




 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2023/0043			
Address	10 Short Street LEICHHARDT			
Proposal	Ground and first floor alterations and additions to existing dwelling and associated works			
Date of Lodgement	02 February 2023			
Applicant	The Planshop Pty Ltd			
Owner	Ms Hayley S Foster			
Number of Submissions	Initial: 1			
Value of works	\$405,875.00			
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%			
Main Issues	Departure from Floor Space Ratio development standard Overshadowing			
Recommendation	Approved with Conditions			
Attachment A	Recommended conditions of consent			
Attachment B	Plans of proposed development			
Attachment C	Section 4.6 Exception to Development Standards			
Attachment D	Statement of Heritage Significance			
				
LOCALITY MAP				
Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Ground and first floor alterations and additions to existing dwelling and associated works at 10 Short Street Leichhardt.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The main issue that has arisen from the application include:

- Departure from Floor Space Ratio development standard pursuant to the Inner West Local Environmental Plan 2022
- Departure from Site Coverage development standard pursuant to the Inner West Local Environmental Plan 2022
- Shadow Impacts

The departure from the Floor Space Ratio (FSR) and Site Coverage (SC) development standards has been assessed to be acceptable as the proposal meets all heads of consideration under the provisions of Clause 4.6 of the *Inner West Local Environmental Plan 2022* including the relevant zone and development standard objectives.

The assessment of the Section 4.6 justification concludes that compliance with the 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 R1 zone in which the development is to be carried out.

The proposed rear addition is acceptable on heritage grounds as it will not detract from the heritage significance of the Wetherill Estate Heritage Conservation Area, and subject to condition regarding materials and finishes, will accord with Clause 5.10 of the IWLEP 2022 and the relevant objectives and controls in the Leichhardt Development Control Plan 2013 (LDCP 2013).

With consideration of the above and other matters discussed in this assessment report, the application is recommended for approval.

2. Proposal

The proposal seeks to carry out alteration works to the ground floor level with a covered alfresco area to the rear connecting the rear living area to the rear yard. In addition, the proposal seeks the construction of a new first floor level to the rear which consists of two new bedrooms, bathroom and study area. Two skylights to service the stairs and hallway of the first-floor addition are also proposed.

3. Site Description

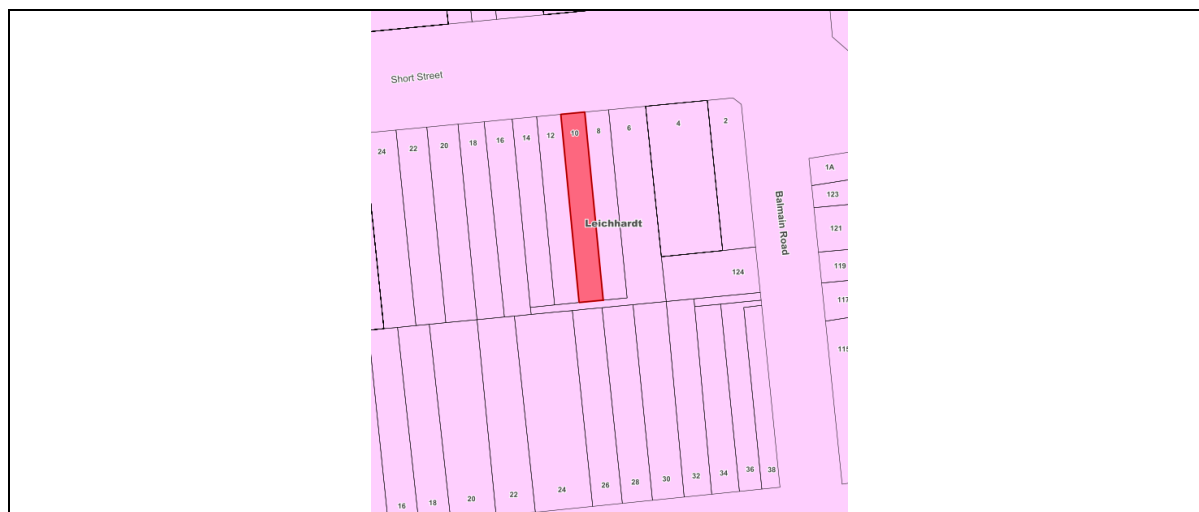
The subject site is located on the southern side of Short Street. The site consists of one (1) allotment and is generally rectangular in shape with a total area of 177 sqm..

The site has a frontage to Short Street of 4.89 metres.

The site supports a single storey terrace house.

The adjoining property to the east supports a single storey terrace while the adjoining property to the west supports a 2 storey terrace.

The property is located within a heritage conservation area.



Zoning map indicating location within the R1 – General Residential zone

4. Background

4(a) Site history

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

Subject Site

No recent development applications in the last 10 years.

Surrounding properties

26 Wetherill Street Leichhardt

Application	Proposal	Decision & Date
PDA/2020/0445	Alterations and additions to existing dwelling-house, new rear studio and associated works	Letter Issued – 15/12/2020
D/2013/186	Alterations and additions to the rear of the existing dwelling.	Approved – 18/7/2013

24 Wetherill Street Leichhardt

Application	Proposal	Decision & Date
M/2012/157	Section 96 modification of D/2010/51, which approved alterations and additions to the existing dwelling. Modification consists of changes to roof sheeting and two dormer windows.	Approved – 11/10/2012
D/2010/51	Alterations and additions to the existing dwelling including ground and first floor additions, new dormer window, new front verandah, pergola, front fence and new windows to front elevation.	Approved – 28/6/2010

4(b) Application history

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

Date	Discussion / Letter / Additional Information
24 March 2023	<p>Council sent out a formal Request for additional / amended information letter to the Applicant to address the planning issues identified from a preliminary assessment. The additional and amended information requested are as follows:</p> <ul style="list-style-type: none"> a) <i>the proposed rear first floor addition must be amended so that it is further setback away from the rear boundary that results in a minimum of 10.4sqm being removed from the first-floor addition..</i> b) <i>Any amendments to the proposed rear first floor addition are not to extend further beyond the existing rear first floor Building Location Zone (BLZ) of No. 12 Short Street (unless the proposal can demonstrate compliance with the solar access provision under the LDCP 2013).</i> c) <i>Updated shadow diagrams to reflect any design amendments undertaken and to accurately illustrate all existing and new proposed shadows cast. Note, that the proposal must demonstrate compliance with the applicable solar access controls.</i> d) <i>Updated Statement of Environmental Effect that correctly address the Site Coverage Development Standard of the IWLEP 2022.</i> e) <i>Clause 4.6 Variation Request to the non-compliance to the Site Coverage Development Standard.</i> f) <i>Updated Clause 4.6 Variation Request to any amendments that breaches the maximum allowed FSR.</i> g) <i>Updated Eastern Elevation Plan to depict the proposed window infill area in colour.</i>
18 May 2023	<p>Applicant e-mailed Council advising that the requested additional and amended information has been uploaded to the NSW Planning Portal. The following amendments have been carried out:</p> <ul style="list-style-type: none"> • Rear first floor addition has been further setback away from the rear boundary to be in-line with the rear first floor BLZ of No. 12 Short Street. • Updated shadow diagrams to reflect the design amendments carried out. • Updated Statement of Environmental Effects documentation. • Updated Clause 4.6 Variation to FSR development standard. • A Clause 4.6 Variation to Site Coverage development standard.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

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

The following provides further discussion of the relevant issues:

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

Chapter 4 Remediation of land

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

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

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

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

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

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

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

Chapter 2 Vegetation in non-rural areas

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

The application seeks the removal of one tree located at the rear of the subject site. The application was referred to Council's Tree Management Officer whose comments are provided below:

One (1) Callistemon viminalis (Weeping BottleBrush) and one (1) Tristaniopsis laurina (Water Gum) are located at the front and are to be retained and protected.

Inconsistencies were found with the site photos and plans submitted in relation to a tree indicated for removal on the eastern boundary. It has been determined the tree is not considered a prescribed tree.

No prescribed trees appear to be impacted by the proposed development.

In accordance with Council's 5.4 Tree Planting Requirements C11 within Councils Tree Management DCP, each property that is less than 300m² is required to provide the

minimum planting of one (1) tree therefore the design must provide the space above and below ground for suitable trees.

A minimum of 1 x 75 litre size tree, which will attain a minimum mature height of 6 metres, is to be planted in suitable locations that provides the space above and below ground within the property at a minimum of 1 metre from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth

Overall, the proposal is considered acceptable with regard to the SEPP and Tree Management DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

[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 5.10 – Heritage conservation
- 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 alterations and additions to a **dwelling house** which is permissible with consent in the zone.

Section 4 Principal Development Standards

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

Control	Proposed		Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	15% or 26.55sqm	Yes
	Proposed	24.07% or 42.61sqm	
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 106.2sqm	No – However proposal further reduces the non-compliance.
	<i>Existing*</i>	<i>*64.42% or 114.03sqm*</i>	
	Proposed	61.71% or 111sqm	
	Variation	4.8sqm or 4.52%	
Section 4.4	Maximum	0.7:1 or 123.9sqm	No

Floor Space Ratio	Proposed	0.82:1 or 145.4sqm	
	Variation	21.5sqm or 17.35%	

Section 4.6 Exceptions to Development Standards

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

- Section 4.3C(3)(b) – Site Coverage
- Section 4.4 – Floor space ratio

Section 4.3C(3)(b) – Site Coverage

The applicant seeks a variation to the Site Coverage development standard under Section 4.3C(3)(b) of the *IWLEP 2022* by 4.52% (4.8 sqm).

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:

- *Decrease in the overall site coverage from the existing residence by 2%*
- *Proposal results in a minimal variation to the standard with a breach of 1.8% equalling 3.03sqm only over the maximum site coverage (the existing breach equalling 6.65sqm over the maximum site coverage)*
- *Surrounding properties have already breached the site coverage variation, as be seen at 12 Short St, Leichardt, which is directly adjacent to the property subject to this variation*
- *Objectives for the standard of 4.3C have been met resulting in no loss to the neighbourhood and surrounding properties as a result of the proposal*
- *The proposal will not add a high level of bulk to the site coverage and seeks to improve the standard of living.*
- *The variation to the standard is minimal and due to the site itself being small, reducing site coverage to adhere completely to the standard will have an impact on the standard of living that can be achieved for the subject site*

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

The objectives of the R1 General Residential zone are as follows:

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

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

- The proposed development improves the amenity of the rear private open space and results in an overall development which provides for the housing needs of the occupants.
- The proposed addition will provide for a variety of housing types.
- The proposed works are sited to the rear, retaining the garden setting as viewed from the streetscape and provides for a residential development that maintains the character of built and natural features in the surrounding area.

The objectives of the Site Coverage development standard 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.*

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

- The proposal, as amended and as conditioned, will provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and Landscaped Areas;
- The amended proposal will improve the existing Site Coverage of the subject site and is satisfactory with respect to Private Open Space (POS) provision and POS controls, and hence, results in acceptable on-site amenity outcomes and provides a suitable balance between Landscaped Areas and built form;
- The footprint and scale of the development will be compatible with the pattern of development in the street and adjoining streets and the desired future character of the area; and
- The breaches are further reduced and will not result in any undue adverse amenity impacts on adjoining properties.

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

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

Section 4.4 Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard by 17.35% or 21.5sqm, where it provides an FSR of 0.82:1 (145.4sqm).

As previously noted, Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

The objectives of the R1 General Residential Zone have been previously identified under Section 4.3C(3)(b) above.

The objectives of the Floor Space Area development standard are as follows:

- a) *to establish a maximum floor space ratio to enable appropriate development density,*
- b) *to ensure development density reflects its locality,*
- c) *to provide an appropriate transition between development of different densities,*
- d) *to minimise adverse impacts on local amenity,*
- e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

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 reproduced as follows:

- *The proposal does not reduce the amenity of the area, but simply provides a more appropriate and usable living style for the subject site, whilst using the development potential of the subject site.*
- *Strict compliance would result in a negative impact on the subject site since the proposal does not reduce the amenity of the area, but simply provides a more appropriate and usable living style for the subject site, whilst using the development potential of the subject site.*
- *This development will not be adding a high level of bulk and scale as the proposed additions of first floor is on the rear of the existing dwelling;*
- *The proposed development does not provided negative impact on the streetscape character since it is not visible from the street.*
- *In order to cater for the needs of modern day living, additional area is required on first floor.*
- *No significant views will be interrupted.*
- *The overall design is considered to be suitable as there is no change to the streetscape and will be consistent with other dwellings in the area.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable 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 relevant objectives of the R1 zone and the objectives of the Floor Space Ratio development standard, in accordance with Section 4.6(4)(a)(ii) of the IWLEP 2022 for the following reasons:

- The proposed development will provide a significant contribution to the housing needs of the community, and is of an appropriate density having regard to the adjoining site context;
- The proposed development will continue to provide and enhance the existing dwelling house;
- The proposed development is not inconsistent in scale, form, setbacks and character with the existing and surrounding properties, whilst respecting the heritage

significance of the existing dwelling house and surrounding streetscape and will have acceptable impacts on the Heritage Conservation Area

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

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

Section 5.10 – Heritage conservation

The subject property at 10 Short Street, Leichhardt is a contributory dwelling located within the Wetherill Estate Heritage Conservation Area (C59 under Schedule 5 of the Inner West LEP 2022).

It is within the vicinity of 'Leichhardt Hotel, including interiors' (I1151 under Schedule 5 of the Inner West Local Environmental Plan 2022).

Clause 5.10: Heritage Conservation from the Inner West LEP 2022 and *Parts, C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items, and C2.2.3.4 Helsarmel Distinctive Neighbourhood* from the Leichhardt DCP 2013 applies to the proposal.

The drawings, dated 25 January 2023 and the Statement of Environmental Effects, dated October 2022, both prepared by Planshop., and the Heritage Impact Statement, prepared by Juniper Lane Heritage and Planning, dated September 2021, were reviewed by Council's Heritage Advisor as part of this assessment who provided the following comments.

The proposal includes ground and first floor alterations and additions to the existing dwelling.

Generally, the proposal is acceptable as it limits the demolition of existing fabric to the rear, in areas not visible to the public domain. The rear roof demolition, including a chimney, would generally not be acceptable however, the limited visibility of the existing rear roof and chimney means that demolition will not heavily impact the significance of the HCA. The overall scale of the rear addition respects the prevailing low-scale of buildings in the surrounding streetscape.

Colorbond 'Monument' is proposed for the metal roof sheeting of the new rear addition. Materials, finishes, textures and colours must be complementary to the colour schemes of contributory dwellings within the streetscape. Reflective wall cladding is not acceptable. Greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

It is proposed to clad the external walls of the rear addition in Sycon Vertical cladding. Generally, vertical cladding would not be acceptable for use within a conservation area, however, given the fact that the extension will not be visible to the public domain, the vertical cladding is acceptable in this instance.

Similarly, the rear windows of the 1st floor addition are predominantly horizontally proportioned. Typically, windows would be vertically proportioned, in keeping with the

typology of the HCA, however given their limited visibility, the proportion is acceptable in this instance.

The window void between bed 3 and the bathroom on the first floor (W4, W5 & W6) will similarly not be visible to the public domain and is acceptable in this instance.

In summary, the proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Wetherill Estate Heritage Conservation Area, subject to the imposition of a condition requiring an amendment to the colours and finishes which will ensure that the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Inner West LEP 2022 and the relevant objectives and controls in the Leichhardt DCP 2013.

