




 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2022/0795
Address	3 Emily Street LEICHHARDT NSW 2040
Proposal	Demolition of existing structures and construction of two semi-detached dwellings with car parking on separate allotments of land, and associated works, including boundary alignment to create 2 equal lots
Date of Lodgement	26 September 2022
Applicant	Kenny Hollows C/- Development Design PTY LTD
Owner	Ms Romie Safi
Number of Submissions	4
Value of works	\$975,792.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10% (Minimum Subdivision Lot Size)
Main Issues	Variation to Minimum Subdivision Lot Size and FSR development standards, bulk and scale, solar access, view loss
Recommendation	Approval subject to Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exceptions to Development Standards
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures and construction of two semi-detached dwellings with car parking on separate allotments of land, and associated works, including boundary alignment to create 2 equal lots at 3 Emily Street Leichhardt.

The application was notified to surrounding properties and three (3) submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Section 4.6 variation to Minimum Subdivision Lot Size and FSR development standards;
- Bulk and scale;
- Solar access; and
- View loss.

Amended plans were submitted during the assessment of the application in response to a request from Council, which are the subject of this assessment report. Subject to conditions, the non-compliances are acceptable on merit for the reasons outlined in this assessment report and therefore the application is recommended for approval.

2. Proposal

- Demolition of existing dwelling;
- Construction of two x two storey semi-detached dwellings;
- Rear open hardstand car parking on each allotment;
- Boundary adjustment to create two (2) equal lots of 176.48m²; and
- Tree removal and landscaping.

3. Site Description

The subject site is located on the northern side of Emily Street, between Hearn and Macquarie Street, Leichhardt. The site comprises two allotments, legally defined as Lot 8 and 9 in DP 715831. The combined site area is approximately 352.96m² with a combined front and rear setback width of 11.58m and length of 30.48m. The rear boundary provides vehicular access to an unnamed lane. The individual allotments currently achieve site areas of 185.78m² (Lot 8) and 167.18m² (Lot 9).

An existing single storey brick dwelling with tile roof is located on the site and a number of detached sheds, garage and outbuildings along the rear boundary. The site accommodates a number of small trees less than 6m in height within the rear setback and a mature Cheese Tree within the adjacent Council reserve on Emily Street.

Surrounding land uses are predominantly single and two storey dwelling houses of varying architectural design.

The site is zoned R1 – General Residential pursuant to the *Inner West Local Environmental Plan 2022* and is located within the Piperston Distinctive Neighbourhood. The site is not identified as a heritage item, nor is it located within a Heritage Conservation Area. The site is within the ANEF 20-25 contours. The site is not identified as flood affected.

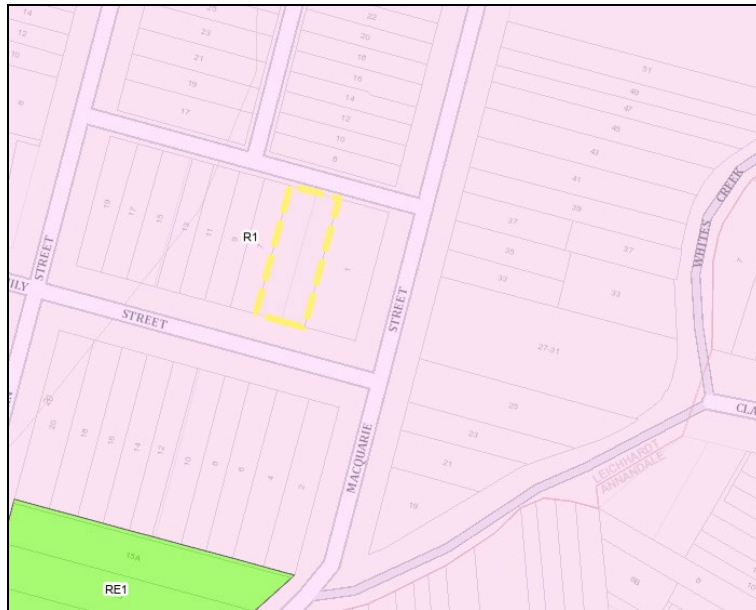


Figure 1 – Land zoning map



Figure 2 – Aerial map of subject site



Figure 3 – Streetscape photograph of subject site viewed from Emily Street

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

N/A

Surrounding properties

7 Emily Street Leichhardt

Application	Proposal	Decision & Date
D/2015/21	Demolition of existing house. Construction of new two storey house and associated landscaping and fencing	Approved – 12/05/2015

13 Emily Street Leichhardt

Application	Proposal	Decision & Date
D/2015/499	Alterations and additions to existing dwelling including new first floor addition	Approved – 02/12/2016

4(b) Application history

The following outlines the relevant history of the subject application.

On the 13 December 2022, Council wrote to the Applicant seeking a Request for Information (RFI). The RFI raised a number of issues with the proposal, summarised as follows:

- Minimum lot size less than the required 200m² prescribed by the *IWLEP 2022* and subsequent requirement for a Section 4.6 Variation Request;
- Bulk and scale attributed to departure with FSR and minimum lot size development standards and minimum side setback requirements pursuant to the Leichhardt DCP
- Solar access to private open space of each proposed new dwelling
- Provision of an overland flow path to achieve adequate stormwater management provisions on the site
- Inadequate minimum dimensions of proposed car parking
- View loss assessment
- Visual privacy to proposed bathroom windows.

The applicant provided amended plans (Issue B) in response to the above. Post review of the amended plans, Council subsequently issued further supplementary design amendment advice to further address concerns raised with streetscape presentation and bulk and scale.

Subsequently, a second set of amendment plans (Issue C) were submitted during the assessment of the application in order to address the matters raised in both Council's RFI and additional design amendment advice. A third set of plans (also Issue C) including cross sections were submitted as result of a further RFI request. This set of amended plans are the subject of this assessment.

The amendments carried out (Issue C drawings) compared to the originally notified proposal include:

- Reductions in the heights of the dwellings;
- Provision of increased setbacks from the front and side boundaries to the ground floor front portions of the dwellings (including to provide necessary overland flow paths for stormwater to the side boundaries in accordance with Council Engineer's requirements) with a subsequent reduction in FSR to both lots;
- A reduction in the size of the first floor front balconies; and
- Reduction in extent of planter beds to the first floor at the front of the dwellings; and
- Adjustments to front fenestrations.

Given the amendments result in a reduced or lesser development with a subsequently reduced impacts on adjoining properties, renotification was not required in accordance with [Community Engagement Framework](#).

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 (Transport and Infrastructure) 2021*
- *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 2 Coastal management

The SEPP aims to ensure that future coastal development is appropriate and sensitive to its coastal location and category.

The proposed development will not adversely affect any coastal processes or values.

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 associated with the amended plans under assessment and will be referenced in any consent granted.

5(a)(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority (Ausgrid) within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days. The referral body provided no objection to the proposal subject to conditions which have been incorporated into the draft determination notice.

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

Chapter 2 Vegetation in non-rural areas

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

The application seeks the removal of vegetation from within the site and is located adjacent to a mature Cheese Tree on Council land. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

Inspection of the site has identified several small trees within rear yard will require removal. the trees have all been noted as being less than six (6) metres in height. Therefore, they are not protected by the provision of the IWC Tree Management DCP and can be removed without Council consent.

*A mature street tree was noted directly outside the property. The tree was identified as a Cheese Tree (*Glochidion ferdinandi*) in good healthy condition. the tree provides a positive contribution to the amenity and canopy cover of the immediate area. It is not expected that the proposal will directly impact on this tree. However, to ensure it remains*

viable, tree protection measures must be installed and maintained during construction and development.

Tree protection conditions have been attached which are recommended for inclusion into the DA consent.

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

Chapter 6 Water Catchments

The site is not located within the foreshores and waterways area and will not be visible, or located in the vicinity of any water catchment, and hence, the proposal raises no issues that will be contrary to the provisions of this part of the SEPP.

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

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

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.6 – Subdivision
- Section 2.7 – Demolition Requires Development Consent
- Section 4.1 – Minimum Subdivision Lot Size
- 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 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 subject site is zoned R1 General Residential. The objectives of the R1 General Residential Zone are:

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

The proposal satisfies the section as follows:

- The application proposes demolition of a dwelling house, and construction of a semi-detached dwelling house including boundary adjustment to create two equal lots of which is permissible in the R1 General Residential zone; and
- The development meets the objectives of the zone (as discussed in further details in the below Section).

Section 4 Principal Development Standards

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

Control	Proposed		Compliance
Section 4.1 Minimum Subdivision Lot Size	Minimum	200sqm (both lots)	No
	Proposed	176.48sqm (both lots)	
	Variation	11.76% or 23.52sqm (both lots)	
Section 4.3C (3)(a) Landscaped Area	Minimum	15% or 26.47sqm (both lots)	Yes
	Proposed	16.72% or 29.5sqm (both lots)	
	Variation	Nil (both lots)	
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 105.8sqm (both lots)	Yes
	Proposed	50% or 88.5sqm (both lots)	
	Variation	N/A (both lots)	
Section 4.4 Floor Space ratio	Maximum	0.7:1 or 123.5sqm (both lots)	No
	Proposed	0.77:1 or 127.8sqm (both lots)	
	Variation	4.28sqm or 3.46% (both lots)	
Section 4.5 Calculation of Floor Space Ratio and Site Area	The Site Area and Floor Space Ratio for the proposal has been calculated in accordance with the section.		Yes
Section 4.6 Exceptions to Development Standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Sections 4.1 and 4.4.		See below

Section 4.6 – Exceptions to Development Standards

Section 4.1 Minimum Lot Size Development Standard

The applicant seeks a variation to the above-mentioned standard under Section 4.1 of the *IWLEP 2022* by 23.52m² or 11.76% in relation to both allotments.

The objectives of the development standard are as follows:

- to ensure lot sizes cater for a variety of development,*
- to ensure lot sizes do not result in adverse amenity impacts,*
- to ensure lot sizes deliver high quality architectural, urban and landscape design,*
- to provide a pattern of subdivision that is consistent with the desired future character,*
- to ensure lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land.*

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.*

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

- *The proposed boundary realignment of the existing subdivision will allow the proposed infill dwellings to form part of a consistent paired form within the same group. This form reflects and reinforces the predominant size and shape of the prevailing subdivision pattern within the immediate and intermediate streetscape and overall locality as well as maintaining the consistent immediate and intermediate building pattern & form within the vicinity of the site.*
- *The proposed boundary realignment and adjusted subdivision is capable of accommodating buildings, particularly where compliance with the Landscape , Site Coverage , Private Open Space, Building Location Zones are achieved and where there are no adverse impacts on the adjoining amenities, streetscape compatibility and separation between adjoining forms and the positive contributions it provides to the overall Distinctive Neighbourhood Area. The result being a proposal that facilitates an orderly and reasonably appropriate high-quality development of the resultant lots.*
- *The proposed boundary realignment and re-subdivision and resultant built form and scale are considered appropriate within the immediate and intermediate streetscapes and subdivision pattern.*
- *The proposed boundary realignment and re-subdivision layout and dimensions including area enable the proposed building to be consistent with the density, setbacks, building bulk and scale and height found along Emily Street.*
- *The size of the proposed allotments are suitable to enable the sitting and construction of an appropriately sized and proportioned dwelling house that provides adequate amenity to future residents and areas for open space.*
- *The proposed boundary realignment and re-subdivision lot size and building form will not adversely affect the amenity of any neighbouring properties and ensures that the lot size proposed accommodate a development which is consistent with the relevant development controls capable of supporting residential development.*
- *It is not considered that this subdivision influences any amenity impacts across the boundaries or compromises the existing surrounding mixed subdivision pattern.*
- *The proposed boundary realignment and re-subdivision is supported with plans that adequately demonstrate that the lots are of sufficient area and dimension that enable an appropriate building that are consistent with the varied density, setbacks, building location zone, building bulk and scale and height found along the Emily Street and surrounding streets.*
- *The proposed boundary realignment and re-subdivision is further supported by shadow diagrams which demonstrate that the proposal will have imperceptible and inconsequential effects on the adjoining amenities.*
- *The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings in Emily Street and surrounding Streets.*

- *The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape that uphold the Piperston Distinctive Neighbourhood Controls.*

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.

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

- The departure with the minimum lot size development standard is an existing non-compliance and the proposal seeks a boundary adjustment to provide two equal lots to accommodate two semi-detached dwellings thus meeting the objectives of the development standard, which seeks, in part, to ensure lot sizes cater for a variety of development.
- The proposed boundary adjustment will result in allotments which are not out of character with the subdivision pattern in the immediate area with particular regard to lots sizes, lot widths and shapes whilst allowing for an appropriate infill development (subject to conditions).
- The proposed development continues to provide for the diverse housing needs of the community by providing additional residential accommodation.
- It has been demonstrated that the proposed lots, although departing from the minimum lot size development standard, can suitably accommodate a semi-detached residential development on each subsequent allotment.
- The subdivision will support an infill development that maintains the Piperstone distinctive neighbourhood character.
- The non-compliance with the development standard does not unnecessarily impact the amenity of residents, with particular consideration for solar access, visual privacy, bulk and scale and view sharing, as discussed elsewhere in this report.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Section 4.6(4)(b) of the Local Environmental Plan.

