site area)	36.6m ²		32.4m ²	Romanex 19	Yes
Min. (10% of site area)	18.3m ²		16.2m ²	Romanex 19	Yes
Zone	R1 - General Residential		R1	Romanex 19	Yes
Height	Class 5		Class 5	Romanex 19	Yes
Number of Storeys	Max 5		Max 5	Romanex 19	Yes
Maximum Floor Plate Area	500m ²		483.1m ²	Romanex 19	Yes
Number of Units	Max 5		5	Romanex 19	Yes
Use	Residential (dwelling)		Residential (dwelling)	Romanex 19	Yes

Site Area	Proposed	Proposed	Proposed	Proposed	Proposed
182.8m ²	182.8m ²	182.8m ²	182.8m ²	182.8m ²	182.8m ²



Six Maps Location Plan
 Site Plan, Analysis & Roof Plan
 1:200
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LEGEND

	Proposed		Roof Above
	Roof Below		Structure Above Below
	Demolished		Concrete Block
	Masonry		Timber
	Demolition		

Andy's Home Design - PTY LTD
 Director: Andy Siller
 ABN: 52 624 682 054
 04-30-512-043
 info@andys-homedesign.com.au

SHADING TREE:
Site Plan, Analysis & Roof Plan
 18/11/2019
 40 CHARLES STREET LEICHHARDT NSW 2040

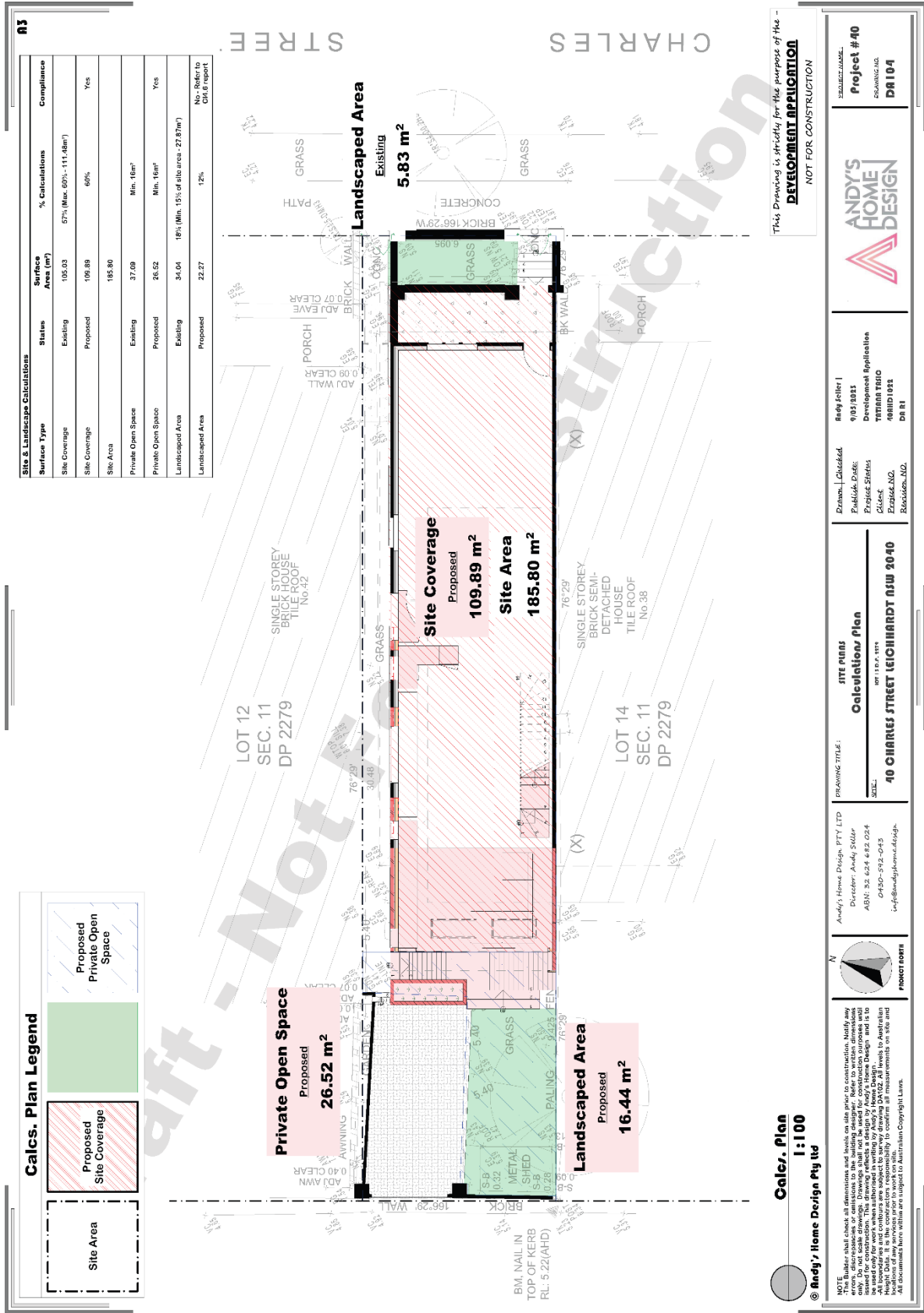
Drawn / Checked
 Project Status
 Project No.

Project #40
 DRAWING NO.
 DA103

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DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION



Andy Siller I
 9/05/2013
 Development Application
 TITIAN THIO
 4/10/2019
 DR RI



Site & Landscape Calculations

Surface Type	Status	Surface Area (m ²)	% Calculations	Compliance
Site Coverage	Existing	105.03	57% (Min. 40% - 111.88m ²)	
Site Coverage	Proposed	109.89	60%	Yes
Site Area		185.80		
Private Open Space	Existing	37.09	Min. 16m ²	
Private Open Space	Proposed	26.52	Min. 16m ²	Yes
Landscaped Area	Existing	34.04	18% (Min. 15% of Site Area - 27.87m ²)	
Landscaped Area	Proposed	22.27	12%	No - Refer to C&L Report

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

PROJECT NAME: **Project #40**
DRAWING NO: **DR 104**

ANDY'S HOME DESIGN

Design: **Andy Joller**
9/05/2021
Development Application
TITIAN THIO
48401021
DR 11

Drawn: **Chadwick**
Public Date:
Project Status:
Client:
Project No.:
Revision No.:

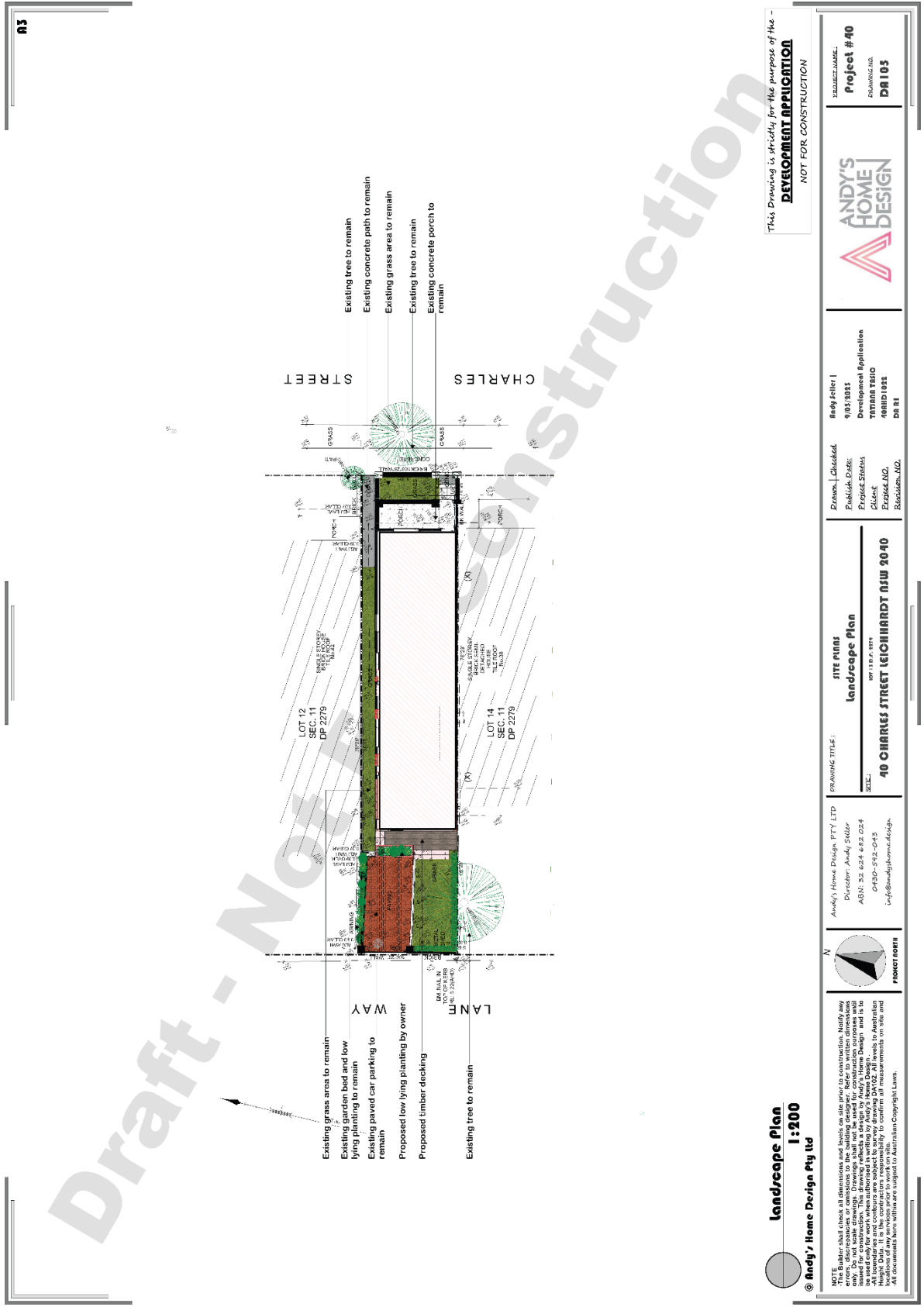
SITE PLANS
Calculations Plan
DATE: 09/05/2021
DRAWING TITLE:
40 CHARLES STREET (EICHARDT NSW 2040)

Andy's Home Design PTY LTD
Director: **Andy Joller**
ABN: 35 624 482 024
0430-932-043
info@andys-homedesign.com.au

PICTOR BOARD

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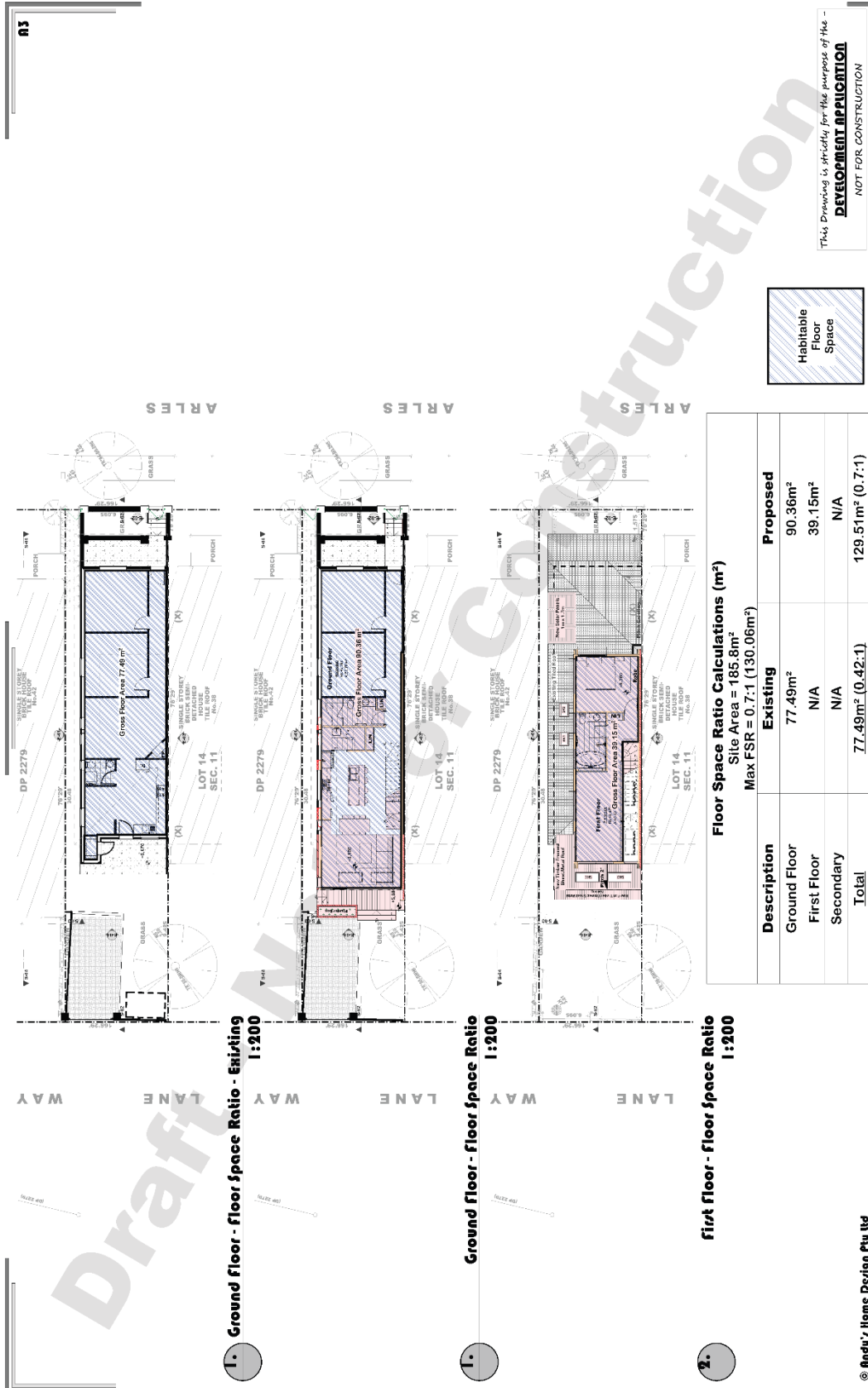
Calcs. Plan
1:100
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Landscaping Plan
1:200
 © Andy's Home Design Pty Ltd

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DEVELOPMENT APPLICATION
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<p>PROJECT INFO</p> <p>Project #40 DRAWING NO. DR 103</p>	<p>ANDY'S HOME DESIGN</p>	<p>DATE</p> <p>9/05/2021</p> <p>DESIGNER</p> <p>THAN THAO</p> <p>REVISION NO.</p> <p>DR 01</p>	<p>CLIENT</p> <p>40 CHARLES STREET LEICHHARDT NSW 2040</p>	<p>DATE</p> <p>9/05/2021</p> <p>DESIGNER</p> <p>THAN THAO</p> <p>REVISION NO.</p> <p>DR 01</p>	<p>PROJECT #</p> <p>Project #40</p> <p>DRAWING NO.</p> <p>DR 103</p>
--	----------------------------------	---	---	---	--



Floor Space Ratio Calculations (m ²)		
Site Area = 185.8m ²		
Max FSR = 0.7:1 (130.06m ²)		
Description	Existing	Proposed
Ground Floor	77.49m ²	90.36m ²
First Floor	N/A	39.15m ²
Secondary	N/A	N/A
Total	77.49m² (0.42:1)	129.51m² (0.7:1)

Habitable Floor Space

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Project #40
DRAWING NO. DR 106

Andy's HOME DESIGN

Development Application
TAMARA THIO
48810102
DR 1

Drawn: Checked: **Andy Joller**
9/03/2021
Project Date:
Project Status
Client:
Project No.
Revision No.

SITE PLANS
Floor Space Ratio Plan
10/1/2021
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
Director: Andy Joller
ABN: 32 624 482 024
0430-532-043
info@andyshome.com.au

PROJECT INFO:

On-site Practices:

All trenches must be filled immediately after services are laid. Excess materials such as cement, water from tool cleaning, paintbrushes and brick and concrete slurry must not be washed into stormwater system. It's against the law to pollute waters with any solid, liquid or gas. Where possible, construct a depression or earth dam below brick, concrete or tile cutting. If this is not possible, pass waste water through a filtration system prior to release.

Stockpiles:

All stockpiles are to be kept on-site where possible. Any materials placed on the footpaths or nature strips require council's permission. All Stockpiles are to be placed away from the drainage lines and street gutters. It is best to locate these on the highest part of the site if possible. Place waterproof covering over all stockpiles. If required provide diversion drain an bank around stockpiles

Gutter Protection:

Provide protection to downhill grate in gutter by means of sand bags or blue metal wrapped in geotextile fabric. When soil or sand builds up around this sediment barrier, the material should be relocated back to the site for disposal

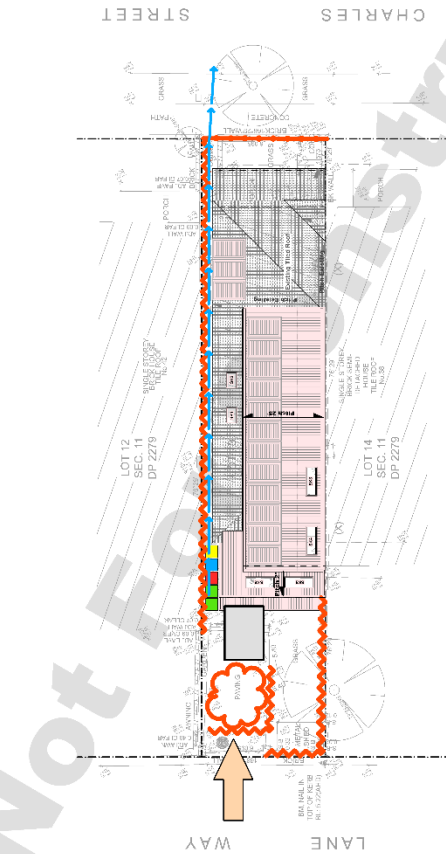
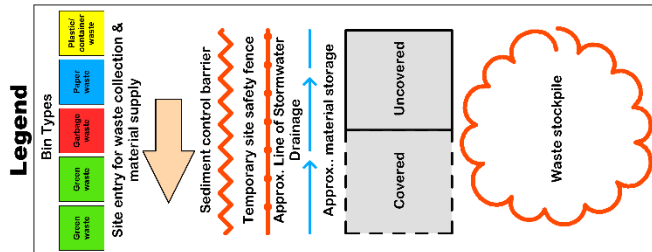
Dust Control:

To reduce dust generated by wind action, the removal of the top soil is to be minimised. To prevent dust generation, watering down of the site, especially during the movement of machinery is required. Where excavating into rock, keep the surface moist to minimise dust. Construct a gravel entry/exit point using blue metal and rescript all vehicle movements within the site to a minimum. Ensure wind breaks, such as existing fences are maintained during the construction phase until new landscaping is provided or reinstated. Prevent dust by covering stockpiles

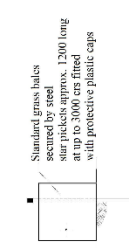
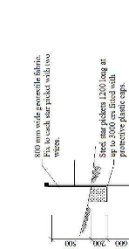
Sediment Note:

- #1 - All erosion and sediment control measures to be inspected and maintained daily by site supervisor
- #2 - Minimise disturbed areas, remove excess soil from excavated areas as soon as possible
- #3 - All material stockpiles to be clear from drains, gutters and footpaths or within sediment fence area
- #4 - Drainage to be connected to stormwater as soon as possible. If stored on site, it must be filtered before being released in stormwater system or waterways
- #5 - Roads and foot paths to be swept daily

Site Management Legend



Stormwater Note:
 All stormwater pipe locations are assumed and therefore not plotted on plan. Plumber to locate and confirm positioning prior to commencement of construction
 - Stormwater lines to be drained into the existing stormwater system
 - All plumbing and drainage work to comply with AS3500 & Part 3.1.3 of NCC



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Site Management & Stormwater Concept I:200
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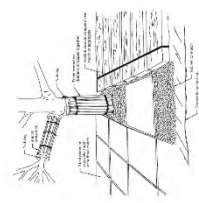
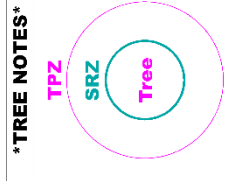
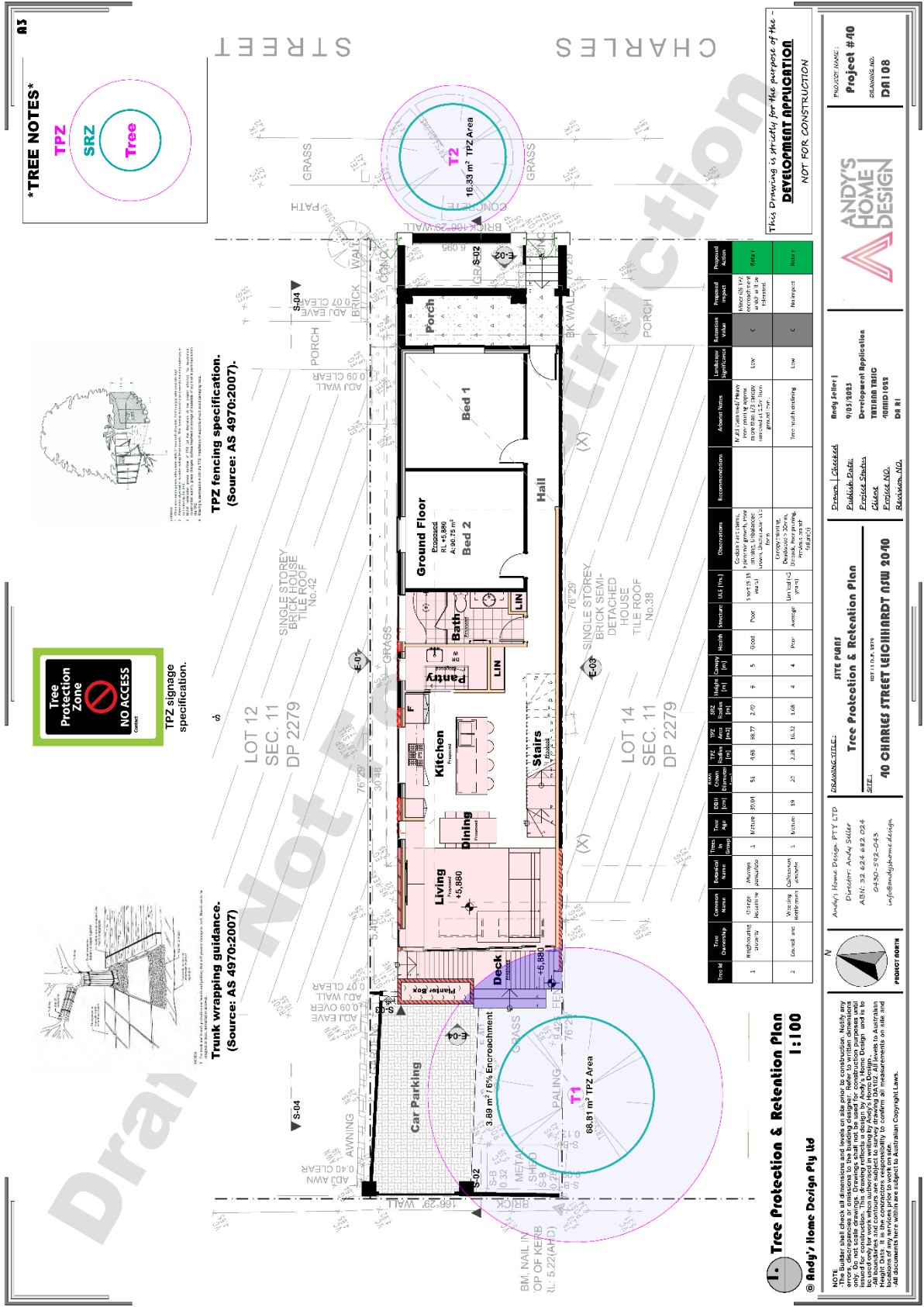
Andy's Home Design - PTY LTD
 Director: Andy Siller
 ABN: 32 624 882 024
 0450-942-045
 info@andys-homedesign.com.au

Site Management & Stormwater Concept Plan
 SITE 1
40 CHARLES STREET LEICHHARDT NSW 2040

Drawn: Checked: **Andy Siller**
 9/05/2023
 Development Application
 TRIMM THIO
 40ND102
 DR 01

PROJECT NAME:
Project #40
 DRAWING:
DA107





TPZ fencing specification. (Source: AS 4970:2007).