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
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes, as conditioned – see discussion under Part 5(a)(iii) – Section 5.10 – Heritage Conservation
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes, as conditioned – see 5(a)(ii) - State Environmental Planning Policy (Biodiversity and Conservation) 2021 for further details.
Part C: Place – Section 2 Urban Character	
C2.2.3.4 Helsarmel Distinctive Neighbourhood	Yes – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A

C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No, but is considered reasonable – see discussion
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes, as conditioned
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
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes, as conditioned
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
Part F: Food	
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and Additions and C2.2.3.4 Helsarmel Distinctive Neighbourhood

The proposed alterations and additions to the existing dwelling meet the objectives and requirements of C1.3 and C2.2.3.4 as it is considered the proposed development:

- a. Retains the original façade and retains the integrity of the original elevation treatment and roof form.
- b. Complements the scale, form and materials of the streetscape including wall height and roof form.
- c. Is sited to the rear of the existing dwelling and will not be readily visible from the public domain, thus retaining the streetscape presentation and heritage significance of the pair of terrace dwellings.
- d. Is compatible with neighbourhood character, including prevailing site layout.
- e. Protects existing residential amenity, including the retention of adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to surrounding dwellings.
- f. Will not obstruct any significant views.
- g. Subject to conditions, will provide appropriate materials and finishes sympathetic to the streetscape, desired future neighbourhood character and the surrounding HCA.

C3.2 Site Layout and Building Design

Building Envelope

The proposed rear ground and first floor additions will be sited towards the rear and will not alter or breach the building envelope of the existing dwelling.

Building Location Zone (BLZ)

The existing ground floor building alignment (indicated in green) will not be amended. In addition, the proposed rear first floor addition (indicated in blue) will be aligned with the existing neighbouring properties rear first floor building alignment to the west (No. 12 Short Street).

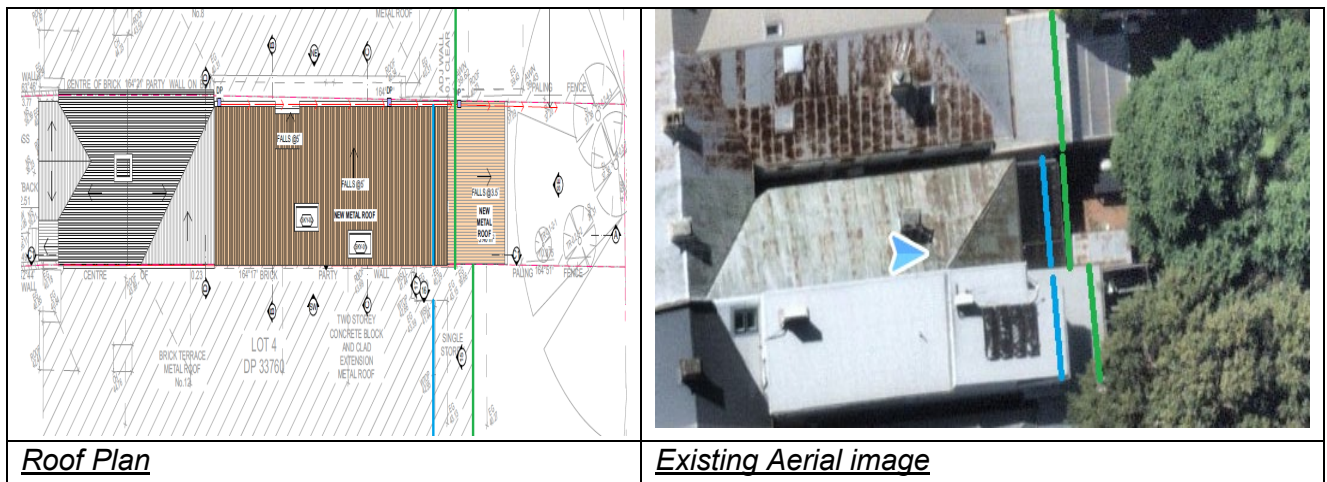


Image 1. Existing and proposed rear ground and first floor additions BLZ compared to adjoining properties.

To work out the average rear first floor setback of the subject site, the average rear setbacks of the immediate adjoining dwellings are used as per Figure C128: Building Location Zone shown below.

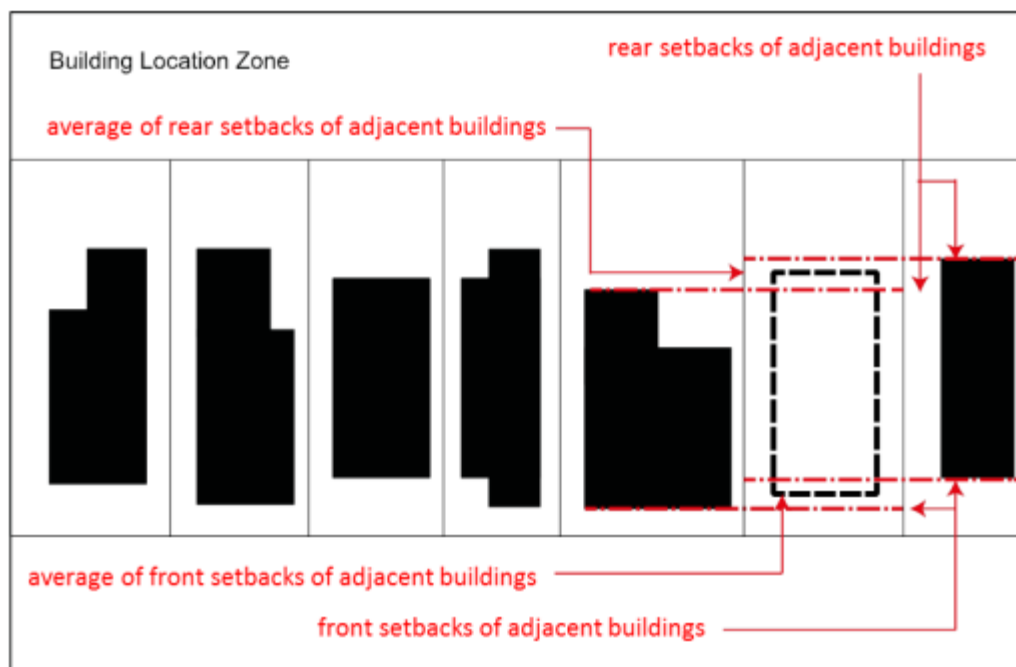


Figure C128: Building Location Zone

However, as the adjoining dwelling to the east does not have a first floor addition, only No. 12 Short Street was used to determine if the proposed rear first floor building location zone of the subject site was reasonable and if it met the tests under C6.

As the proposed rear first floor addition was amended to be aligned with the rear first floor BLZ of No. 12 Short Street, it is considered that the first floor addition will comply with C6 as it will result in the following:

- Reasonable solar access impacts to the adjoining neighbouring properties (see solar access assessment later in this Report),
- No privacy or view loss impacts to the surrounding neighbouring properties,
- The rear additions will not be visible from Short Street,
- Provides a low skillion roof form where the floor to ceiling heights range from 2.1m to 2.5m to minimise visual bulk, scale and overshadowing impacts,
- The overall proposal provides adequate private open space, landscaping and recreation area; and
- Does not remove any significant trees on the subject site.

In addition to the above and for the reasons mentioned in this report elsewhere, the siting of the first floor is considered acceptable and, in a location, where developments would generally be carried out.

Side Boundary Setback

The following is a compliance table assessed against the side setback control graph prescribed in Part C3.2 of the LDCP 2013 relating to the proposed rear ground and first floor additions:

Elevation	Wall height (m)	Required setback (m)	Proposed setback (m)	Complies
East- GF	3.1 – 3.3	0.1 – 0.2	Nil	No
West – GF	No Change	N/A	N/A	N/A
East- FF	5.5	1.5	0.5 – 1.66	Yes (Study) & No
West – FF	5.6	1.7	Nil	No

As noted in the table above, the proposed rear ground floor addition will not comply with the side setback graph to the eastern boundary and as no new works are proposed to the existing party wall on the western elevation on the ground floor, the side setback is not applicable to this portion. However, the proposed rear first floor addition as amended will not comply with the Side Boundary Setback Graph to both the eastern and western sides as prescribed in this Part.

Pursuant to Clause C3.2 of the LDCP 2013. Where a proposal seeks a variation to the Side Boundary Setbacks Graph, various tests need to be met. These tests are assessed below:

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

Comment: The proposed rear ground and first floor addition is considered to be a satisfactory response to the Building Typology Statements. The proposal will be compatible with the existing and surrounding dwellings and the streetscape and will comply with desired future character controls of the LDCP 2013.

- The pattern of development is not adversely compromised.

Comment: The proposed rear first floor addition and works are sited towards / at the rear where additions are generally permitted to be carried out in accordance with relevant streetscape controls and amenity controls and will have wall heights and setbacks that will be compatible with the existing dwelling and that will not be out of character with adjoining and nearby development. This test is therefore deemed to be met.

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

Comment: The proposal provides a low skillion roof form which has the floor to ceiling heights ranging from 2.1m (eastern wall) to 2.5m (western wall) to minimise the overall bulk and scale impacts. The rear first floor addition is also sited closer towards the western boundary and is aligned with the rear first floor building alignment at No. 12 Short Street which reduces visual bulk and scale impacts when viewed from the Private Open Space of adjoining properties. As a result, this test is therefore deemed to be met.

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

Comment: For the reasons discussed and mentioned later in this Report, including under Parts C3.9 and C3.11 of the DCP, the proposal will result in minimal to no undue adverse solar access impacts and will comply with the relevant Controls under the visual privacy provision and will not result in any undue adverse view loss implications.

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

Comment: The proposed development will not result in any obstruction of any lightweight walls at adjoining properties, and hence, will not result in any maintenance issues for any neighbours.

In light of the above, and in consideration of the development's impact upon the streetscape and amenity impacts for adjoining properties, the amended proposal is considered to be satisfactory with respect to the provisions and objectives of Part C3.2 of the LDCP 2013.

C3.9 Solar Access

The subject site and its adjoining neighbouring properties to the east and west are all north south orientated with a south facing rear private open space. As such, the following controls are applicable.

- C16 Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice.
- C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

The amended shadow diagrams submitted to Council demonstrates that the proposal will result in additional overshadowing to the rear yard of No. 12 Short Street from 10am to 12pm in the morning in mid winter and the rear yard of No 8 Short Street at 2pm in the afternoon at mid winter.

Given that this adjoining yard area already does not receive the requisite solar access (2 hours to 50% of its area), the proposed additional overshadowing impacts would be contrary to the provisions of Clause C3.9 of the LDCP2013. As the proposal will not comply with the solar access controls, the following control applies to assess the reasonableness of the solar access impact to Nos. 8 and 12 Short Street.

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

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

- 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: The proposal does not alter the existing building footprint as the new first floor addition will be located above the existing ground floor. In addition, the proposal will comply with the Landscaped Area development standard and will reduce the existing non-compliant to the Site Coverage development standard. Although the proposal results in a non-

compliance with the FSR development standard, for the reasons outlined in this report, the proposal is considered reasonable and will have minimal bulk and scale impacts and respects the existing pattern of development in the street and area.

- Site orientation:

Comment: The subject site and its adjoining properties have a north / south site orientation with the rear private open space facing the south. As such, any development located at the rear of the subject site will potentially result in overshadowing impacts to the rear private open space of the subject site and adjoining properties at No. 8 and No. 12 Short Street in mid-winter due to their location. However, as discussed elsewhere in this report, the first-floor addition is sited in a location where development can be reasonably be expected to be carried out.

- The relative levels at which the dwellings are constructed.

Comment: The proposed additions are constructed generally at existing ground / grade levels, the side wall heights at first floor are considered acceptable as it will not be higher than the existing roof structure of the subject site and will be lower than the first-floor ridge height at No. 12 Short Street.

- 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 proposal has been designed to set higher portions of the building towards the western section of the dwelling and provides reasonable side setbacks from the rear and side (eastern) boundary to minimise overshadowing impacts to surrounding neighbouring properties. In addition, the first-floor addition is located adjacent to adjoining building forms and provides a low skillion roof form to the rear, which all assist in minimising the impacts.

As per the above discussion, it is considered that the proposed works in this application are considered appropriate in bulk, scale and location given the existing context of the surrounding area and will not create any undue adverse overshadowing impacts in mid-winter into the rear private open space of the subject site or No. 8 and No. 12 Short Street in mid-winter.

C3.11 Visual Privacy

As the proposal includes a new first floor addition with windows to service the new bedrooms, study area and bathroom, the following controls are applicable to the application.

- ***C1 - Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.***
- ***C8 - Glazing to proposed bathrooms must be designed to ensure that they provide privacy to the subject bathroom, through the provision of obscure glazing or screening.***

Note: The privacy of bathrooms is not protected under the controls relating to development on surrounding properties.

The proposed Windows 4, 5, 6 and 7 on the first-floor level will have sightlines of roof structures of the subject and adjoining site at No. 8 Short Street. As a result, these windows

that are also servicing a bedroom, study and bathroom will comply with Controls 1 and 8 as mentioned above, resulting in minimal to no privacy impacts to the adjoining properties.

However, concerns have been raised by a neighbouring property at No. 28 Wetherill Street to the rear of the subject site that the proposed rear first floor Windows 2 and 3 on the southern elevation, servicing the master bedroom will have overlooking and privacy impacts. The sightline from the rear first floor windows 2 and 3 on the southern elevation are setback approximately 11m from the rear boundary and approximately 22m from the rear living room of No. 28 Wetherill Street.

As a result, the rear first floor bedroom windows 2 and 3 on the southern elevation will comply with C1 of this Provision, resulting in minimal to no undue adverse privacy impacts.

5(c) The Likely Impacts

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

5(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.

One (1) submission was received in response to the initial notification.

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

- Privacy implications from the first floor master bedroom windows – see C3.11 Visual Privacy – In summary, the proposed first floor windows on the southern elevation that is servicing the Master bedroom will comply with the applicable privacy controls.

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

6(a) Internal

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

Engineer

Acceptable subject to conditions

Urban Forest

Acceptable subject to conditions

Heritage

Acceptable subject to conditions

7. Section 7.12 Levy

Section 7.12 Levy 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 \$4,059.00 would be required for the development in accordance with the Inner West Local Infrastructure Contribution Plan 2023.

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* and Leichhardt Development Control Plan.

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the site coverage and floor space ratio standards 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/2023/0043 for ground and first floor alterations and additions to existing dwelling and associated works at 10 Short Street, Leichhardt subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DR-4312 Sheet 02	Proposed Site Plan	4/7/2023	Planshop
DR-4312 Sheet 04	Demolition Ground Floor Plan	4/7/2023	Planshop
DR-4312 Sheet 05	Demolition Roof Plan	4/7/2023	Planshop
DR-4312 Sheet 06	Proposed Ground Floor Plan	4/7/2023	Planshop
DR-4312 Sheet 07	Proposed First Floor Plan	4/7/2023	Planshop
DR-4312 Sheet 08	North Elevation	4/7/2023	Planshop
DR-4312 Sheet 09	South Elevation	4/7/2023	Planshop
DR-4312 Sheet 10	Elevations	4/7/2023	Planshop
DR-4312 Sheet 11	Section A-A	4/7/2023	Planshop
DR-4312 Sheet 12	Section BB & CC	4/7/2023	Planshop
DR-4312 Sheet 13	Landscape Plan	4/7/2023	Planshop
DR-4312 Sheet 14	Waste Management Plan	4/7/2023	Planshop
DR-4312 Sheet 15	Stormwater Drainage Concept Plan	4/7/2023	Planshop
DR-4312 Sheet 16	Opening Schedule	4/7/2023	Planshop
DR-4312 Sheet 16	Finishes Schedule	25/1/23	Planshop
A486366	BASIX Certificate	25 January 2023	The Plan Shop
J000458	Aircraft Noise Intrusion Assessment	18 December 2022	Michael Phillips Acoustics

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any

damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

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

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

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

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

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

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

3. 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.

4. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **\$4,059.00** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution 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:

- C_{payment} = is the contribution at time of payment
- C_{consent} = is the contribution at the time of consent, as shown above
- CPI_{consent} = 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 9592 5000 or council@innerwest.nsw.gov.au 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 can 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

5. Boundary Alignment Levels

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

6. 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.

7. Tree Protection

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

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

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

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

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

Tree No.	Botanical/Common Name	Location
-	<i>Callistemon viminalis</i> (Weeping BottleBrush)	Front on Council controlled land.
-	<i>Tristaniopsis laurina</i> (Water Gum)	Front on Council controlled land.