The proposal thereby accords with the objective of section 4.6(1)(b) and requirements of section 4.6(3)(b) of the LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Minimum Lot Size development standard and it is recommended the section 4.6 exception be granted.

Section 4.4 FSR Development Standard

The applicant seeks a variation to the above-mentioned standard under Section 4.4 of the *IWLEP 2022* by 4.28sqm or 3.46% for both allotments.

The objectives of the 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.*

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.*

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:

- *Despite the level of non-compliance the proposed increase is imperceptible and inconsequential in its effects particularly where compliance with the Landscape, Site Coverage, Private Open Space, Building Location Zones are achieved and where there are no adverse impacts on the adjoining amenities, streetscape compatibility and separation between adjoining forms and the positive contributions it provides to the overall Distinctive Neighbourhood Area.*
- *It is noted that our adjoining neighbour at No.7 Emily Street was approved by Council under D/2015/21 with a 44% Level of non-compliance and as such request the same assessment considerations afforded to that application.*
- *The proposal on balance seeks the better designed outcome within the context of the site compatible with the immediately adjoining and intermediate forms and Building Location Zones within the overall streetscape and subdivision pattern of development.*
- *The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings within Emily Street.*
- *The minor increase will have no adverse solar amenity impacts on the adjoining amenities particularly due to the rear northern orientation of the site where solar access to neighbouring courtyards and directly accessible living area are currently maintained.*
- *The minor increase does not create any privacy impacts on the adjoining amenities due to the careful placement of courtyards, atriums and window positions.*
- *The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape that uphold the Piperston Distinctive Neighbourhood Controls.*

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.

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

- The numerical departure does not contribute to any bulk and scale and amenity impacts to neighbouring properties, with particular regard for bulk and scale, solar access, view sharing, visual and acoustic privacy.
- Subject to conditions, the resultant bulk and scale of the proposed development is not out of character with existing development in the immediate neighbourhood.
- The proposed development will continue to provide for the housing needs of the community.
- The proposal provides an infill residential development that, subject to conditions, maintains the character of the Piperston Distinctive Neighbourhood.
- The development maintains a rear landscape corridor between adjoining properties and compliant POS, site coverage and landscaped area to meet the recreational need of future occupants.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Section 4.6(4)(b) of the Local Environmental Plan.

The proposal thereby accords with the objective of section 4.6(1)(b) and requirements of section 4.6(3)(b) of the LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended the section 4.6 exception be granted.

Part 5 – Miscellaneous Provisions

Control	Proposed	Compliance
Section 5.10 Heritage Conservation	<p>The site is not located in a Heritage Conservation Area, nor is the site heritage listed. The site is however located in the vicinity of heritage listed dwellings at Nos. 22-32 Emily Street which are listed as items of local significance.</p> <p>The proposal will have satisfactory streetscape impacts and will not detract from the significance and setting of the heritage items in the vicinity.</p>	Yes

Part 6 – Additional Local Provisions

Control	Proposed	Compliance
Section 6.1 Acid Sulfate Soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	Stormwater management requirements have been appropriately addressed and can be further managed by way of standard conditions of consent.	Yes, subject to conditions
Section 6.8 Development in Areas Subject to Aircraft Noise	<p>The site is located within the ANEF 20-25 contours, and as such an Acoustic Report was submitted with the application. The proposal is capable of satisfying this section as follows:</p> <ul style="list-style-type: none"> • A condition has been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 	Yes, as conditioned

	2021:2015, thereby ensuring the proposal's compliance with the relevant provisions of Section 6.8 of the <i>IWLEP 2022</i> .	
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5(c) Draft Environmental Planning Instruments

There are no relevant draft EPIs pertaining to the proposal.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Leichhardt Development Control Plan 2013 (LDCP 2013). The following provides discussion of the relevant issues:

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 - see discussion
C1.6 Subdivision	Yes - see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.11 Parking	Yes, subject to standard conditions
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.18 Laneways	Yes
C1.21 Green Roofs and Green Living Walls	Yes, as conditioned – see discussion
Part C: Place – Section 2 Urban Character	
C2.2.3.3 – Piperston 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
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes - see discussion
C3.10 Views	Yes – see discussion

C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes – see discussion
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, subject to conditions
E1.2.3 On-Site Detention of Stormwater	Yes, subject to conditions
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes, subject to conditions
E1.2.7 Wastewater Management	Yes

The following provides discussion of the relevant issues:

C1.2 Demolition

The proposed development includes demolition of the existing dwelling and other ancillary structures on the site.

The application is not accompanied by a structural report indicating that the building is structurally unsound and unsafe. However, given the subject site is not located in a Heritage Conservation Area nor is it heritage listed, and the dwelling can be demolished under the Complying Development provisions of *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, no objections are therefore raised to demolition as part of this proposal.

C1.6 Subdivision

As discussed under Part 4 (Clause 4.1 Minimum Subdivision lot size), the proposed boundary adjustment does not meet the minimum 200m² minimum lot size requirement. A Section 4.6 variation to the development standard has been provided and 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 proposed boundary adjustment (re-subdivision) would result in two new semi-detached dwellings addressing Emily Street of 5.96m in width and 176.48m² in area (Figure 4), consistent with the adjoining and prevailing subdivision pattern in the neighbourhood (Figures 5 and 6), which is generally characterised by a mix of single and two storey semi-attached and detached dwellings on narrow allotments (i.e. circa 6m width).

The indicative building envelope plan submitted with the DA demonstrates that each subsequent allotment can suitably accommodate new residential development, including compliant private open space and landscaped areas.

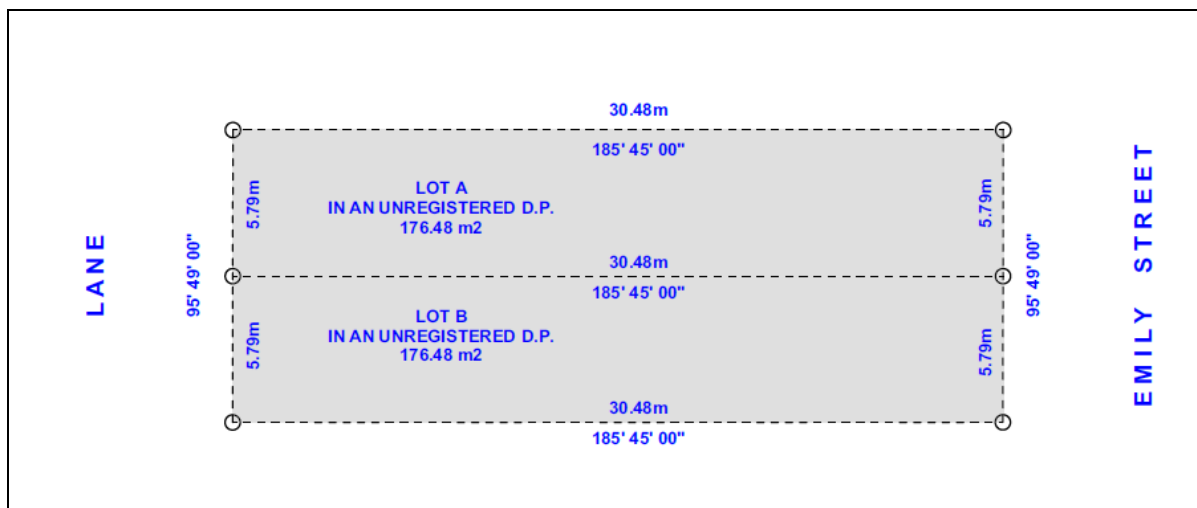


Figure 4 – Proposed subdivision plan



Figure 5 - Subdivision pattern in the vicinity of subject site (subject site outlined in yellow)



Figure 6 - Aerial map of pattern of development in the vicinity (subject site outlined in yellow)

C1.21 Green Roofs and Green Living Walls

The proposal involves small first floor garden beds on the roof at the front of the dwellings. Standard conditions are recommended requiring a report and certification by a suitably qualified person demonstrating that the proposed landscape plan and details of any roof gardens are consistent with Inner West Councils Green Roof, Walls and Facades Technical Guidelines, including but not limited to using species selected from the suggested species list, water proofing and drainage.

C2.2.3.3 – Piperston Distinctive Neighbourhood

The proposal meets the controls and objectives of the Piperston Distinctive Neighbourhood as follows:

- The proposed architectural style, materials, and finishes are generally compatible with those prevailing in the streetscape and in immediate vicinity (i.e. no. 5 Emily Street), thus maintaining the character of the area.
- Maintains and enhances the predominant scale and character of dwellings in the area.
- Preserves the consistency of the subdivision pattern in this area.
- Maintains the predominant service and access character of the rear lane.
- Demonstrates reasonable view sharing as discussed further in this assessment.
- Maintains the prevalence of street trees.

C3.2 Site Layout and Building Design

Building Location Zone (BLZ)

The proposal entails a new infill development which alters the rear Building Location Zone at ground floor and generally maintains the ground floor front alignment, whilst providing a new first floor where the existing dwelling is currently single storey.

The proposal generally aligns with the equivalent ground floor rear setbacks of the immediate adjoining properties.

It is noted that the proposed ground floor front setback is slightly further back from the existing dwelling, however set slightly forward of the eastern neighbouring dwelling and slightly behind that of the western neighbouring dwelling. The setback of the façade from the front boundary has been increased from 1.5m to 2.8m which will ensure the proposal better relates to established front setbacks within the streetscape. Whilst not achieving the technical average of the adjoining front setbacks, the general stepped pattern of the ground floor front setbacks within the street allows for this variation to occur without discernible detriment to the overall streetscape.

The proposed first floor aligns with the first floor BLZ established by the neighbouring property to the west (No. 7 Emily Street), noting that the dwelling to the east is single storey. Accordingly, the proposed first floor is acceptable where it is located on the site where a first floor could reasonably be expected and where no adverse amenity impacts will occur as result of the first floor BLZ.

Side Setbacks

The proposal does not comply with the minimum side setback control requirements pertaining to the respective side wall heights. The non-compliance with the control is demonstrated in the table below:

Side elevation	Wall height (m)	Required setback (m)	Proposed setback (m)
Ground and First Floor			
East	3.5 -5.9	0.4 -1.75	0-0.942
West	3 – 5.4	0.2 -1.5	0-0.942

Notwithstanding the technical departure, it is noted that the applicant has made an attempt to reduce the overall height and increase the setbacks of the development through the following amendments:

- Increased ground and first floor setback to front portion of the dwellings (from 0m-0.542m at ground floor and from 0m -0.942m at first floor).
- Reduction in overall height of the development by 183mm by reducing the roof pitching point in order to achieve a lower stepped transition from the higher ridge of No.7 Emily Street.
- Reduction in the ground floor side boundary wall parapet height by 450mm
- Overall reduction in GFA by 10sqm through reduction in ground floor depth by 0.94m.

The proposed side setbacks are considered acceptable where:

- The bulk and scale of the development is minimised by reduced floor to ceiling heights, particularly at first floor level.
- The pattern of development within the streetscape is not compromised as the proposed setbacks are commensurate to those prevailing in the streetscape.
- The technical departure will not directly result in any adverse amenity impacts to neighbouring properties, with particular consideration for bulk and scale, visual privacy, solar access and view sharing.
- Reasonable access is retained for necessary maintenance of adjoining properties.

In consideration of the above, the non-compliance with the side setback control is acceptable on merit.

Building Envelope

The proposal breaches the control by approx. 1m at the front roof gable end. The breach is considered minor comprising only a small section of the gable roof element and considered satisfactory in the circumstances given this breach is commensurate to that of the two-storey dwelling located at 7 Emily Street to the west.

C3.9 Solar Access

Shadow diagrams portraying the shadow cast by the existing structures and the proposed development for the winter solstice were submitted with the application in both plan and elevation.

The subject and adjoining properties are orientated towards the north-south, thus the following controls apply:

New Dwellings

As the proposal includes two new dwellings, C4 (solar access to Private Open Space) and C9 (solar access to Main Living room) of the DCP are applicable. The proposal satisfies these controls where it orientates its internal and external living areas to the north.

Minimise impact to neighbouring properties – Private open space

The control seeks to minimise overshadowing to neighbouring properties POS. The surrounding allotments private open space is orientated to the north; therefore, the following controls apply:

Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.

The proposal is orientated north-south with the siting of new development generally in alignment with the built form of the neighbouring properties. The majority of shadows are cast over the roofs and Emily Street to the south, thus retaining compliant levels of solar access to the north facing POS of adjoining properties.

Minimise impact to neighbouring properties –Living room glazing

The control seeks to minimise overshadowing impacts to the internal living areas of neighbouring properties. The neighbouring properties primary living room glazing is assumed to be oriented to the north, directly adjacent to the rear POS. the following controls apply:

Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.