Trunk wrapping guidance. (Source: AS 4970:2007).

1. Tree Protection & Retention Plan
I: 100

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Tree ID	Common Name	Botanical Name	Tree Age	Tree Height (m)	DBH (cm)	TPZ (m)	SRZ (m)	Health	Canopy	Location	Comments	Recommendations	Adverse Impacts	Linkages/Significance	Retention Value	Proposed Impact	Proposed Action
1	Highland Hebe	Hebe stricta	1	Medium	30.00	51	1.88	38.77	2.0	5	Good	Good tree health, no adverse impacts on adjacent trees or structures.	Full canopy/height retained as far as possible. TPZ signage installed as per plan.	Low	C	Minor impact	Retain
2	Ground and Herbaceous	Various	1	Medium	30.00	25	2.25	10.52	1.0	4	Poor	Developing canopy, poor tree health (TPZ 10m).	Tree health declining	Low	C	No impact	Retain

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ANDY'S HOME DESIGN

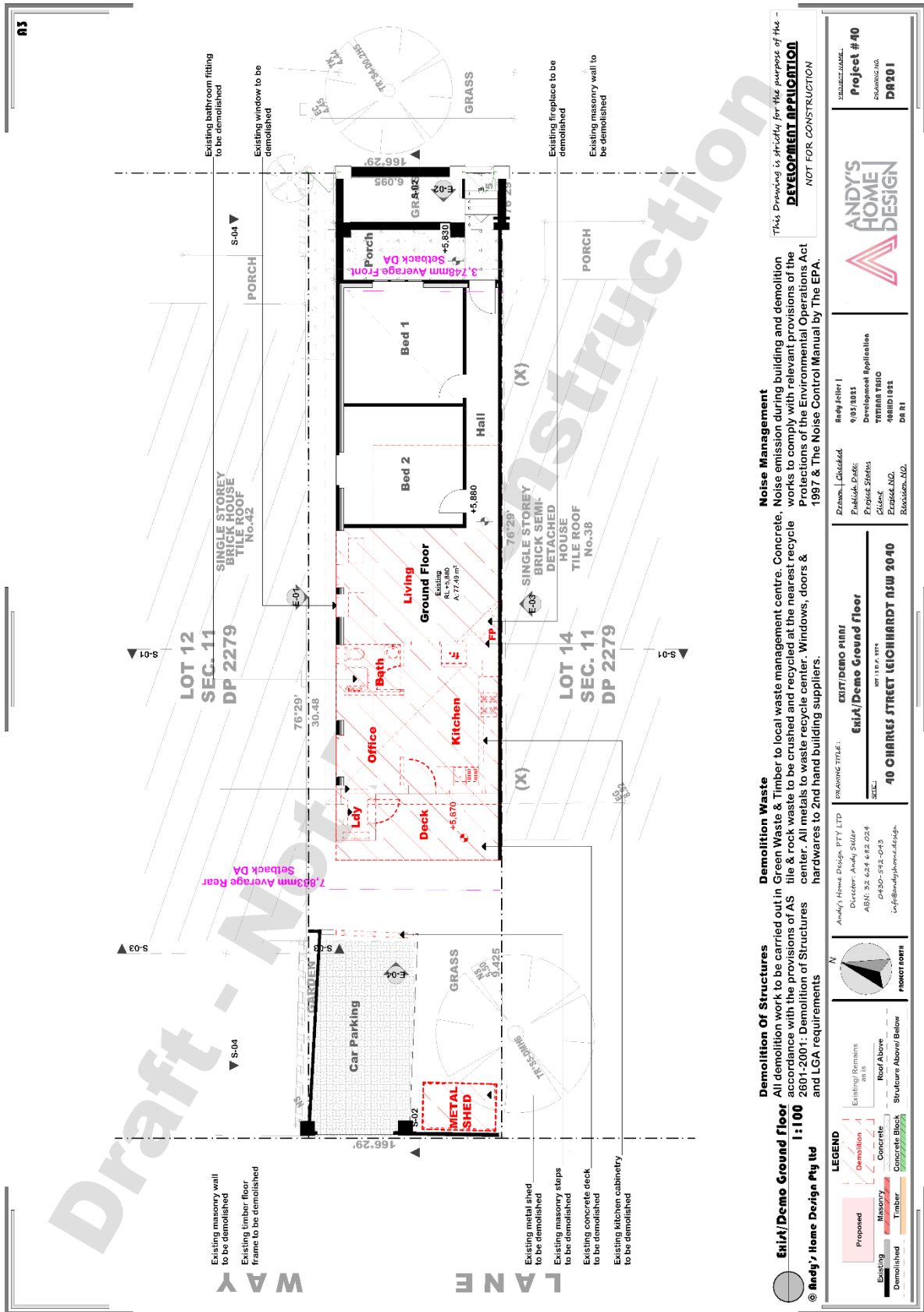
PROJECT NAME: **Project #40**
DRAWING NO: **DA108**

Design: **Andy's Home Design**
Drawn: **Andy's Home Design**
Checked: **Andy's Home Design**
Reviewed: **Andy's Home Design**
Approved: **Andy's Home Design**

Tree Protection & Retention Plan
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
Director: **Andy's Home Design**
ABN: 32 624 682 024
04-30-512-045
info@andys-homedesign.com.au

Project Name: **Project #40**
Development Application: **DA108**
Site: **40 CHARLES STREET LEICHHARDT NSW 2040**



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Noise Management
 Noise emission during building and demolition works to comply with relevant provisions of the Protections of the Environmental Operations Act 1997 & The Noise Control Manual by The EPA.

Demolition Waste
 All demolition work to be carried out in Green Waste & Timber to local waste management centre. Concrete, tile & rock waste to be crushed and recycled at the nearest recycle center. All metals to waste recycle center. Windows, doors & hardware to 2nd hand building suppliers.

Demolition Of Structures
 All demolition work to be carried out in accordance with the provisions of AS 2601-2001: Demolition of Structures and LGA requirements

PROJECT NAME:
Project #40

DRAWING NO:
DR201



Drawn: Checked: Prep: Issued: 1
 9/05/2021
 Project Date: Development Application
 Project Status: TYPICAL
 Client: TYPICAL
 Project No.: 40101021
 Revision No.: DR 01

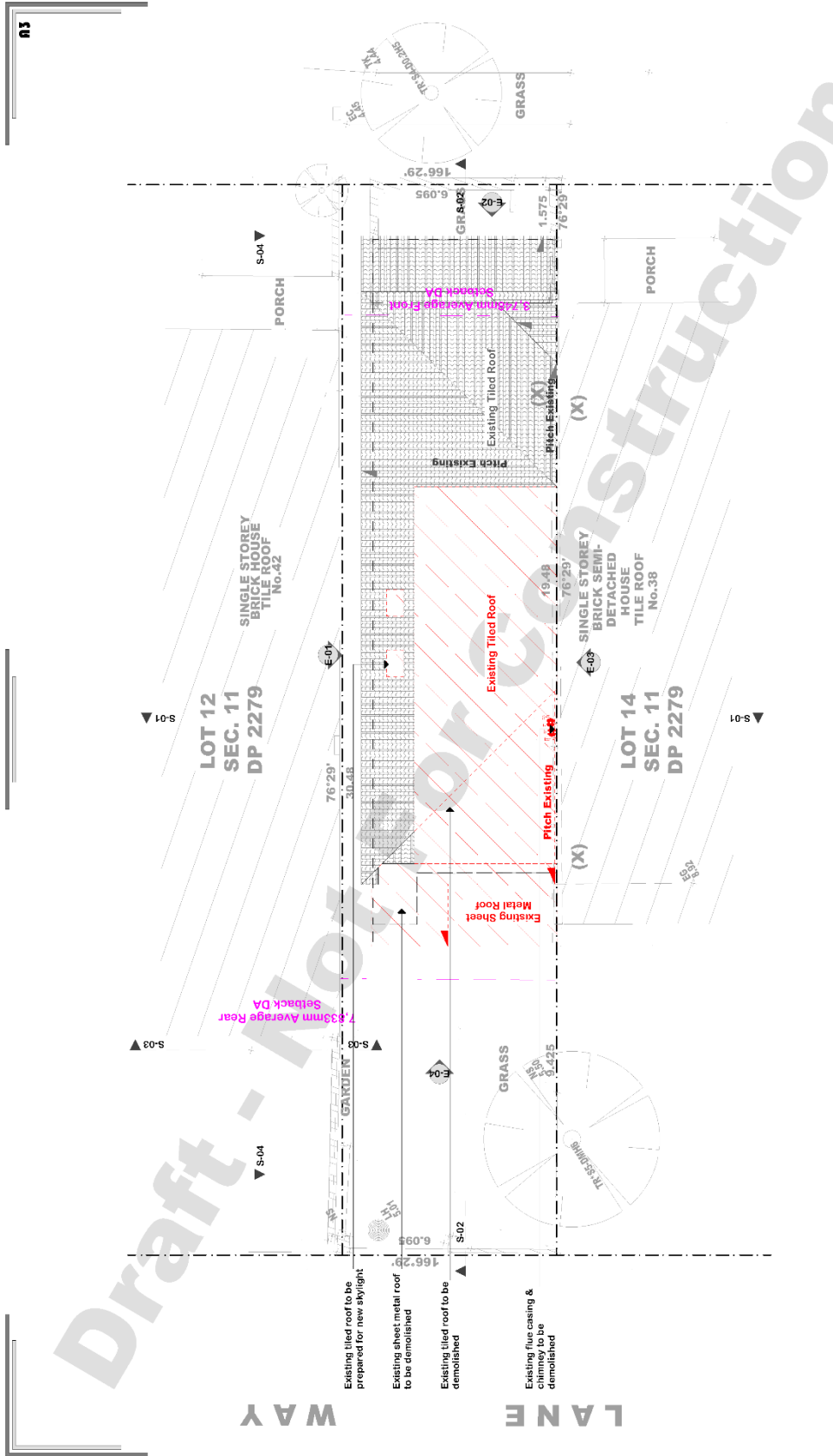
EXIST/DENO RINDI
EXIST/Demo Ground Floor
 40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 36 624 682 024
 0430-932-043
 info@andyshome4design.com



LEGEND

Proposed	Existing Remains
Demolition	Roof Above
Masonry	Structure Above/Below
Concrete	
Concrete Block	
Timber	
Existing	
Demolished	



Exit/Demo Roof
Scale: 1:100

Demolition Of Structures
All demolition work to be carried out in accordance with the provisions of AS 2601-2001: Demolition of Structures and LGA requirements

Demolition Waste
All demolition work to be carried out in Green Waste & Timber to local waste management centre. Concrete, tile & rock waste to be crushed and recycled at the nearest recycle center. All metals to waste recycle center. Windows, doors & hardware to 2nd hand building suppliers.

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LEGEND

Proposed	Demolition	Existing Remains
Masonry	Concrete	Roof Above
Timber	Concrete Block	Structure Above/ Below
Existing		
Demolished		

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Director: Andy Stiller
ABN: 32 624 682 024
0430-572-045
info@andys-homedesign.com.au

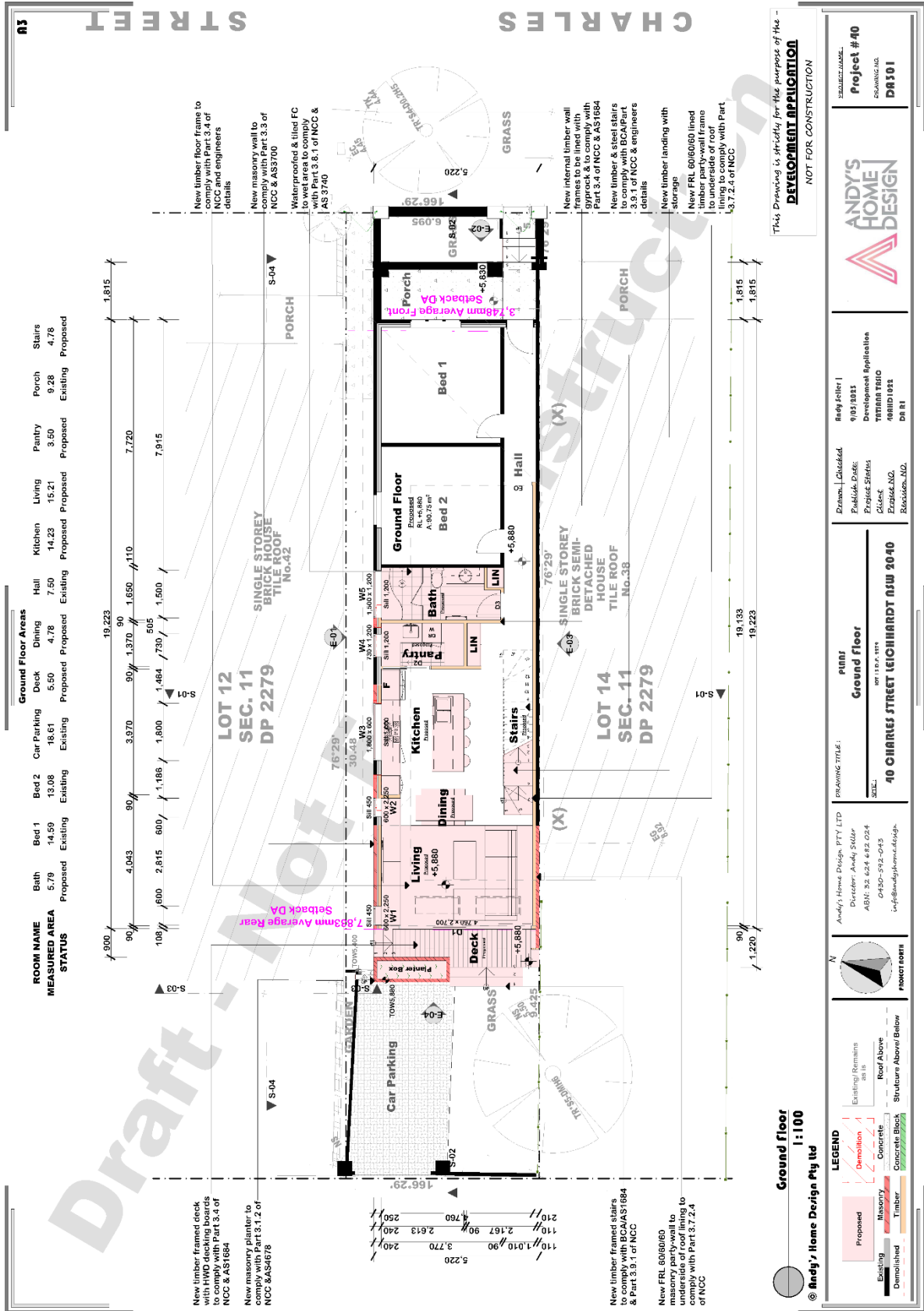
Exit/Demo Roof
40 CHARLES STREET LEICHHARDT NSW 2040

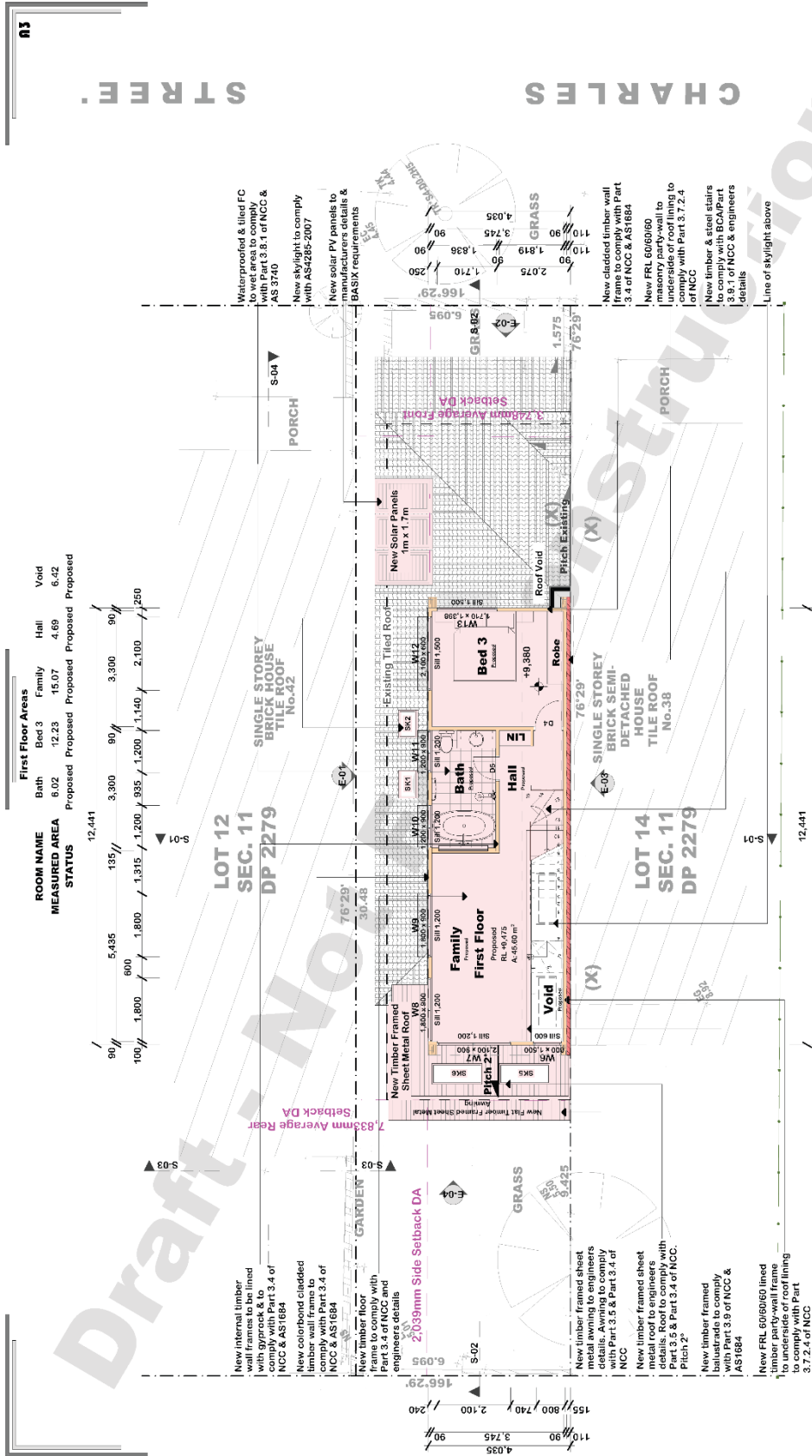
Drawn: Checked: Revisy: Issued: 1
Project Date: 9/05/2011
Project Status: Development Application
Client: TIMOTHY THIO
Project No.: 40101021
Revision No.: DR 01

Subject Name: **Project #40**
Drawing No: **DR202**

ANDY'S HOME DESIGN

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PROJECT NAME:
Project #40

DRAWING NO:
DR 102

Design Checked: []
 Published Date: 9/05/2021
 Project Status: Development Application
 Client: TIMOTHY
 Revision No: 48101021
 DR 01

Architect: PTY LTD
 Director: Andy Stiller
 ABN: 32 424 482 024
 0430-932-043
 info@andyshome4design.com.au

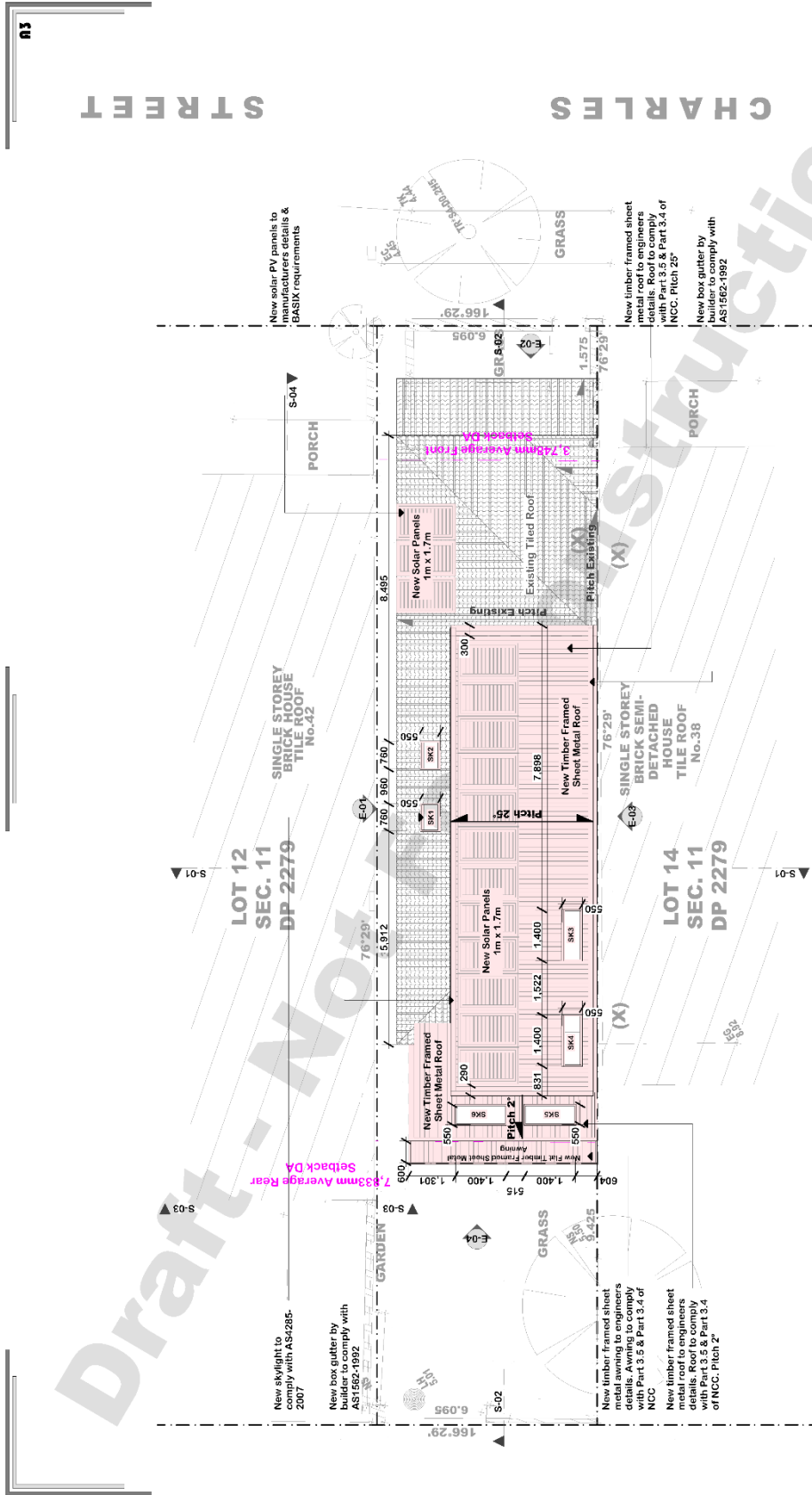
PROJECT TITLE:
First Floor

40 CHARLES STREET LEICHHARDT NSW 2040

LEGEND

- Proposed: Masonry, Timber
- Existing: Masonry, Timber
- Demolished: Masonry, Timber
- Roof Above: Concrete, Concrete Block
- Structure Above/Below: Concrete Block

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First Floor
 1:100



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Project #40
DRAWING NO.
DR 303

ANDY'S HOME DESIGN

Drawn: Checked: **Andy Joller | 9/05/2021**
 Published Date: **9/05/2021**
 Project Status: **Development Application**
 Client: **TIMOTHY THOMAS**
 Project No.: **40101021**
 Revision No.: **DR 01**