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

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

8. Waste Management Plan

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

9. Erosion and Sediment Control

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

10. Standard Street Tree Protection

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

11. Works Outside the Property Boundary

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

12. Material and Finishes Schedule

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a material and finishes schedule specifying the following:

- (i) A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

PRIOR TO ANY DEMOLITION**13. 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.

14. 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.

15. 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.

16. 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**17. 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.

18. Changes to Levels

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

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

19. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Structural Certificate from a practising structural engineer which verifies that the structural integrity of the existing "Party Walls" are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Structural Certificate must be provided to all owners of the party walls.

20. 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.

21. 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

22. 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

23. Tree Protection

To protect the following tree/s, ground, trunk and branch 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
-	<i>Callistemon viminalis</i> (Weeping BottleBrush) - Front on Council controlled land.
-	<i>Tristaniopsis laurina</i> (Water Gum) - Front on Council controlled land.

24. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

25. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**26. 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.

27. 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.

28. 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 75 litre size additional trees, that will attain a minimum mature height of 6 metres, has been planted in a more suitable location within the property at a minimum of 1 metre from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape*. Trees listed as exempt species from Council's Tree Management Controls, and species recognised to have a short life span will not be accepted as suitable replacements.

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

29. 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**30. 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

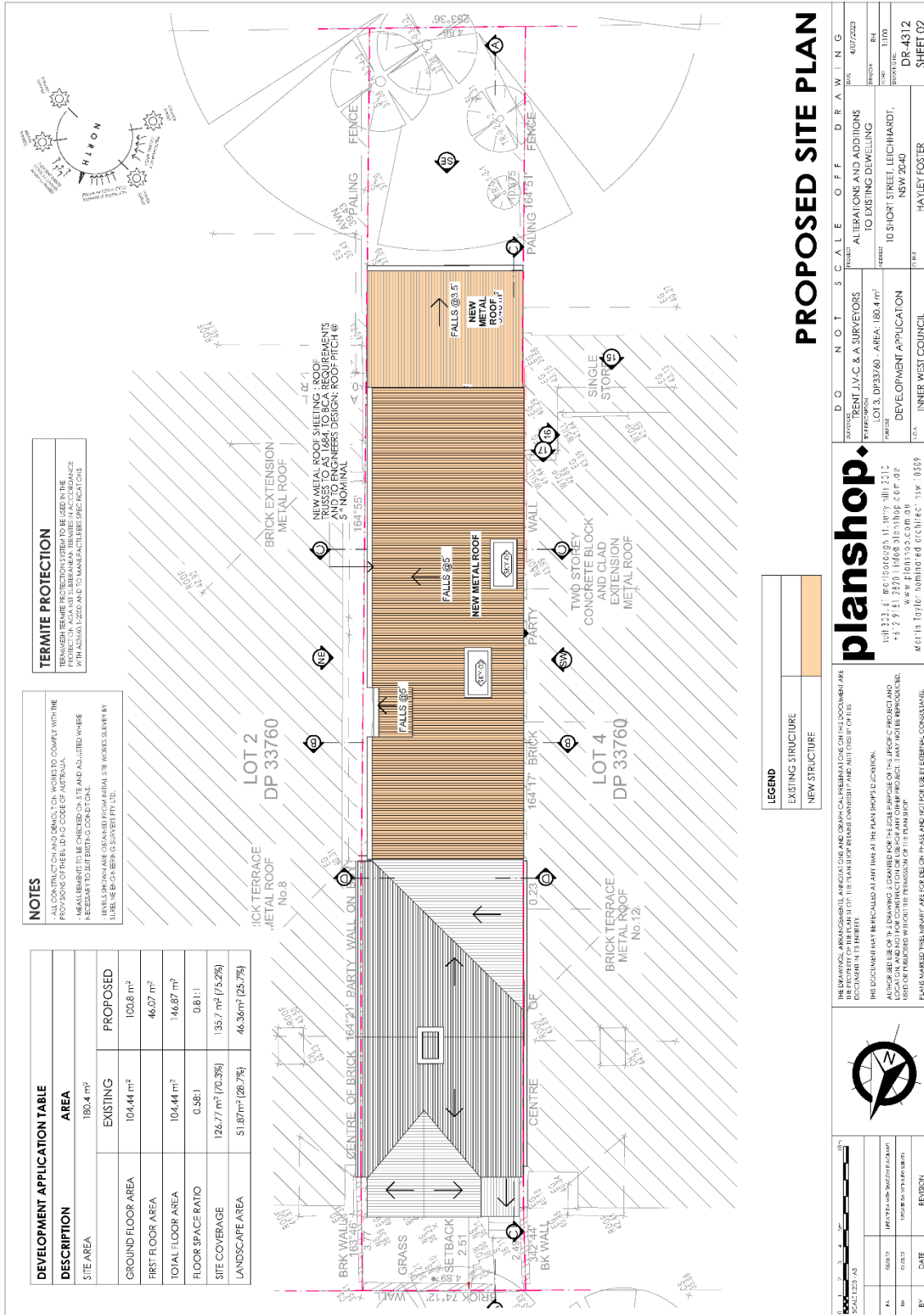
A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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



DEVELOPMENT APPLICATION TABLE			
DESCRIPTION	AREA	EXISTING	PROPOSED
SITE AREA	180.4 m ²		
GROUND FLOOR AREA	104.44 m ²	100.8 m ²	46.07 m ²
FIRST FLOOR AREA	104.44 m ²	146.87 m ²	
TOTAL FLOOR AREA			
FLOOR SPACE RATIO	0.58:1	0.81:1	
SITE COVERAGE	126.77 m ² (70.3%)	135.7 m ² (75.2%)	
LANDSCAPE AREA	51.87 m ² (28.7%)	46.36 m ² (25.7%)	

NOTES

ALL CONSTRUCTION AND DEMOLITION WORKS TO COMPLY WITH THE PROVISIONS OF THE BUILDING CODE OF AUSTRALIA.

ALL MEASUREMENTS TO BE CHECKED ON SITE AND ADJUSTED WHERE NECESSARY TO SUIT EXISTING CONDITIONS.

LEVELS SHOWN ARE OBTAINED FROM INITIAL SITE WORKS SURVEY BY BUREAU OF CIVIL ENGINEERING PTY LTD.

TERMITE PROTECTION

TERMITES ARE A COMMON PEST AND ARE A MAJOR CONCERN IN THE PROTECTION OF AKAHIS SUBSTRANARY BEHAVIOUR. ACCORDANCE WITH AS3660:1-2010 AND ITS MANUFACTURERS SPECIFICATIONS IS REQUIRED.

NO.	DATE	REVISION
1	05/08/17	ISSUE FOR APPROVAL
2	07/08/17	ISSUE FOR APPROVAL



THE MARKINGS, APPROVALS, AMENDMENTS AND OTHER ANNOTATIONS ON THIS DOCUMENT ARE THE PROPERTY OF THE BUREAU OF CIVIL ENGINEERING PTY LTD AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BUREAU OF CIVIL ENGINEERING PTY LTD.

THIS DOCUMENT MAY BE RECALLED AT ANY TIME AT THE BUREAU'S DISCRETION.

AUTHORISED USE OF THIS DRAWING IS LIMITED TO THE SPECIFIC PROJECT AND LOCATION, AND NOT FOR CONSTRUCTION OR FOR ANY OTHER PROJECT. IT MAY NOT BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BUREAU OF CIVIL ENGINEERING PTY LTD.

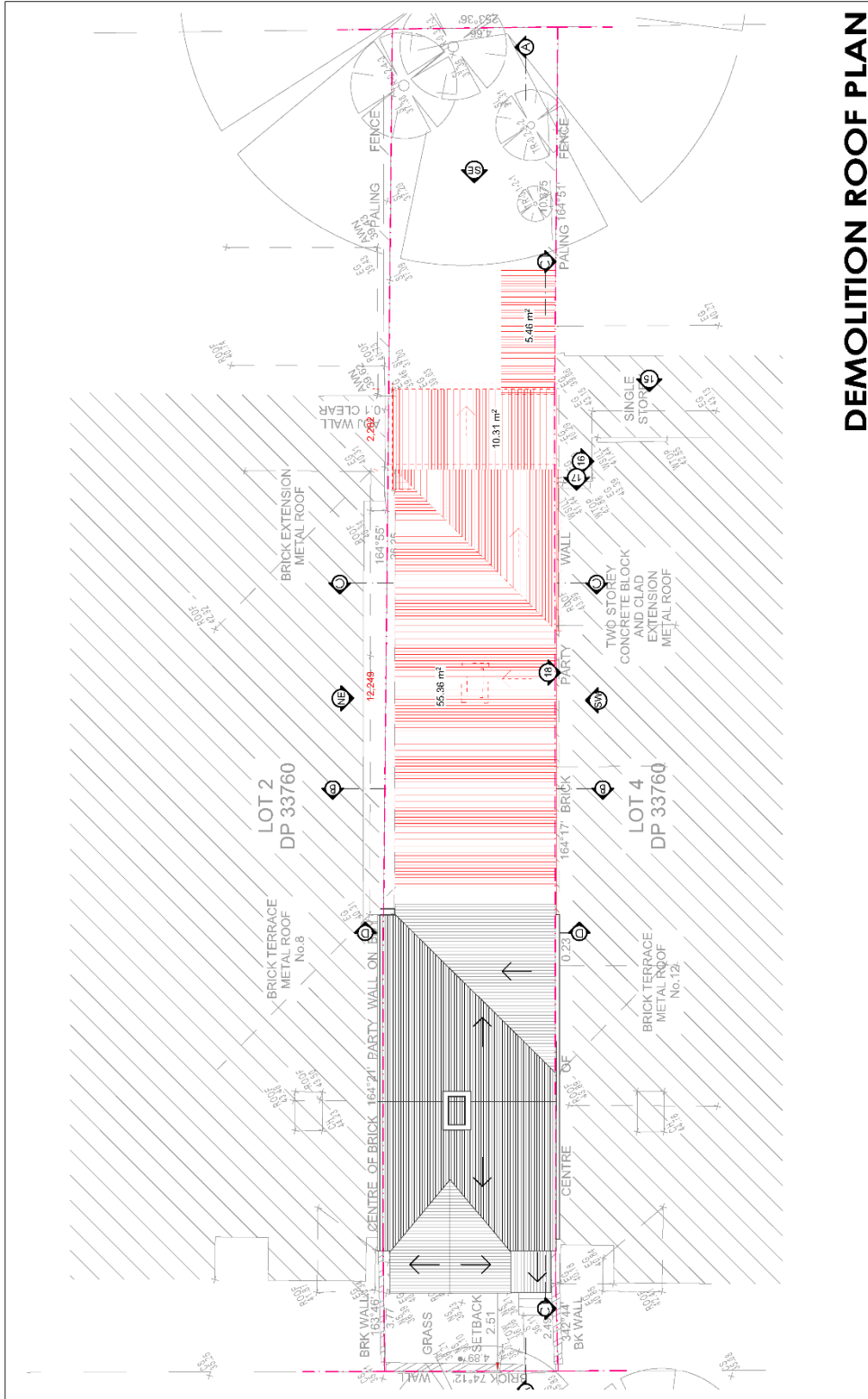
planshop.

Unit 1/2/3, 11, Macquarie St, Sydney, NSW 2000
 +61 2 91 11008 | info@planshop.com.au
 6/01/11 Taylor Road, Parramatta NSW 2150

DRAWING		SCALE		NOTES	
DATE	4/07/2023	PROJECT	RH	FROM	ALTERATIONS AND ADDITIONS TO EXISTING DEVELOPMENT
SCALE	AS SHOWN	SHEET	10/10	TO	LOT 3, DP33760 - AREA: 180.4 m ²
PROJECT	11/10	CLIENT	NSW 2040	DESCRIPTION	DEVELOPMENT APPLICATION
PROJECT NO.	DE 4312	CLIENT	HAYLET FOSTER	LOCAL GOVT	INNER WEST COUNCIL
SHEET NO.	SHEET 02				

PROPOSED SITE PLAN

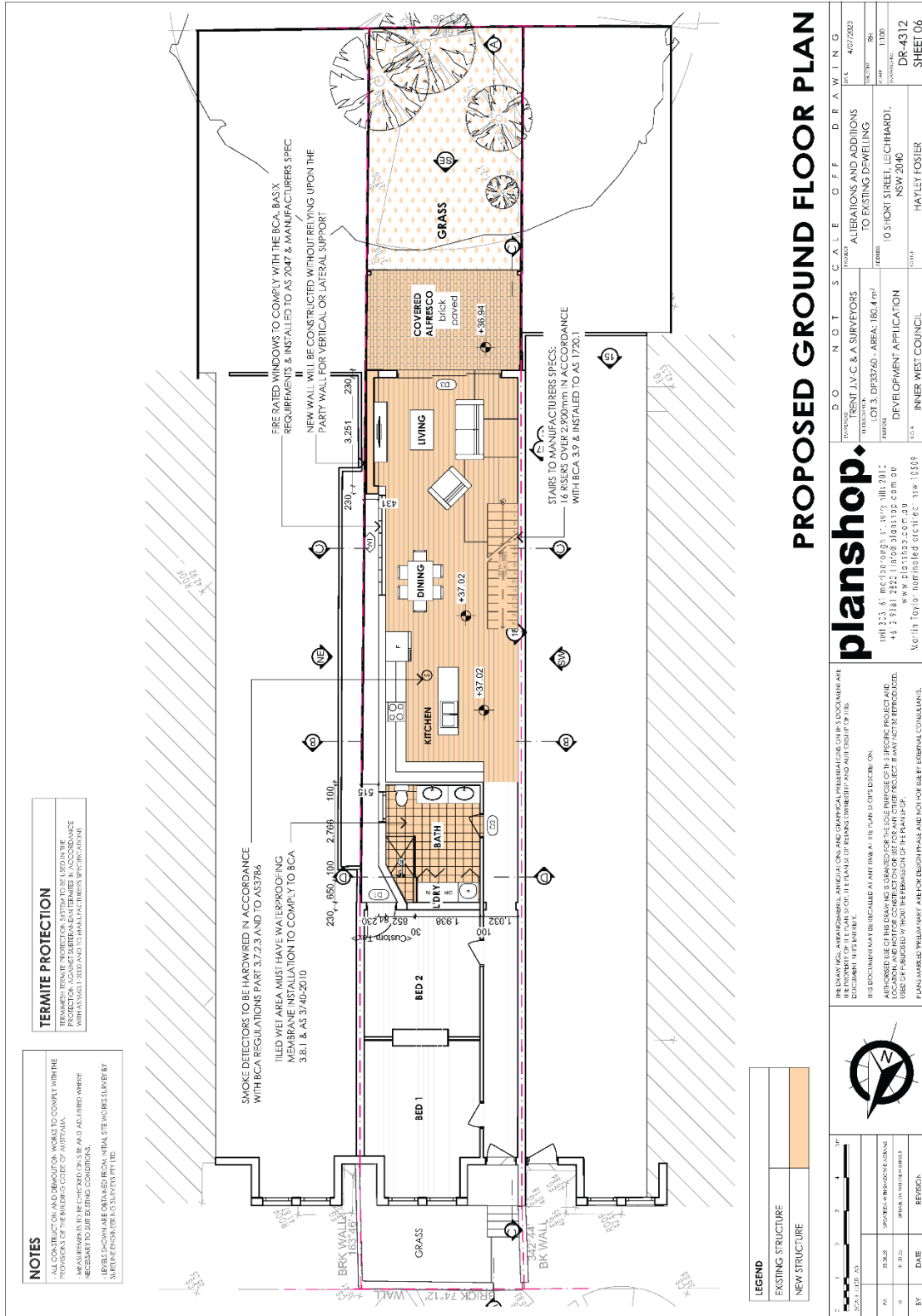
LEGEND	
[Orange box]	EXISTING STRUCTURE
[Brown box]	NEW STRUCTURE