The solar access diagrams in plan and elevation demonstrate that a compliant quantum of solar access is received to the north facing ground floor living room glazing of the immediate neighbouring properties. It is noted that the neighbouring property to the west (7 Emily Street) provides high light windows to the rear ground floor living room however this glazing is orientated towards the east and solar access is therefore difficult to protect.

C3.10 Views

The subject property is located in the Piperstone Distinctive Neighbourhood where some properties enjoy district views of the city skyline. It is expected that some loss of views will arise as result of the new infill dwellings where the site currently accommodates a single storey development. Three of the four submissions received have raised concerns for potential view loss as result of the development.

Council relies on the Planning Principles relating to view sharing established by the New South Wales Land and Environment Court in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* for further assessment against view loss. An assessment against this planning principle is provided below.

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

A site visit was undertaken on two properties located at 7 and 12 Emily Street (the locations of the 3 objections received). The nature of these views are distant, partial views of the city skyline (including Barangaroo, ANZAC bridge and Centre Point Tower) and the Hunter Baillie Memorial Presbyterian Church, partly obscured/filtered by existing vegetation, and views of tree/sky interface. The pictures provided in the table below identify the existing views.

7 Emily Street:



Views of sky and trees from rear first floor Master bedroom window looking out to through the side (eastern) window. This outlook would be partially obscured.



Views from rear first floor M bedroom window north east aspect towards the city skyline and Centre Point Tower. This view would be retained.



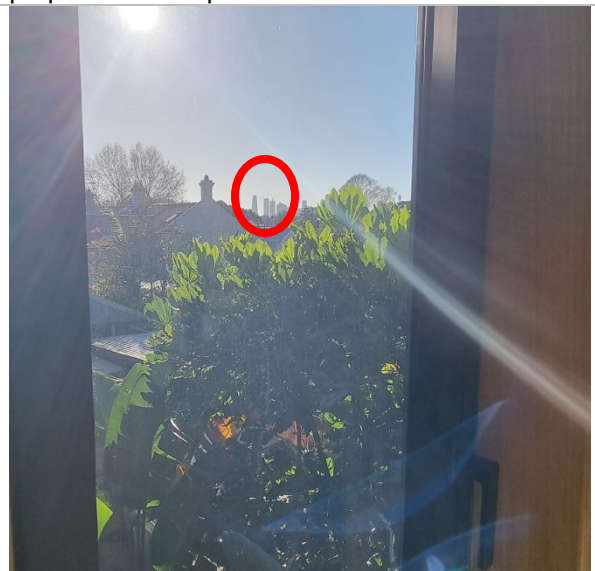
Views looking out north and north east towards the city and centre point tower from the rear first floor M bedroom Juliette balcony. This view would be retained.



Views from first floor bedroom 2 window on the eastern elevation north east aspect. This view would largely be obscured by the first floor of the proposed development.



Views from first floor bathroom window on the eastern elevation. This view may be partially obscured by the first floor of the proposed development.



Views of the city skyline from first floor hallway facing north east. This view may be obscured by the first floor of the proposed development.



Views from first floor bedroom 3 window located on the northern elevation looking north east towards the city skyline. This view would be retained.

Internal living area of dwelling.

12 Emily Street:

Standing views from first floor balcony servicing a bedroom looking out to the north and north east over the subject site towards the ANZAC Bridge and City Skyline filtered / obscured by tree foliage. This view would largely be obscured by the first floor of the proposed development.



Standing distant city skyline views towards the north from first floor living room. This view would largely be retained.



Filtered views of city skyline standing from a first-floor hallway window on the eastern (side) boundary. This view would be retained.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

- 7 Emily Street - Views of the city skyline are from across the side boundary of the subject site from both standing and seated positions.
- 12 Emily Street – Views of the ANZAC bridge are from across the front and rear boundaries of the subject and adjoining sites on the northern side of Emily Street, from a standing position only.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly

valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

- 7 Emily Street - Filtered and distant partial views of the city skyline are from bedrooms, a bathroom and a hallway. The view impact of this property is considered minor when considering the nature of the views which are partial, distant, and largely obscured by canopy tree foliage, where the views impacted are enjoyed (bedrooms, bathroom, and hallway), and the views retained (i.e Centre Point Tower from first floor master bedroom).
- 12 Emily Street - Filtered and distant partial views of the ANZAC bridge which would be obscured by the proposed development are from a first-floor balcony serving a bedroom. Distant filtered city district views from a first floor living room and hallway would be retained. On balance, the view impact of this property is considered minor when considering the nature of the views which are partial, distant, and largely obscured by canopy tree foliage, where the views impacted are enjoyed (bedroom balcony), and the views that would be retained (i.e city skyline from first floor hallway and living room).

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comment:

Although the proposal results in several technical non-compliances, these non-compliances do not directly result in the loss of views and a more skilful design would not have a discernible impact. As the existing dwelling on the subject site is single storey, it is considered that any increase in height of development on the site will have an impact to the views benefited by surrounding development.

In the circumstances of the case and consideration of the *Tenacity Consulting v Warringah (2004) NSWLEC 140* Planning Principle, the extent of view loss to surrounding properties as result of the development is considered reasonable.

C3.11 Visual Privacy

New windows to the ground floor internal living areas of the dwelling are orientated to the north towards the rear private open space (north) and any overlooking opportunities would be obscured by 1.8m boundary fencing. The balance of glazing on the ground floor level along the east and western elevations would also be adequately obscured by existing boundary fencing.

Glazing to the first floor eastern and western elevations serve a void adjacent to a hallway and are adequately offset from glazing of the neighbouring properties. Rear (north) facing windows at the first-floor level service bedrooms only and will not be used to a high volume during the day, thus any potential overlooking impacts to neighbouring properties would be

minimal and acceptable. It is further noted that sightlines to neighbouring private open spaces at 7 Emily Street and 1 Emily Street would be partially obscured by existing structures (i.e garage to 1 Emily Street and pergola to 7 Emily Street).

Furthermore, windows to first floor bathrooms have been provided with obscure glazing to mitigate visual privacy impacts.

In consideration of the above, the proposal results in acceptable visual privacy impacts to neighbouring properties.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was required to be notified in accordance with Council's Community Engagement Framework Policy between 12 October 2022 to 11 November 2022.

A total of three (3) submissions were received in response to the notification.

Concerns raised in the submissions are summarised and addressed in the report as follows:

- FSR Breach – Refer to discussion and Section 4.6 assessment under Part 5(a)(iv),
- Bulk, height, scale & boundary setback breach -Refer to discussion under Part 5(d), C3.2 Site Layout and Building Design
- View loss – Refer to discussion under Part 5(d), C3.10 Views
- Overshadowing - Refer to discussion under Part 5(d), C3.9 Solar Access.

Further issues raised in the submissions received are discussed below:

Concern	Comment
Construction on boundary	A requirement for a dilapidation report pre and post construction has been included as a recommended condition of consent to ensure any unforeseen damage to adjoining properties is addressed.
Water management / flooding concerns	Council's Stormwater Engineer has reviewed the proposed application and raises no concerns relating to stormwater management subject to conditions. Overland flow of stormwater runoff from the rear of the site would be required to be discharged by gravity to the rear lane.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

Referrals	Summary of Response
Engineer	No objections raised subject to conditions provided.
Urban Forest	No objections raised subject to conditions provided. Refer also to discussion under Part 1A – <i>SEPP Biodiversity and Conservation</i> .

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

Referrals	Summary of Response
AusGrid	No objections raised.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$20,000.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

8. Conclusion

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

The development, as conditioned, will result in satisfactory on-site amenity outcomes and acceptable amenity impacts on adjoining properties and the development would integrate into the existing streetscape character 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 Minimum Subdivision Lot Size and FSR development standards are unnecessary in the circumstance of the case and that there are sufficient

environmental grounds to support the variations. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0795 for demolition of existing structures and construction of two semi-detached dwellings with car parking on separate allotments and associated works, including boundary alignment to create 2 equal lots at 3 Emily 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
0.01 Rev C	Compliance Table & Site Analysis	21.04.2023	Development Design Pty Ltd
2.01 Rev C	Ground Floor Analysis	05.05.2023	Development Design Pty Ltd
2.02 Rev C	First Floor Analysis	05.05.2023	Development Design Pty Ltd
2.03 Rev C	Roof Analysis Plan	05.05.2023	Development Design Pty Ltd
2.04 Rev C	Ground Floor Plan	05.05.2023	Development Design Pty Ltd
2.05 Rev C	First Floor Plan	05.05.2023	Development Design Pty Ltd
2.06 Rev C	Roof Plan	05.05.2023	Development Design Pty Ltd
2.07 Rev C	Southern Streetscape & Northern Rear Lane Elevations	05.05.2023	Development Design Pty Ltd
2.08 Rev C	Eastern & Western Side Elevations	05.05.2023	Development Design Pty Ltd
2.09 Rev C	Section A-A and Section B-B	05.05.2023	Development Design Pty Ltd
2.10 Rev C	Schedule of Materials and Finishes	05.05.2023	Development Design Pty Ltd
2.11 Rev C	External Window Schedule	05.05.2023	Development Design Pty Ltd
4.01 Rev C	Demolition, Sedimentation & Erosion Control Detail	05.05.2023	Development Design Pty Ltd
4.02 Rev C	Waste Management & Erosion Control Detail	05.05.2023	Development Design Pty Ltd
4.03 Rev C	Hydraulic Stormwater Plan	05.05.2023	Development Design Pty Ltd
4.04 Rev C	Hydraulic Stormwater Details	05.05.2023	Development Design Pty Ltd
4.05 Rev C	Landscape Concept Plan	05.05.2023	Development Design Pty Ltd
4.06 Rev C	Landscape Maintenance & Details	05.05.2023	Development Design Pty Ltd
4.07 Rev C	Car Parking & Vehicle Access Plan	05.05.2023	Development Design Pty Ltd
4.08 Rev C	Torrens Title Subdivision Plan	05.05.2023	Development Design Pty Ltd
2022-273	Acoustic Report	23.08.2022	Acoustic Noise & Vibration Solutions P/L

1334896M_03	BASIX Certificate	17.07.2023	Paul & C Associates
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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:	\$9,757.93
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 7.11 Contribution

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

Contribution Category	Amount
Open Space & Recreation	\$14,300
Community Facilities	\$2,650
Transport	\$1880
Drainage	\$986
Plan administration	\$184
TOTAL	\$20,000

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

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

Where:

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].

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

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

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

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

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

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

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice;

please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

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

GENERAL CONDITIONS

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. 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
1	Glochidion ferdinandi (Cheese tree)	Street tree

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.

7. Project Arborist

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

8. Works to Trees

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

Tree/location	Approved works
All vegetation in rear yard	Remove

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

9. Waste Management Plan

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

10. 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.

11. 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.

12. Works Outside the Property Boundary

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

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

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. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The Stormwater Drainage Concept Plan (SDCP) on Drawing No. 4-03 prepared by Development Design Pty. Ltd. and dated 29 August 2022, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Where a common OSD/OSR is proposed, only roof water is permitted to be connected to the storage tank. The overflow from the OSD/OSR must be connected by gravity to the kerb and gutter of a public road;

- j. Drainage pipes must be laid at a minimum grade of 1%, pipe diameter and invert level and finished surface ground levels shall be shown on the drainage plan;
- k. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- l. An overland flowpath with a minimum width of 500mm must be provided within the setback to the side boundary with adjoining properties between the rear of the dwelling and the Emily Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath;
- m. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- n. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- o. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- p. No nuisance or concentration of flows to other properties;
- q. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- r. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- s. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- t. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- u. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- v. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- w. No impact to street tree(s).

19. 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 up must be provided between the finished surface level of the external area and the finished floor level of the internal room.

20. Amended Architectural Plans to Reflect Requirements of this Condition

Prior to the issue of a Construction Certificate the Certifying Authority must be provided with amended plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The internal vehicle hardstand area must be redesigned such that the level at the boundary must match the invert level of the adjacent gutter plus 110 mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above-issued alignment levels;
- b. The garage slab or driveway must rise within the property to be 170 mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle

- crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- A minimum of 2200 mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
 - Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at natural scale of 1:25, demonstrating compliance with the above requirements;
 - The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 3300 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
 - Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS2890.1-2004. The design of structural barriers must be certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications;
 - A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
 - The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
 - The external form and height of the approved structures must not be altered from the approved plans.

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

21. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

The trees identified below are to be retained and protected throughout the development:

Tree No.	Botanical/Common Name	Location
1	Glochidion ferdinandi (Cheese tree)	Street tree

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

22. Sydney Water – Tap In

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

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

23. 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.

24. Green Roofs / Roof Garden Beds

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a registered landscape architect or suitably qualified person demonstrating that the proposed landscape plan and details of any roof gardens are consistent with [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#), including but not limited to using species selected from the suggested species list, water proofing and drainage.

25. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

26. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

DURING DEMOLITION AND CONSTRUCTION

27. Inspections by Project Arborist

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

Tree No./ Location	Botanical/ Common Name/	Time of Inspection	Key stage/ Hold point
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Tree 1 - Glochidion ferdinandi (Cheese tree) - Street tree	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
	During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all works inside or above the TPZ; • Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ; • Supervise all tree work.

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

28. 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.

29. 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

30. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light concrete vehicle crossing(s) at the vehicular access location(s);

- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and
- c. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

31. 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.

32. 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.

33. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

34. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

35. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

36. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street

parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

37. Certification of Tree Planting

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

A minimum of 2 x 75 litre size trees, which will attain a minimum mature height of eight (8) metres, must be planted, 1 within each new allotment within the rear yard at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

38. Aircraft Noise

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

39. Torrens Title Subdivision to Occur before Occupation

Prior to the issue of an Occupation Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.

40. Verification and Maintenance of Green Roofs / Roof Garden Beds

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the green roofs / roof garden beds that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

PRIOR TO SUBDIVISION CERTIFICATE

41. Torrens Title Subdivision

Prior to the issue of a Subdivision Certificate, the Certifying Authority must verify that the physical works within this consent have been constructed.

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. [Street Numbering Application](#)

42. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

43. Separate Stormwater

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

ON-GOING**44. Operation and Management Plan**

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

45. Bin Storage

All bins are to be stored within the site.

46. Green Roofs, Walls and Facades Establishment

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

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.

Public Domain and Vehicular Crossings

The vehicular crossing works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 at no cost to Council. Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

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.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660

			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	
NSW Food Authority		www.lspc.nsw.gov.au	
		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	
Sydney Water		www.environment.nsw.gov.au	
		13 20 92	
		www.sydneywater.com.au	
Waste Service - SITA		1300 651 116	
Environmental Solutions		www.wasteservice.nsw.gov.au	
Water Efficiency Labelling and Standards (VELS)		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.

Ausgrid Requirements

Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au
Regards, Ausgrid Development Team

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

Attachment B – Plans of proposed development

Pre-Post Development Statistics & Numerical LEP Compliance

SUBJECT	EXISTING	LOT A No. 72	LOT B No. 72A	CONTROL	COMPLIANCE
Site Area	352.96m ²	176.48 m ²	176.48 m ²		
Ground Floor	173m ²	76.29m ²	76.29m ²		
First Floor	-	52.56m ²	52.56m ²		
Car space	16m ²	15.10 m ²	15.10 m ²		
Central Atrium	-	10.53 m ²	10.53 m ²		
Rear Private Open Space	78m ²	44.04 m ²	44.04 m ²		
		> 3m min.	> 3m min.		
Deep Soil Landscape	28.5m ²	34.35 m ²	34.35 m ²		
		(excludes planter boxes)	(excludes planter boxes)		
Gross Floor Area	173m ²	128.85 m ²	128.85 m ²		
FLOOR SPACE RATIO	173 / 352.96m ² 0.49 : 1	128.85 / 176.48 m ² 0.73 : 1	128.85 / 176.48 m ² 0.73 : 1	0.7 : 1 MAX.	NO 4.5% level of non-compliance
LANDSCAPE RATIO	28.50 / 352.96m ² 8.1 %	34.35 / 176.48 m ² 19.5%	34.35 / 176.48 m ² 19.5%	15% MIN.	YES
SITE COVERAGE RATIO	205 / 352.96m ² 58%	83.24 / 176.48 m ² 47%	83.24 / 176.48 m ² 47%	60% MAX.	YES

3 EMILY STREET LEICHHARDT, NSW 2040

PROPOSED DEMOLITION & CONSTRUCTION OF 2
SEMI DETACHED DWELLINGS, ASSOCIATED
BOUNDARY FENCING & BOUNDARY REALIGNMENT
OF 2 EXISTING LOTS

Development Design Pty Ltd

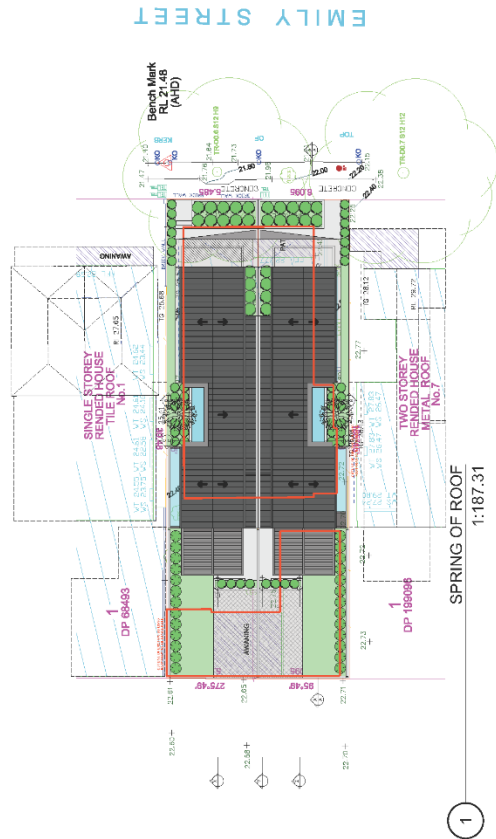
ACN 107 178 887
340a Riley Street Surry Hills NSW 2010
0400 228 338 1 info@developmentdesign.com.au
WWW.DEVELOPMENTDESIGN.COM.AU



COMPLIANCE TABLE & SITE ANALYSIS

DATE: 12.09.2023 12.01.2023 21.04.2023	CLIENT: Development Design Pty Ltd ACN 107 178 887 340a Riley Street Surry Hills NSW 2010 LOT 3 & 4 R/LP 72501 www.developmentdesign.com.au	PROJECT: PROPOSED INF.L DEVELOPMENT	SCALE: 1:100 B/A2	ISSUE: C
ISSUE: A DA ISSUE B DA ISSUE C DA ISSUE	ADDRESS: 340a Riley Street Surry Hills NSW 2010 LOT 3 & 4 R/LP 72501 www.developmentdesign.com.au	DRAWING: COMPLIANCE TABLE & SITE ANALYSIS	DRAWING: Y05	DA
1	1	1	CHECKED: S.O	SHEET No: 0.01
1	1	1	DATE SCALE: 1:100 B/A2	0.01

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DA PLANS 30/06/2023		ISSUE INSTRUCTIONS: A. DASHED B. DASHED C. DASHED		DATE 12.03.2022 ACN 109 179 840 06.05.2023		CLIENT: Development Design Pty Ltd ADDRESS: 340a Riley Street Surry Hills NSW 2010 LOTS 2 & 3 DP 7 6881 449 238 351 info@developmentdesign.com.au www.developmentdesign.com.au		PROJECT: PROPOSED INFRA DEVELOPMENT DRAWING: 3D PERSPECTIVE 3D PERSPECTIVE		SCALE: 1/10 @ A2 DRAWN: 1/6 CHECKED: 3/6 DO NOT SCALE DRAWING		ISSUE: C SHEET NO: 1.01		3D PERSPECTIVE	
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ISSUE		AMENDMENTS:		DATE		CLIENT NAME		PROJECT		SCALE		ISSUE:	
A	DA ISSUE			12.08.2022		Development Design Pty Ltd Level 10, 75 Pitt Street Sydney NSW 2000		PROPOSED INFILL DEVELOPMENT		1:100 @ A2		C	
B	DA ISSUE			29.02.2023		34-36 Riley Street Surry Hills NSW 2010		DRAWING: 3D PERSPECTIVE		DRAWN: Y.G.		DA	
C	DA ISSUE			05.05.2023		4600 25333 info@developmentdesign.com.au Phone: +61 2 9210 1124 Fax: +61 2 9210 1125				CHECKED:		SHEET NO:	
											DO NOT SCALE DRAWING	1.02	



<div>DA PLANS</div> <div>USE FOR INFORMATION</div>		<div>ISSUE: AMENDMENTS:</div> <div>A DA ISSUE</div> <div>B DA ISSUE</div> <div>C DA ISSUE</div>		<div>DATE:</div> <div>12.08.2023</div> <div>22.02.2023</div> <div>01.05.2023</div>		<div>CLIENT:</div> <div>Development Design Pty Ltd</div> <div>ACN 107 178 887</div> <div>302a Riley Street Surry Hills NSW 2010</div> <div>0491 284 344</div> <div>www.developmentdesign.com.au</div>		<div>PROJECT:</div> <div>PROPOSED INFILL DEVELOPMENT</div> <div>DRAWING:</div> <div>30 PERSPECTIVE</div>		<div>SCALE:</div> <div>1:100 @ A2</div> <div>DRAWN</div> <div>Y.O.</div> <div>CHECKED</div> <div>8.0</div>		<div>ISSUE:</div> <div>C</div> <div>D</div> <div>SHEET NO:</div> <div>1.03</div>		<div>3D PERSPECTIVE</div> <div>  </div> <div>DRAWN</div>	
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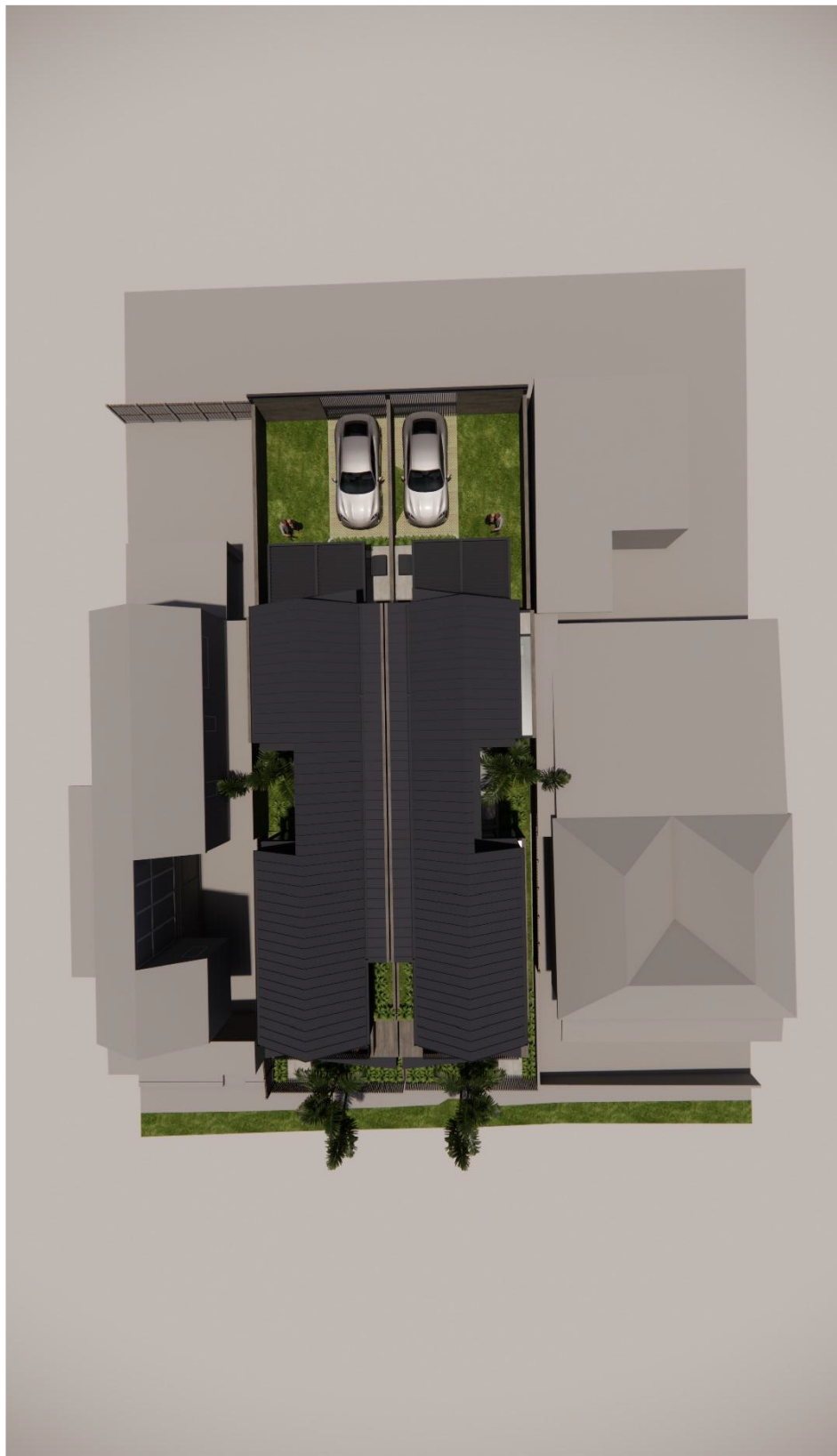