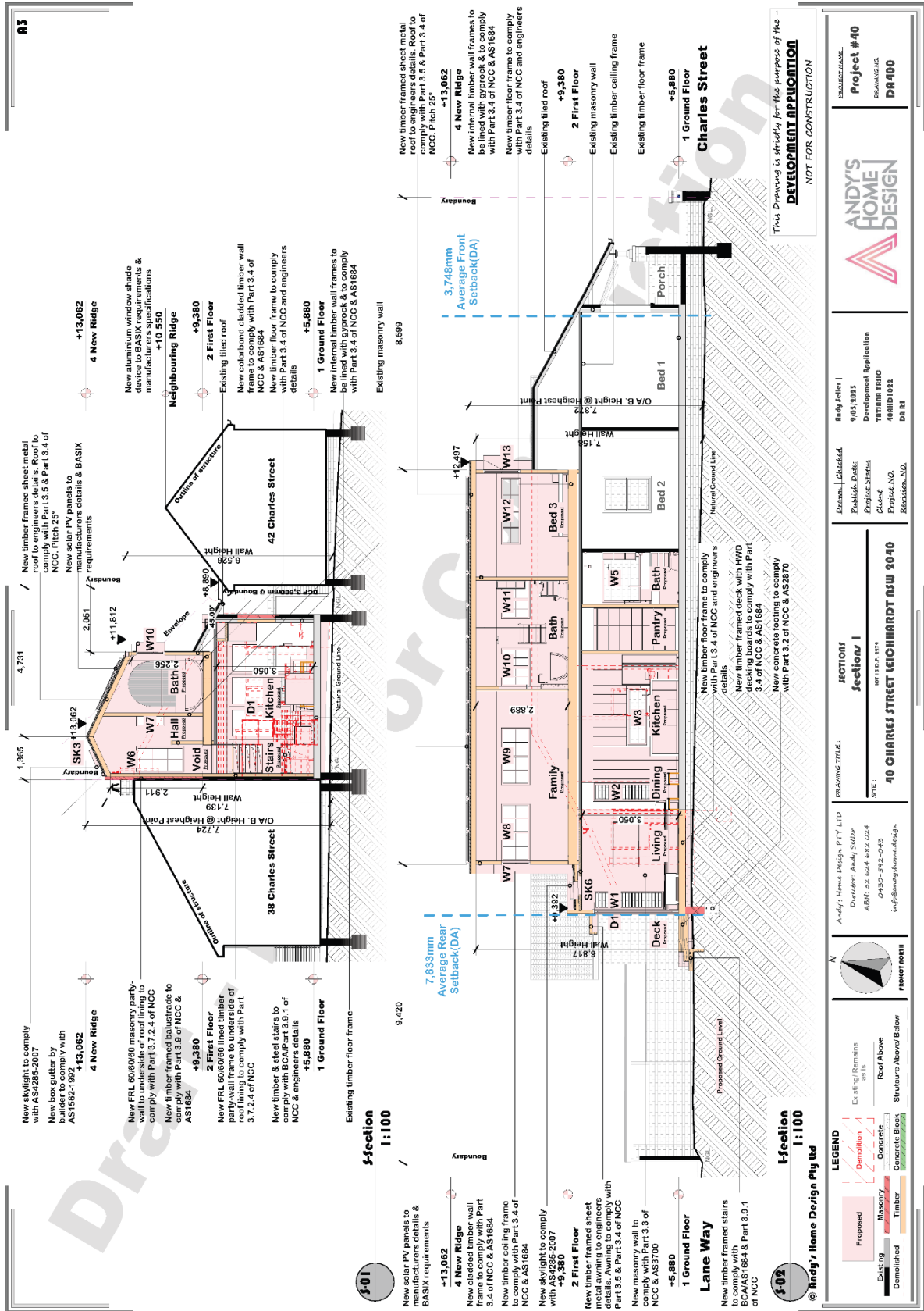
Andy's Home Design Pty Ltd
 Director: **Andy Joller**
 ABN: **32 624 482 054**
0430-512-015
info@andys-homedesign.com.au

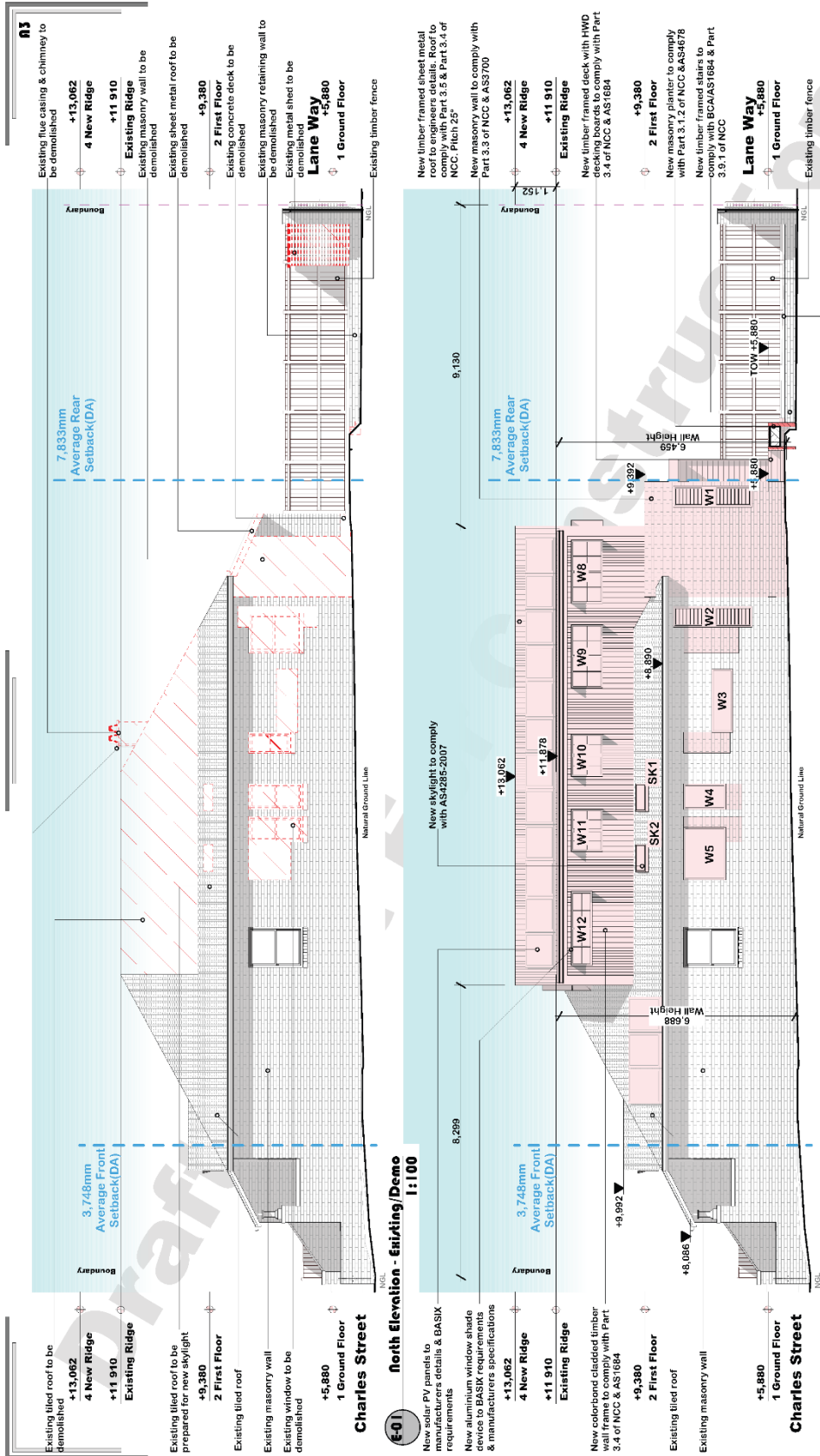
40 CHARLES STREET LEICHHARDT NSW 2040

LEGEND

 Proposed	 Existing	 Demolished
 Demolition	 Concrete	 Concrete Block
 Masonry	 Timber	 Structure Above/ Below

Roof Above
Roof Below
Structure Above/ Below





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PROJECT NAME: **Project #40**
 DRAWING NO: **DR300**

ANDY'S HOME DESIGN

Drawn / Checked: []
 Project Date: 9/05/2011
 Project Status: Development Application
 Client: TITAN TRIO
 Project No: 40ND 051
 Revision No: DR 01

Architect: **ANDY'S HOME DESIGN PTY LTD**
 Director: Andy Stiller
 ABN: 32 624 682 054
 0430-932-043
 info@andys-homedesign.com.au

ELEVATIONS
 North Elevation

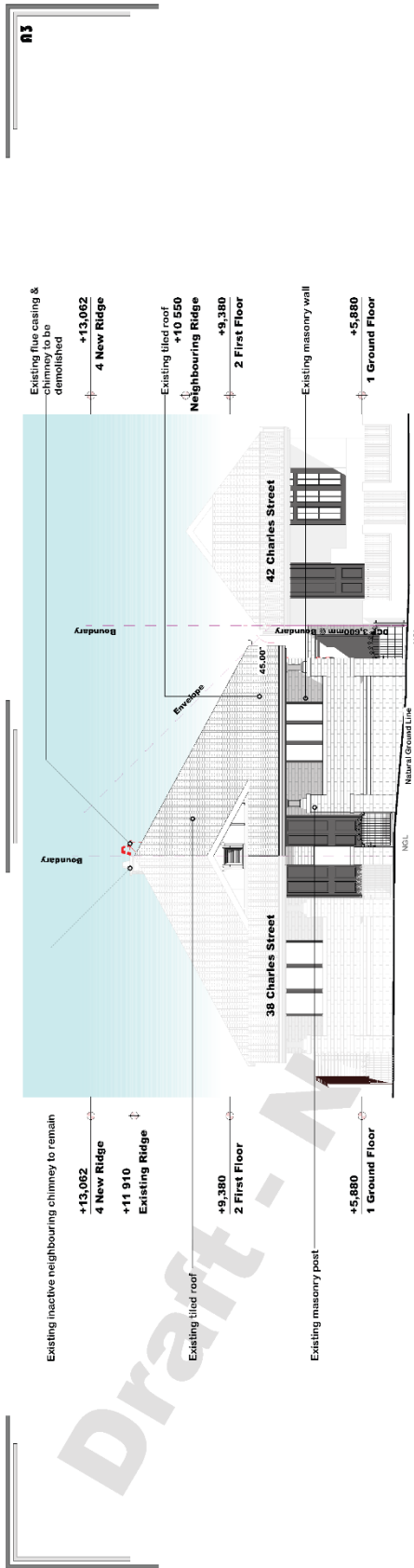
40 CHARLES STREET LEICHHARDT NSW 2040

LEGEND

- Proposed
- Demolition
- Existing Remains
- Masonry
- Concrete
- Timber
- Roof Above
- Structure Above/Below
- Concrete Block

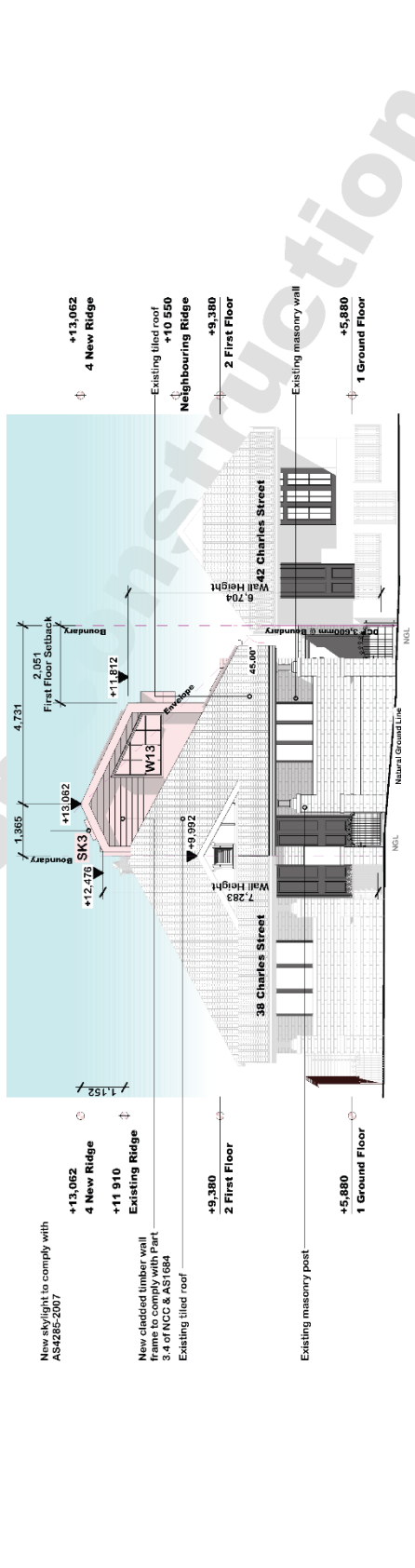
E-01 North Elevation I:100
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E-02 North Elevation I:100
 © Andy's Home Design Pty Ltd



East Elevation - Existing/Demo
1:100

4-02



East Elevation
1:100

4-02

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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Project #40
DRAWING NO.
DR301

ANDY'S HOME DESIGN

Drawn: Checked: Prep: Jetter: I
9/05/2011
Development Application
TAMM THIO
4880 052
DR RI

Project Status: Client: Project No.: Revision No.

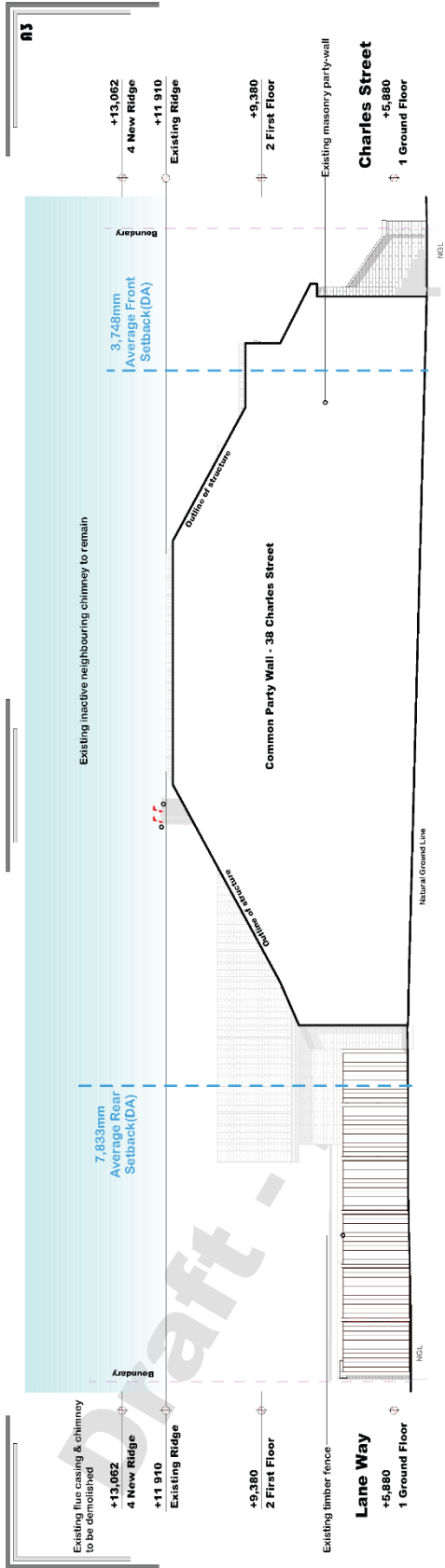
ELEVATIONS
East Elevation
1:100, 1:150

40 CHARLES STREET LEICHHARDT NSW 2040

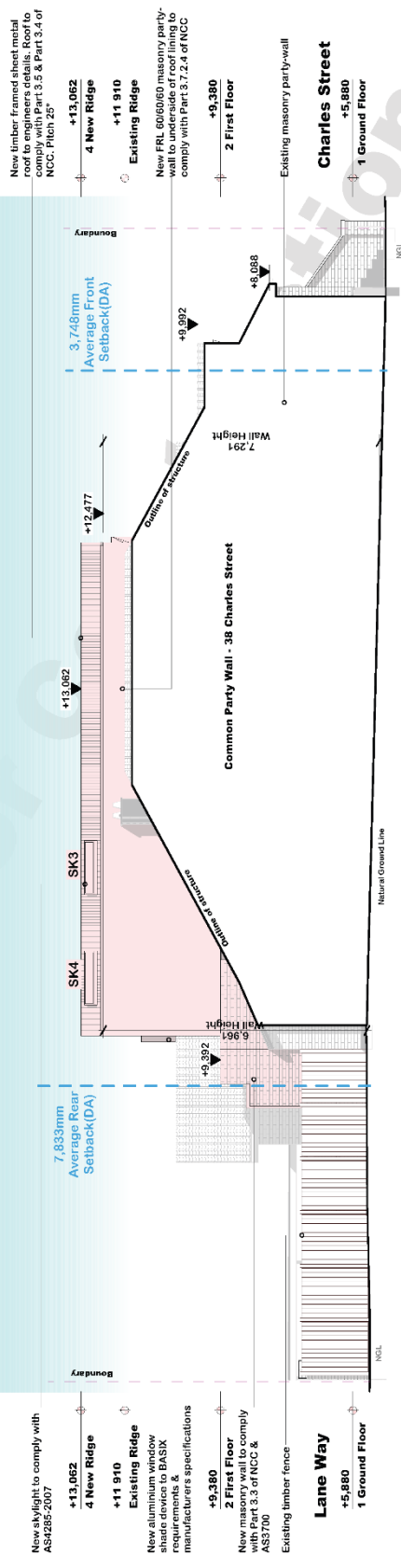
Andy's Home Design PTY LTD
Director: Andy Stiller
ABN: 32 624 682 024
0430-512-013
info@andyshome4design.com

LEGEND
Proposed: Masonry, Timber, Concrete, Concrete Block
Existing: Masonry, Timber, Concrete, Concrete Block
Demolished: Masonry, Timber, Concrete, Concrete Block

North Arrow
Floor Plans



4-03 South Elevation - Existing/Demo
I:100



4-03 South Elevation
I:100

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
DRAWING NO.
DR302

ANDY'S HOME DESIGN

Design Checked: []
Project Date: 9/05/2011
Project Status: Development Application
Client: TIMOTHY
Project No.: 4010101
Revision No.: DR 01

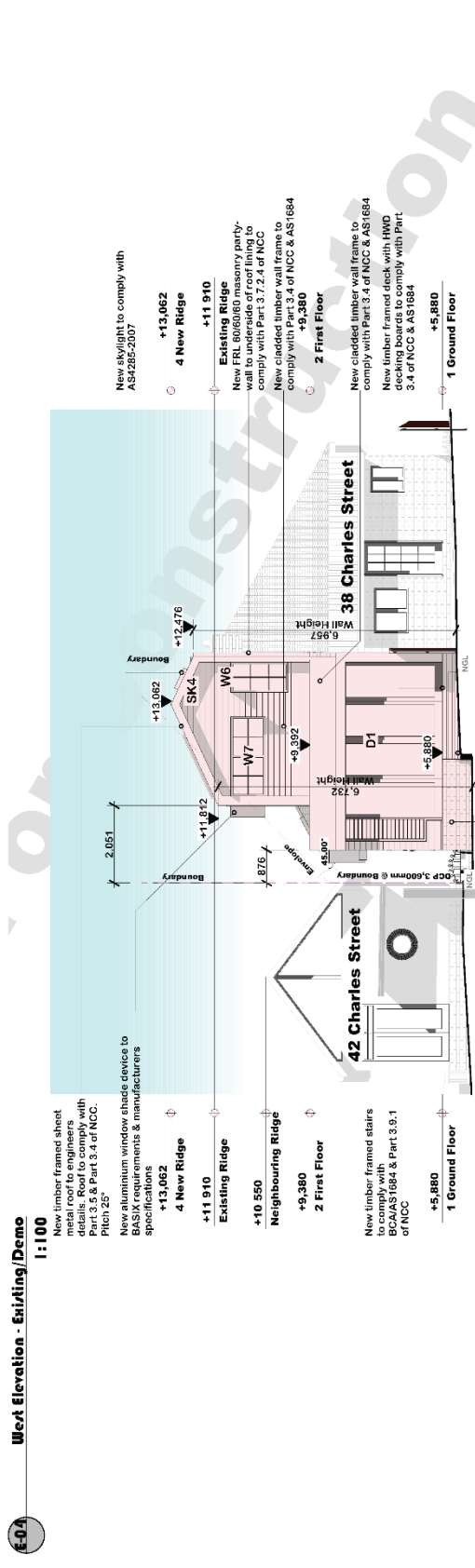
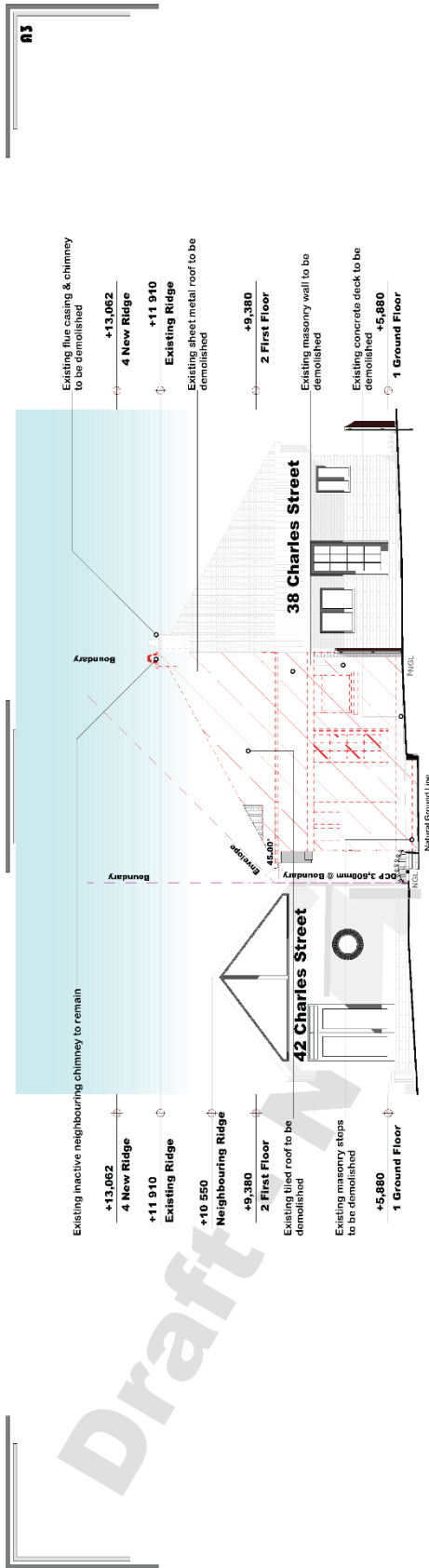
Design: []
Project Status: []
Client: []
Project No.: []
Revision No.: []

ANDY'S HOME DESIGN PTY LTD
Director: Andy Stiller
ABN: 35 624 682 024
0430-932-043
info@andys-homedesign.com.au

DRAWING TITLE:
ELEVATIONS
South Elevation
REVISED BY: []
40 CHARLES STREET LEICHHARDT NSW 2040

LEGEND
Proposed: Masonry, Timber
Existing: Masonry, Timber
Demolished: Masonry, Timber
Roof Above Structure Above/Below: Roof Above, Structure Above/Below

PHOSOR POINT



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40

DRAWING NO:
DR303

ANDY'S HOME DESIGN

Drawn / Checked: [Blank] / [Blank]
Project Date: 9/05/2021
Project Status: Development Application
Client: TITIAN THIO
Project No: 48810182
Revision No: DR 01

PROJECT TITLE:
40 CHARLES STREET LEICHHARDT NSW 2040

DATE: 09/05/2021

PROJECT NO: 48810182

ANDY'S HOME DESIGN PTY LTD
Director: Andy Stiller
ABN: 32 624 682 024
0430-932-043
info@andys-homedesign.com.au

EVATIONS
WeA Elevations
1001 1001 1001

LEGEND

- Proposed Masonry
- Proposed Timber
- Existing Masonry
- Existing Timber
- Demolition
- Roof Above Structure Above/Below
- Roof Below Structure Above/Below

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03



3D Perspective 1 - Existing

3D Perspective 1

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DEVELOPMENT APPLICATION
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Project #40
 DRAWING NO. DR003

ANDY'S HOME DESIGN

Andy Joller | 9/05/2011
 Development Application
 TOWN OF WINDYBROOK
 48810 001
 DR 01

Drawn | Checked
 Publish Date
 Project Status
 Client
 Project No.
 Revision No.