DEMOLITION ROOF PLAN

		<p>THE DRAWINGS, ARRANGEMENTS, ANNOTATIONS AND GRAPHICAL REPRESENTATIONS ON THE DOCUMENT ARE THE PROPERTY OF THE PLANNING PANEL AND WILL BE KEPT ON FILE FOR THE PURPOSES OF THE PLANNING PANEL'S RECORDS.</p> <p>THIS DOCUMENT MAY BE RECALLED AT ANY TIME AT THE PLANNING PANEL'S DISCRETION.</p> <p>ALL INFORMATION IS PROVIDED AS A GUIDE ONLY. THE PLANNING PANEL DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION AND IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE CAUSED BY RELIANCE ON THIS INFORMATION.</p> <p>PLANNING PANEL'S PRELIMINARY AREAS FOR CONSIDERATION ARE FOR YOUR INFORMATION ONLY.</p>	
<p>Scale: 1:100</p>		<p>Document Set ID: 37688162 Version: 1, Version Date: 05/07/2023</p>	
<p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p>	<p>REVISION</p>	<p>REVISION</p>
<p>1 2 3 4 5m</p>		<p>1 2 3 4 5m</p>	
<p>PLAN TITLE: DEMOLITION ROOF PLAN</p>		<p>PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING DWELLING</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT AREA: LOT 2, DP 33760, AREA: 180.4 m²</p>	
<p>BY: [Signature]</p>		<p>PROJECT: 10 SHORT STREET, LEICHHARDT, NSW 2040</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: DEVELOPMENT APPLICATION</p>	
<p>BY: [Signature]</p>		<p>PROJECT: INNER WEST COUNCIL</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: HAYLEY FOSTER</p>	
<p>BY: [Signature]</p>		<p>PROJECT: DR-4312</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: SHEET 05</p>	
<p>BY: [Signature]</p>		<p>PROJECT: SCALE OFF DRAWING</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: 4/07/2023</p>	
<p>BY: [Signature]</p>		<p>PROJECT: 1:100</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: 10 SHORT STREET, LEICHHARDT, NSW 2040</p>	
<p>BY: [Signature]</p>		<p>PROJECT: INNER WEST COUNCIL</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: HAYLEY FOSTER</p>	
<p>BY: [Signature]</p>		<p>PROJECT: DR-4312</p>	
<p>DATE: 21/06/2023</p>		<p>PROJECT: SHEET 05</p>	

planshop
 080 135 41 (NSW) 080 135 41 (VIC) 080 135 41 (QLD) 080 135 41 (WA) 080 135 41 (SA) 080 135 41 (NT) 080 135 41 (ACT) 080 135 41 (TAS) 080 135 41 (NT) 080 135 41 (ACT) 080 135 41 (TAS) 080 135 41 (NT) 080 135 41 (ACT) 080 135 41 (TAS)



planshop.
 101/113, 47, Market Street, Sydney, NSW 2000
 +61 2 9181 2910 | info@planshop.com.au
 www.planshop.com.au
 Martin Taylor | nominated architect | NSW 15599

PROPOSED GROUND FLOOR PLAN

SCALE
 1 2 3 4 5M

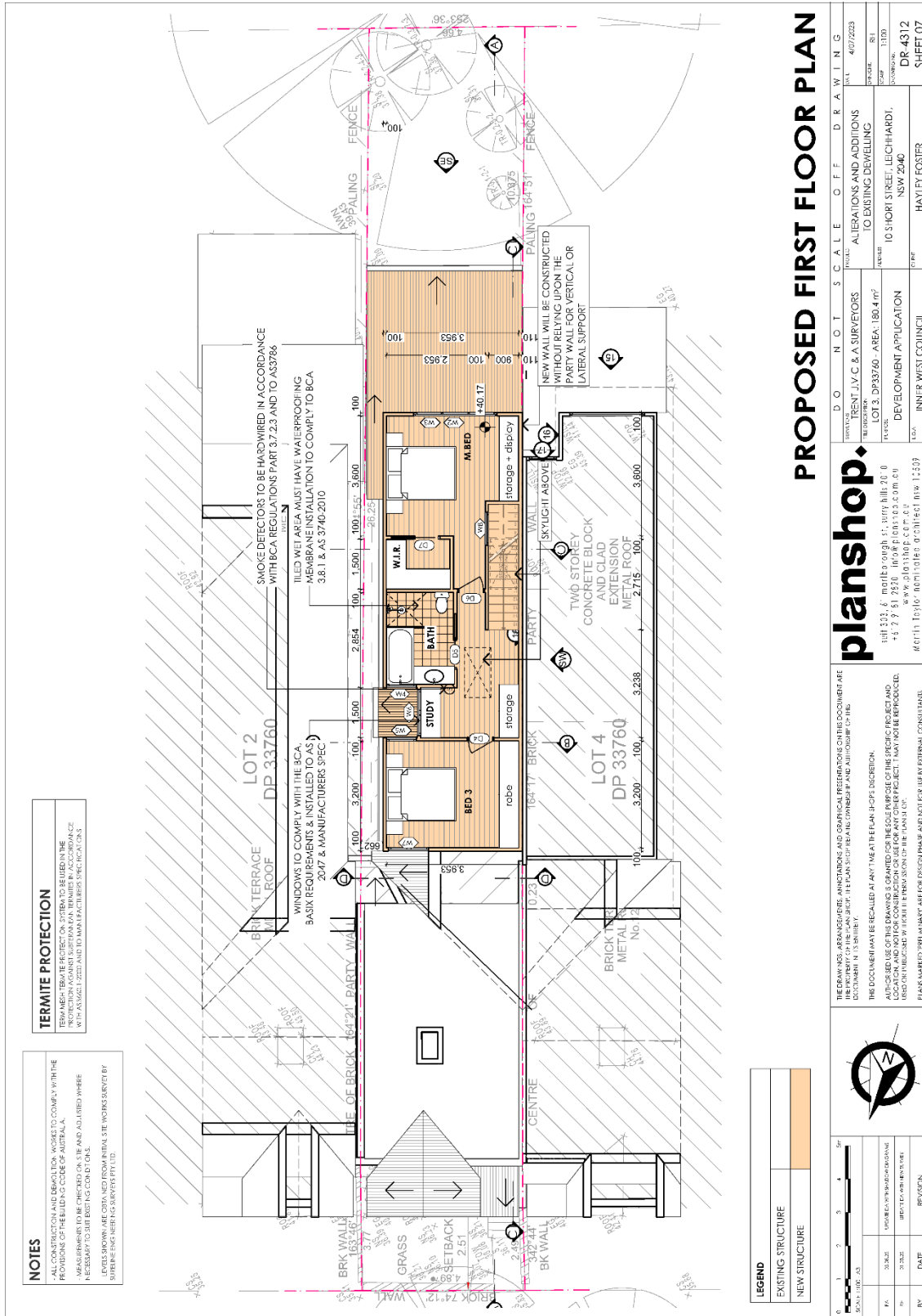
LEGEND
 EXISTING STRUCTURE
 NEW STRUCTURE

PROPERTY
 10 SHORT STREET, LEICHHARD, NSW 2040

OWNER
 HAYLEY FOSTER

DATE
 05/07/2023

Document Set ID: 37886-62
Version: 1, **Version Date:** 05/07/2023



PROPOSED FIRST FLOOR PLAN

planshopping
 1st fl 333, 6 mths to rough in, turn in 200
 +3 7 9 51 7520 info@planshop.com.au
 66(11) 10316 agents@planshop.com.au

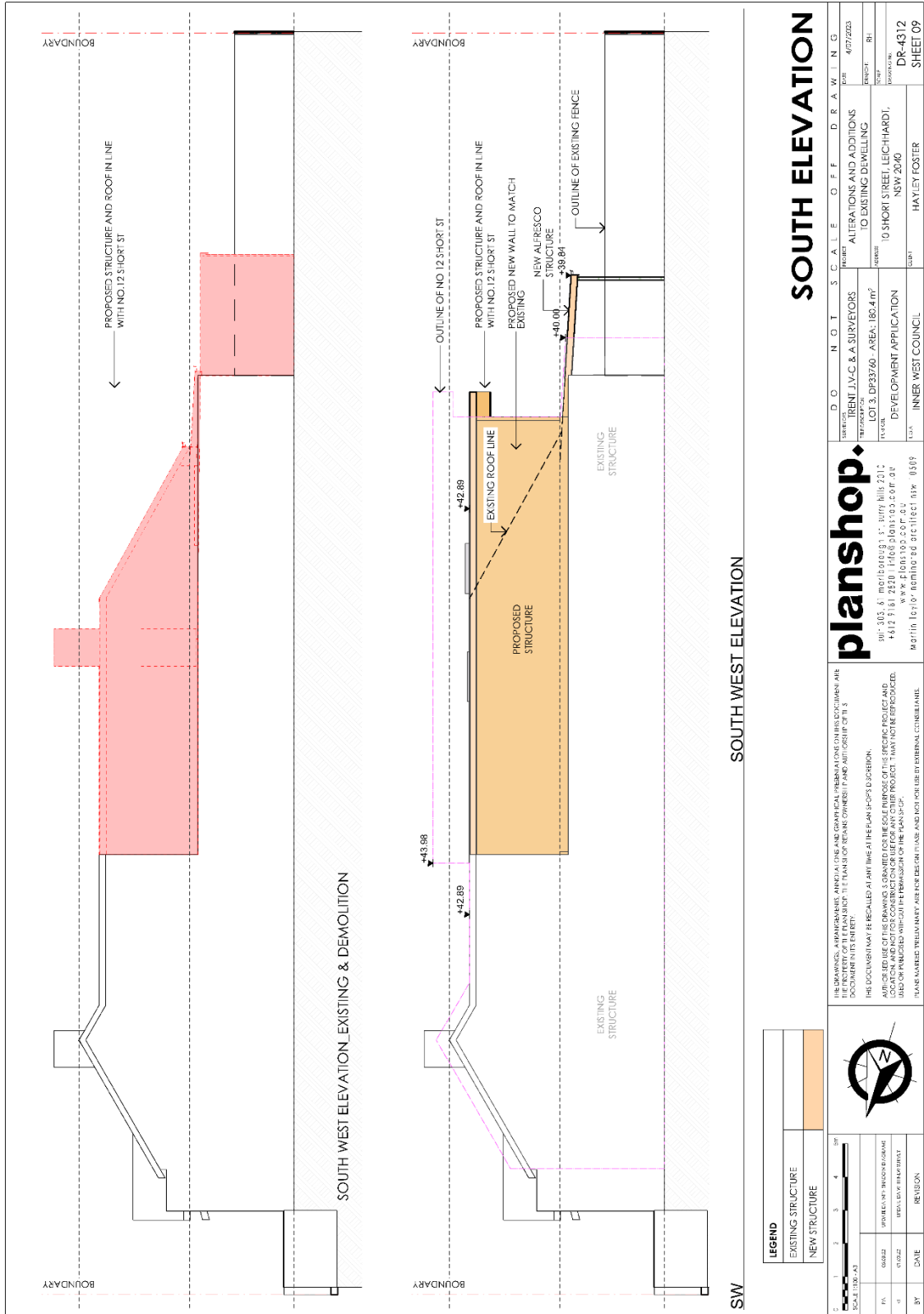
LEGEND
 EXISTING STRUCTURE
 NEW STRUCTURE

NOTES
 THE DRAWINGS, ARRANGEMENTS, DIMENSIONS AND GRAPHICAL REPRESENTATIONS OF THE DOCUMENT ARE THE PROPERTY OF THE PLAN SHOP. IT IS AN INSTRUMENT OF SERVICE AND NOT BE LOANED, REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE PLAN SHOP.
 THE DOCUMENT MAY BE RECALLED AT ANY TIME WITH PLAN SHOP'S DISCRETION.
 APPROVED USE OF THIS DRAWING IS GRANTED FOR THE SOLE PURPOSE OF THE SPECIFIC PROJECT AND LOCATION AND NOT FOR CONSTRUCTION OR USE FOR ANY OTHER PROJECT. IT MAY NOT BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE PLAN SHOP.
 PLANS MARKED 'PRELIMINARY' ARE FOR DESIGN PURPOSES AND NOT FOR USE BY OTHER CONSULTANTS.

SCALE 1:100
 0 1 2 3 4 5m

DATE 05/07/2023
REVISION

DO NOT SCALE OFF DRAWING
 DRAWN BY: TRENTHAM & A SURVEYORS
 PROJECT: LOT 3, DP33760 - AREA: 180.4 m²
 DEVELOPMENT APPLICATION
 10 SHORT STREET, LEICHHARD, NSW 2040
 OFFICE: INNER WEST COUNCIL
 CLIENT: HAYLEY FOSTER
 SHEET: 07



SOUTH ELEVATION

SOUTH WEST ELEVATION

LEGEND	
[Orange Box]	EXISTING STRUCTURE
[Red Box]	NEW STRUCTURE

SCALE: 1:100 (AS SHOWN)

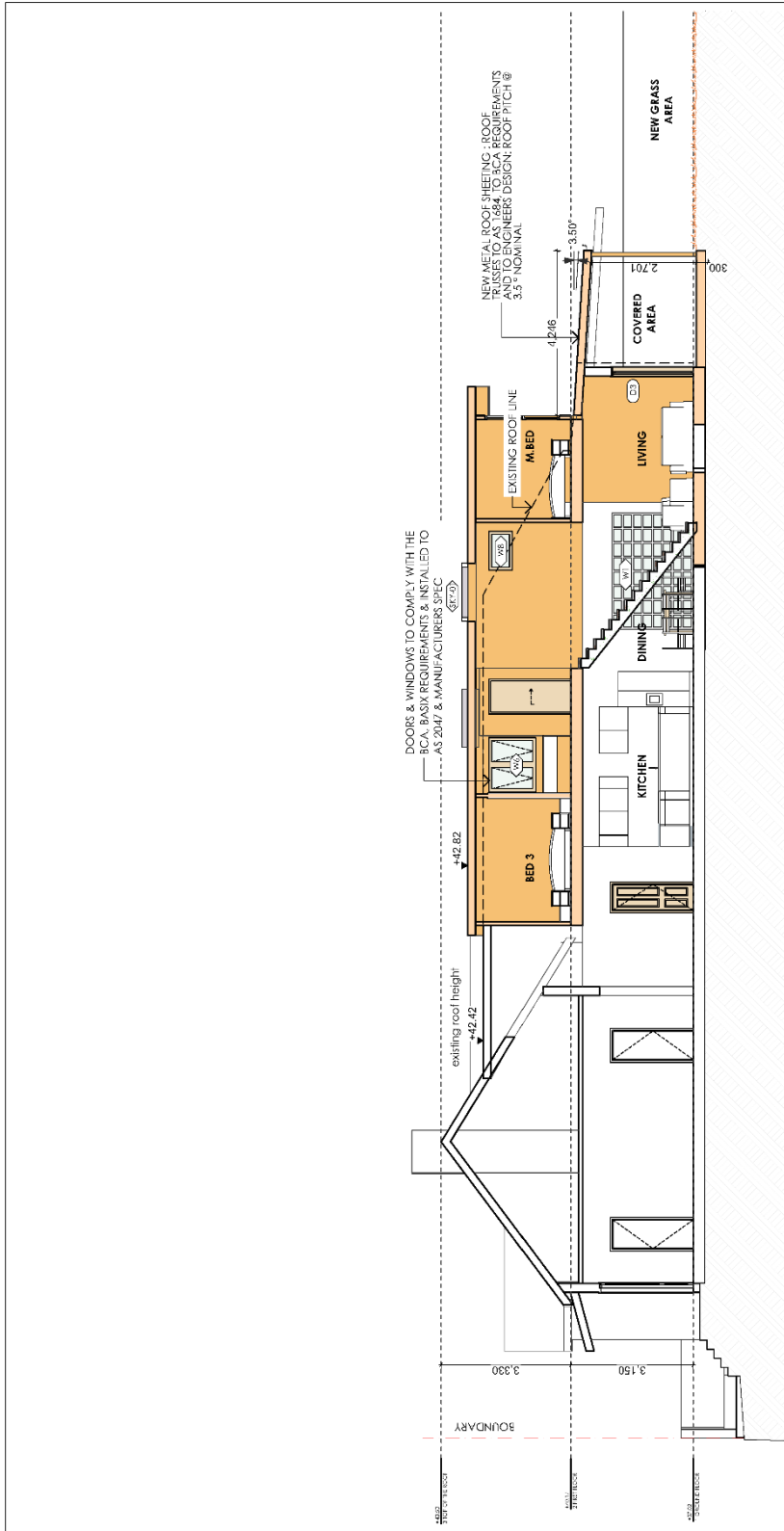
PROJECT NO.	69022	PROJECT NAME	ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
CLIENT	HAYLEY FOSTER	ADDRESS	10 SHORT STREET, LEICHHARDT, NSW 2046
DATE		DESIGNER	HAYLEY FOSTER

Document Set ID: 37868162
Version: 1, Version Date: 05/07/2023

planshop.
 Unit: 303, 81, Moreland Road, St. Marys NSW 2111
 +61 2 9181 2420 | 17668 planshop.com.au
 www.planshop.com.au
 Martin | 61 01 7610 2610 | 26 architect | 1766 0569

THE DRAWINGS, SPECIFICATIONS AND ALL OTHER GRAPHICAL INFORMATION ON THIS DOCUMENT ARE DOCUMENTS IN THE PROPERTY OF PLANSHP. ANY REUSE OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF PLANSHP IS STRICTLY PROHIBITED. THE DOCUMENT MAY BE RECALLED AT ANY TIME AT THE DISCRETION OF PLANSHP. ANY USE OF THE DRAWINGS FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE, WITHOUT THE WRITTEN PERMISSION OF PLANSHP, IS STRICTLY PROHIBITED. ANY REUSE OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF PLANSHP, IS STRICTLY PROHIBITED. ANY USE OF THE DRAWINGS FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE, WITHOUT THE WRITTEN PERMISSION OF PLANSHP, IS STRICTLY PROHIBITED.