DA PLANS SECTION 100		ISSUE A DA 1950E		AMENDMENTS DA 1950E		DATE 10.10.2022		Development Design Pty Ltd ACH of 176.867 30a Riley Street Surry Hills NSW 2010 08.05.2022 0400 228337 info@developmentdesign.com.au www.developmentdesign.com.au		CLIENT: NAME ADDRESS LOT 1 & 2 of 71581 3 SUNNY STREET LEICHHARDT		PROJECT PROPOSED INFILL DEVELOPMENT DRAWING CREATING 30° PERSPECTIVE		SCALE 1:100 @ A2 DRAWN Y.O. CHECKED 0.0		ISSUE: C DA SHEET NO. 104 DO NOT SCALE DIMENSIONS	
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DA PLANS		3D PERSPECTIVE	
ISSUE:	DATE:	PROJECT:	SCALE:
A DA ISSUE	12.08.2022	PROPOSED INFILL DEVELOPMENT	1:50 @ A2
B DA ISSUE	25.08.2022	DRAWING	DRAWN: YJB
C DA ISSUE	25.08.2022	3D PERSPECTIVE	CHECKED: EJB
DEVELOPMENT DESIGN PTY LTD 3008 Riley Street Surry Hills NSW 2010 0400 283 981 info@developmentdesign.com.au www.developmentdesign.com.au		CLIENT:	DO NOT SCALE DRAWING
		HEINKE	ISSUE: C
		ADDRESS: LOT8889A DP 716831 5 BILLY STREET LEICHHARDT	DA SHEET NO: 1.05

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DA PLANS FOR CONSTRUCTION	
ISSUE:	AMENDMENTS:
A	DA ISSUE
B	DA ISSUE
C	DA ISSUE

3D PERSPECTIVE	
DATE: 12/09/2023 29/09/2023 05/05/2023	CLIENT: Development Design Pty Ltd 340a Riley Street Surry Hills NSW 2010 0400 224335 info@developmentdesign.com.au www.developmentdesign.com.au
PROJECT: PROPOSED INFILL DEVELOPMENT DRAWING: 3D PERSPECTIVE	SCALE: 1:100 @ A2 DRAWN: Y.O. CHECKED: S.O.
ISSUE: C	DA SHEET NO: 1.06

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DATE PLANTED: 12/01/2024		ISSUE: AMENDMENTS:		DATE:		CLIENT:		PROJECT:		SCALE:		ISSUE:	
A	DA ISSUE	A	DA ISSUE	10/09/2023	10/09/2023	Development Design Pty Ltd		PROPOSED INFIL DEVELOPMENT		1:100 @ A2	C		
B	DA ISSUE	B	DA ISSUE	28/02/2023	28/02/2023	440/101/171/4687					DA		
C	DA ISSUE	C	DA ISSUE	05/05/2023	05/05/2023	300a Riley Street Surry Hills NSW 2010		DRAWING		DRAWN: V.G	SHEET NO		
						www.sashajohnston.com.au		LO76 a s s h d p 15081		CHECKED: S.G	DRAWING		
						www.sashajohnston.com.au		3 EMLY STREET LEICHHARDT			107		
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3D PERSPECTIVE			3D PERSPECTIVE		
<div> <div> <div>DA ISSUE</div> <div>DATE</div> </div> <div> <div>AMENDMENT:</div> <div>DATE</div> </div> </div>	<div> <div>Development Design Pty Ltd</div> <div>PO BOX 176 667</div> <div>340a Riley Street Surry Hills NSW 2010</div> <div>0400 228 306 info@developmentdesign.com.au</div> <div>www.developmentdesign.com.au</div> </div>	<div> <div>CLIENT:</div> <div>NAME</div> </div> <div> <div>ADDRESS:</div> <div>LOT 9 & 10 DP 11681</div> <div>3 EMLY STREET LEICHHARDT</div> </div>	<div> <div>PROJECT:</div> <div>PROPOSED INFILL DEVELOPMENT</div> </div> <div> <div>DRAWING:</div> <div>3D PERSPECTIVE</div> </div>	<div> <div>SCALE:</div> <div>1:100 @ A2</div> </div> <div> <div>DRAWN:</div> <div>Y.G.</div> </div> <div> <div>CHECKED:</div> <div>S.G.</div> </div>	<div> <div>ISSUE:</div> <div>C</div> </div> <div> <div>DA</div> <div>DA</div> </div> <div> <div>SHEET NO:</div> <div>1.08</div> </div>

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DATE PLANS		3D PERSPECTIVE	
ISSUE	AMENDMENTS:		
a	DA ISSUE		
b	DA ISSUE		
c	DA ISSUE		
		DATE	CLIENT:
		15.09.2021	Development Design Pty Ltd
		26.02.2023	ACH 107 19.667
		05.05.2023	360a Riley Street Surry Hills NSW 2010
			LOTS 8 & 9 in DP7 10681
			www.davalopmentdesign.com.au
			060 238 395 info@developmentdesign.com.au
			www.davalopmentdesign.com.au
		PROJECT:	SCALE:
		PROPOSED SMALL DEVELOPMENT	1:100 @ A2
		DRAWING:	DRAWN:
		3D PERSPECTIVE	Y.O.
		CHECKED:	DO NOT SCALE
			3.0
		ISSUE:	
		D	
		C	
		SHEET NO:	1.10

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REV	DATE	DESCRIPTION
A	12.09.2023	DA ISSUE
B	28.02.2023	DA ISSUE
C	05.05.2023	DA ISSUE

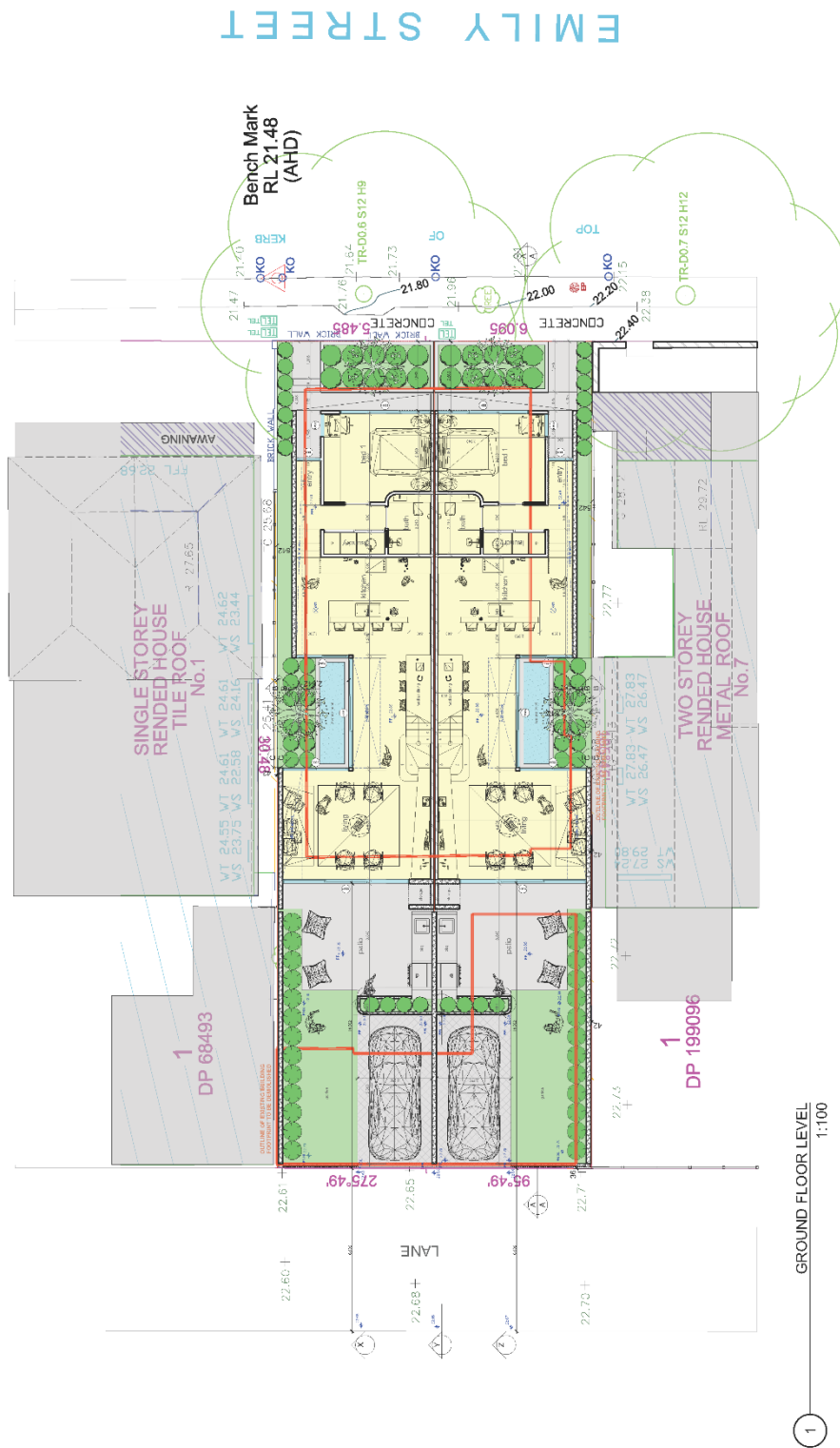
3D PERSPECTIVE SCALE: 1:100 @ A2 DRAWN: Y.G. CHECKED: S.G. DATE: 05.05.2023 DRAWING: 3D PERSPECTIVE	PROJECT: PROPOSED INFILL DEVELOPMENT DRAWING: 3D PERSPECTIVE	CLIENT: NEMINE ADDRESS: 340a Riley Street Surry Hills NSW 2019 1018 68 29 in OP 15551 3 EMMY STREET EICHHARDT www.devalopmentdesign.com.au www.devalopmentdesign.com.au	DATE: 12.09.2023 28.02.2023 05.05.2023	Development Design Pty Ltd 340a Riley Street Surry Hills NSW 2019 1018 68 29 in OP 15551 www.devalopmentdesign.com.au www.devalopmentdesign.com.au
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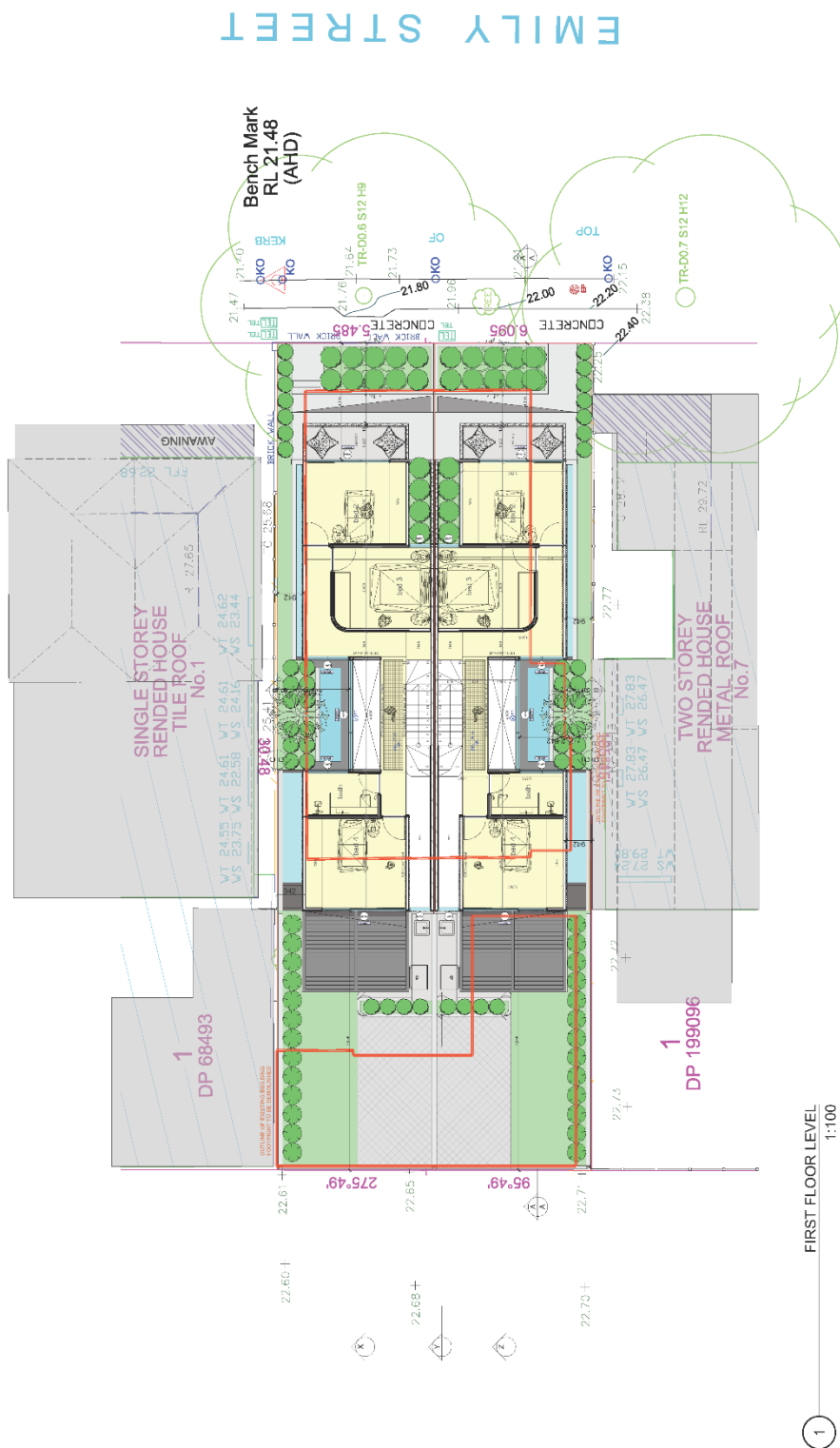