CONCEPT PRESENTATION
 Perspectives - External 1
 40 CHARLES STREET WINDYBROOK NSW 2040

Andy's Home Design - PTY LTD
 Director: Andy Joller
 ABN: 35 624 682 024
 0430-592-013
 info@andys-homedesign.com.au

INDUSTRY TITLE:
 40 CHARLES STREET WINDYBROOK NSW 2040

Director: Andy Joller
 ABN: 35 624 682 024
 0430-592-013
 info@andys-homedesign.com.au

North Arrow

LEGEND

Proposed	Existing	Demolished
Masonry	Timber	Concrete
Demolition	Roof Above	Concrete Block
Existing Remains	Structure Above/ Below	

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03



3D Perspective 2 - Existing

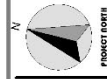


3D Perspective 2

© Andy's Home Design Pty Ltd

LEGEND

	Proposed		Existing
	Demolition		Roof Above
	Masonry		Structure Above/ Below
	Timber		



Andy's Home Design - PTY LTD
 Director: Andy Stiller
 ABN: 32 624 482 024
 0430-592-013
 info@andys-homedesign.com.au

DRAWING TITLE:
**CONCEPT PRESENTATION
 Perspectives - External 2**
 40 CHARLES STREET LEICHHARDT NSW 2040

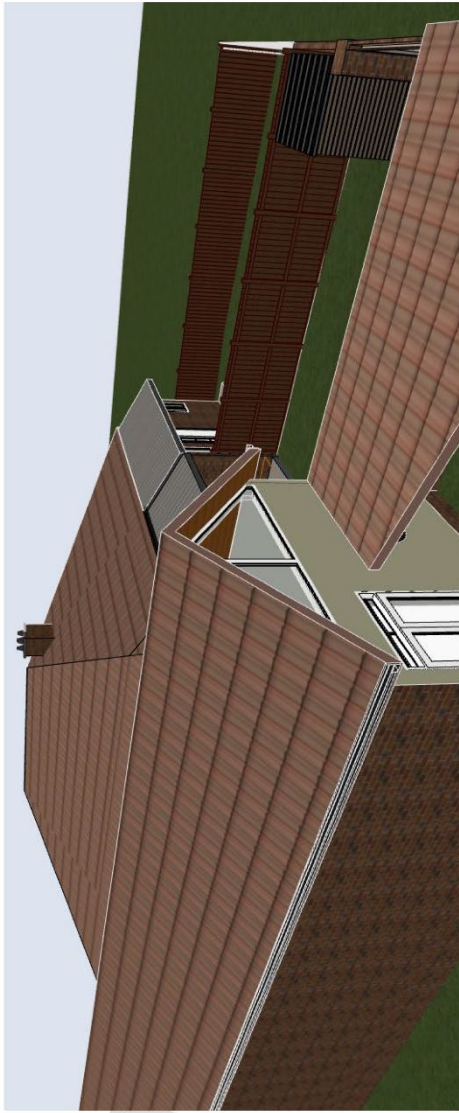
Drawn / Checked:
 Project Date:
 Project Status:
 Client:
 Project No.:

Andy Stiller |
 9/05/2021
 Development Application
 TOWN OF TRIM
 4000 052
 DR 01

Project #40
 DRAWING NO.
DR006

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DEVELOPMENT APPLICATION
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3D Perspective 3 - Existing



3D Perspective 3

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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

<p>LEGEND</p> <ul style="list-style-type: none"> Proposed: Masonry, Timber Existing: Masonry, Timber Demolished: Masonry, Timber Roof Above: Masonry, Timber Structure Above/ Below: Masonry, Timber Demolition: Masonry, Timber Concrete: Masonry, Timber Concrete Block: Masonry, Timber 		<p>Andy's Home Design - PTY LTD Director: Andy Stiller ABN: 32 624 682 024 0430-592-013 info@andyshome.design</p>	<p>Drawing Title: CONCEPT PRESENTATION Perspectives - External 3</p> <p>DATE: 40 CHARLES STREET LEICHHARDT NSW 2040</p>	<p>Drawn: [Checked] Project Date: Project Status: Client: Project No.: Revision No.:</p>	<p>Project #40 Drawing No. DR007</p> <p>ANDY'S HOME DESIGN</p>	<p>Issue Date: 9/05/2021 Development Application TOWN OF LEICHHARDT REMOVAL OF DR 01</p>
---	--	---	---	--	--	--

03



3D Perspective 4 - Existing













3D Perspective 4



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LEGEND

	Proposed		Existing
	Masonry		Demolished
	Timber		Roof Above
	Concrete Block		Structure Above/ Below
	Demolition		Existing Remains

North Arrow

Andy's Home Design - PTY LTD
 Director: Andy Stiller
 ABN: 35 624 682 024
 0430-592-013
 info@andys-homedesign.com.au

CONCEPT PRESENTATION
Perspectives - External 4
 10/11/2018 11:18
40 CHARLES STREET LEICHHARDT NSW 2040

Drawn: | Checked:
 Project Date: 9/05/2018
 Project Status: Development Application
 Client: TWINN TRIO
 Project No: 40ND1012
 Revision No: 01 R1

Project #40
 DRAWING NO.
DR008

ANDY'S HOME DESIGN

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DEVELOPMENT APPLICATION
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03

Draft



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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

3D Cut-away 1

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Project #40
DRAWING NO.
DR009

Drawn / Checked
9/05/2021
Development Application
TAMARA THIO
4888D 002
DR RT

Project Status
Client
Project No.
Revision No.

Project Presentation
Perspectives - Out Away 1
DATE: 10/10/2021

40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design - PTY LTD
Director: Andy Stiller
ABN: 35 624 482 024
0430-572-015
info@andys-homedesign.com.au

Project Name
Project No.



PHOTOCOPY

LEGEND

	Proposed		Demolition
	Masonry		Concrete
	Existing		Concrete Block
	Demolished		Timber

Existing Remains
Roof Above
Structure Above/Below



03

Stair Detail

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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

<p>Drawn: [Checked] Project Date: 9/05/2021 Project Status: Development Application Client: TAMIKA THIO Project No: 40ND1021 Revision No: DR 01</p>	<p>Project #40 Drawing No: DR010</p>
<p>Project Presentation Perspectives - Out Away 2 40 CHARLES STREET LEICHHARDT NSW 2040</p>	<p>Andy's Home Design PTY LTD Director: Andy Stiller ABN: 32 624 682 024 0430-592-015 info@andyshome.design</p>

LEGEND


- Proposed: Masonry, Timber
- Existing: Masonry, Timber
- Demolished: Masonry, Timber
- Roof Above: Existing Remains, Roof Above, Structure Above/Below
- Concrete Block
- Concrete
- Demolition

North Arrow

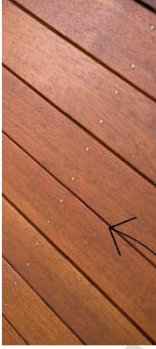


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<p>© Andy's Home Design Pty Ltd</p> <p>LEGEND</p> <ul style="list-style-type: none"> Proposed: Masonry, Timber Existing: Masonry, Timber Demolished: Masonry, Timber Roof Above: Structure Above/ Below Roof Below: Structure Above/ Below 	<p>Project #40</p> <p>DRAWING NO. DR611</p>	<p>Andy's Home Design</p>	<p>Drawn: Checked:</p> <p>Project Date: 9/05/2021</p> <p>Project Status: Development Application</p> <p>Client: TWINN TRIO</p> <p>Project No.: 40001021</p> <p>Revision No.: DR 01</p>	<p>Project #40</p> <p>DRAWING NO. DR611</p>
	<p>Project #40</p> <p>DRAWING NO. DR611</p>	<p>Andy's Home Design</p>	<p>Project #40</p> <p>DRAWING NO. DR611</p>	<p>Project #40</p> <p>DRAWING NO. DR611</p>




Timber Cladding



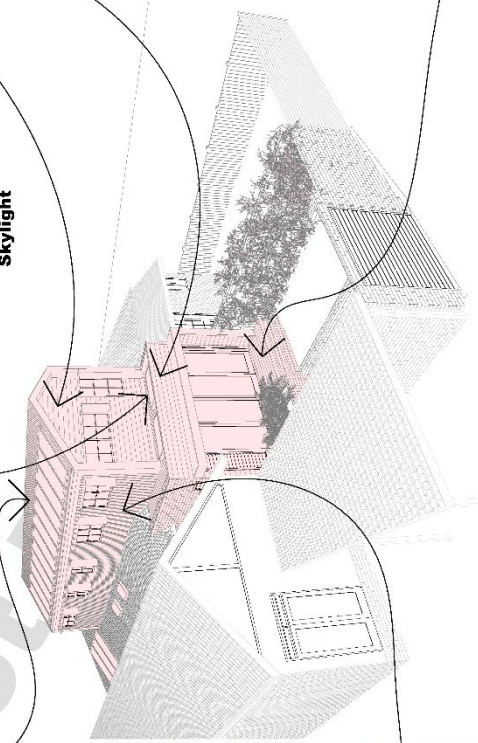
Timber Decking




Skylight





Sheet Metal Roof





Colorbond Cladding

*This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION*

<p>Andy Siller 1 9 051 9831 Development Application TERRAIN TRIO 40001 052 DR 01</p>	<p>CONCEPT PRESENTATION Material Selection</p>	<p>Project #40 DRAWING: DR013</p>	 <p>ANDY'S HOME DESIGN</p>											
<p>Drawn: Claxton Published: Claxton Checked: Claxton Project No.: Claxton Revision No.: Claxton</p>	<p>DRAWING TITLE: 40 CHARLES STREET LEICHHARDT NSW 2040</p>	<p>Andy's Home Design - PTY LTD Director: Andy Siller ABN: 32 624 682 024 0450-592-045 info@andyshome.design</p>												
<p>LEGEND</p> <table border="0" style="font-size: 6px;"> <tr> <td> Proposed</td> <td> Demolition</td> <td> Existing Remains as is</td> <td> Roof Above</td> </tr> <tr> <td> Existing</td> <td> Masonry</td> <td> Concrete</td> <td> Concrete Block</td> </tr> <tr> <td> Demolished</td> <td> Timber</td> <td> Concrete Block</td> <td> Structure Above Below</td> </tr> </table>		 Proposed	 Demolition	 Existing Remains as is	 Roof Above	 Existing	 Masonry	 Concrete	 Concrete Block	 Demolished	 Timber	 Concrete Block	 Structure Above Below	<p>Scale: 1:100</p> <p>North Arrow: </p>
 Proposed	 Demolition	 Existing Remains as is	 Roof Above											
 Existing	 Masonry	 Concrete	 Concrete Block											
 Demolished	 Timber	 Concrete Block	 Structure Above Below											

National Construction Code & Australian Standards Compliance Specifications List

- Earthworks - Part 3.1.1 of NCC
- Earth Retaining Structures - Part 3.4.2 of NCC
- Drainage - Part 3.1.3 of NCC
- Termite-Risk Management Part 3.1.4 of NCC
- Footings & Slab - Part 3.2 of NCC & AS2870
- Masonry - Part 3.3 of NCC & AS3700
- Framing - Part 3.4 of NCC & AS1684
- Sub-floor ventilation - Part 3.4.1 of NCC
- Roof cladding & Wall Cladding - Part 3.5 of NCC
- Glazing - Part 3.6 of NCC & AS1288
- Fire Safety - Part 3.7 of NCC
- Fire Separation - Part 3.7.2 of NCC
- Fire protection of separating walls and floors - Part 3.7.3 of NCC
- Smoke alarms - Part 3.7.5 of NCC
- Wet areas and external waterproofing Part 3.8.1 of NCC
- Room heights - Part 3.8.2 of NCC
- Facilities - Part 3.8.3 of NCC
- Light - Part 3.8.4 of NCC
- Ventilation Part 3.8.5 of NCC
- Sound Insulation Part 3.8.6 of NCC
- Stairway & ramp construction - Part 3.9.1 of NCC
- Barriers & handrails - Part 3.9.2 of NCC
- Swimming pools Part 3.10.1 of NCC
- Construction in bushfire prone areas - Part 3.7.5 of NCC
- All construction to comply with AS3959-2009
- Demolition works to comply with AS2601-2001
- Site Classification to AS2870
- All waterproofing membranes to comply with AS3740-2010
- All plumbing and drainage work to comply with AS3500
- All plasterboard work to comply with AS2588-1988
- All structural steel work to comply with AS4100 & AS1554
- All concrete work to comply with AS3600
- All roof sheeting work to comply with AS1562-1992
- All skylights to comply with AS4285-2007
- All ceramic tiling to comply with AS3958.1-2007 & 3958.2-1992
- All Glazing assemblies to comply with AS2047 & AS1288
- All timber retaining walls are to comply with AS1720.1-2010, AS1720.2-2006, AS1170.1-1989 & AS1170.4-2007
- All retaining walls are to comply with AS3700-2011 & AS3600-2009

BASIX Certificate

BASIX Certificate
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A48510_C3

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, as is built in accordance with the BASIX rules. The BASIX rules are a set of minimum standards that must be followed. The BASIX rules are designed to ensure that buildings have the minimum green by the document entitled 'BASIX: Alterations and Additions (Building of new buildings) published by the Department. This document is available at www.basix.nsw.gov.au.

Statutory: Planning, Industry & Environment
Date of Issue: Thursday, 05, May 2023
To be used: This certificate must be lodged within 3 months of the date of issue.

Description of Project

Project address	1 Task, 03, Street, Leichhardt, 2040
Project name	40 CHARLES STREET LEICHHARDT NSW 2040
Local Government Area	Inner West Council
Plan type and number	Deposited Plan 2279
Lot number	13
Section number	
Project type	Altered dwelling house
Dwelling type	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).
Type of alteration and addition	

Certificate Prepared by: Please complete below according to Council or PDA
Name / Company Name: Andy's Home Design
ABR (if applicable): 3202468204

Number	W x H	Sill Height	External Openings Schedule		Skylight Opening Area	Skylight Opening W x H Size
			Opening Surface Area (BASIX)	Opening W x H		
D1	4,760x2,700	0	12.85	---	---	---
SK1	---	---	---	---	760x550	0.42
SK2	---	---	---	---	760x550	0.42
SK3	---	---	---	---	1,400x550	0.77
SK4	---	---	---	---	1,400x550	0.77
SK5	---	---	---	---	1,400x550	0.77
SK6	---	---	---	---	1,400x550	0.77
W1	800x2,250	450	1.35	---	---	---
W2	600x2,250	450	1.35	---	---	---
W3	1,800x900	1,000	1.08	---	---	---
W4	730x1,200	1,200	0.88	---	---	---
W5	1,500x1,200	1,200	1.80	---	---	---
W6	800x1,500	600	1.20	---	---	---
W7	2,100x900	1,200	1.89	---	---	---
W8	1,800x900	1,200	1.62	---	---	---
W9	1,800x900	1,200	1.62	---	---	---
W10	1,200x900	1,200	1.08	---	---	---
W11	1,200x900	1,200	1.08	---	---	---
W12	2,100x600	1,500	1.26	---	---	---
W13	1,710x1,398	1,500	2.39	---	---	---

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

External Opening Schedule

Andy's Home Design Pty Ltd

CONCEPT PRESENTATION
Commitments & Standards

Director: Andy Stiller
ABN: 32 624 482 024
0430-932-043
info@andys-homedesign.com.au

Project #40
DRAWING NO.
DR613

40 CHARLES STREET LEICHHARDT NSW 2040

9/05/2023
Development Application
TAMM THIO
48810182
DR R1

ANDY'S HOME DESIGN

03

Door Scheduling						
Number	D1	D2	D3	D4	D5	EO
W x H	4,760x2,700	820x2,040	820x2,100	820x2,100	720x2,100	900x2,100
Door Opening Surface Area (BASIX)	12.85	1.67	1.72	1.72	1.51	1.89
View from Opening Side						

Window Scheduling

Number	W x H	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11	W12	W13
		600x2,250	600x2,250	1,800x600	730x1,200	1,500x1,200	800x1,500	2,100x900	1,800x900	1,200x900	1,200x900	1,200x900	1,200x900	2,100x600
Sill Height Window	450	450	1,000	1,200	1,200	600	1,200	1,200	1,200	1,200	1,200	1,200	1,500	1,500
Opening Surface Area (BASIX)	1.35	1.35	1.08	0.88	1.80	1.20	1.89	1.62	1.62	1.62	1.08	1.08	1.26	2.39
View from Opening Side														

Window Scheduling

Number	Skylight Opening W x H Size	SK1	SK2	SK3	SK4	SK5	SK6
Opening Area	0.42	0.42	0.77	0.77	0.77	0.77	0.77
2D Plan Preview							

skylight Scheduling

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The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, omissions or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction. All knowledge and contents are subject to survey drawings D4102. All levels to Australian Height Datum (AHD) unless otherwise stated. All measurements on site and building to be confirmed prior to work on site. All documents here within are subject to Australian Copyright Laws.

N

PIONEER POINT

40 CHARLES STREET LEICHHARDT NSW 2040

CONCEPT PRESENTATION Schedules

ANDY'S HOME DESIGN PTY LTD
Director: Andy Stiller
ABN: 32 624 482 024
0430-932-043
info@andys-homedesign.com.au

Drawn / Checked	Andy Stiller
Project Date	9/05/2011
Project Status	Development Application
Client	TIMOTHY THIO
Project No.	48810101
Revision No.	DR 1

ANDY'S HOME DESIGN

SUBJECT NAME: Project #40
DRAWING NO: DR614

NOT FOR CONSTRUCTION

This Drawing is strictly for the purpose of the - DEVELOPMENT APPLICATION

03

BASIX Certificate number: A485010_03

Fixtures and systems

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 3 star water rating.

The applicant must ensure new or altered toilets 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 minimum 3 star water rating.

BASIX Certificate number: A485010_03

Construction

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building	nil	
external wall: brick veneer	R1.15 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal cladd)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R1.24 (up), roof: foil backed blanket (75 mm)	medium (solar absorptance 0.475 - 0.70)
flat ceiling: flat roof: framed	ceiling: R1.08 (up), roof: foil backed blanket (75 mm)	medium (solar absorptance 0.475 - 0.70)

BASIX Certificate number: A485010_03

Glazing requirements

The applicant must install the skylights in accordance with the specifications listed in the table below.

The following requirements must also be satisfied in relation to each skylight:

Each skylight may 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.

External awnings and louvres must fully shade the skylight above which they are situated when fully drawn or closed.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
SK1-SK2	0.42	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
SK3-SK6	0.77	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

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N

PROJECT INFO
 DRAWING TITLE:
CONCEPT PRESENTATION
BASIX Commitment
 10/1 TDA, 15/14
40 CHARLES STREET LEICHHARDT NSW 2040
 SHEET:
 04-30-03-2-015
 info@andys-homedesign.com.au

Drawn: Checked:
 Project Status: **Development Applications**
 Client: **TYRRELL THIO**
 Revision No.: **4/01/1911**
 Date: **DR 01**

Project #40
 DRAWING NO.
DR013



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

BASIX Certificate number: A485010_03

Glazing requirements

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing 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 improved frames, or pyrolytic low-e glass, or clear, gaspactar glazing, or bendable gaspactar glazing must be installed in accordance with National Fire Protection Association (NFPA) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 200 mm above the sill.

For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door: all must be at least the ratio in the table below.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

Pergolas with fixed louvers must have louvers parallel to the window or glazed door, and which they are situated, unless the pergola also has a shading device.

Overshadowing buildings or projections must be of the height and distance from the centre and the base of the window and glazed door, as specified in the overshadowing column in the table below.

Windows and glazed doors, glazing requirements

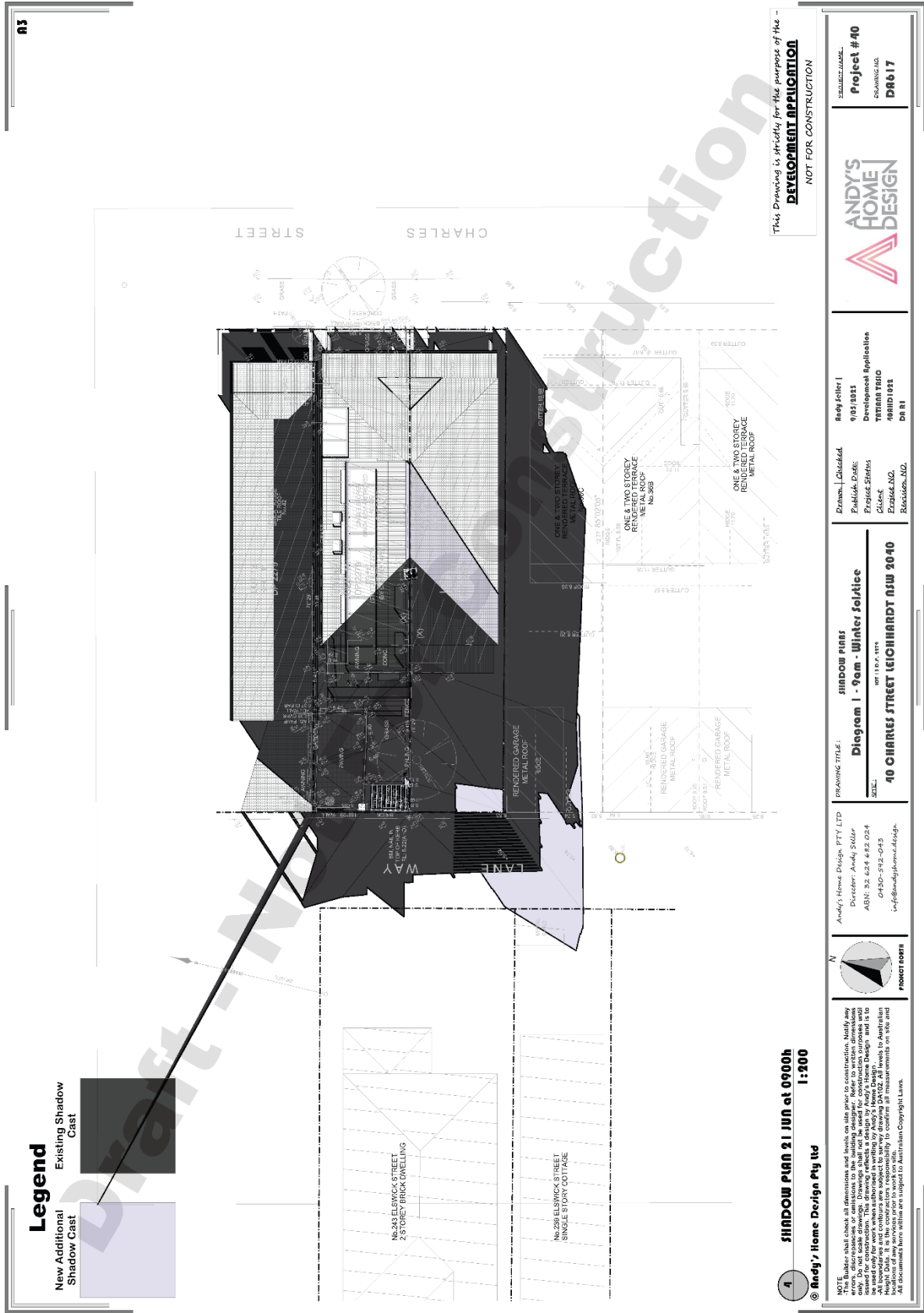
Window / Glazed Door no.	Glazing Area (m ²)	Height (m)	Distance (m)	Shading device	Frame and glass type	
W1	N	1.35	2.57	0.34	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W2	N	1.35	0	0	eave/verandah/pergola/balcony	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	N	1.08	0	0	eave/verandah/pergola/balcony	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

BASIX Certificate number: A485010_03

Glazing requirements

Window / door no.	Overhang/area of frame (m ²)	Area of glass (m ²)	Height (m)	Distance (m)	Shading device	Frame and glass type
W4	N	0.89	0	0	eave/verandah/pergola/balcony	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	N	1.8	0	0	eave/verandah/pergola/balcony	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	1.2	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W7	W	1.89	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W8	N	1.62	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W9	N	1.62	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W10	N	1.08	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W11	N	1.09	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W12	N	1.28	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W13	E	2.39	0	0	projection/height above all ratio	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
D1	W	12.86	0	0	eave/verandah/pergola/balcony	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Skylights



Legend

- New Additional Shadow Cast
- Existing Shadow Cast

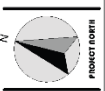
This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR617

Design | Checked
 Drafted | Date:
 Project Status
 Client
 Project No.
 Revision No.