DATE: 05/07/2023
 PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
 CLIENT: HAYLEY FOSTER
 ADDRESS: 10 SHORT STREET, LEICHHARDT, NSW 2046
 DESIGNER: HAYLEY FOSTER
 SHEET NO: DR-4312
 SHEET OF: 09



SECTION A-A 1:100

LEGEND

EXISTING STRUCTURE	(Line style)
NEW STRUCTURE	(Line style)

SCALE 1:100	0 1 2 3 4 5m
DATE	REVISION
18/07/23	1. INITIAL DESIGN
20/07/23	2. REVISED DESIGN

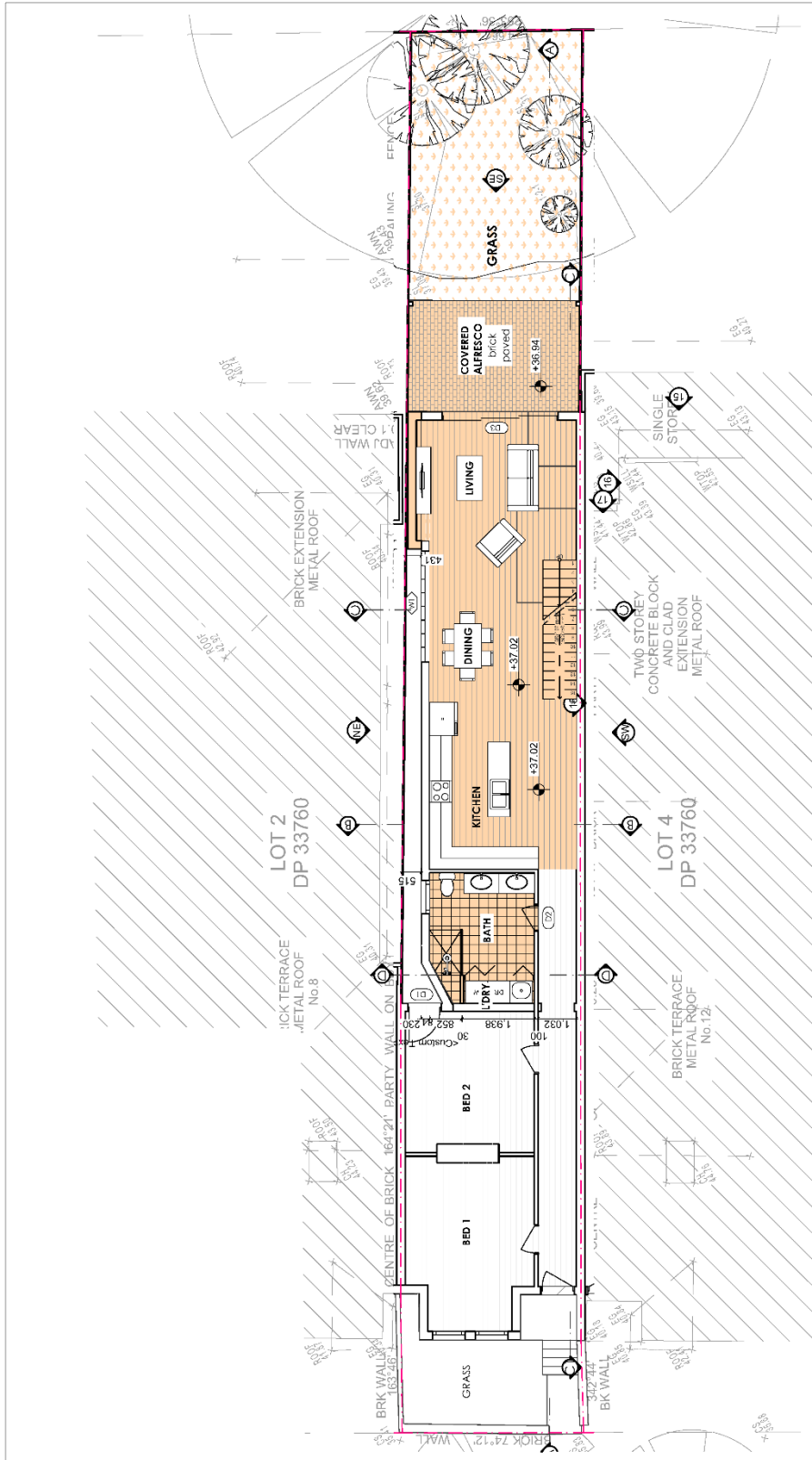
IF THE DRAWINGS, SPECIFICATIONS AND/OR MEASUREMENTS AND/OR DIMENSIONS OF THE PROPOSED DEVELOPMENT ARE IN CONFLICT WITH ANY OF THE DOCUMENTS REFERRED TO ABOVE, THE DRAWINGS SHALL PREVAIL UNLESS OTHERWISE SPECIFIED.
 ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT AND ANY APPLICABLE STANDARDS. THE LOCAL GOVERNMENT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED DEVELOPMENT.
 PLANS MARKED PRELIMINARY ARE FOR DESIGN PHASE AND NOT FOR USE BY EXTERNAL CONSULTANTS.

planshop.
 50/1, 50/2, 51/1, 51/2, 51/3, 51/4, 51/5, 51/6, 51/7, 51/8, 51/9, 51/10, 51/11, 51/12, 51/13, 51/14, 51/15, 51/16, 51/17, 51/18, 51/19, 51/20, 51/21, 51/22, 51/23, 51/24, 51/25, 51/26, 51/27, 51/28, 51/29, 51/30, 51/31, 51/32, 51/33, 51/34, 51/35, 51/36, 51/37, 51/38, 51/39, 51/40, 51/41, 51/42, 51/43, 51/44, 51/45, 51/46, 51/47, 51/48, 51/49, 51/50, 51/51, 51/52, 51/53, 51/54, 51/55, 51/56, 51/57, 51/58, 51/59, 51/60, 51/61, 51/62, 51/63, 51/64, 51/65, 51/66, 51/67, 51/68, 51/69, 51/70, 51/71, 51/72, 51/73, 51/74, 51/75, 51/76, 51/77, 51/78, 51/79, 51/80, 51/81, 51/82, 51/83, 51/84, 51/85, 51/86, 51/87, 51/88, 51/89, 51/90, 51/91, 51/92, 51/93, 51/94, 51/95, 51/96, 51/97, 51/98, 51/99, 51/100, 51/101, 51/102, 51/103, 51/104, 51/105, 51/106, 51/107, 51/108, 51/109, 51/110, 51/111, 51/112, 51/113, 51/114, 51/115, 51/116, 51/117, 51/118, 51/119, 51/120, 51/121, 51/122, 51/123, 51/124, 51/125, 51/126, 51/127, 51/128, 51/129, 51/130, 51/131, 51/132, 51/133, 51/134, 51/135, 51/136, 51/137, 51/138, 51/139, 51/140, 51/141, 51/142, 51/143, 51/144, 51/145, 51/146, 51/147, 51/148, 51/149, 51/150, 51/151, 51/152, 51/153, 51/154, 51/155, 51/156, 51/157, 51/158, 51/159, 51/160, 51/161, 51/162, 51/163, 51/164, 51/165, 51/166, 51/167, 51/168, 51/169, 51/170, 51/171, 51/172, 51/173, 51/174, 51/175, 51/176, 51/177, 51/178, 51/179, 51/180, 51/181, 51/182, 51/183, 51/184, 51/185, 51/186, 51/187, 51/188, 51/189, 51/190, 51/191, 51/192, 51/193, 51/194, 51/195, 51/196, 51/197, 51/198, 51/199, 51/200, 51/201, 51/202, 51/203, 51/204, 51/205, 51/206, 51/207, 51/208, 51/209, 51/210, 51/211, 51/212, 51/213, 51/214, 51/215, 51/216, 51/217, 51/218, 51/219, 51/220, 51/221, 51/222, 51/223, 51/224, 51/225, 51/226, 51/227, 51/228, 51/229, 51/230, 51/231, 51/232, 51/233, 51/234, 51/235, 51/236, 51/237, 51/238, 51/239, 51/240, 51/241, 51/242, 51/243, 51/244, 51/245, 51/246, 51/247, 51/248, 51/249, 51/250, 51/251, 51/252, 51/253, 51/254, 51/255, 51/256, 51/257, 51/258, 51/259, 51/260, 51/261, 51/262, 51/263, 51/264, 51/265, 51/266, 51/267, 51/268, 51/269, 51/270, 51/271, 51/272, 51/273, 51/274, 51/275, 51/276, 51/277, 51/278, 51/279, 51/280, 51/281, 51/282, 51/283, 51/284, 51/285, 51/286, 51/287, 51/288, 51/289, 51/290, 51/291, 51/292, 51/293, 51/294, 51/295, 51/296, 51/297, 51/298, 51/299, 51/300, 51/301, 51/302, 51/303, 51/304, 51/305, 51/306, 51/307, 51/308, 51/309, 51/310, 51/311, 51/312, 51/313, 51/314, 51/315, 51/316, 51/317, 51/318, 51/319, 51/320, 51/321, 51/322, 51/323, 51/324, 51/325, 51/326, 51/327, 51/328, 51/329, 51/330, 51/331, 51/332, 51/333, 51/334, 51/335, 51/336, 51/337, 51/338, 51/339, 51/340, 51/341, 51/342, 51/343, 51/344, 51/345, 51/346, 51/347, 51/348, 51/349, 51/350, 51/351, 51/352, 51/353, 51/354, 51/355, 51/356, 51/357, 51/358, 51/359, 51/360, 51/361, 51/362, 51/363, 51/364, 51/365, 51/366, 51/367, 51/368, 51/369, 51/370, 51/371, 51/372, 51/373, 51/374, 51/375, 51/376, 51/377, 51/378, 51/379, 51/380, 51/381, 51/382, 51/383, 51/384, 51/385, 51/386, 51/387, 51/388, 51/389, 51/390, 51/391, 51/392, 51/393, 51/394, 51/395, 51/396, 51/397, 51/398, 51/399, 51/400, 51/401, 51/402, 51/403, 51/404, 51/405, 51/406, 51/407, 51/408, 51/409, 51/410, 51/411, 51/412, 51/413, 51/414, 51/415, 51/416, 51/417, 51/418, 51/419, 51/420, 51/421, 51/422, 51/423, 51/424, 51/425, 51/426, 51/427, 51/428, 51/429, 51/430, 51/431, 51/432, 51/433, 51/434, 51/435, 51/436, 51/437, 51/438, 51/439, 51/440, 51/441, 51/442, 51/443, 51/444, 51/445, 51/446, 51/447, 51/448, 51/449, 51/450, 51/451, 51/452, 51/453, 51/454, 51/455, 51/456, 51/457, 51/458, 51/459, 51/460, 51/461, 51/462, 51/463, 51/464, 51/465, 51/466, 51/467, 51/468, 51/469, 51/470, 51/471, 51/472, 51/473, 51/474, 51/475, 51/476, 51/477, 51/478, 51/479, 51/480, 51/481, 51/482, 51/483, 51/484, 51/485, 51/486, 51/487, 51/488, 51/489, 51/490, 51/491, 51/492, 51/493, 51/494, 51/495, 51/496, 51/497, 51/498, 51/499, 51/500, 51/501, 51/502, 51/503, 51/504, 51/505, 51/506, 51/507, 51/508, 51/509, 51/510, 51/511, 51/512, 51/513, 51/514, 51/515, 51/516, 51/517, 51/518, 51/519, 51/520, 51/521, 51/522, 51/523, 51/524, 51/525, 51/526, 51/527, 51/528, 51/529, 51/530, 51/531, 51/532, 51/533, 51/534, 51/535, 51/536, 51/537, 51/538, 51/539, 51/540, 51/541, 51/542, 51/543, 51/544, 51/545, 51/546, 51/547, 51/548, 51/549, 51/550, 51/551, 51/552, 51/553, 51/554, 51/555, 51/556, 51/557, 51/558, 51/559, 51/560, 51/561, 51/562, 51/563, 51/564, 51/565, 51/566, 51/567, 51/568, 51/569, 51/570, 51/571, 51/572, 51/573, 51/574, 51/575, 51/576, 51/577, 51/578, 51/579, 51/580, 51/581, 51/582, 51/583, 51/584, 51/585, 51/586, 51/587, 51/588, 51/589, 51/590, 51/591, 51/592, 51/593, 51/594, 51/595, 51/596, 51/597, 51/598, 51/599, 51/600, 51/601, 51/602, 51/603, 51/604, 51/605, 51/606, 51/607, 51/608, 51/609, 51/610, 51/611, 51/612, 51/613, 51/614, 51/615, 51/616, 51/617, 51/618, 51/619, 51/620, 51/621, 51/622, 51/623, 51/624, 51/625, 51/626, 51/627, 51/628, 51/629, 51/630, 51/631, 51/632, 51/633, 51/634, 51/635, 51/636, 51/637, 51/638, 51/639, 51/640, 51/641, 51/642, 51/643, 51/644, 51/645, 51/646, 51/647, 51/648, 51/649, 51/650, 51/651, 51/652, 51/653, 51/654, 51/655, 51/656, 51/657, 51/658, 51/659, 51/660, 51/661, 51/662, 51/663, 51/664, 51/665, 51/666, 51/667, 51/668, 51/669, 51/670, 51/671, 51/672, 51/673, 51/674, 51/675, 51/676, 51/677, 51/678, 51/679, 51/680, 51/681, 51/682, 51/683, 51/684, 51/685, 51/686, 51/687, 51/688, 51/689, 51/690, 51/691, 51/692, 51/693, 51/694, 51/695, 51/696, 51/697, 51/698, 51/699, 51/700, 51/701, 51/702, 51/703, 51/704, 51/705, 51/706, 51/707, 51/708, 51/709, 51/710, 51/711, 51/712, 51/713, 51/714, 51/715, 51/716, 51/717, 51/718, 51/719, 51/720, 51/721, 51/722, 51/723, 51/724, 51/725, 51/726, 51/727, 51/728, 51/729, 51/730, 51/731, 51/732, 51/733, 51/734, 51/735, 51/736, 51/737, 51/738, 51/739, 51/740, 51/741, 51/742, 51/743, 51/744, 51/745, 51/746, 51/747, 51/748, 51/749, 51/750, 51/751, 51/752, 51/753, 51/754, 51/755, 51/756, 51/757, 51/758, 51/759, 51/760, 51/761, 51/762, 51/763, 51/764, 51/765, 51/766, 51/767, 51/768, 51/769, 51/770, 51/771, 51/772, 51/773, 51/774, 51/775, 51/776, 51/777, 51/778, 51/779, 51/780, 51/781, 51/782, 51/783, 51/784, 51/785, 51/786, 51/787, 51/788, 51/789, 51/790, 51/791, 51/792, 51/793, 51/794, 51/795, 51/796, 51/797, 51/798, 51/799, 51/800, 51/801, 51/802, 51/803, 51/804, 51/805, 51/806, 51/807, 51/808, 51/809, 51/810, 51/811, 51/812, 51/813, 51/814, 51/815, 51/816, 51/817, 51/818, 51/819, 51/820, 51/821, 51/822, 51/823, 51/824, 51/825, 51/826, 51/827, 51/828, 51/829, 51/830, 51/831, 51/832, 51/833, 51/834, 51/835, 51/836, 51/837, 51/838, 51/839, 51/840, 51/841, 51/842, 51/843, 51/844, 51/845, 51/846, 51/847, 51/848, 51/849, 51/850, 51/851, 51/852, 51/853, 51/854, 51/855, 51/856, 51/857, 51/858, 51/859, 51/860, 51/861, 51/862, 51/863, 51/864, 51/865, 51/866, 51/867, 51/868, 51/869, 51/870, 51/871, 51/872, 51/873, 51/874, 51/875, 51/876, 51/877, 51/878, 51/879, 51/880, 51/881, 51/882, 51/883, 51/884, 51/885, 51/886, 51/887, 51/888, 51/889, 51/890, 51/891, 51/892, 51/893, 51/894, 51/895, 51/896, 51/897, 51/898, 51/899, 51/900, 51/901, 51/902, 51/903, 51/904, 51/905, 51/906, 51/907, 51/908, 51/909, 51/910, 51/911, 51/912, 51/913, 51/914, 51/915, 51/916, 51/917, 51/918, 51/919, 51/920, 51/921, 51/922, 51/923, 51/924, 51/925, 51/926, 51/927, 51/928, 51/929, 51/930, 51/931, 51/932, 51/933, 51/934, 51/935, 51/936, 51/937, 51/938, 51/939, 51/940, 51/941, 51/942, 51/943, 51/944, 51/945, 51/946, 51/947, 51/948, 51/949, 51/950, 51/951, 51/952, 51/953, 51/954, 51/955, 51/956, 51/957, 51/958, 51/959, 51/960, 51/961, 51/962, 51/963, 51/964, 51/965, 51/966, 51/967, 51/968, 51/969, 51/970, 51/971, 51/972, 51/973, 51/974, 51/975, 51/976, 51/977, 51/978, 51/979, 51/980, 51/981, 51/982, 51/983, 51/984, 51/985, 51/986, 51/987, 51/988, 51/989, 51/990, 51/991, 51/992, 51/993, 51/994, 51/995, 51/996, 51/997, 51/998, 51/999, 52/000.