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B. DA ISSUE		PROJECT: PROPOSED INFILL DEVELOPMENT	
C. DA ISSUE		DRAWING: 3D PERSPECTIVE	
DATE		ADDRESS: LOTS 8 & 9 in DP7 15851	
15.08.2023		3 EMILY STREET LEICHHARDT	
28.02.2023		SCALE: 1:50 @ A2	
05.02.2023		DRAWING: 3D PERSPECTIVE	
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ACH 107 176 687		DRAWING: 3D PERSPECTIVE	
302a Riley Street Surry Hills NSW 2010		ISSUE: C	
www.developmentsdesign.com.au		DA	
1540 203 108 info@developmentsdesign.com.au		SHEET No: 1.12	
www.developmentsdesign.com.au		CHECKED: 0.0	

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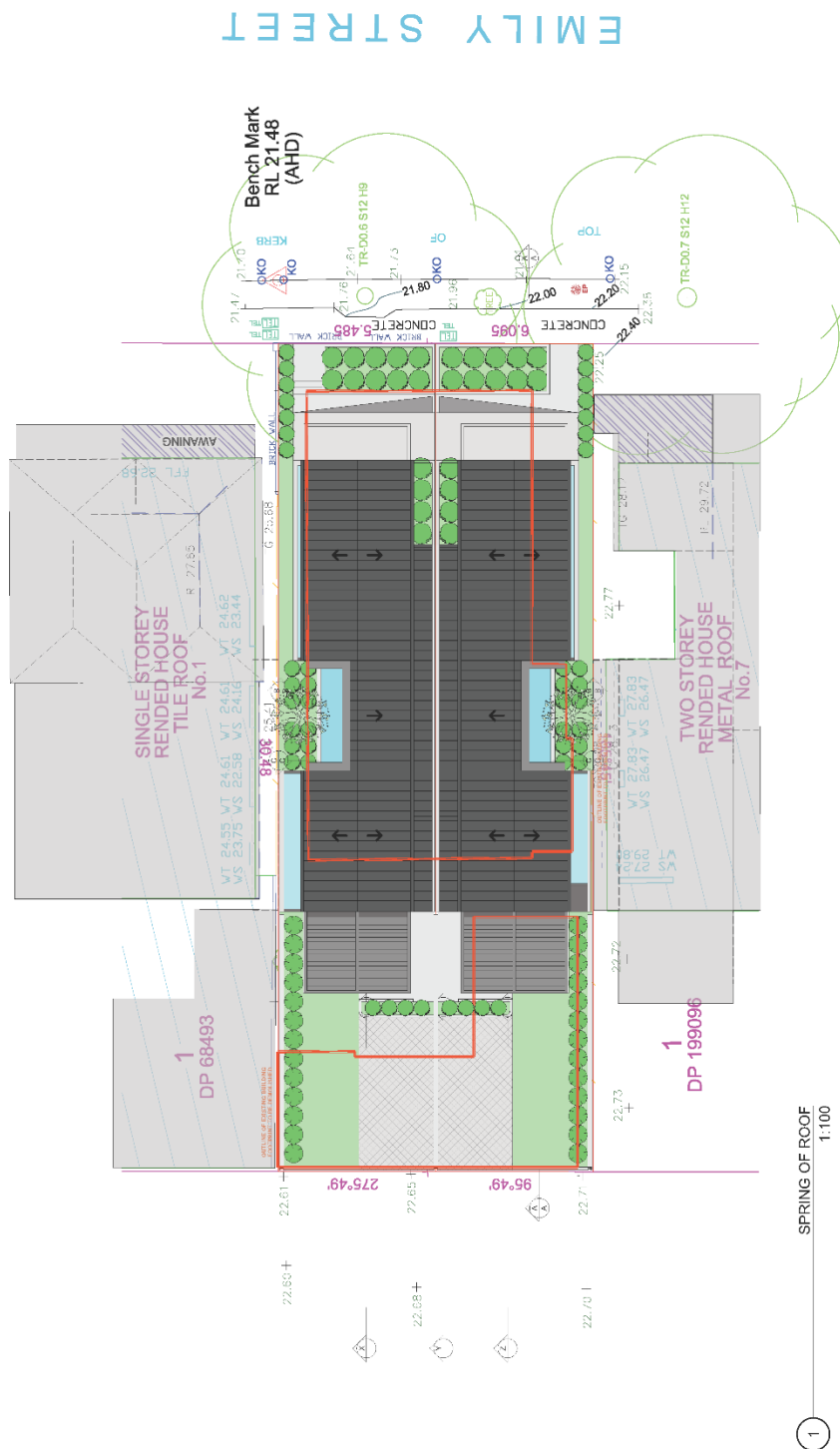


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DRAWING:		ADDRESS:		ACN 627 018 817		28.02.2023		B		DRAWN:		DA	
GROUND FLOOR ANALYSIS		340a Riley Street Surry Hills NSW 2010		06.05.2023		06.05.2023		C		CHECKED:		2.01	
		LOT 18.9 IN DP 718871		www.d.d.p.a.com.au									
		3 EMILY STREET BCPH4007											

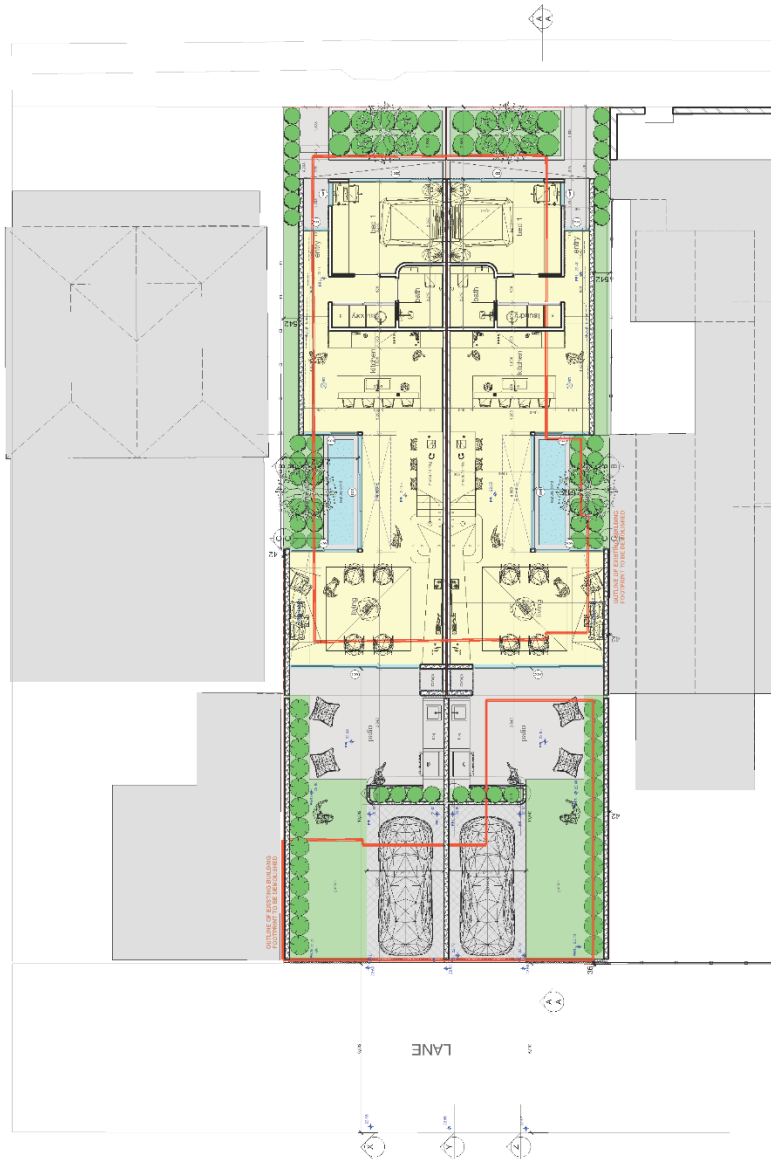


FIRST FLOOR LEVEL
1:100

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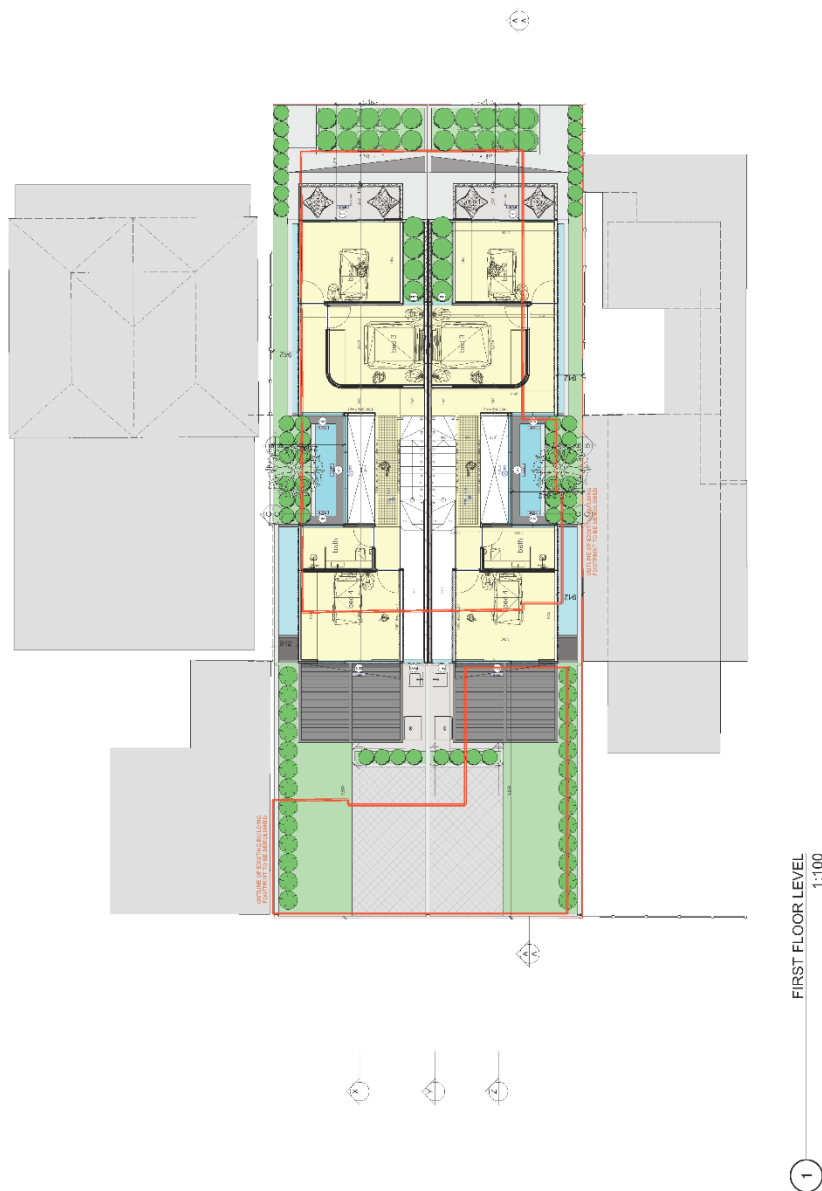
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28.02.2023		5/201 Riley Street, Surry Hills, NSW 2010		ROOF PLAN ANALYSIS		CHECKED		SHEET NO	
28.02.2023		www.developmentdesign.com.au		3 EMILY STREET, ED-CHARD		3/0		2.03	
Version 1, Version Date: 28/02/2023		Development Design Pty Ltd		ROOF PLAN ANALYSIS		3/0		2.03	