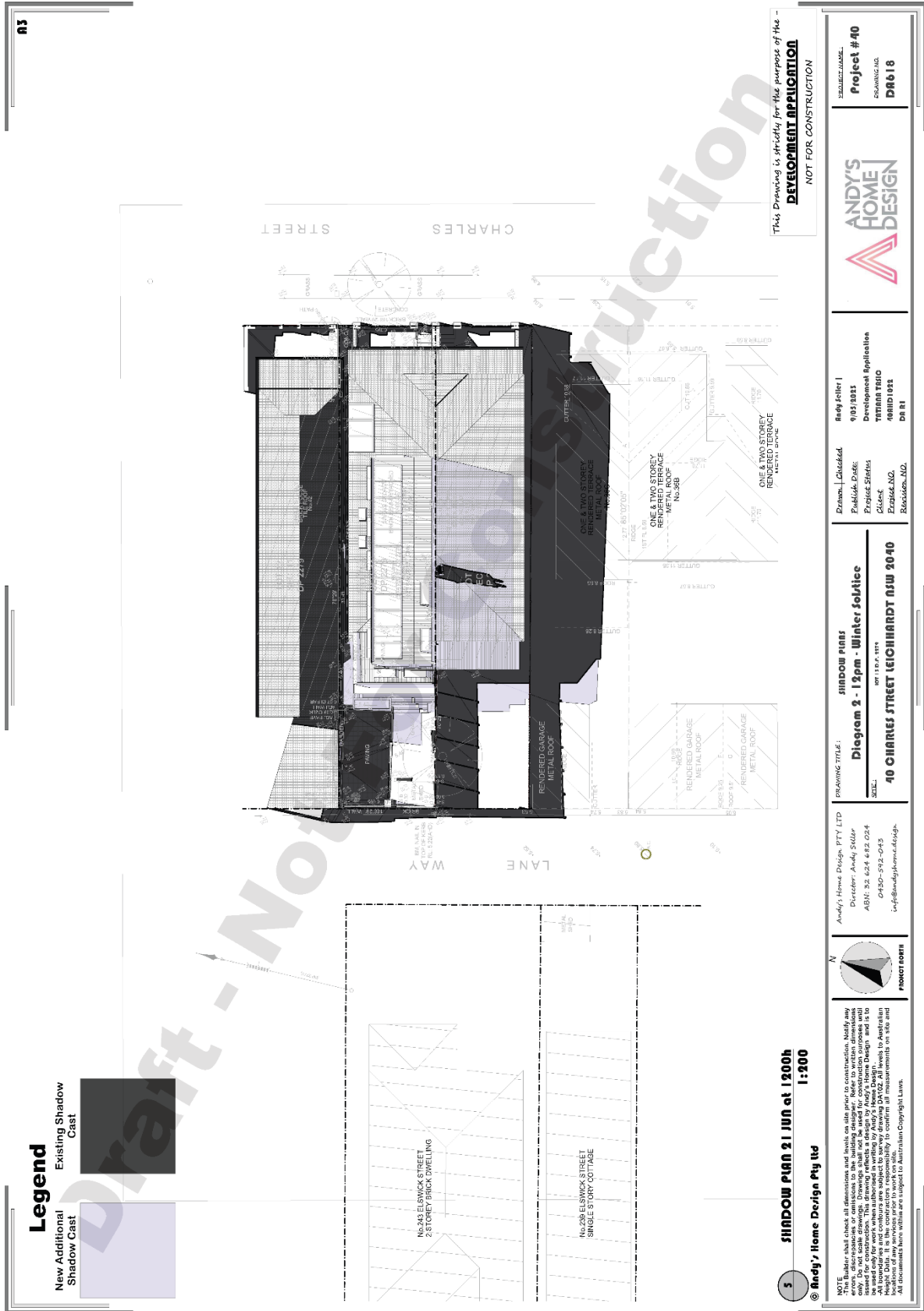
SHADOW PLANS
Diagram 1 - 9am - Winter Solstice
 DATE: 10/11/2024
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 32 624 482 024
 0430-932-043
 info@andyshome4u.com.au



PROJECT NOTES
 The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All boundaries and contours are subject to survey drawing DA102. All levels to Australian Height Datum (AHD) unless otherwise stated. All measurements on site and boundaries here within are subject to Australian Copyright Laws.

4 SHADOW PLAN 21 JUN at 0900h
 1:200
 © Andy's Home Design Pty Ltd



Legend

- New Additional Shadow Cast
- Existing Shadow Cast

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR618



Design Checked: **Andy Joller**
 Project Date: **9/05/2021**
 Project Status: **Development Application**
 Client: **TIMOTHY THOMAS**
 Project NO.: **40ND1021**
 Revision NO.: **DR 01**

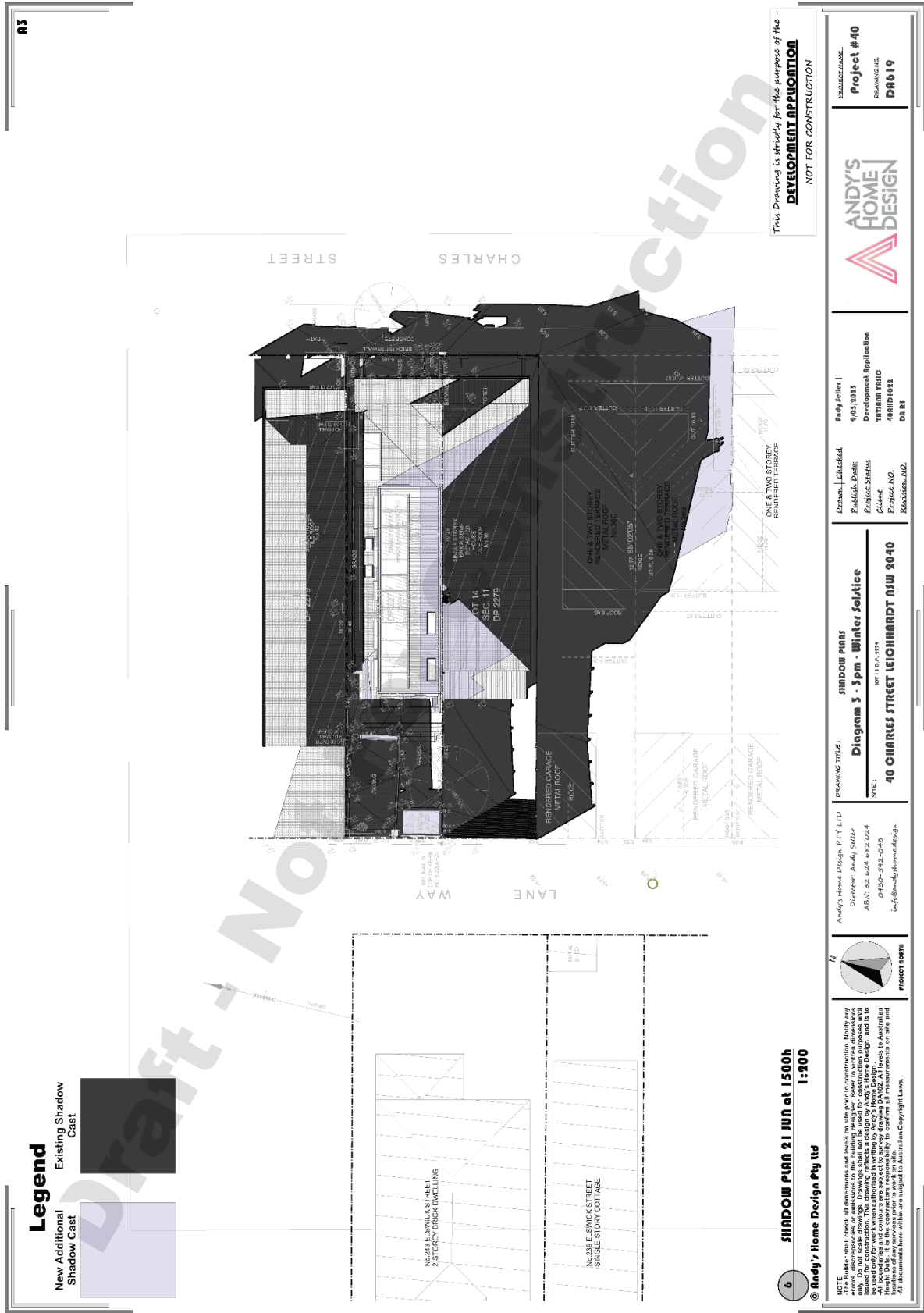
DRAWING TITLE:
SHADOW PLAN
Diagram 2 - 12pm - Winter Solstice
 DATE: **21 JUN 2021**
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: **Andy Joller**
 ABN: **35 624 482 024**
0430-932-043
info@andyshome.com.au



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5 SHADOW PLAN 21 JUN at 1200h
1:200
 © Andy's Home Design Pty Ltd



Legend

- New Additional Shadow Cast
- Existing Shadow Cast

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR619

ANDY'S HOME DESIGN

Design | Checked
 9/05/2021
 Project Status
 Client
 Project No.
 Revision No.

Design | Checked
 9/05/2021
 Development Application
 TIANHUI THAO
 4888D 052
 DR 01

SHADOW PLANS
Diagram 3 - 3pm - Winter solstice
 04-30-2024-015
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 35 624 482 024
 0430-932-015
 info@andys-homedesign.com.au



SHADOW PLAN 21 JUN at 1500h
1:200
 © Andy's Home Design Pty Ltd

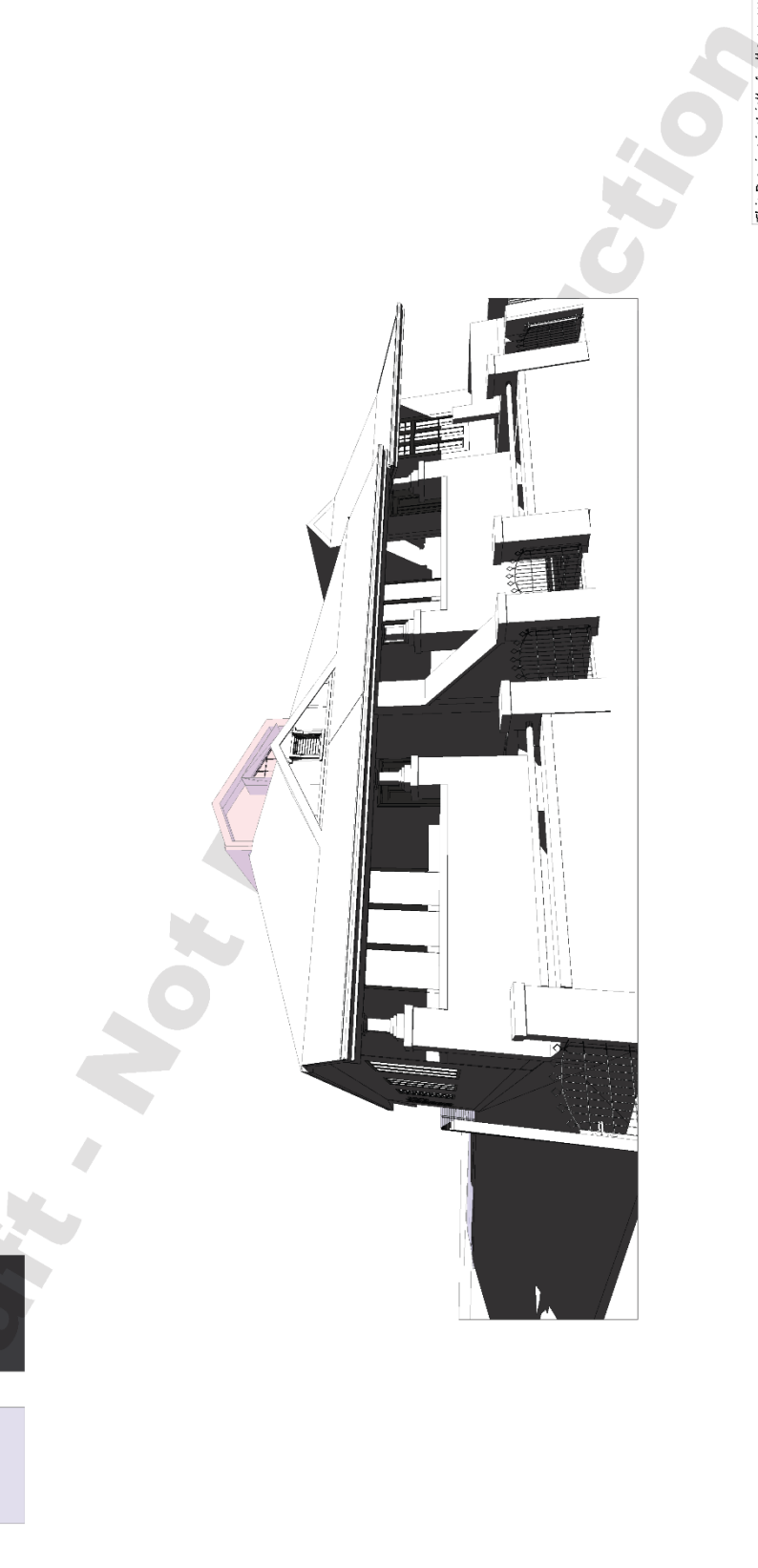
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction. All buildings and contours are subject to survey drawings DA102. All levels to Australian Height Datum. All measurements on this and other drawings are to be confirmed by the builder. All documents here within are subject to Australian Copyright Laws.

03

Legend

New Additional Shadow Cast

Existing Shadow Cast



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DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

Project #40
 DRAWING NO. DR690

ANDY'S HOME DESIGN

Design | Checked
 Publish Date: 9/05/2021
 Project Status: Development Application
 Client: TITIAN THIO
 Project No.: 48810182
 Revision No.: DR 01

SHADOW PLANS
 Wall Elevation 1 - 9am - Winter solstice - front
 40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 35 624 482 024
 0430-932-015
 info@andys-homedesign.com.au

PLOTTED BY:
 N

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All boundaries and contours are subject to survey drawing DA102. All levels to Australian Height Datum. All dimensions are to be confirmed by measurements on site and boundaries of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.

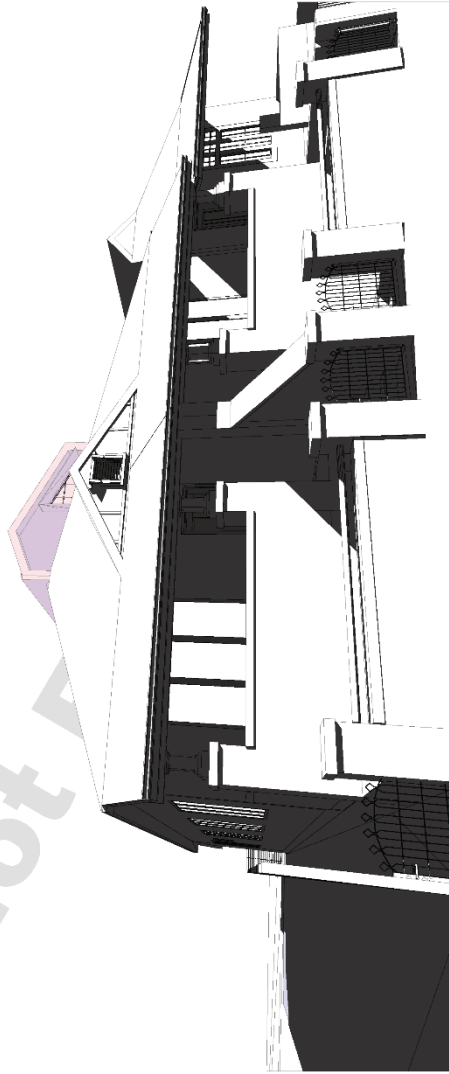
Wall Elevation 21 June at 0900h - front
 1:200
 © Andy's Home Design Pty Ltd

Legend

New Additional Shadow Cast

Existing Shadow Cast

N3



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT #40
 DRAWING NO.
DR051



Issue Date:
 9/05/2021
 Development Application
 TITAN TRIO
 4880 052
 DR 01

Drawn / Checked:
 Project Date:
 Project Status:
 Client:
 Project No.:

Reaction No.

SHADOW PLANS

Wall Elevation 2 - 12pm - Winter solstice - front

DATE: 11/05/2021

40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design - PTY LTD
 Director: Andy Stiller
 ABN: 32 624 682 024
 0430-932-043
 info@andyshome.com.au



PLACING NOTES

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All buildings and contours are subject to survey drawings DA102. All levels to Australian height datum. All dimensions are to be confirmed on site and buildings here within are subject to Australian Copyright Laws.

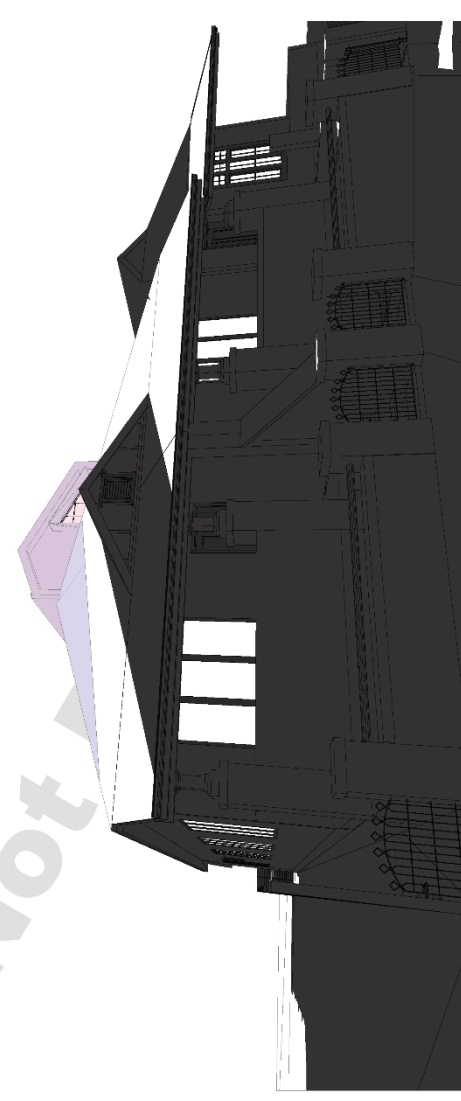
Wall Elevation 2 | June at 1200h - front
1:200
 © Andy's Home Design Pty Ltd

03

Legend

New Additional Shadow Cast

Existing Shadow Cast



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR092



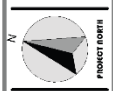
Design | Checked
 Project Date:
 Project Status
 Client
 Project No.
 Revision No.

Design | Checked
 Project Date:
 Project Status
 Client
 Project No.
 Revision No.

Design | Checked
 Project Date:
 Project Status
 Client
 Project No.
 Revision No.

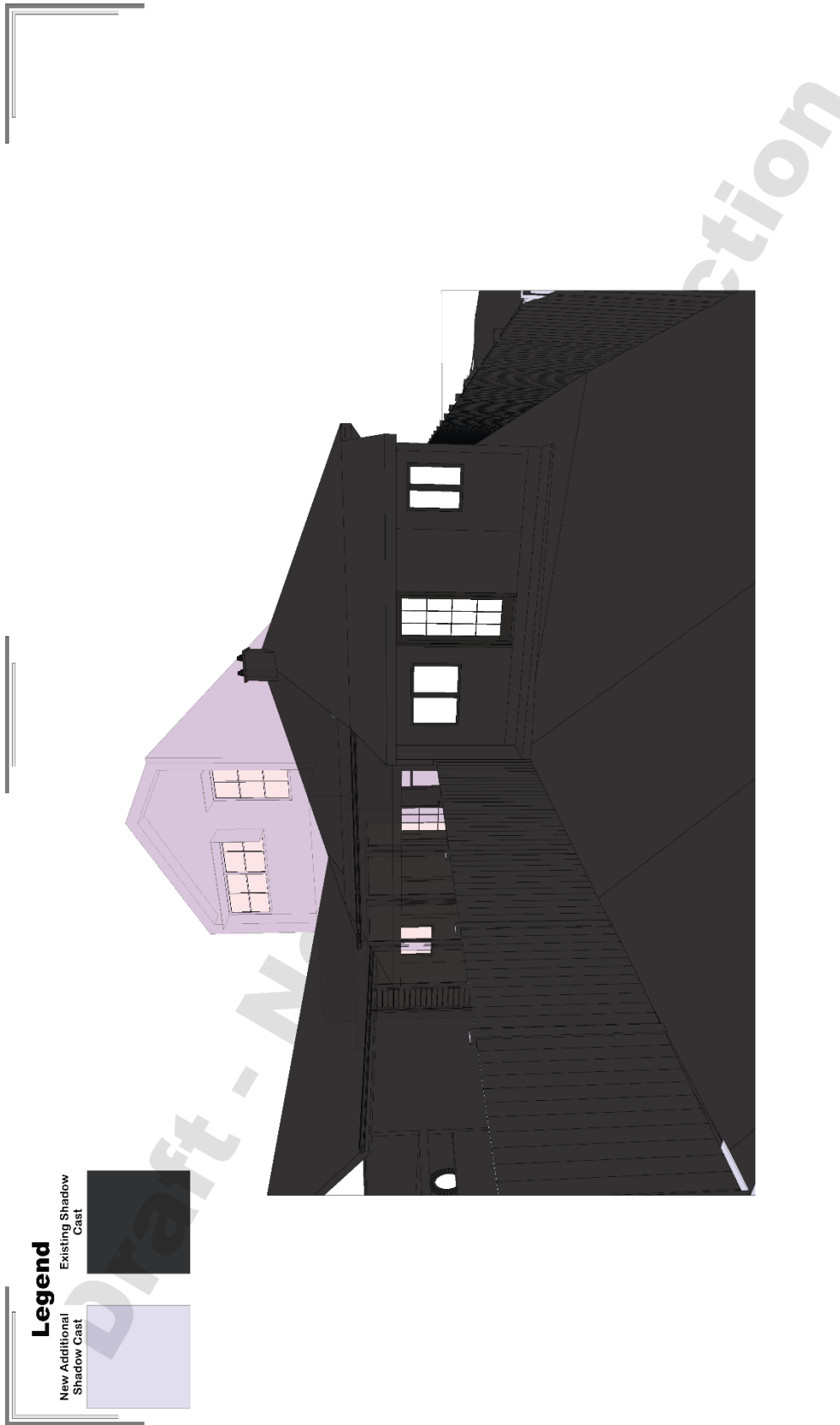
SHADOW PLANS
Wall Elevation 3 - 3pm - Winter Solstice - front
 40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 35 624 482 024
 0430-592-045
 info@andys-homedesign.com.au



© Andy's Home Design Pty Ltd
 Wall Elevation 21 June at 1500h
 1:200

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions listed for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All boundaries and contours are subject to survey drawing DA102. All levels to Australian Height Datum. All dimensions are in millimetres unless otherwise stated. All documents here within are subject to Australian Copyright Laws.