SECTION A-A

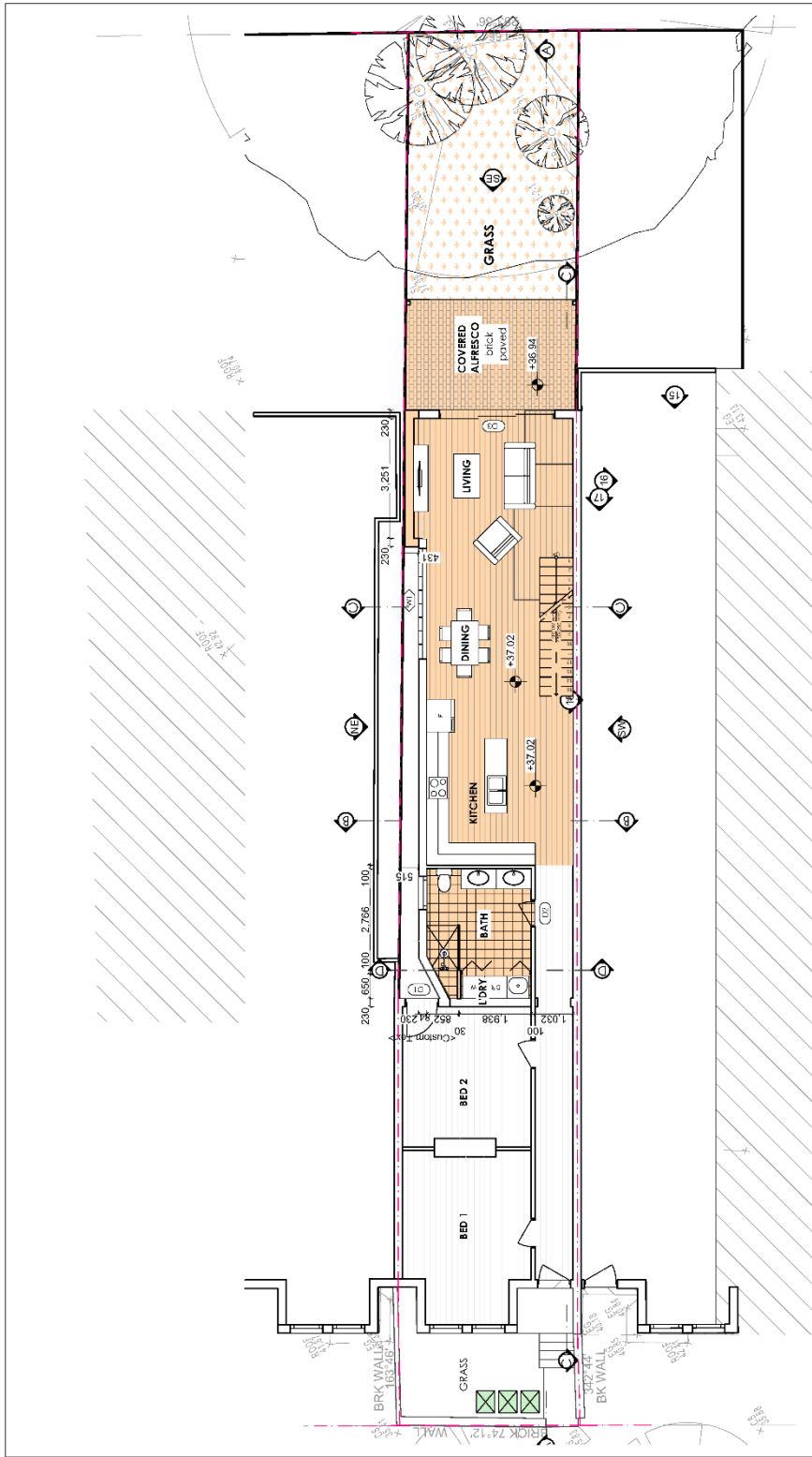
DESIGNER	TRENT J.V.C. & A SURVEYORS	DATE	4/07/2023
PROJECT	ALTERATIONS AND ADDITIONS TO EXISTING DEVELOPMENT	SCALE	1:100
CLIENT	10 SHORT STREET, LEICHHARDT, NSW 2046	PROJECT NO.	DR-4312
DESIGNER	INNER WEST COUNCIL	DATE	HAYLEY FOSTER
DATE			SHEET 11

Document Set ID: 37868162
 Version: 1, Version Date: 05/07/2023



LANDSCAPE PLAN

<p>SCALE 1:100 A3</p>			<p>THE DRAWINGS, ARRANGEMENTS, SPECIFICATIONS AND GRAPHICAL REPRESENTATIONS ON THIS DOCUMENT ARE THE PROPERTY OF THE PRACTICE OR THE PRACTICE'S EMPLOYEES AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE PRACTICE.</p> <p>THIS DOCUMENT MAY BE RECALLED AT ANY TIME AT THE PRACTICE'S DISCRETION.</p> <p>AUTHORISED FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT AND FOR THE PURPOSE OF THIS SPECIFIC PROJECT AND LOCATION AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECT. ANY NOTICES REPRODUCED, AND/OR RECALLED WITHOUT THE PERMISSION OF THE PRACTICE.</p> <p>PLEASE MARKED PRELIMINARY ARE FOR INFO ON PLANS AND NOT FOR USE FOR FINAL CONSIDERATIONS.</p>
<p>NO.</p>	<p>DATE</p>		
<p>1</p>	<p>05/07/2023</p>	<p>INITIALS AND SIGNATURE OF ARCHITECT</p>	
<p>2</p>	<p>05/07/2023</p>	<p>DATE OF ANY REVISIONS</p>	
<p>PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING DWELLING</p> <p>CLIENT: 10 SHORT STREET, LEICHHARDT, NSW 2040</p> <p>DESIGNER: HAYLEY FOSTER</p>			
<p>DRAWING NO: DP 4312</p> <p>SHEET NO: SHEET 13</p>			

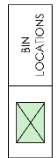


WASTE MANAGEMENT PLAN

PROJECT NO.	437/2023
PROJECT NAME	ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
CLIENT	10 SHOR STREET, LEICHHARD, NSW 2040
DATE	11/11/2023
DRAWN BY	IAN LEY FOSTER
CHECKED BY	
DATE	
PROJECT NO.	437/2023
PROJECT NAME	ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
CLIENT	10 SHOR STREET, LEICHHARD, NSW 2040
DATE	11/11/2023
DRAWN BY	IAN LEY FOSTER
CHECKED BY	
DATE	

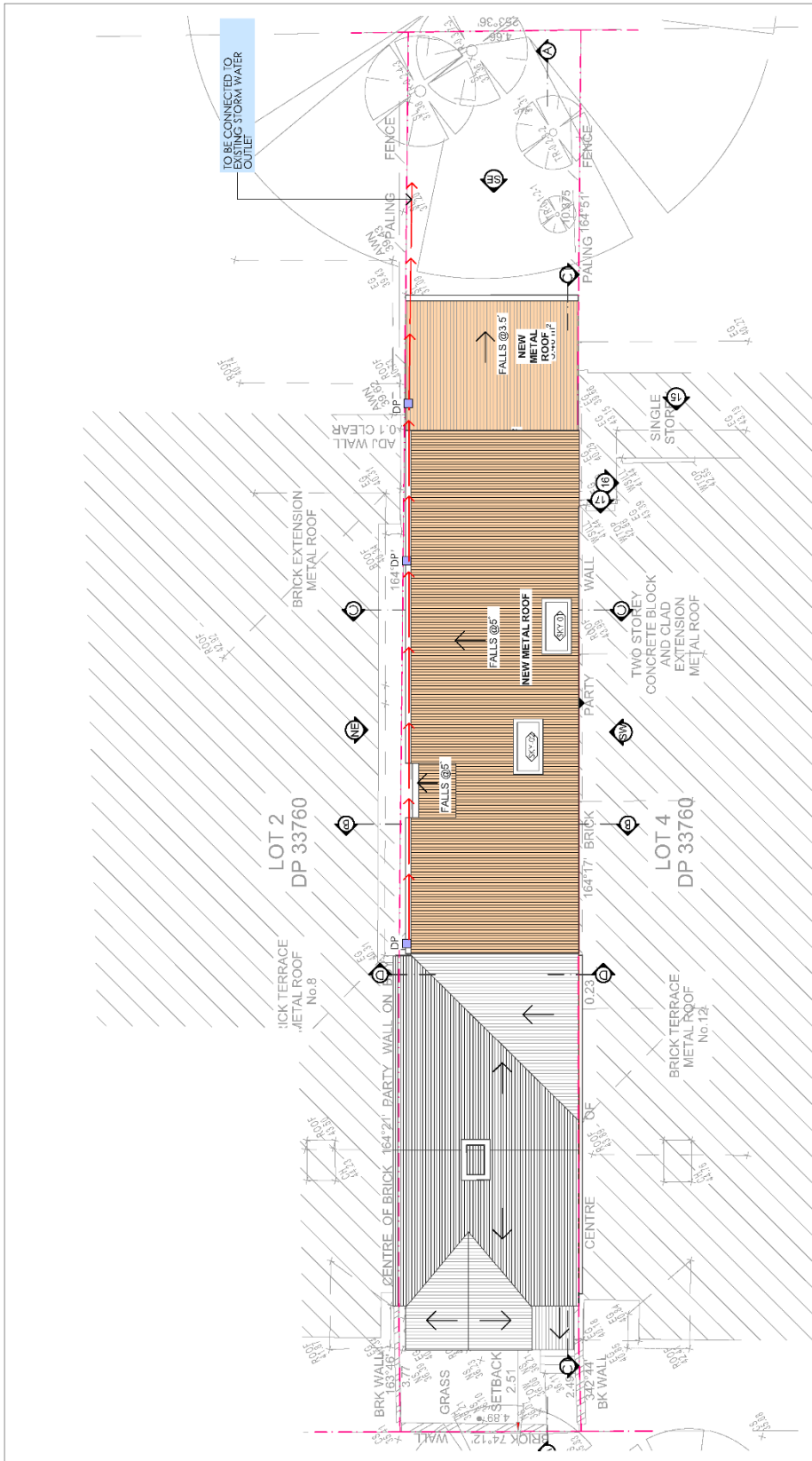
planshop
 111-113, 47, mechi street, sydney nsw 1570
 +61 2 9181 2820 info@planshop.com.au
 www.planshop.com.au
 Martin Taylor Partner Architect 154 1533

THE DRAWINGS, ARRANGEMENTS, ANGLES AND GEOMETRICAL INFORMATION ON THIS DOCUMENT ARE THE PROPERTY OF PLANSHP. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PERMISSION OF PLANSHP. THIS DOCUMENT IS NOT TO BE USED FOR ANY OTHER PROJECT, AND ANY REUSE OF THIS DOCUMENT IS STRICTLY PROHIBITED.



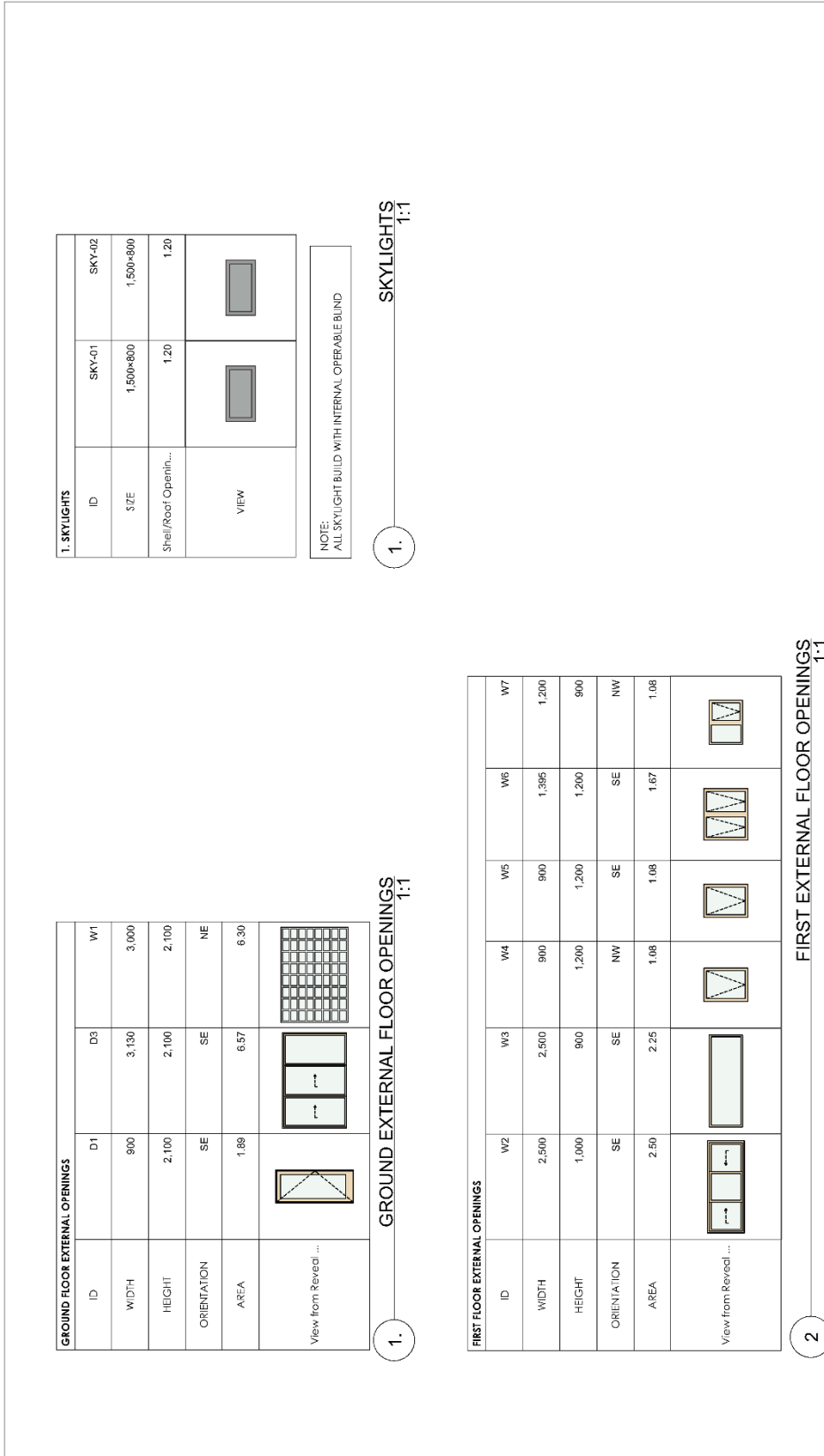
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR TENDERS		
2	REVISED FOR PERMITS		
3	REVISED FOR PERMITS		
4	REVISED FOR PERMITS		
5	REVISED FOR PERMITS		