01 GROUND FLOOR LEVEL
1:100

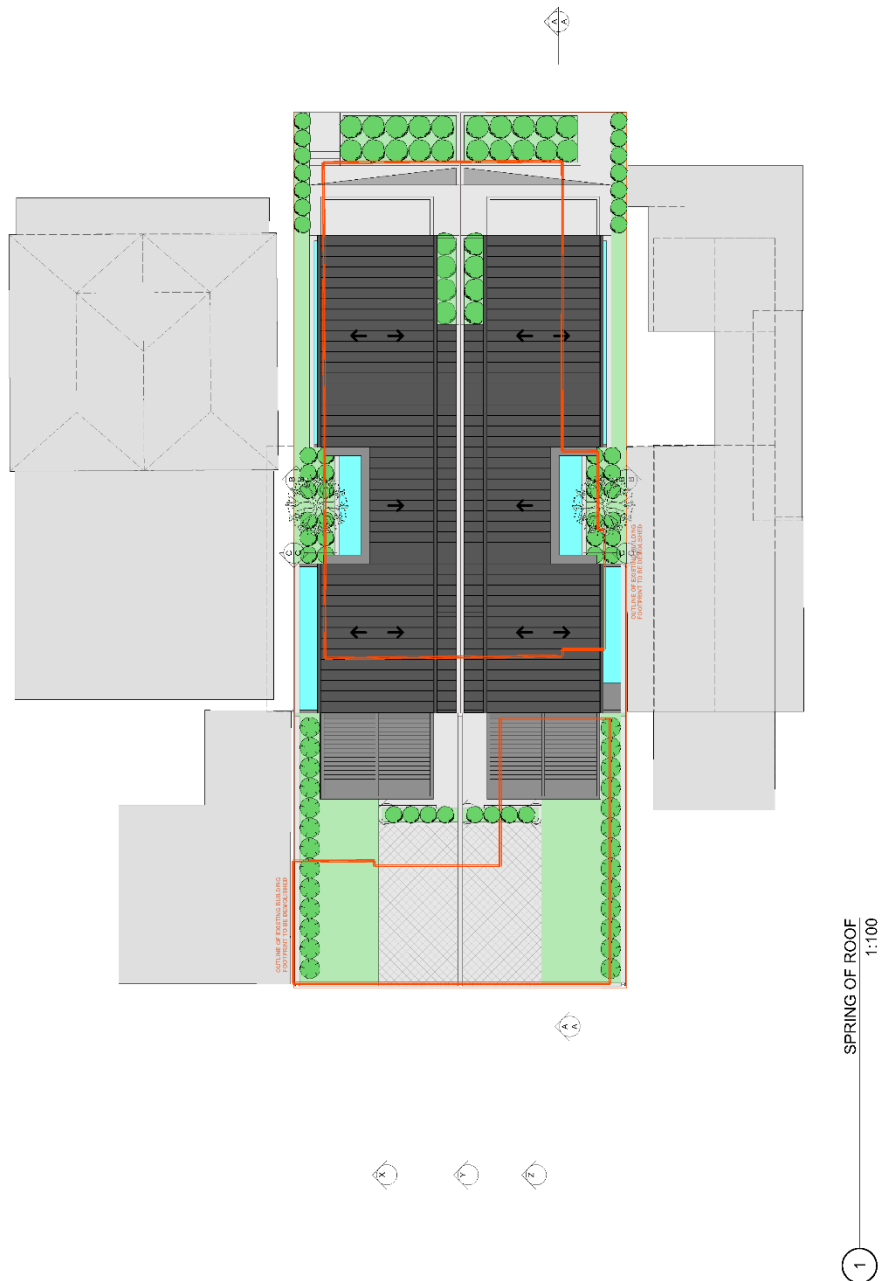
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B	DA ISSUE		05.05.2023	DRAWING	Y/Q	DA	
C	DA ISSUE			GROUND FLOOR PLAN	CHECKED	SHEET NO	2.04
				340c Riley Street Sully Hills NSW 2010	3/C	20 NOT SCALE	DRAWING
				LOT 3 & 9 in DP 116371			
				3 TANK STREET LEIGHMIST			

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FIRST FLOOR LEVEL
1:100

ISSUE: A REVISIONS: A DIM 1550E B DIM 1550E C DIM 1550E		DATE: 12/05/2022 26/02/2023 05/05/2023		CLIENT: Development Design Pty Ltd NAME: 3406 Riley Street Surry Hills NSW 2010 ADDRESS: LOTS 8 & 9 of DP 718517 www.developmentdesign.com.au		PROJECT: PROPOSED NEILL DEVELOPMENT DRAWING: FIRST FLOOR PLAN		SCALE: 1:100 @ A2 UNKNOWN Y/C CHECKED: R/G		ISSUE: C DA SHEET NO: 2.05 10% INITIAL 10% FINAL	
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SPRING OF ROOF
1:100

DA PLANS		ISSUE / AMENDMENTS		DATE		CLIENT		PROJECT		SCALE		ISSUE	
DA PLANS		A	DA ISSUE	14.09.2022	Development Design Pty Ltd ACN 107 176 667		PROPOSED INFILL DEVELOPMENT		1:100 @ A2		ISSUE		
DA PLANS		B	DA ISSUE	28.02.2023	3044 Riley Street Surry Hills NSW 2010		DRAWING		DRAWN: V G		DA		
DA PLANS		C	DA ISSUE	06.06.2023	C/O 22.3.22 / 1 shinglermountain.com.au www.1shinglermountain.com.au		PROJECT PLAN		CHECKED: S G		SHEET NO: 2.06		

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Version: 1.0, Date: 08/08/2023




DA PLANS
1000

1:100

DAISSUE
A
DAISSUE
B
DAISSUE
C

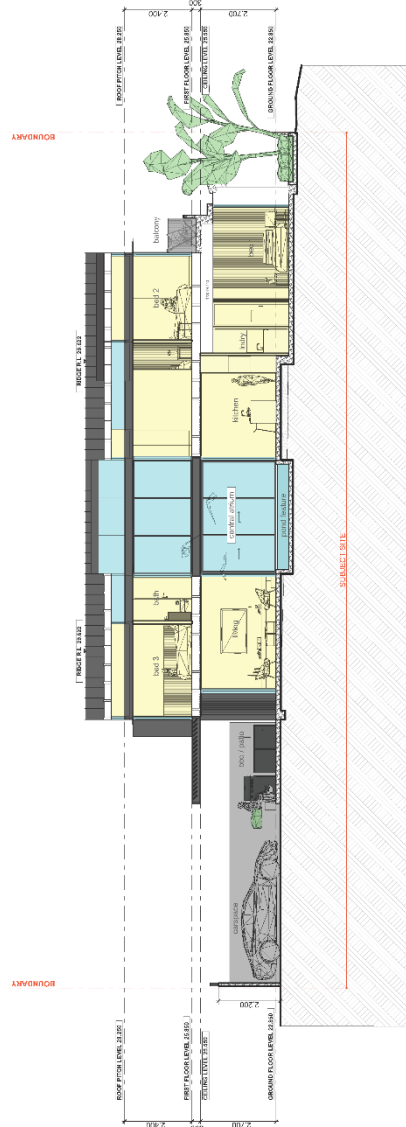
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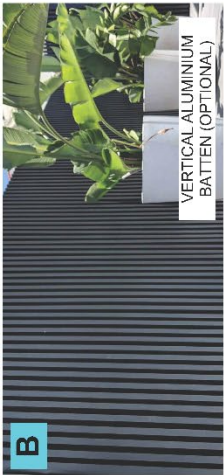
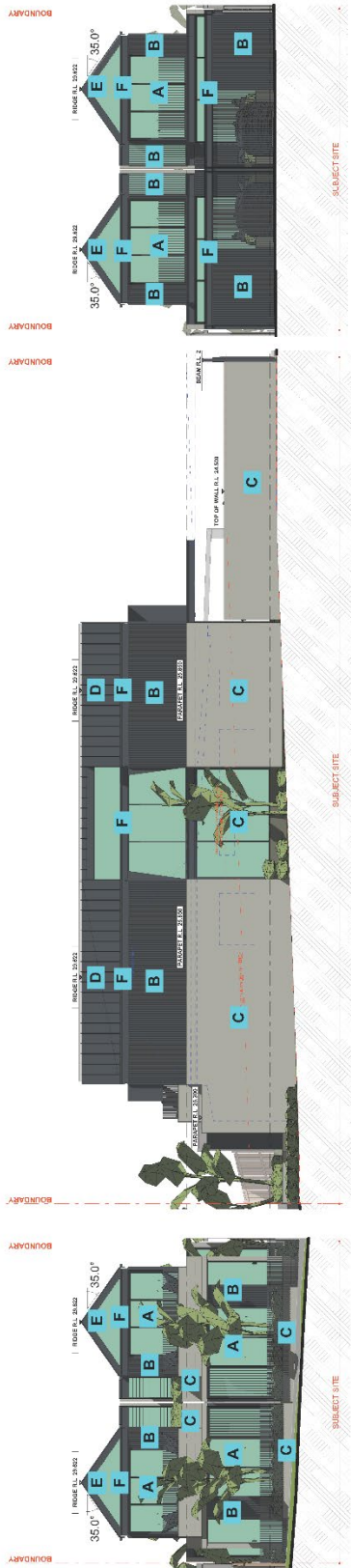
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	05.06.2023		340a Riley Street Surry Hills NSW 2010	ADDRESS:	SOUTHERN STREETSCAPE & NORTHERN REAR LANE ELEVATIONS	DRAWING	Y.G.					
			4001 228 126 1									

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EASTERN & WESTERN SIDE ELEVATIONS					
<div>DRAWN BY P.O. BOX 908, CEN.</div>					
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A DA ISSUE	DATE: 17.09.2023	Development Design Pty Ltd Unit 107 728 Burt		PROPOSED INFIL DEVELOPMENT	
B DA ISSUE	DATE: 28.02.2025	ADDRESS: 140c Riley Street Surry Hills NSW 2010		DRAWING: V.G	
C DA ISSUE	DATE: 05.05.2025	ADDRESS: LOTS 8 & 9 DP 11881 2800 272 St. info@developmentdesign.com.au www.developmentdesign.com.au		CHECKED: NO NOT SCALE: S.C	
				SCALE: 1:50 @ A2	
					
				DA ISSUE: DA	
				SHEET NO: 2.08	

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DA PLANS
ISSUE
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A
DA ISSUE
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DA ISSUE

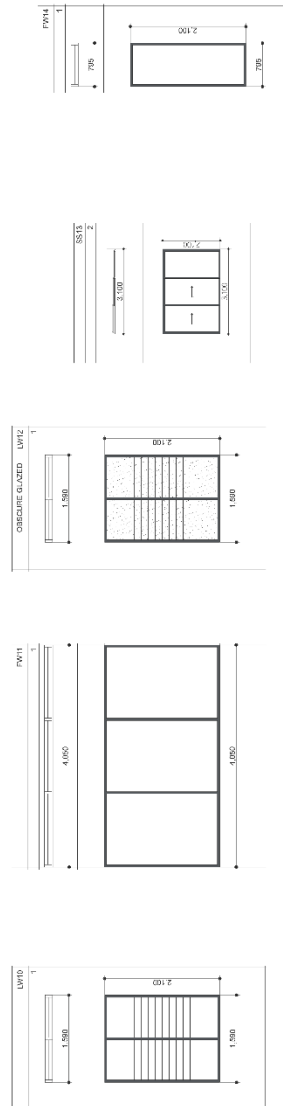
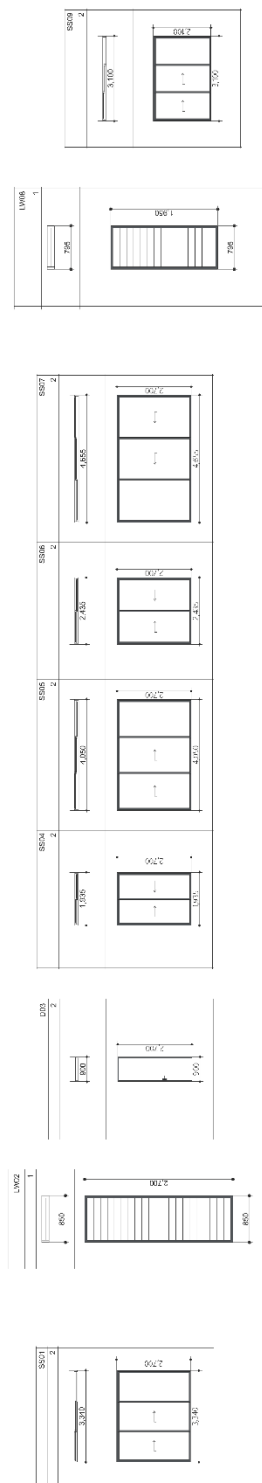
DATE	12/06/2022
PROJECT	Development Design Pty Ltd
CLIENT	ACM 107 176 867
ADDRESS	340a Play Street Surry Hills NSW 2010
DRAWING	SCHEDULE OF MATERIALS & FINISHES
CHECKED	3/6/2022
ISSUE	C
SHEET No	2.10

SCALE	1:50 (B/S)
DRAWN	Y/G
CHECKED	S/G
TO NOT SCALE	DRAWING

DATE	12/06/2022
PROJECT	Development Design Pty Ltd
CLIENT	ACM 107 176 867
ADDRESS	340a Play Street Surry Hills NSW 2010
DRAWING	SCHEDULE OF MATERIALS & FINISHES
CHECKED	3/6/2022
ISSUE	C
SHEET No	2.10