Legend

New Additional Shadow Cast 

Existing Shadow Cast 

Wall Elevation 2 | June at 0900h - Rear
1:200

NOTE:
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All buildings and contours are subject to survey drawings DA102. All levels to Australian Height Datum. All measurements are to be confirmed by the builder. All dimensions are to be confirmed by the builder. All documents here within are subject to Australian Copyright Laws.



Andy's Home Design PTY LTD
Director: Andy Stiller
ABN: 32 624 682 024
0430-592-043
info@andys-homedesign.com.au

DRAWING TITLE:
SHADOW PLANS
Wall Elevation 1 - 9am - Winter Solstice - Rear
DATE: 10/10/2018
40 CHARLES STREET LEICHHARDT NSW 2040

Drawn / Checked:
Project Date: 9/05/2018
Project Status: Development Application
Client: TITIAN THIO
Project No: 48810182
Revision: 02
DR RT

ANDY'S HOME DESIGN

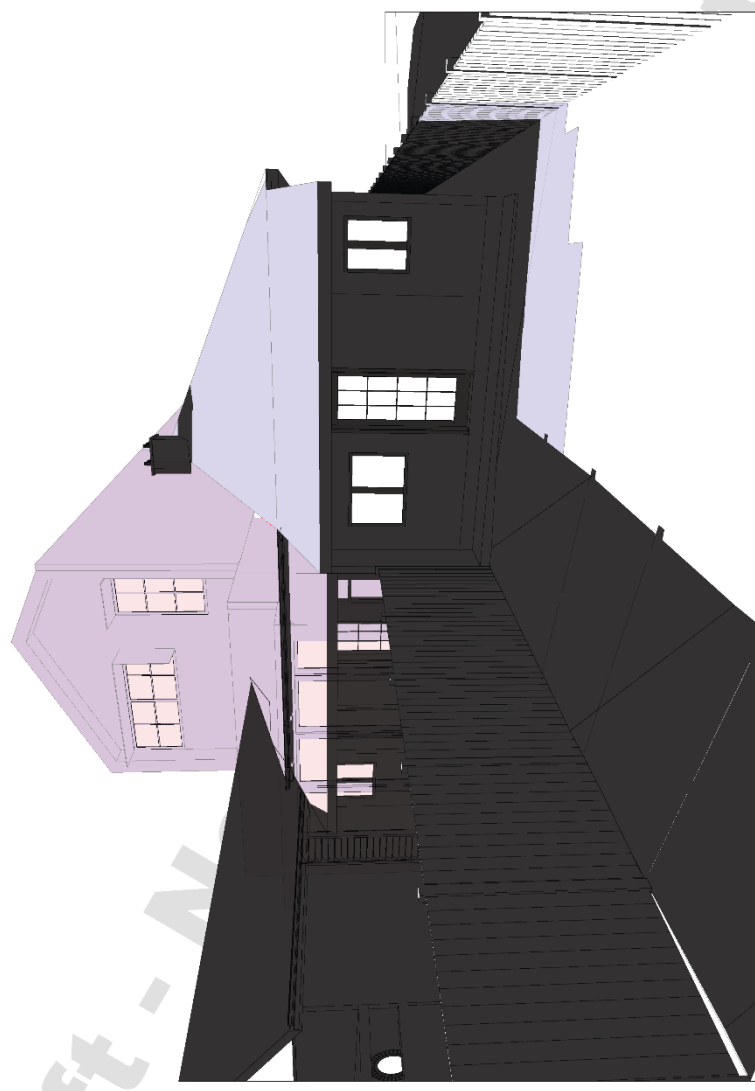
PROJECT NAME: Project #40
DRAWING NO: DR693

03

Legend

New Additional Shadow Cast

Existing Shadow Cast



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

Project #40
 DRAWING NO. DR694

ANDY'S HOME DESIGN

Design / Checked: Andy Joller / 9/05/2021
 Development Application
 TITIAN THIO
 4880 1052
 DR 01

Drawing Title:
SHADOW PLANS
Wall Elevation 2 - 1.5pm - Winter Solstice - Rear
 40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Joller
 ABN: 35 624 482 024
 0430-592-015
 info@andys-homedesign.com.au

PROJECT INFO


The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All boundaries and contours are subject to survey drawing DA102. All levels to Australian Height Datum. All measurements are to be confirmed by the builder prior to work on site. All documents here within are subject to Australian Copyright Laws.

Wall Elevation 2 | June at 1.500h - Rear
1:200
 © Andy's Home Design Pty Ltd


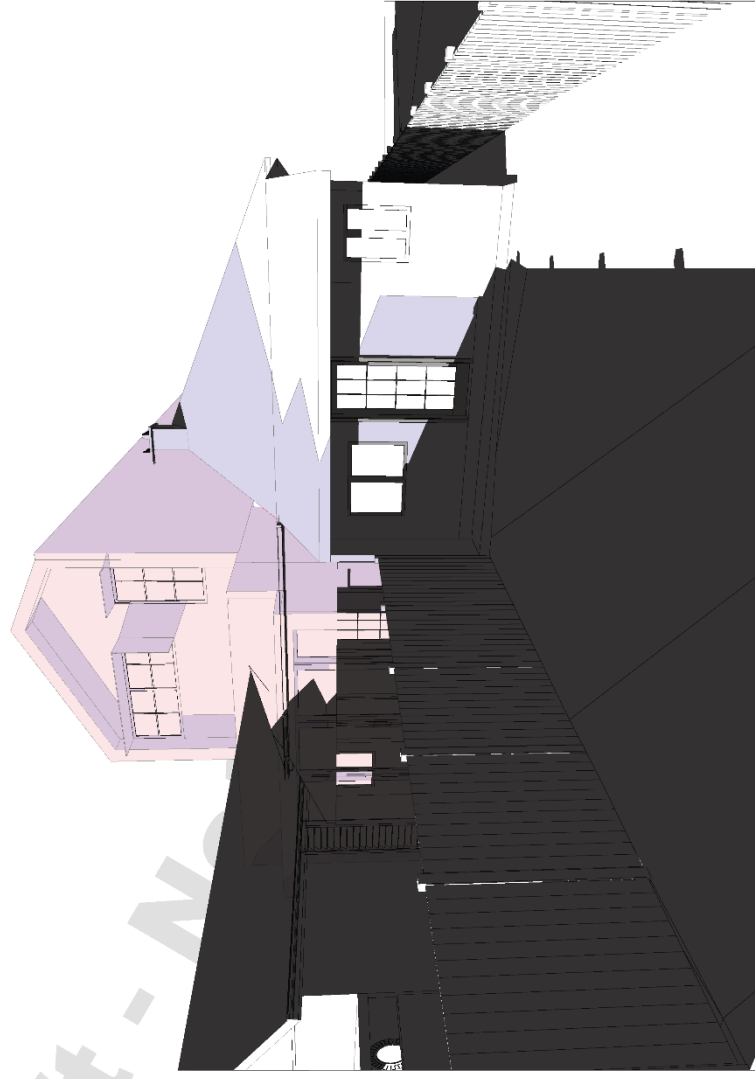
03

Legend

New Additional Shadow Cast



Existing Shadow Cast

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Project #40
DRAWING NO.
DR693

ANDY'S HOME DESIGN

Date: 9/05/2021
Project Status: Development Application
Client: TIANHUI THIO
Project No.: 4001021
Revision No.: DR 01

DRAWING TITLE:
Wall Elevation 3 - 3pm - Winter Solstice - Rear
SITE:
40 CHARLES STREET LEICHHARDT NSW 2040

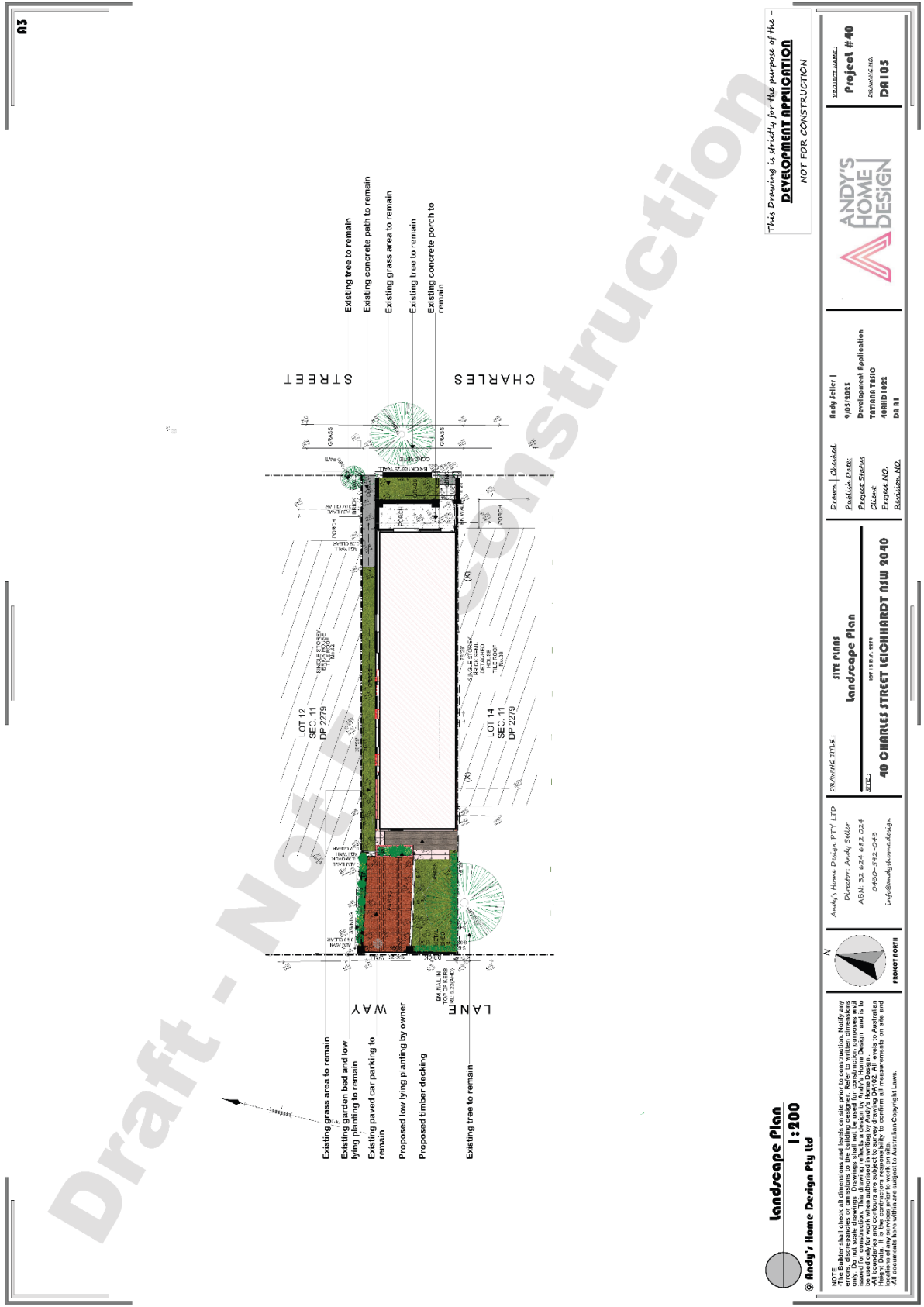
Andy's Home Design PTY LTD
Director: Andy Stiller
ABN: 35 624 482 024
0430-592-043
info@andyshomedesign.com.au

N

PITCH ROOF

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, omissions or omissions to the building designer. Refer to written dimensions and notes on drawings. This drawing reflects a design by Andy's Home Design and is to be used for construction. All buildings and contours are subject to survey drawing DA102. All levels to Australian Height Datum. All measurements on site and drawings are subject to confirmation of measurements on site and drawings. All documents here within are subject to Australian Copyright Laws.

Wall Elevation 2 | June at 1500h - Rear
1:200
© Andy's Home Design Pty Ltd



Landscaping Plan
1:200
 © Andy's Home Design Pty Ltd

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR 103

Design | Checked
 Project Date:
 Project Status:
 Client:
 Project No.:

Design | Issued
 9/05/2021
 Development Application
 TIANHUI THIO
 48810192
 DR 01

SITE PLAN
Landscaping Plan
 40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 32 624 482 024
 0430-592-075
 info@andys-homedesign.com.au

DRAWING TITLE:
40 CHARLES STREET LEICHHARDT NSW 2040

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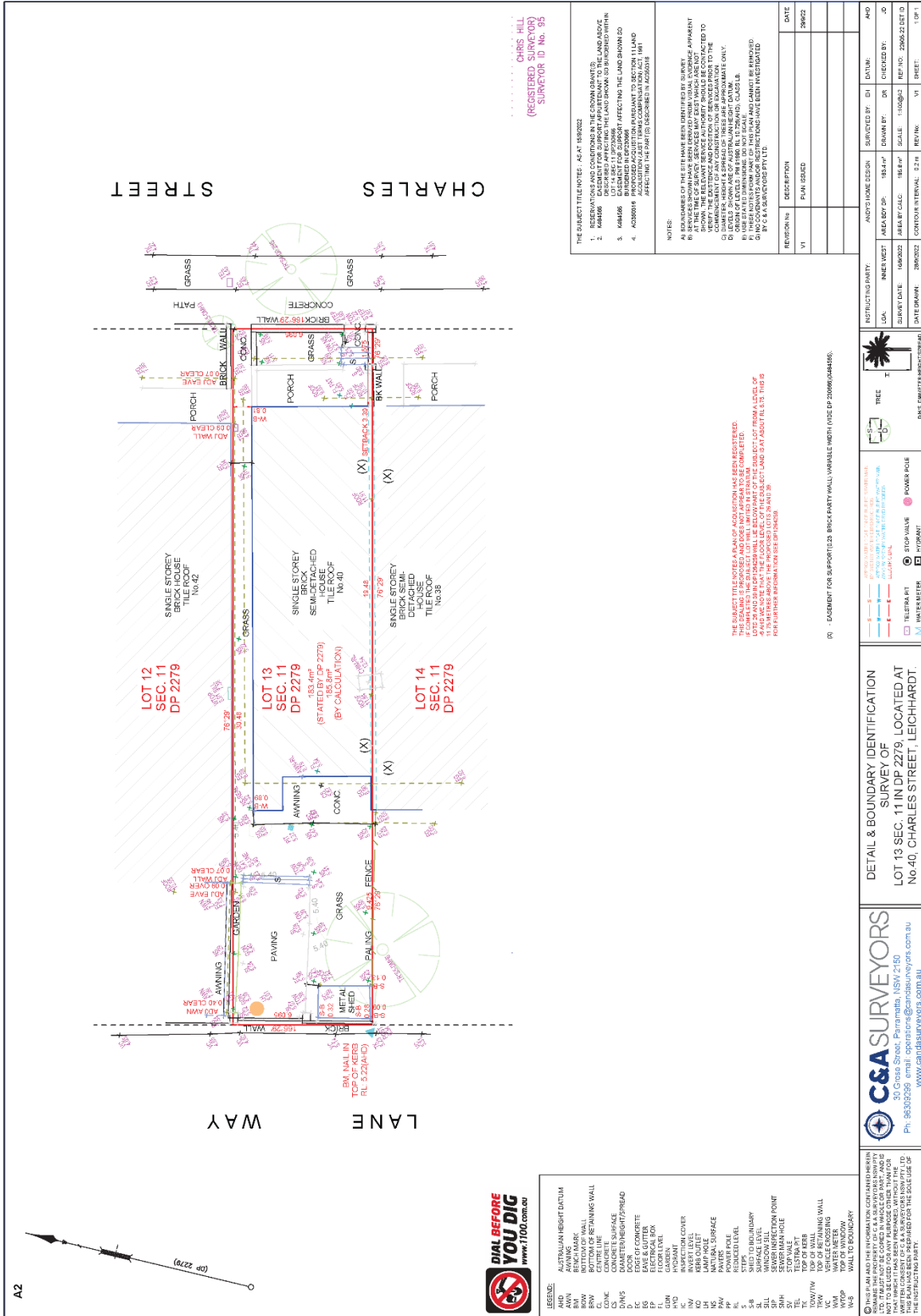
PLANTER NOTES

 **C&A SURVEYORS**
30 Grose Street, Parramatta, NSW 2150
Ph: 96309299 email: operations@candasurveyors.com.au
www.candasurveyors.com.au

PROPERTY ADDRESS :
NO.40, CHARLES STREET, LEICHHARDT



- CONTENTS :
1. DWG FILES
 2. PDF FILES
 3. TITLE SEARCH (INCLUDED)
 4. DEPOSITED PLAN (INCLUDED)
 5. SITE PHOTOS



THE SUBJECT TITLE NOTES: AS AT 18/08/2022

- MAR2022 HAS BEEN CANCELLED FOR THE COVENANTS TO BE CANCELLED FOR SUPPORT APPLICANT TO THE LAND ABOVE
- LOT 14 SEC 11 DP 2279 HAS BEEN CANCELLED FOR THE LAND ABOVE
- MAR2022 HAS BEEN CANCELLED FOR THE COVENANTS TO BE CANCELLED FOR SUPPORT APPLICANT TO THE LAND ABOVE
- AD20018 PROPOSED ACQUISITION POSSESSION AND SECTION 11 LAND AFFECTING THE PART (S) DESCRIBED IN AD20018

NOTES:

- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS SHOWN ARE AS MEASURED FROM VERTICAL SURFACE APPARENT TO THE EYE.
- THE DIMENSIONS OF THE BUILDINGS AND WALLS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS AND POSITION OF SERVICES PRIOR TO THE SURVEY ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS OF THE BUILDINGS AND WALLS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS AND POSITION OF SERVICES PRIOR TO THE SURVEY ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS OF THE BUILDINGS AND WALLS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS AND POSITION OF SERVICES PRIOR TO THE SURVEY ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS OF THE BUILDINGS AND WALLS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- THE DIMENSIONS AND POSITION OF SERVICES PRIOR TO THE SURVEY ARE APPROXIMATE TO THE DATE OF THE SURVEY.
- UNLESS SPECIFICALLY STATED OTHERWISE, ALL DIMENSIONS ARE APPROXIMATE TO THE DATE OF THE SURVEY.

REVISIONS:

REVISION NO.	DESCRIPTION	DATE
VI	PLAN ISSUED	28/02

INSTRUCTING PARTY: ANATY HOME DESIGN SURVEYED BY: DA DATUM: AND

SCALE: 1:500 (AS SHOWN ON PLAN)

DATE DRAWN: 28/02/2022

DATE OF MEASUREMENT: 28/02/2022

SCALE: 1:500 (AS SHOWN ON PLAN)

DATE OF MEASUREMENT: 28/02/2022

LEGEND:

- AUSTRALIAN HEIGHT DATUM
- AND
- BENCH MARK
- BOTTOM OF WALL
- BROW
- CENTRE LINE
- CONCRETE SURFACE
- DIM'S
- DIMENSION HEIGHT/READ
- EDGE OF CONCRETE
- EDGE OF WALL
- ELECTRICAL BOX
- FLOOR LEVEL
- FURNITURE
- GRASS
- HOB
- INDUSTRIAL COVER
- KERB
- KERB OUTLET
- NATURAL SURFACE
- PAVING
- POWER POLE
- REMOVED LEVEL
- S-8
- SHED TO HOUSING
- SLIP
- SEWER INSPECTION POINT
- STOP WALL
- TOP OF KERB
- TOP OF WALL
- TOP OF WINDOW
- VEHICLE CROSSING
- W-8
- WALL TO BOUNDARY

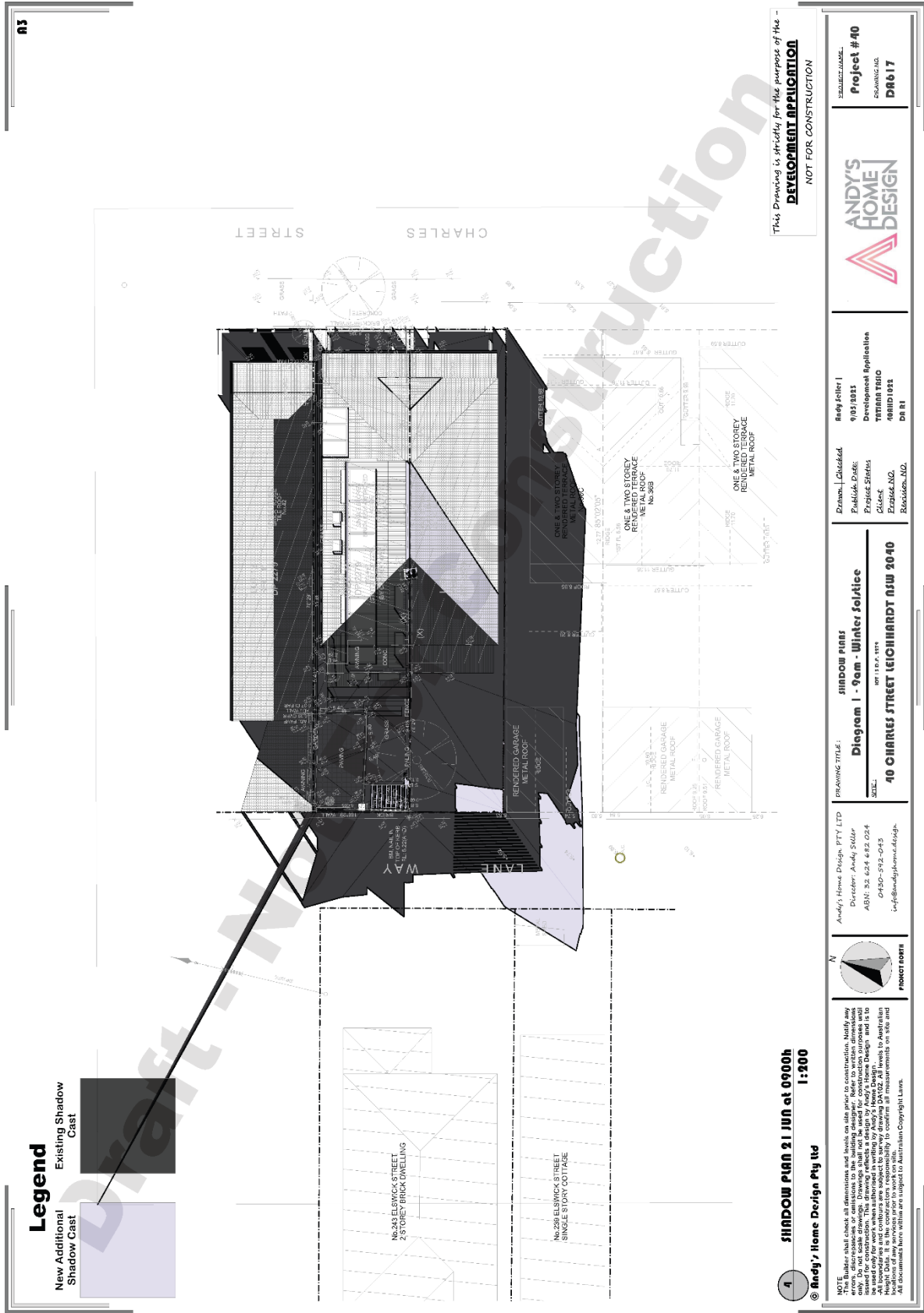
DETAIL & BOUNDARY IDENTIFICATION
SURVEY OF
LOT 13 SEC. 11 IN DP 2279, LOCATED AT
NO.40, CHARLES STREET, LEICHHARDT.

C&A SURVEYORS
3/200 Onda Street, Parramatta, NSW 2150
Ph: 86305659 www.casurveyors.com.au
www.casurveyors.com.au

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DIAL BEFORE YOU DIG
www.1100.com.au



Legend

- New Additional Shadow Cast
- Existing Shadow Cast

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DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR617

Design: Checked
 9/05/2021
 Project Date:
 Project Status
 Client:
 Project No.
 Revision No.