Document Set ID: 37888162
 Version: 1, Version Date: 05/07/2023



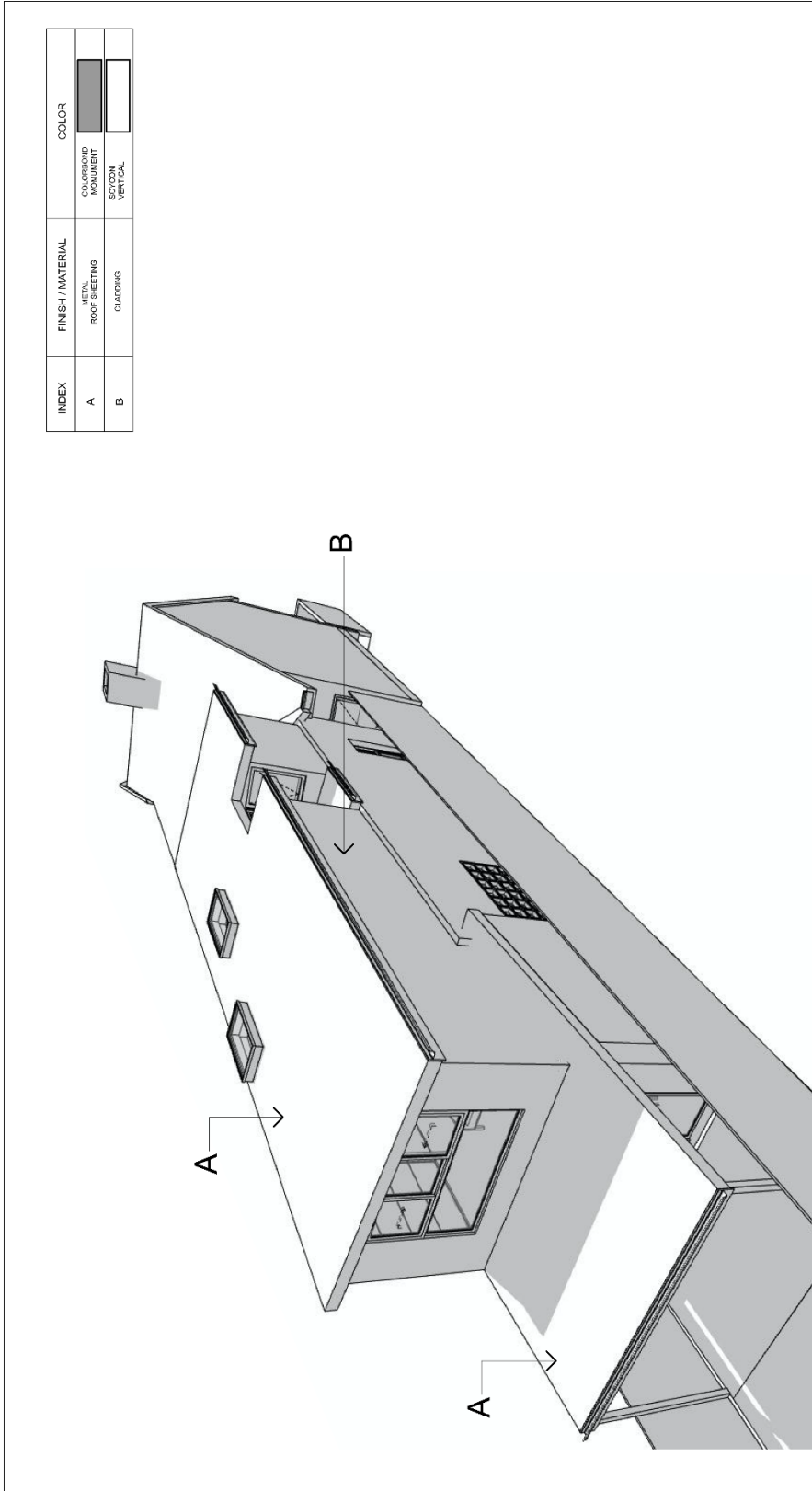
STORMWATER DRAINAGE CONCEPT PLAN

<p>IF THE MARKINGS, DIMENSIONS, ARRANGEMENTS, ANNOTATIONS AND OR ANY PARTICAL INFORMATION ON THIS DOCUMENT ARE FOUND TO BE IN ERROR, THE PRACTICE OF RECORDING CONCEPT PLANS AND AUTHORITY OF THIS DOCUMENT IS LIMITED TO THE INFORMATION PROVIDED.</p> <p>THIS DOCUMENT MAY BE RECALLED AS ANY TIME AFTER THE PERMITS DEVELOPMENT APPLICATION HAS BEEN SUBMITTED TO THE LOCAL GOVERNMENT.</p> <p>ALL DIMENSIONS AND LOCATIONS ARE TO BE TAKEN FROM THE PROJECT'S SITE PLAN AND NOT FROM THIS DOCUMENT. ANY DIMENSIONS OR LOCATIONS SHOWN ON THIS DOCUMENT ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.</p> <p>PLANS MARKED 'PRELIMINARY' ARE FOR DESIGN PHASE AND NOT FOR USE BY EXTERNAL CONSULTANTS.</p>		<p>SCALE OF DRAWING</p> <p>497/2023</p> <p>ALTERATIONS AND ADDITIONS TO EXISTING DWELLING</p> <p>10 SHORT STREET, LEICHHARDT, NEW SOUTH WALES</p> <p>DR-4312 SHEET 15</p>
<p>CLIENT: J.V.C. & A. SURVEYORS</p> <p>PROJECT: LOT 3, DP33760 - AREA: 180.4m²</p> <p>DEVELOPMENT APPLICATION</p> <p>INNER WEST COUNCIL</p> <p>HAILEY FOSTER</p>		<p>DATE: 05/10/2023</p> <p>BY: [Signature]</p> <p>REVISION:</p>



OPENING SCHEDULE

<p>planshop</p> <p>11th Floor, 111 Market Street, Sydney NSW 2000 +61 2 9151 2822 info@planshop.com.au www.planshop.com.au</p> <p>March 2024 Martin Taylor, nominated architect: new 0537</p>		<p>D O N O T S C A L E O F F D R A W I N G</p> <p>TRENT J.V.C & A SURVEYORS 103 DRESSAGE ROAD, NEWCASTLE NSW 2300 TEL: 02 4927 2028</p> <p>ALTERATIONS AND ADDITIONS TO EXISTING DWELLING</p> <p>10 SHORT STREET, LEICHHARDT, NEW SOUTH WALES DR-4312</p> <p>INNER WEST COUNCIL HAYLEY FOSTER</p> <p>SHEET 16</p>							
<p>IF DIMENSIONS, ANNOTATIONS, SYMBOLS, ABBREVIATIONS AND GRAPHICAL REPRESENTATIONS ON THIS DOCUMENT ARE NOT CLEAR, REFER TO THE PLAN OR DRAWING FOR THE POSITION OF THE DIMENSION LINE AND THE DIMENSION VALUE. THIS DOCUMENT IS THE PROPERTY OF PLANSHOP AND IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF PLANSHOP. ANY REUSE OF THIS DOCUMENT FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF PLANSHOP IS STRICTLY PROHIBITED. PLANSHOP IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DOCUMENT. PLANS MARKED 'PRELIMINARY' ARE FOR DESIGN PHASE AND NOT FOR USE BY EXTERNAL CONSULTANTS.</p>	<p>REVISION</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	BY	REVISION				
NO.	DATE	BY	REVISION						



INDEX	FINISH / MATERIAL	COLOR
A	WALL ROOF SHEETING	[Color swatch]
B	CLADDING	[Color swatch]

FINISHES SCHEDULE

<p>THE DRAWINGS, INSTRUMENTS, AND ANY INFORMATION CONTAINED HEREIN, INCLUDING ANY INSTRUMENTS, ARE THE PROPERTY OF PLANSHOP AND SHALL REMAIN THE PROPERTY OF PLANSHOP AND NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PLANSHOP.</p> <p>THIS DOCUMENT MAY BE RECALLED AT ANY TIME AT THE PLANSHOP'S DISCRETION.</p> <p>AUTHORIZED USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE AND SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF PLANSHOP.</p> <p>PLANSHOP'S DRAWINGS ARE FOR DESIGN PURPOSES ONLY AND NOT FOR CONSTRUCTION PURPOSES.</p>		<p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>DATE: [Date]</p>
<p>PROJECT: TARRANT TARRANT & A SURVEYORS</p> <p>CLIENT: TARRANT TARRANT & A SURVEYORS</p> <p>ADDRESS: 10 SHORT STREET, LEICHHARDT, NSW 2040</p>		<p>DATE: 25/1/23</p> <p>BY: RH</p>
<p>DESCRIPTION: ALTERATIONS AND ADDITIONS TO EXISTING DEWELLING</p>		<p>SCALE: 1:100</p>
<p>PROJECT: 10 SHORT STREET, LEICHHARDT, NSW 2040</p>		<p>DATE: 25/1/23</p> <p>BY: RH</p>
<p>CLIENT: HAYLEY FOSTER</p>		<p>DATE: 25/1/23</p> <p>BY: RH</p>
<p>PROJECT: 10 SHORT STREET, LEICHHARDT, NSW 2040</p>		<p>DATE: 25/1/23</p> <p>BY: RH</p>
<p>CLIENT: HAYLEY FOSTER</p>		<p>DATE: 25/1/23</p> <p>BY: RH</p>

Document Set ID: 375698760
Version: 1, Version Date: 25/01/2023

Attachment C- Section 4.6 Exception to Development Standards



CLAUSE 4.6 VARIATION FOR FLOOR SPACE RATIO

PROPOSAL	
PROPOSAL	Alterations & additions to existing dwelling on ground floor and new first floor
PROPERTY	10 Short Street, Leichhardt 2040 LOT 3/-/DP 33760, Site Area- 177.0m ² (by DP) 180.4m ² (by Calculation)
LOCAL GOVERNMENT AREA	Inner West Council
CLIENT	Hayley Foster
DATE	September 2021
DRAWING SET	4312

REQUEST PROVIDING GROUNDS FOR VARIATION TO FLOOR SPACE RATIO DEVELOPMENT STANDARD PURSUANT TO CLAUSE 4.4 OF INNER WEST LEP 2022

INNER WEST LOCAL ENVIRONMENTAL PLAN 2022	
4.6 Exceptions to Development Standards	
4.6	<p><i>The objectives of this clause are as follows—</i></p> <p>(1) <i>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p><i>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></p>
	<p><i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p>
	<p><i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i></p> <p>(3) <i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p><i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>
	<p><i>Development consent must not be granted for development that contravenes a development standard unless—</i></p> <p>(4) <i>(a) the consent authority is satisfied that—</i></p> <p><i>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p>

unit 1/29-33 birmingham street
alexandria nsw 2015

+61452517125 | office@planshop.com.au

www.planshop.com.au





		<p>(ii) 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, and</p> <p>(b) the concurrence of the Planning Secretary has been obtained.</p>
	(5)	<p>In deciding whether to grant concurrence, the Planning Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.</p>
	(6)	<p>Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p>
	(7)	<p>After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>
	(8)	<p>This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4.</p>

Response

This document establishes the written request as referred in clause 4.6(3) with relation to the proposals very minor breach in Floor Space Ratio. The NSW Department of Planning and Infrastructure has provided guidance on how to prepare clause 4.6 variations, this document has been based on these guidelines.

1. What is the name of the environmental planning instrument that applies to the land?

Inner West Local Environmental Plan 2022



2. What is the zoning of the land?

10 Short Street, Leichhardt 2040 is zoned R1 – General Residential

3. What are the objectives of the zone?

1. OBJECTIVES OF ZONE

- 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.

Comment:

According to the LZN_005 Land Zoning Map within the LLEP2013, the site is zoned R1 – General Residential and is considered suitable with consent of Council to accommodate the proposed modifications on the ground floor and proposed first floor additions to the rear of the dwelling as demonstrated in this application. The proposal does not seek to modify the current land use of the site.

4. What is the development standard being varied?

FLOOR SPACE RATIO	
4.4	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> a) to establish a maximum floor space ratio to enable appropriate development density, b) to ensure development density reflects its locality, c) to provide an appropriate transition between development of different densities, d) to minimise adverse impacts on local amenity, e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.
	<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>
	<p>Despite subclause (2), the floor space ratio for development for the purpose of residential accommodation-</p> <p>(2B)</p> <ul style="list-style-type: none"> (c) on land shown edged brown on the Floor Space Ratio Map is not to exceed— (i) in the case of development on a lot with an area of less than 150 square metres— (ii)



		in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.7:1, or
--	--	---

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.4– Floor Space Ratio of the Inner West Local Environmental Plan 2022.

6. What are the objectives of the development standard?

4.4– FLOOR SPACE RATIO– OBJECTIVES	
a)	to establish a maximum floor space ratio to enable appropriate development density,
b)	to ensure development density reflects its locality,
c)	to provide an appropriate transition between development of different densities,
d)	to minimise adverse impacts on local amenity,
e)	to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

7. What is the numeric value of the development standard in the environmental planning instrument?

FSR 0.7:1

8. What is the proposed numeric value of the development standard in your development application?

FSR 0.85:1

9. What is the percentage variation (between the proposal and the environmental planning instrument?)

Required	Existing	Proposed
0.7:1	0.56:1	0.85:1

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The alteration & additions on ground floor and proposed first floor is in excess by 27.94m² (0.16:1). The non-compliance is considerable considering the size of the site (177.0m² (by DP); 180.4m² (by Calculation)) and non-compliance is mainly due the proposal of a first floor to the rear of the dwelling.



The proposal does not reduce the amenity of the area, but simply provides a more appropriate and usable living style for the subject site, whilst using the development potential of the subject site.

Total Site Area	177.0m ² (by DP); 180.4m ² (by Calculation)
Existing Floor Area	104.44m ²
Total Proposed Floor Area	154.09m ²
Permissible Floor Space Ratio (FSR)	0.70:1
Existing Floor Space Ratio (FSR)	0.56:1
Proposed Floor Space Ratio (FSR)	0.85:1

11. How would strict compliance hinder the attainment of the objectives specified within section 5(a)(i) and (ii) of the act?

Strict compliance would result in a negative impact on the subject site since the proposal does not reduce the amenity of the area, but simply provides a more appropriate and usable living style for the subject site, whilst using the development potential of the subject site.

12. Is the development standard a performance-based control? Give details:

The floor space ratio control is a performance-based control, with objectives that demonstrate compliance.

13. Would strict compliance with the standard, in your particular case be unreasonable or unnecessary? Why?

As discussed throughout this report, strict compliance with this control would not be the most appropriate use, as in order to meet this requirement the design would be restricted in nature and prohibit any form of development occurring for a comfortable and usable living spaces.