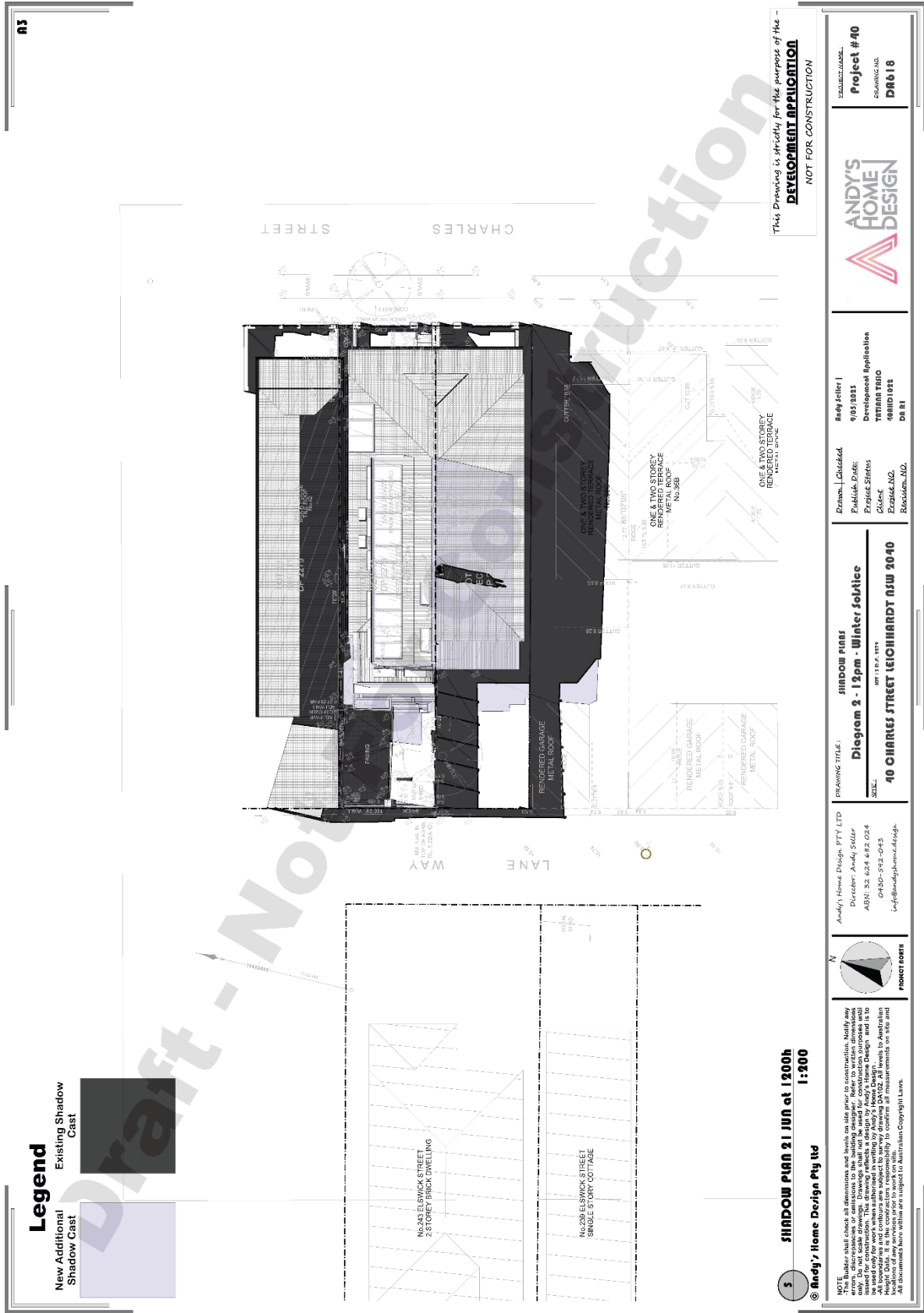
SHADOW PLAN
Diagram 1 - 9am - Winter Solstice
 DATE: 21 JUN 2021
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 32 424 482 024
 0430-932-043
 info@andys-homedesign.com.au



NOTICE
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4 SHADOW PLAN 21 JUN at 0900h
 1:200
 © Andy's Home Design Pty Ltd



Legend

- New Additional Shadow Cast
- Existing Shadow Cast

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR618

Design Checked: **Andy Joller**
 Project Date: **9/07/2021**
 Project Status: **Development Application**
 Client: **TIMOTHY THOMAS**
 Project NO.: **40ND1021**
 Revision NO.: **DR 01**

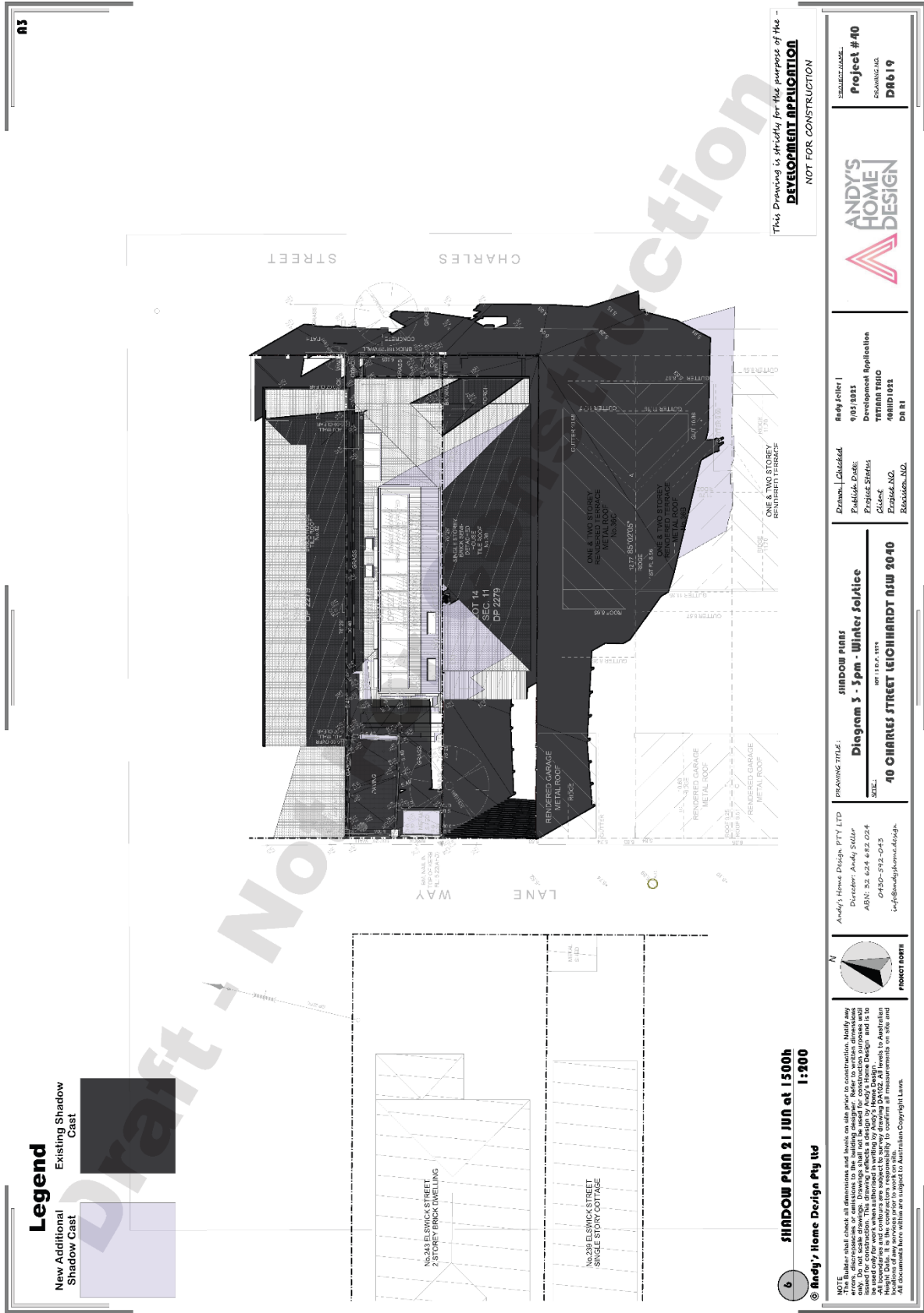
DRAWING TITLE:
SHADOW PANS
Diagram 2 - 12pm - Winter Solstice
 DATE: **09/07/2021**
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: **Andy Joller**
 ABN: **35 624 482 024**
0430-932-043
info@andys-homedesign.com.au

PROJECT INFO:

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the building designer. Refer to written dimensions issued for construction. This drawing reflects a design by Andy's Home Design and is to be used for construction purposes only. All boundaries and contours are subject to survey drawing DA102. All levels to Australian Height Datum. All measurements are to be confirmed by measurements on site and boundaries of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.

5 SHADOW PLAN 21 JUN at 1200h
1:200
 © Andy's Home Design Pty Ltd



Legend

- New Additional Shadow Cast
- Existing Shadow Cast

This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

PROJECT NAME:
Project #40
 DRAWING NO:
DR619

ANDY'S HOME DESIGN

Design | Checked
 9/05/2021
 Project Status
 Client
 Project No.
 Revision No.

Design | Checked
 9/05/2021
 Development Application
 TITIAN THIO
 48801 052
 DR 01

SHADOW PLANS
Diagram 3 - 3pm - Winter solstice
 04/30-04/24-04/15
 info@andyshomedesign.com.au

ANDY'S HOME DESIGN PTY LTD
 Director: Andy Stiller
 ABN: 35 624 482 024
 0430-042-043
 info@andyshomedesign.com.au

40 CHARLES STREET LEICHHARDT NSW 2040



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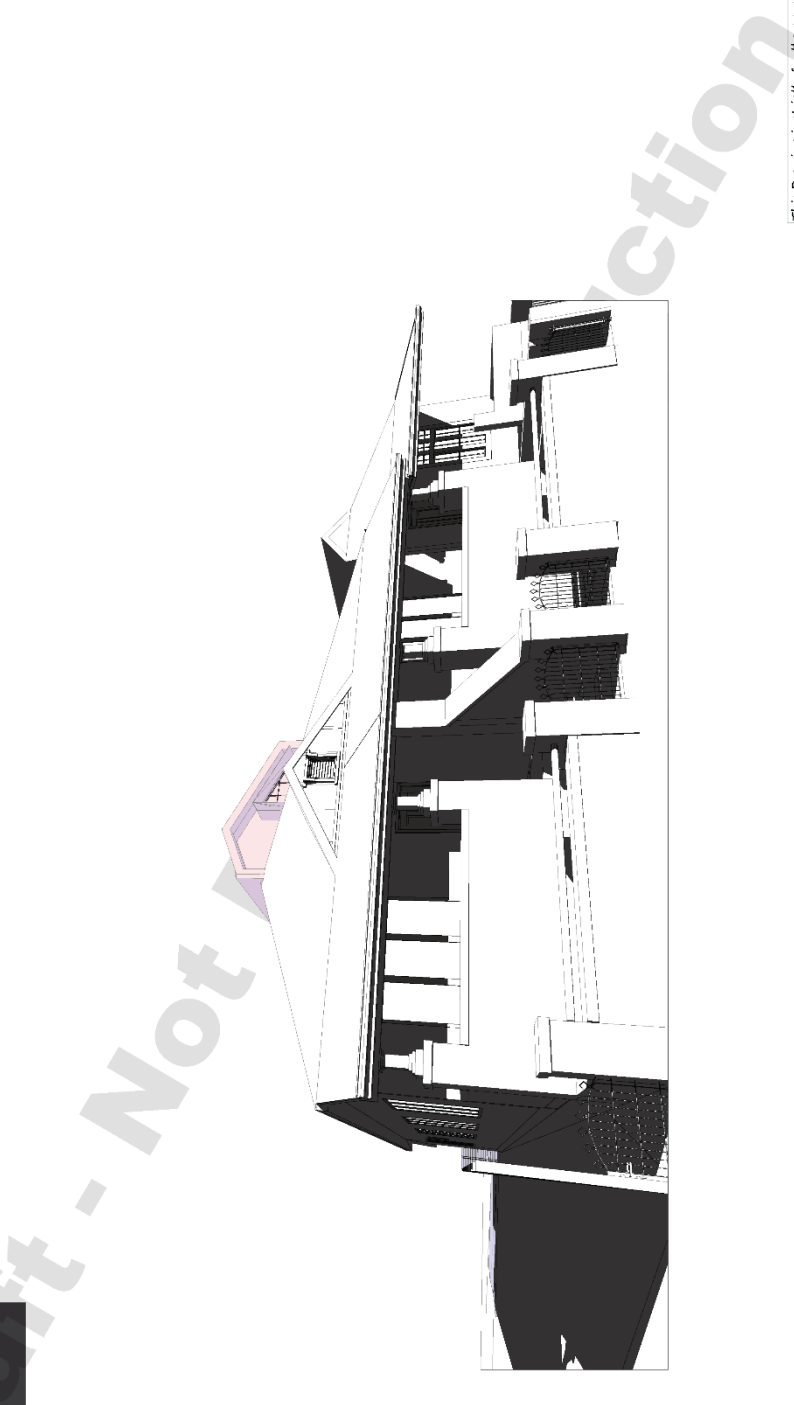
SHADOW PLAN 21 JUN at 1500h
 1:200
 © Andy's Home Design Pty Ltd

03

Legend

New Additional Shadow Cast

Existing Shadow Cast



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

Project #40
 DRAWING NO.
DR690

ANDY'S HOME DESIGN

Design | Checked
 Project Date: 9/05/2021
 Project Status: Development Application
 Client: TITIAN THIO
 Project No: 4881012
 Revision No: DR 01

SHADOW PLANS
Wall Elevation 1 - 9am - Winter solstice - front
 DATE: 09/05/2021
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 35 624 482 024
 0430-592-045
 info@andys-homedesign.com.au

PROJECT INFO

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Wall Elevation 21 June at 0900h - front
1:200

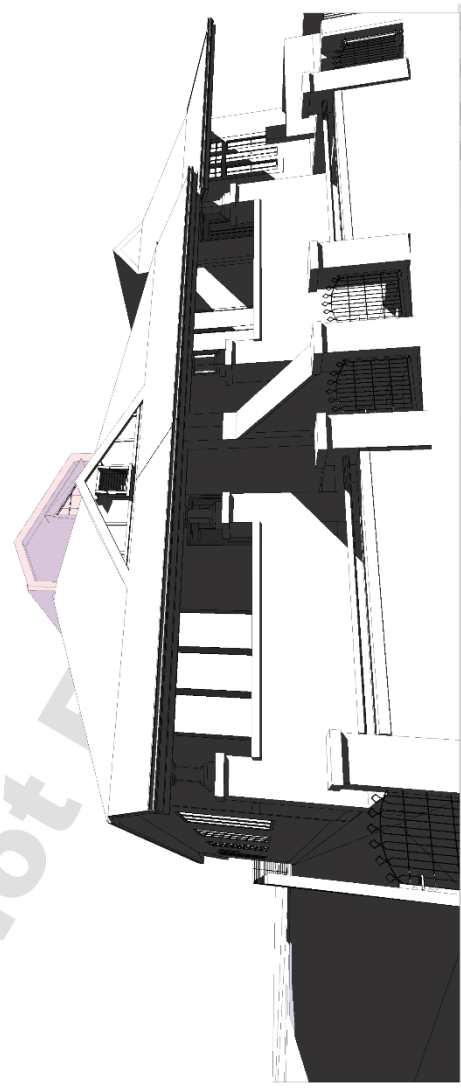
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03

Legend

New Additional Shadow Cast

Existing Shadow Cast



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

Project #40
 DRAWING NO. **DR051**

ANDY'S HOME DESIGN

Project #40
 DRAWING NO. DR051

Drawn: [Checked] 9/05/2011
 Project Date: 9/05/2011
 Project Status: Development Application
 Client: TERRY THIO
 Project No.: 40010101
 Revision No.: DR 01

SHADOW PLANS
Wall Elevation 2 - 12pm - Winter solstice - front
 DATE: 09/05/2011
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
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 0430-932-043
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PROJECT INFO


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Wall Elevation 2 | June at 12:00h - front
1:200
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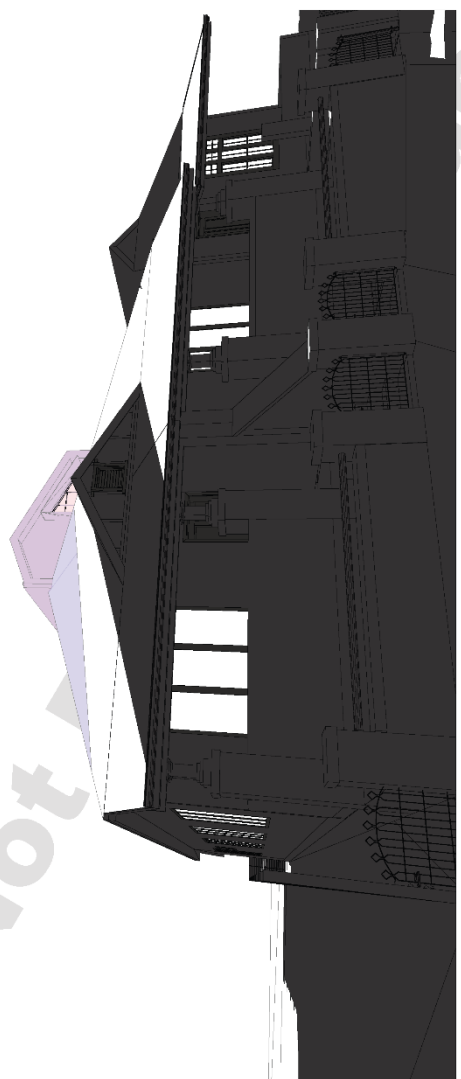
03

Legend

New Additional Shadow Cast



Existing Shadow Cast

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DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

Project #40
 DRAWING NO. **DR092**

ANDY'S HOME DESIGN

Project #40
 Development Application
 TITIAN THIO
 4880 1052
 DR 01

Drawn: [Checked]
 Project Date: 9/05/2021
 Project Status: Client
 Project No.: 4880 1052
 Revision No.:

SHADOW PLANS
Wall Elevation 3 - 3pm - Winter solstice - front
 40 CHARLES STREET LEICHHARDT NSW 2040

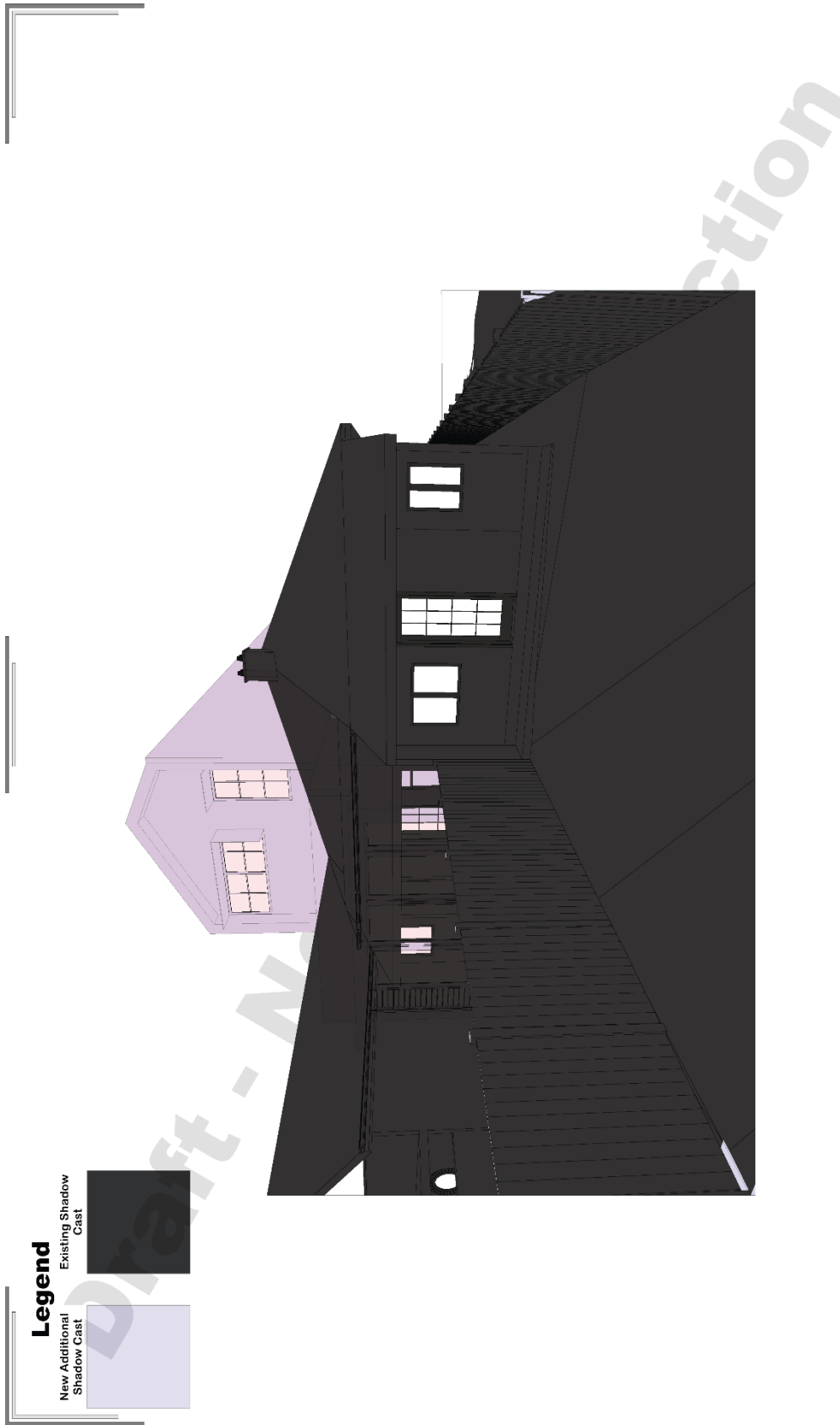
Andy's Home Design PTY LTD
 Director: Andy Stiller
 ABN: 32 624 482 024
 0430-932-043
 info@andys-homedesign.com.au

PROJECT INFO

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Wall Elevation 21 June at 1500h
1:200

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Legend

New Additional Shadow Cast 

Existing Shadow Cast 

Wall Elevation 2 | June at 0900h - Rear
1:200

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DRAWING TITLE:
SHADOW PLANS
Wall Elevation 1 - 9am - Winter Solstice - Rear
DATE: 10/10/2018
40 CHARLES STREET LEICHHARDT NSW 2040

Drawn / Checked:
Project Date: 9/05/2018
Project Status: Development Application
Client: TITIAN THIO
Project No: 48810182
Revision: 02
DR RT



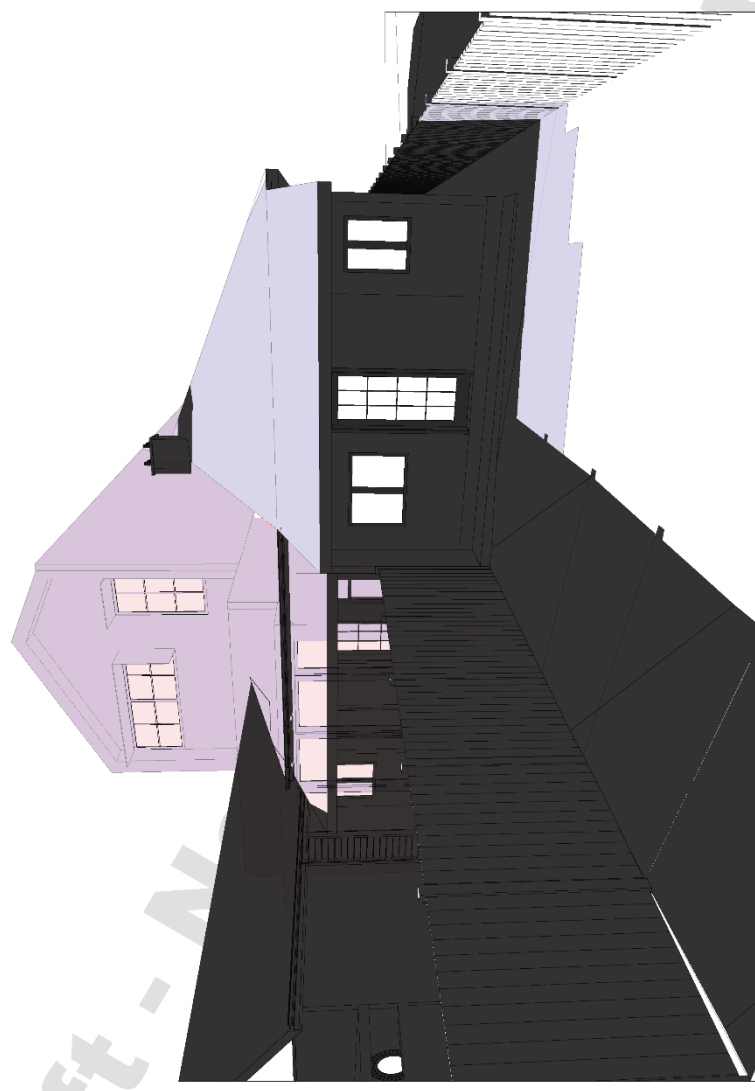
Project #40
DRAWING NO.
DR693

03

Legend

New Additional Shadow Cast

Existing Shadow Cast



This Drawing is strictly for the purpose of the -
DEVELOPMENT APPLICATION
 NOT FOR CONSTRUCTION

Project #40
 DRAWING NO. DR694

ANDY'S HOME DESIGN

Drawn: Checked: 9/05/2021
 Project Date: Development Application
 Project Status: TITIAN THIO
 Client: 48810 021
 Project No. DR 81
 Revision No.