Strict compliance with this standard would be unreasonable and unnecessary for the following reasons:

- No changes to the streetscape
- In order to cater for the needs of modern day living, additional area is required on first floor.
- No significant views will be interrupted.

14. Are the sufficient environmental planning grounds to justify contravening the development standard, give details:

The proposed development provides sufficient environmental planning grounds to vary this standard. As the subject site has a site area of only 177.0m² (by DP); 180.4m² (by Calculation), in order to achieve the needs of modern day living, a slight variation in the floor space ratio is required. It is noted that the variation is only 27.94m² (22.12%) and the design has been formulated to meet the minimum living standards for dwellings in this area as well as meeting the objectives of the zone and the LEP.



This report concludes that the environmental impacts generated by the proposal, whether considered individually or cumulatively in the context of the site and broader area, are not significant and therefore the application warrants the support of Council and the issue of development consent. The proposal made in this application is considerate and relative to the site's immediate context of the residential area. The critical findings of this report are that:

- **This development will not be adding a high level of bulk and scale as the proposed additions of first floor is on the rear of the existing dwelling;**
- **The proposed development does not provided negative impact on the streetscape character since it is not visible from the street.**
- **The overall design is considered to be suitable as there is no change to the streetscape and will be consistent with other dwellings in the area.**

In general, the development proposals of this particular site are considered to be acceptable, as it does not compete with the integrity or character of the surrounding area. The nature of the site, including its location, topography, zoning, and physical attributes make it an ideal candidate for the proposed redevelopment. Furthermore, as the proposal does not detract from the streetscape or the inherent nature of the residential area it is our assertion that this development application should be supported.



CLAUSE 4.6 VARIATION FOR FLOOR SPACE RATIO

PROPOSAL	
PROPOSAL	Alterations & additions to existing dwelling on ground floor and new first floor
PROPERTY	10 Short Street, Leichhardt 2040 LOT 3/-/DP 33760, Site Area- 177.0m ² (by DP) 180.4m ² (by Calculation)
LOCAL GOVERNMENT AREA	Inner West Council
CLIENT	Hayley Foster
DATE	May 2023
DRAWING SET	4312

REQUEST PROVIDING GROUNDS FOR VARIATION TO SITE COVERAGE DEVELOPMENT STANDARD PURSUANT TO CLAUSE 4.3C OF INNER WEST LEP 2022

INNER WEST LOCAL ENVIRONMENTAL PLAN 2022	
4.6 Exceptions to Development Standards	
4.6	<p><i>The objectives of this clause are as follows—</i></p> <p>(1) <i>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i> <i>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></p>
	<p><i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p>
	<p><i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i></p> <p>(3) <i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i> <i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>
	<p><i>Development consent must not be granted for development that contravenes a development standard unless—</i></p> <p>(4) <i>(a) the consent authority is satisfied that—</i> <i>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p>

unit 1/29-33 birmingham street
alexandria nsw 2015

+61452517125 | office@planshop.com.au

www.planshop.com.au





	<p>(ii) 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, and</p> <p>(b) the concurrence of the Planning Secretary has been obtained.</p>
(5)	<p>In deciding whether to grant concurrence, the Planning Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.</p>
(6)	<p>Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p>
(7)	<p>After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>
(8)	<p>This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4.</p>

Response

This document establishes the written request as referred in clause 4.6(3) with relation to the proposals very minor breach in Floor Space Ratio. The NSW Department of Planning and Infrastructure has provided guidance on how to prepare clause 4.6 variations, this document has been based on these guidelines.

1. What is the name of the environmental planning instrument that applies to the land?

Inner West Local Environmental Plan 2022

2. What is the zoning of the land?



10 Short Street, Leichhardt 2040 is zoned R1 – General Residential

3. What are the objectives of the zone?

1. OBJECTIVES OF ZONE
<ul style="list-style-type: none"> • 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.

Comment:

According to the LZN_005 Land Zoning Map within the LLEP2013, the site is zoned R1 – General Residential and is considered suitable with consent of Council to accommodate the proposed modifications on the ground floor and proposed first floor additions to the rear of the dwelling as demonstrated in this application. The proposal does not seek to modify the current land use of the site.

4. What is the development standard being varied?

SITE COVERAGE	
4.3C	<p>4.3C Landscaped areas for residential accommodation in Zone R1 (1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> 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.
(1)	
(2)	<p>Development consent must not be granted to development to which this clause applies unless—</p> <ul style="list-style-type: none"> a) the development will result in a landscaped area comprising at least— <ul style="list-style-type: none"> 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.

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 – Landscaped areas for residential accommodation in Zone R1



6. What are the objectives of the development standard?

4.3C – Landscaped areas for residential accommodation in Zone R1	
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.

7. What is the numeric value of the development standard in the environmental planning instrument?

Site coverage not to exceed 60%

8. What is the proposed numeric value of the development standard in your development application?

Site coverage 61.37%

9. What is the percentage variation (between the proposal and the environmental planning instrument?)

Required	Existing	Proposed
60%	63.8%	61.8%

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance with the development standard in the case of 10 Short St, Leichhardt is unreasonable as the changes that are proposed are minimal in nature, the variation being proposed is under the existing variation, the proposal doesn't retract from the objectives of this standard, and that the surrounding properties having already breached this standard. The property's site area being small of 180sqm and already built to the maximum site coverage means there is no leverage for alterations that greatly improve the standard of living for the occupier of 10 Short Street. Considering that the changes being made exceed the site coverage limit by a total of 1.37% and the resulting variation of area being 3.03sqm, the variation to standard is exceedingly small. In conjunction with this, the neighboring property at 12 Short St has already breached the site coverage considerably as can be evidenced from the marketing plans and pictures of 12 Short St and the survey provided for the subject development.

planshop.

architectural design | drafting
engineering | town planning

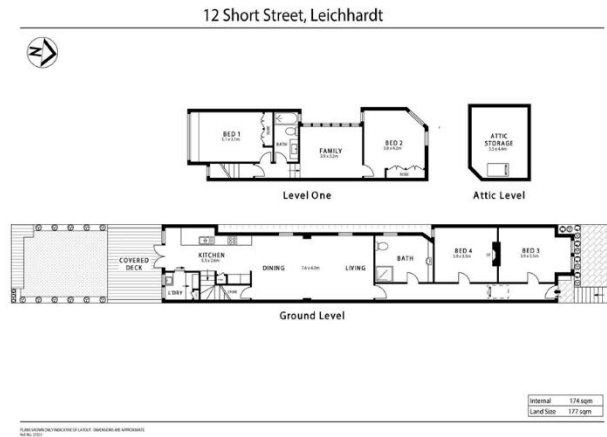


Figure 1 - 12 Short St Marketing plans



Figure 2 - 12 Short St Marketing picture

planshop.

architectural design | drafting
engineering | town planning

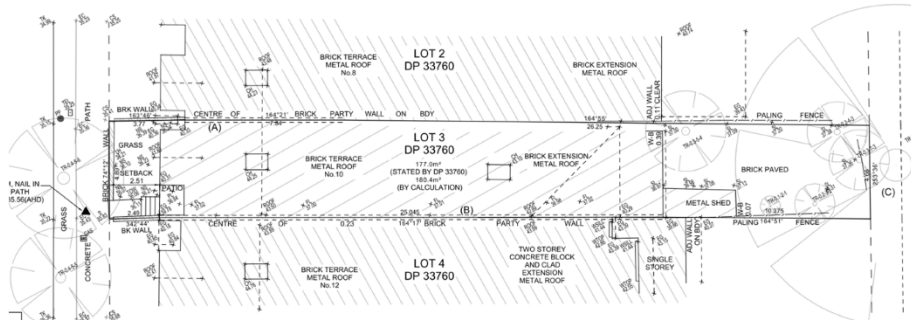


Figure 3 - Snippet of survey plan for 10 Short st

The building of 12 Short St Leichhardt can be seen to extend past the extent of 10 Short St in figure 2 and figure 3, and with a similar floorplan layout on the ground floor it can be evidenced that 12 Short St has already exceeded their site coverage as the lots are of similar to equal sizes.

The objectives of the site coverage standard are:

- 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.

The proposal in of 10 Short St Leichhardt is compliant with each of these objectives despite the variation in the site coverage. No area that is suitable for tree planting has been impacted by the proposal, and will be more beneficial for tree planting due to the removal of the existing shed and the only addition being a small extension into the proposed living area. A landscaped corridor is maintained to the back of the house where the backyard has not been impeded upon by the proposal, the development is consistent with the neighborhood and density. As can be seen, suitable landscaped area and private open space has been provided for in the figure 4

DEVELOPMENT APPLICATION CALCULATIONS		
DESCRIPTION	EXISTING	PROPOSED
GROUND FLOOR AREA	104.44 m ²	100.8 m ²
SITE COVERAGE	114.89 m ² (63.8%)	111.27 m ² (61.8%)
LANDSCAPED AREA	51.68 m ² (28.6%)	42.83 m ² (23.7%)
PRIVATE OPEN SPACE	59.02 m ²	63.03 m ²

Figure 4 - Development Application Calculations

The most compelling argument, however, is that the changes made in the proposal lessens the amount of site coverage variation overall than the existing development. The existing development's site coverage is 63.8% of the site area, whereas our proposal puts the site coverage at 61.8% by



demolishing the shed in the backyard. This will give the site coverage a net decrease of 2% and increase the private open space by 4sqm. It is in council's favor to consider approving the proposal for this reason

11. How would strict compliance hinder the attainment of the objectives specified within section 5(a)(i) and (ii) of the act?

Strict compliance would result in a negative impact on the subject site since the proposal seeks to decrease the site coverage, while also improving the standard of living without retracting from the objectives of clause 4.3C in the Innerwest LEP 2022.

12. Is the development standard a performance-based control? Give details:

The site coverage is a performance-based control, with objectives that demonstrate compliance.

13. Would strict compliance with the standard, in your particular case be unreasonable or unnecessary? Why?

Strict compliance with the standard in the case of 10 Short St, Leichardt, is unreasonable and unnecessary as previously discussed for several reasons below;

- Decrease in the overall site coverage from the existing residence by 2%
- Proposal results in a minimal variation to the standard with a breach of 1.8% equaling 3.03sqm only over the maximum site coverage (the existing breach equaling 6.65sqm over the maximum site coverage)
- Surrounding properties have already breached the site coverage variation, as be seen at 12 Short St, Leichardt, which is directly adjacent to the property subject to this variation
- Objectives for the standard of 4.3C have been met resulting in no loss to the neighborhood and surrounding properties as a result of the proposal

14. Are the sufficient environmental planning grounds to justify contravening the development standard, give details:

The proposed development provides sufficient environmental planning grounds to justify contravening development standards. The resulting development of the proposal will decrease the total site coverage by 2% which is a total of 3.62sqm less than the existing dwelling. The proposal not only seeks to decrease the already existing variation but also improve the standard of living and amenity of the property.

This report concludes that the environmental impacts generated by the proposal, whether considered individually or cumulatively in the context of the site and broader area, are not significant and therefore the application warrants the support of Council and the issue of development consent. The proposal made in this application is considerate and relative to the site's immediate context of the residential area. The critical findings of this report are that:

- The development will decrease the existing variation
- The surrounding properties have already breached this standard and therefore, strict adherence to standard shouldn't apply
- The proposal will not add a high level of bulk to the site coverage and seeks to improve the standard of living



- The variation to the standard is minimal and due to the site itself being small, reducing site coverage to adhere completely to the standard will have an impact on the standard of living that can be achieved for the subject site

In general, the development proposals of this particular site are considered to be acceptable, as it does not compete with the integrity or character of the surrounding area. The nature of the site, including its location, topography, zoning, and physical attributes make it an ideal candidate for the proposed redevelopment. Furthermore, as the proposal does not detract from the streetscape or the inherent nature of the residential area it is our assertion that this development application should be supported.

Attachment D – Statement of Heritage Significance

Godden Mackay Logan

Area 4 Wetherill Estate Conservation Area

Landform

The area is predominantly on the Norton Street ridge, and falling gently towards the north and Balmain Cemetery, now Pioneers Park.



Figure 4.1 Wetherill Estate Conservation Area Map.

History

This conservation area falls within the Wetherill Estate which was subdivided in 1875. By 1888 there were 114 buildings erected in the Wetherill Estate subdivision – 93 were of brick, 16 were of weatherboard and five were of unknown construction. The conservation area also covers a small number of allotments at the very southern end of Pioneer Park, where two very early attached single-storey cottages and some other early buildings front Allen Street. The two attached cottages could have been constructed for the caretakers of the cemetery.

Development of the area proceeded gradually, so that it was not until at least the 1930s before all the land was taken up and built upon. Some buildings along Derbyshire Road (outside the existing conservation area) have recently been demolished for new townhouses.

Sources

Information provided by Max Solling.

Significant Characteristics

- Varied character – shops and attached dwellings along Norton Street; Art Deco pub and store; large two-storey free-standing houses; single-storey double and single-fronted houses; small groups of terraces and semis; blocks of 1930s/40s flats.

Godden Mackay Logan

- Landmark and public buildings dominate the skyline and streetscape – Leichhardt Town Hall, post office and fire station.
- Streets mostly one chain wide, with some grassed verges.
- A range in age of buildings from 1870s-1930s/40s: from a pair of early joined single-storey cottages without fire walls to two Inter-War period buildings on the corner of Short Street and Balmain Road and blocks of flats. Most buildings belong to the nineteenth century.
- Brick by far the most dominant building material, used in a variety of surfaces: as plastered brick generally through the 1880s, as face brick with plaster decoration c1890s onwards and as brown or dark blue face brick into the 1930s.
- Few timber houses – Short Street is an exception.
- Roof cladding predominantly of unglazed terracotta tiles. Few slate roofs and some iron roofs.
- Simple parapeted roofs to Norton Street facades with awnings suspended over Norton Street footpaths.
- Decorative elements such as plaster mouldings, decorative glazed tiles, chimneys and Art Deco brick decoration to facades.
- Sandstone kerbs and gutters with few interruptions for access to garages.
- Fences – some original iron palisade fences and some decorative brick fences contemporary with the construction of their houses.
- Street planting of natives and deciduous trees and shrubs.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is significant for illustrating development over sixty years between 1870s-1930s and includes civic, ecclesiastical and commercial buildings and a variety of housing.
- With the adjoining Whaleyborough Estate subdivision to the west, its roads, lanes and subdivision pattern define the layout of central Leichhardt.
- It is of aesthetic significance for the landmark quality of its public buildings centred around the high land at the Marion/Norton Street corner.
- It demonstrates through its range of external finishes (first plaster, then brown face brick and blue face brick) the increasing sophistication in Sydney brick making from 1870s-1930s.
- Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.

Godden Mackay Logan

Management of Heritage Values

Generally

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

Retain

- Existing width and alignment of the streets: avoid chicanes which cut diagonally across the carriageways.
- All remaining sandstone kerbs and gutters.
- All pre-1939 buildings especially the few remaining timber houses.
- All original plaster finishes to external walls (as a rough rule of thumb this will mostly apply to pre-1890s buildings). Reconstruct where necessary.
- All original unplastered face brick external walls.
- All original external architectural detail, including verandahs, parapets and awnings, and encourage replacement of lost elements, but only where evidence is available.
- Any remaining original iron palisade or low brick fences.
- All street planting schemes. Reinstate individual trees where they have been lost.
- All existing landmark buildings in the area and their settings. Find new sympathetic uses for these buildings if the original use should be closed.

Avoid

- Demolition of any pre-1939 building especially timber buildings.
- Removal of any plaster or decorative plaster to external walls, except where it is to remove more recent plaster on face brick walls.
- Plastering and/or painting of original face brick walls.
- Alteration to the original roof form over the main part of any building, including second-storey additions to single-storey buildings.
- Additional architectural detail for which there is no evidence in the photographic record or on the building itself.
- Inappropriate fences such as high brick fences/walls, new iron palisades on high brick bases.
- Interruption of the kerb and gutter line for vehicular access.