SHADOW PLANS
Wall Elevation 2 - 1.5pm - Winter Solstice - Rear
 DATE: 09/05/2021
40 CHARLES STREET LEICHHARDT NSW 2040

Project Name: SHADOW PLANS
 Drawing Title: Wall Elevation 2 - 1.5pm - Winter Solstice - Rear
 Date: 09/05/2021
 Project No: 40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
 Director: Andy Stiller
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 0430-592-015
 info@andys-homedesign.com.au

PROJECT INFO

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Wall Elevation 2 | June at 1.500h - Rear
1:200

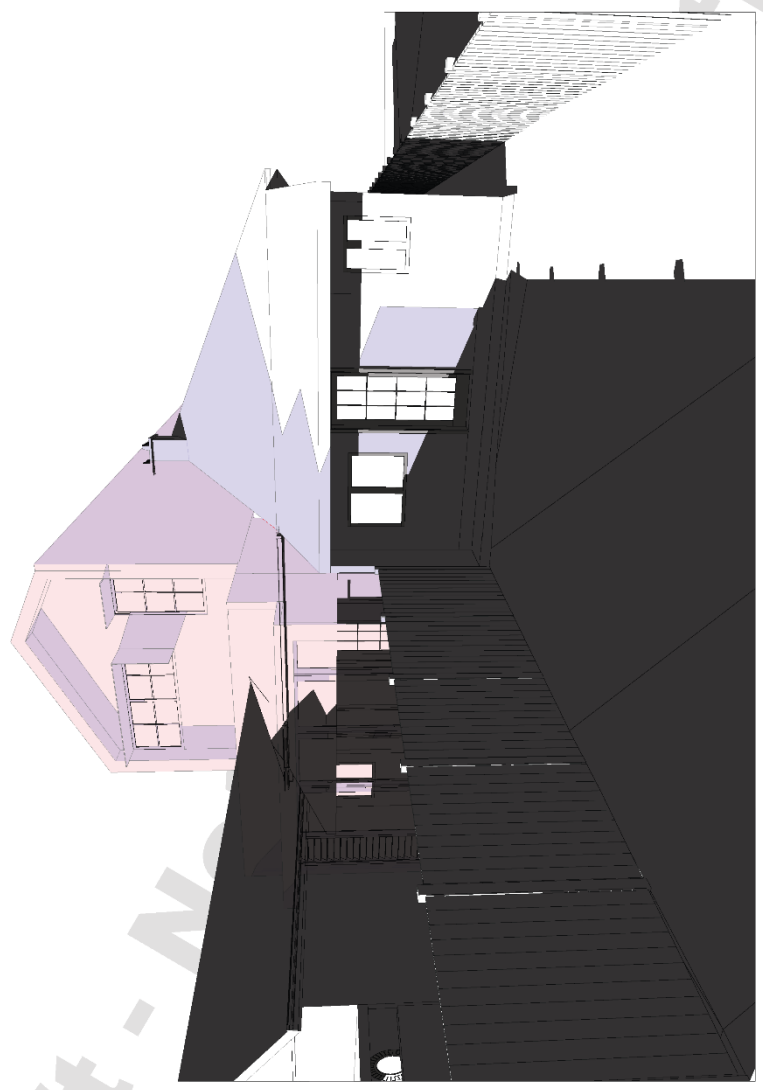
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03

Legend

New Additional Shadow Cast

Existing Shadow Cast



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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Project #40
DRAWING NO.
DR693

ANDY'S HOME DESIGN

Date: 9/05/2011
Project Status: Development Application
Client: TIANHUI THIO
Project No.: 40010101
Revision No.: DR 01

DRAWING TITLE:
Wall Elevation 3 - 3pm - Winter Solstice - Rear
SITE:
40 CHARLES STREET LEICHHARDT NSW 2040

Andy's Home Design PTY LTD
Director: Andy Stiller
ABN: 35 624 482 024
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info@andys-homedesign.com.au

N
PITCH ROOF

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Wall Elevation 2 | June at 1500h - Rear
1:200
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Attachment C- Section 4.6 Exception to Development Standards



Clause 4.6 Written Variation Request

40 Charles Street, Leichhardt

"Dwelling house alterations and additions"

15 April 2023

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Document Set ID: 37732519
Version: 1, Version Date: 17/05/2023

1. BACKGROUND

This Clause 4.6 variation is a written request to vary a development standard to support a development application for alterations and additions at 40 Charles Street, Leichhardt. The proposal is in direct response to the growing housing needs of the Leichhardt and wider Inner West locality. The design is commensurate in scale, bulk, site coverage, and materiality to many of the other dwellings located in the immediate area.

The proposed works include:

- **Demolition** of the rear portion of the existing dwelling including a portion of the existing tiled roof, and a detached metal shed;
- **Construction** of internal works and rear extension to the ground floor, the addition of a new first floor, new rooftop solar panels and external landscaping in the rear garden; and the
- **Retention** of the front portion of the existing dwelling and the front setback.

Clause 4.3C of Inner West Local Environmental Plan (LEP) 2022 relates to the minimum landscaped area requirements and states that:

(3) Development consent must not be granted to development to which this clause applies unless—

(a) the development will result in a landscaped area comprising at least—

(i) if the lot size is 235m² or less—15% of the site area, or

(ii) otherwise—20% of the site area, and

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

(4) For subclause (3)—

(a) the site area must be calculated in the way set out in clause 4.5, and

(b) the following areas must not be included as landscaped areas—

(i) a landscaped area with a length or width of less than 1m,

(ii) a landscaped area located more than 500mm above ground level (existing), and

(c) a deck, balcony or similar structure, whether enclosed or unenclosed, must not be included in calculating the site coverage if—

(i) the underside of the deck, balcony or structure is at least 2.4m above ground level (existing), and the area below the structure is able to be landscaped or used for recreational purposes, or

(ii) the finished floor level is 500mm or less above ground level (existing).

As 40 Charles Street, Leichhardt measures 185.8m² in site area, 27.87m² (15%) of the site is required to be landscaped area and site coverage must not exceed 60% of the site.

Under this Development Application, 21.27m² (11%) of the proposed site is landscaped, representing a 24% variation to the development standard and a non-compliance of 6.6m² of landscaped area.

Site coverage does not exceed 60%, complying with subclause 4.3C(3)(b).

The proposal is of a reasonable scale and provides a high quality and durable dwelling which will assist to meet the high demand for spacious housing in the Leichhardt locality. The development is commensurate in scale and character with other properties in the streetscape, measuring no more than two-storeys in height, and complies with the maximum FSR prescribed for the site. The variation results in the substantial increase in amenity for the subject site without producing any adverse impacts on the privacy, views, solar access and overall amenity of surrounding properties.



Figure 1 – 3D perspective (Andy's Home Design Pty Ltd, 2023)

Environmental Planning Grounds Relied Upon

The term 'environmental planning grounds' is not defined and may be interpreted with wide scope as has been the practice of the Land and Environment Court. The environmental planning grounds supporting variation are on the basis of: -

- **The variation is a result of a calculation technicality.** The northern side setback contains deep soil landscaping (marked in green in figure 2 below) which is capable of accommodating shrubs, hedging and small trees, contributing positively to the landscaping for 40 Charles Street. When counting this setback landscaping, 22% of the site under this proposal is

landscaped. However, as this setback is marginally less than 1m in width it is excluded from calculation as per subclause 4.3C(4)(b)(ii), and the site appears to only feature 11% of landscaping when considering the requirements of Clause 4.3C.

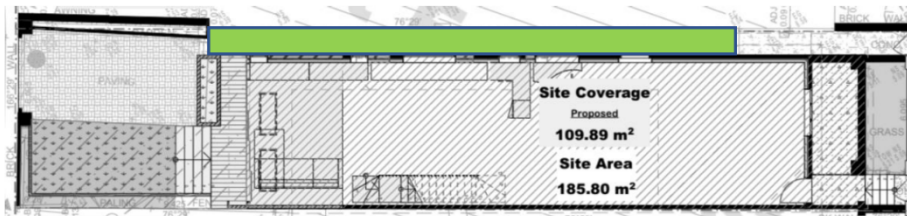


Figure 2 – Site coverage, private open space and landscaped area calculation diagram (Andy’s Home Design Pty Ltd, 2023)

- Compatibility with the character and amenity of the area.** The proposed works to the semi-detached dwelling will not alter the established character of the area, nor will they introduce an undesirable precedent to the locality. The desired future character of the surrounding neighbourhood is retained by the proposal, as period features of the dwelling at 40 Charles Street are respected, new works remain partially concealed from public view by the retention of a large street tree along Charles Street, and both the front and rear gardens contain lawn.
- Achievement of an appropriate and supportable bulk and scale for the building.** The proposal fully complies with the maximum FSR and site coverage prescribed for the site. As such the new dwellings will not dominate the streetscape any more than the surrounding development.
- The site is highly constrained.** The site measures 185.8sqm in area and sits within a semi-detached dwelling context where the extent of vertical development opportunity is limited to one and two-storeys. As such, ground floor rear extension works are required to provide an adequate level of residential amenity for the site whilst still providing a proposal that is visually complementary to the Charles Street streetscape. A reasonable reduction of landscaped area is a consequence of the ground floor extension works.

The request will now further expand on the identified environmental planning grounds.

2. IS THE STANDARD A DEVELOPMENT STANDARD?

Clause 4.3C of the Inner West Local Environmental Plan (LEP) 2022 states that:

(3) Development consent must not be granted to development to which this clause applies unless—

(a) the development will result in a landscaped area comprising at least—

(i) if the lot size is 235m² or less—15% of the site area, or

(ii) otherwise—20% of the site area, and

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

A development standard is defined in Section 1.4 of the Environmental Planning and Assessment Act 1979 ("EPA Act") to mean:

"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- b) the proportion or percentage of the area of a site which a building or work may occupy,
- c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- d) the cubic content or floor space of a building,
- e) the intensity or density of the use of any land, building or work,
- f) the provision of public access, open space, **landscaped space**, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- h) the volume, nature and type of traffic generated by the development,
- i) road patterns,
- j) drainage,
- k) the carrying out of earthworks,
- l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- m) the provision of services, facilities and amenities demanded by development,
- n) the emission of pollution and means for its prevention or control or mitigation, and
- o) such other matters as may be prescribed."

The minimum landscaped area control falls under subsection (f); therefore, the control is a development standard and Clause 4.6 of the Inner West Local Environmental Plan 2022 is applicable.

3. CLAUSE 4.6 OF THE INNER WEST LOCAL ENVIRONMENTAL PLAN 2022

The Standard Instrument LEP contains its own variations clause (Clause 4.6) to allow the variation of development standards. Clause 4.6 of the Standard Instrument is similar in tenor to the former State Environmental Planning Policy No. 1; however, the variations clause contains considerations which are different to those in SEPP 1. The language of Clause 4.6(3)(a)(b) and case law suggests a similar approach to SEPP 1 may be taken in part.

There is abundant judicial guidance on how variations under Clause 4.6 variations should be assessed. Some of these cases are taken into consideration in this request for variation.

While it is not necessary to refer to case law, we do so as it has become customary in sustaining requests under Clause 4.6.

4. THE ONUS ON THE APPLICANT

Under Clause 4.6(3)(a), it is the onus of the applicant to demonstrate: -

- 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.

In the case of *Samadi v Council of the City of Sydney* [2014] NSWLEC 1199.

Paragraph 27 of the judgement states: -

Clause 4.6 of LEP 2013 imposes four preconditions on the Court in exercising the power to grant consent to the proposed development. The first precondition (and not necessarily in the order in cl 4.6) requires the Court to be satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)). The second precondition requires the Court to be satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(ii)). The third precondition requires the Court to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)). The fourth precondition requires the Court to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

Precondition 1 - Consistency with zone objectives

The land is located in the R1 General Residential zone. The objectives of the R1 zone are: -

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposed dwelling house alterations and additions meet the relevant land use zone objectives. The development will provide for a functional family home in an area where there is a high demand for spacious and high quality housing. The proposal will not prevent other sites from hosting land uses that provide facilities or services to meet the day to day needs of residents. Natural features of the site are enhanced with the addition of upgraded plantings in the rear garden.

The minor 6.6sqm variation to the minimum landscaped area does not render the development incompatible with the R1 zone objectives, in accordance with the approach of the former Chief Judge, Justice Pearlman in *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21, in Paragraph [27]:

‘The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.’

Precondition 2 - Consistency with the objectives of the standard

The objectives of Clause 4.3C are articulated at Clause 4.3C(1): -

- 1) *The objectives of this clause are as follows—*
 - (a) *to provide landscaped areas for substantial tree planting and for the use and enjoyment of residents,*
 - (b) *to maintain and encourage a landscaped corridor between adjoining properties,*
 - (c) *to ensure that development promotes the desired character of the neighbourhood,*
 - (d) *to encourage ecologically sustainable development,*
 - (e) *to control site density,*
 - (f) *to provide for landscaped areas and private open space.*

(a) to provide landscaped areas for substantial tree planting and for the use and enjoyment of residents,

The proposal provides landscaped areas suitable for the planting of mature trees in the rear garden. The minor variation to this standard does not prevent the proposal from complying with this objective.

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

A generally continuous landscaped corridor is possible along the rear portion of the sites along Charles Street as most of the dwellings along this street contain landscaped in this area. The minor variation to this standard does not prevent the proposal from complying with this objective, as landscaping in the rear garden is retained.

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

The desired future character of the surrounding neighbourhood is retained by the proposal, as period features of the dwelling at 40 Charles Street are respected, new works remain partially concealed from public view by the retention of a large street tree along Charles Street, and both the front and rear gardens contain lawn. The desired landscaped and architectural character of the Leichhardt area are therefore retained, demonstrating that the minor variation to this standard does not prevent the proposal from complying with this objective.

(d) to encourage ecologically sustainable development,

The proposal does not prevent the site from containing ecologically sustainable development, as adequate areas of deep soil are located in the front, rear and northern side setback which are all capable of containing plantings that contribute to the ecological network of the immediate area. The minor variation to this standard does not prevent the proposal from complying with this objective when the merits and contribution of the landscaped northern side setback (which is technically not counted in the landscaped area due to its width of less than 1m) is considered.

(e) to control site density,

The proposal retains the constructed dwelling house density. The scale of works on site area reasonable, complying with the site coverage and FSR standards that assist to shape reasonable densities. The minor variation to this standard does not prevent the proposal from complying with this objective.

(f) to provide for landscaped areas and private open space.

The rear garden will continue to contain landscaped private open space, capable of accommodating for a range of passive recreational activities. The minor variation to this standard does not prevent the proposal from complying with this objective.

For the above reasons, I am of the view that the variation requested and the resultant development is consistent with the objectives of the development standard and an appropriate degree of flexibility is warranted. Consequently, I conclude that strict compliance with the development standard is unreasonable and unnecessary.

Precondition 3 - To consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

It is the onus of the Council to form an opinion of satisfaction that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

For the reasons detailed in this request, I am of the opinion that Council may form the necessary opinion of satisfaction that there are sufficient environmental planning grounds to support a variation. By contrast, a compliant proposal would not allow the substantial upgrade in residential amenity in the manner intended.

Further, given that the development satisfies the objectives of the zone and the development standard, numerical compliance is considered unreasonable and unnecessary in the circumstances of the case.

Precondition 4 – To consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court [or consent authority] finding that the matters required to be demonstrated have been adequately addressed

According to recent caselaw, Council is required to be satisfied that there are sufficient environmental planning grounds to support a variation to a development standard. Satisfaction as to sufficient environmental planning grounds is a matter for the Council to determine and need not be site specific. The term 'environmental planning grounds' is not defined and may be interpreted with wide scope.

In addition to the environmental planning grounds detailed under Preconditions 1 and 2, I provide the following comments: -

- Even though the proposal breaches the prescribed minimum landscaped area requirements, the development will integrate seamlessly with the locality.
- The residential amenity of neighbouring sites regarding solar access, visual privacy, acoustic privacy, outlook and structural integrity is protected by the proposal.

- A compliant proposal would unreasonably prevent the expansion of the dwelling to be able to provide current and future residents with a functional family home.
- Nevertheless, the proposal has been skilfully designed and undergone many revisions to mitigate any potential impacts on surrounding properties whilst still capturing the desired residential amenity that the site is entitled to.

For the above reasons, it is considered there are sufficient environmental planning grounds to justify a variation to the minimum landscaped area development standard.

In the 'Four2Five' judgement (*Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90), Pearson C, outlined in her judgement that a Clause 4.6 variation requires identification of grounds that are particular to the circumstances to the proposed development. That is to say that simply meeting the objectives of the development standard is insufficient justification of a Clause 4.6 variation. It should be noted that a Judge of the Court, and later the Court of Appeal, upheld the Four2Five decision but expressly noted that the Commissioner's decision on that point (that she was not "satisfied" because something more specific to the site was required) was simply a discretionary (subjective) opinion which was a matter for her alone to decide. It does not mean that Clause 4.6 variations can only ever be allowed where there is some special or particular feature of the site that justifies the non-compliance. Whether there are "sufficient environmental planning grounds to justify contravening the development standard" is something that can be assessed on a case-by-case basis and is for the consent authority to determine for itself.

The more recent appeal of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 is to be considered. In this case the Council appealed against the original decision, raising very technical legal arguments about whether each and every item of clause 4.6 of the LEP had been meticulously considered and complied with (both in terms of the applicant's written document itself, and in the Commissioner's assessment of it). In February 2017, the Chief Judge of the Court dismissed the appeal, finding no fault in the Commissioner's approval of the large variations to the height and FSR controls.

While the judgment did not directly overturn the *Four2Five v Ashfield* decision an important issue emerged. The Chief Judge noted that one of the consent authority's obligation is to be satisfied that "the applicant's written request has adequately addressed ...that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and that there are sufficient environmental planning grounds to justify contravening the development standard." He held that this means (emphasis added):

"the Commissioner did not have to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but

only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary".

However, in the judgement of *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, there was further clarification of the construction of Clause 4.6. The Court asserted that:-

"... in order for a consent authority to be satisfied that an applicant's written request has "adequately addressed" the matters required to be demonstrated by cl 4.6(3), the consent authority needs to be satisfied that those matters have in fact been demonstrated. It is not sufficient for the request merely to seek to demonstrate the matters in subcl (3) (which is the process required by cl 4.6(3)), the request must in fact demonstrate the matters in subcl (3) (which is the outcome required by cl 4.6(3) and (4)(a)(i))."

This is consistent with a previous judgment in *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, where on appeal of a commissioner's decision, the Court affirmed at [78] that "The request cannot 'adequately' address the matters required to be demonstrated by cl 4.6(3) if it does not in fact demonstrate the matters".

Accordingly, regarding the proposed variation to the minimum landscaped area, it is considered that this Clause 4.6 request has in fact demonstrated sufficient environmental planning grounds for Council to be satisfied that the request is adequate and to allow appropriate flexibility.

There is also no requirement under Clause 4.6 or case law that a non-compliant development must demonstrate a better planning outcome. (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018). Refer also to Section 5 below.

Additionally, under (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018) at [24], the Chief Judge stated that "The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole". It is considered that this request is consistent with this aspect of the judgment as it does not rely on promotion of the benefits of the development.

According to the relevant case law, there are other common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised in *Wehbe v Pittwater Council* (2007).

The five tests under Wehbe are tabulated below. Only one of the tests needs to be satisfied. Consideration of a variation is not limited to these tests – they are simply the most common ways invoked in considering whether compliance is unreasonable or unnecessary.

Test	Comments
<p>1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.</p>	<p>The objectives of the development standard are satisfied. Refer to discussion under Precondition 2.</p> <p>The objectives of the standard are concerned with the achievement of compatibility with the character, amenity and landform of the area. I conclude that the proposed landscaped area is appropriate as it results in a built form that is compatible with the character, amenity and landform area.</p> <p>The dwelling house will continue to contribute positively to the Charles Street streetscape and ecological network.</p> <p>The application demonstrates that objectives of the standard are achieved through the qualitative design outcomes rather than a strict numerical approach.</p>
<p>2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;</p>	<p>The objective of the development standard is considered to be relevant to the development however the objective is achieved and strict compliance is unreasonable and unnecessary.</p>
<p>3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;</p>	<p>Not applicable — Compliance does not defeat the underlying object of the standard development; however, compliance would prevent the approval of an otherwise supportable development and prevent the site to better meet the zoning objectives as discussed in part 4 of this document.</p>
<p>4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;</p>	<p>Not applicable — the development standards of minimum landscaped area cover a wide area and whilst they are not appropriate to this site, they are appropriate to other sites elsewhere in the locality. There are numerous instances where consents departing from the standard have been approved and others where the standards have</p>

	<p>been upheld. This is more an indication of the inappropriateness of particular standards to some sites rather than a comment on Council's actions. The development standard has not been abandoned.</p>
<p>5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.</p>	<p>The zoning of the land is appropriate for the development standard.</p>

5. THE ONUS ON THE CONSENT AUTHORITY

Pursuant to Cl.4.6(4)(a), the Council must form the positive opinion of satisfaction that the applicant's written request has adequately addressed both of the matters required to be demonstrated by Clause 4.6(3)(a) and (b) and that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. (Initial Action Pty Ltd v Woollahra Municipal Council (2018)).

In assisting the consent authority in forming its opinion of satisfaction as to the public interest test under Cl.4.6(4)(a)(ii), I refer to the discussion concerning objectives for development within the zone in which the development is proposed to be carried out. The objectives and comments are provided under Precondition 2.

The resulting development continues to improve the amenity for the residents in a residential environment and the built form is compatible with established local character and amenity.

We maintain that the variation to the minimum landscaped area does not result in development that is incompatible with the environmental character of the locality. The proposal demonstrates harmony with the relevant zone objectives, the objectives of the standard and satisfies the public interest test.

6. CONCLUSION

The purpose of the application is to apply for dwelling house alterations and additions. The nature of the proposal necessitates a minor variation to the minimum landscaped area standard, however, the proposal will be commensurate in bulk and siting to surrounding development within the locality.

As development standards tend to be strictly numerical in nature, they fail to take into consideration the nature of the development, any site constraints, or qualitative aspects of the development or of the particular circumstances of the case. Clause 4.6 of the standard instrument LEP allows such an analysis to be carried out.

It has been demonstrated in this request that strict compliance with the minimum landscaped area development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to allow Council to form the opinion of satisfaction that this written request has adequately addressed the matters required to be demonstrated by Cl.4.6(3)(a) and (b).

Therefore, I request that council support the variation on the basis that this Clause 4.6 variation demonstrates that strict compliance with the development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify a variation to the development standard.



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