DATE	12/06/2022
PROJECT	Development Design Pty Ltd
CLIENT	ACM 107 176 867
ADDRESS	340a Play Street Surry Hills NSW 2010
DRAWING	SCHEDULE OF MATERIALS & FINISHES
CHECKED	3/6/2022
ISSUE	C
SHEET No	2.10

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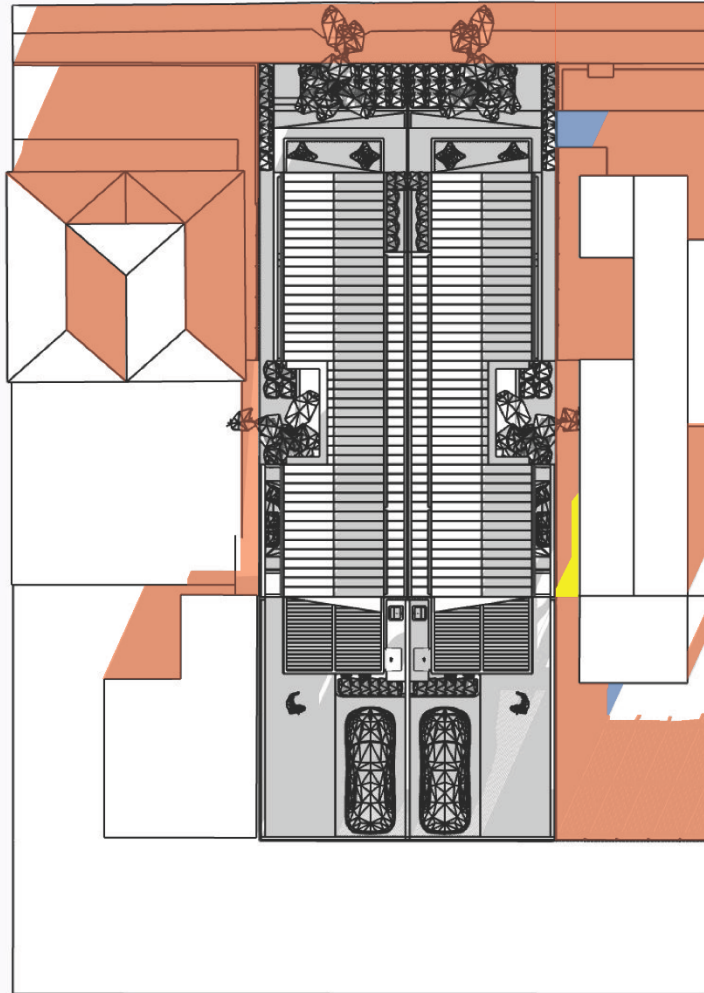


EXTERNAL WINDOW SCHEDULE

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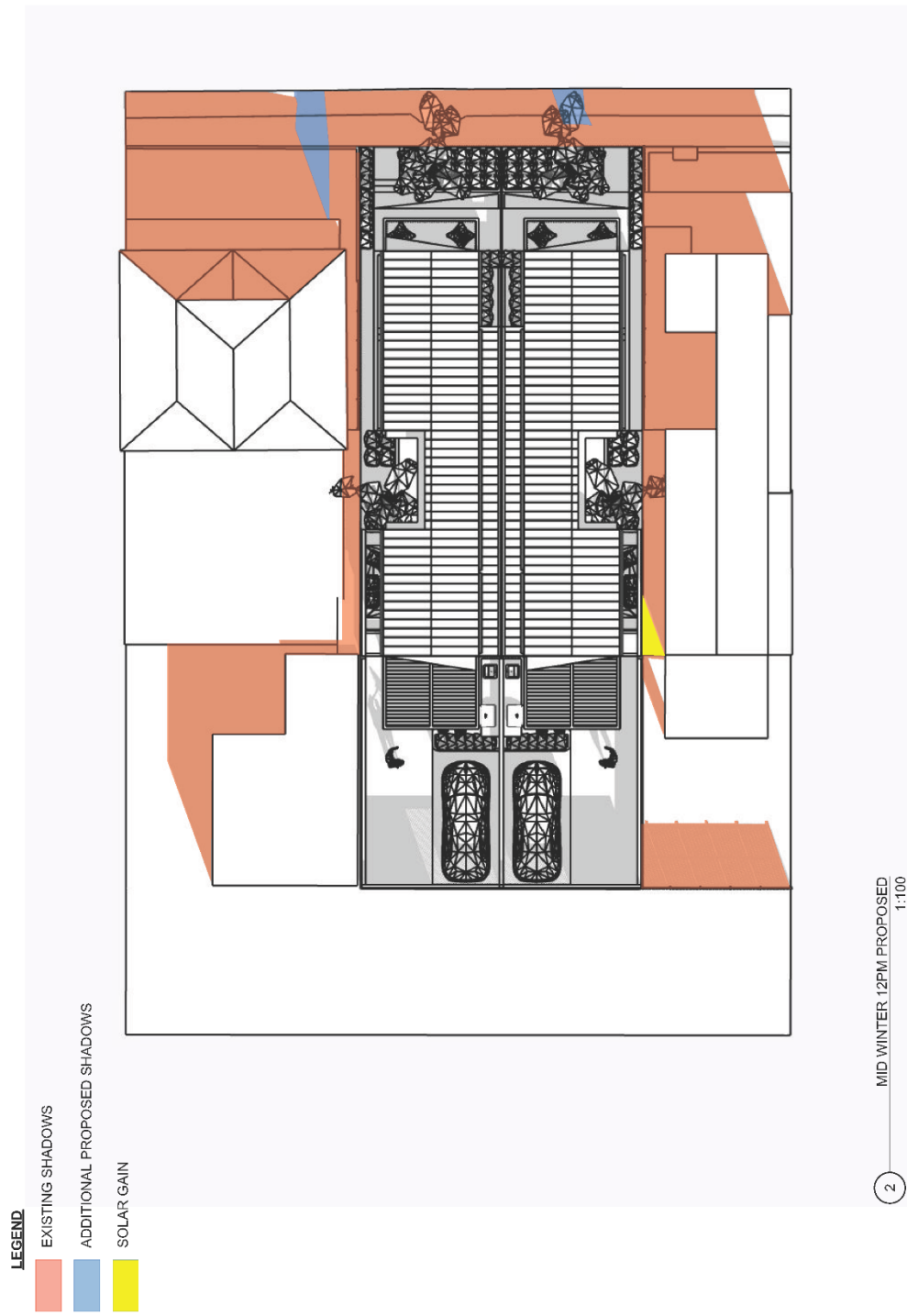
- LEGEND**
- EXISTING SHADOWS
 - ADDITIONAL PROPOSED SHADOWS
 - SOLAR GAIN



02 MID WINTER 9AM PROPOSED
1:100

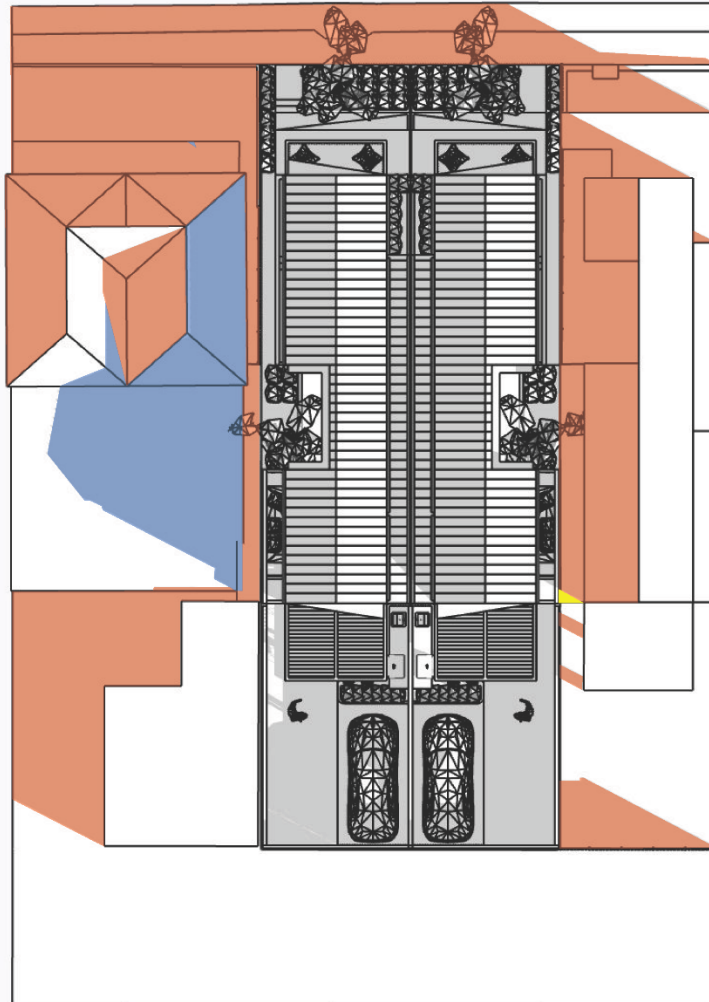
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A		B		C		DA		SHEET No.		3.01	
A		B									

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LEGEND

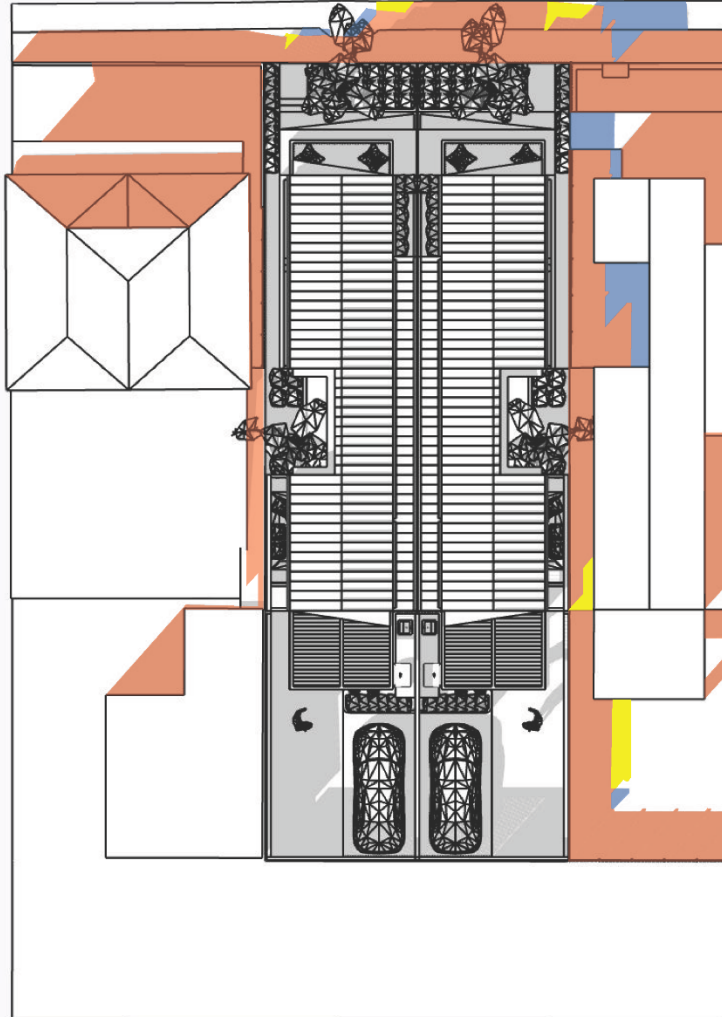
- EXISTING SHADOWS
- ADDITIONAL PROPOSED SHADOWS
- SOLAR GAIN



2 MID WINTER 3PM PROPOSED
1:100

DATE: 12.09.2022		PROJECT: PROPOSED INFILL DEVELOPMENT		SCALE: 1:100 & A/E		ISSUE: C	
AMENDMENTS:		CLIENT: Development Design Pty Ltd		DRAWING: 3PM SHADOW DIAGRAM ANALYSIS		SHEET NO: 3.03	
A	DATE: 28.02.2023	ADDRESS: 340a King Street Surry Hills NSW 2010		DRAWN: Y.G		DATE: 12.09.2022	
B	DATE: 06.02.2023	CITY: 222 2ND FLOOR - 1100					

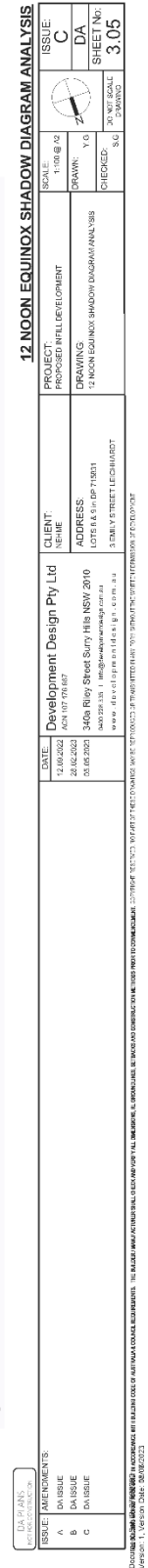
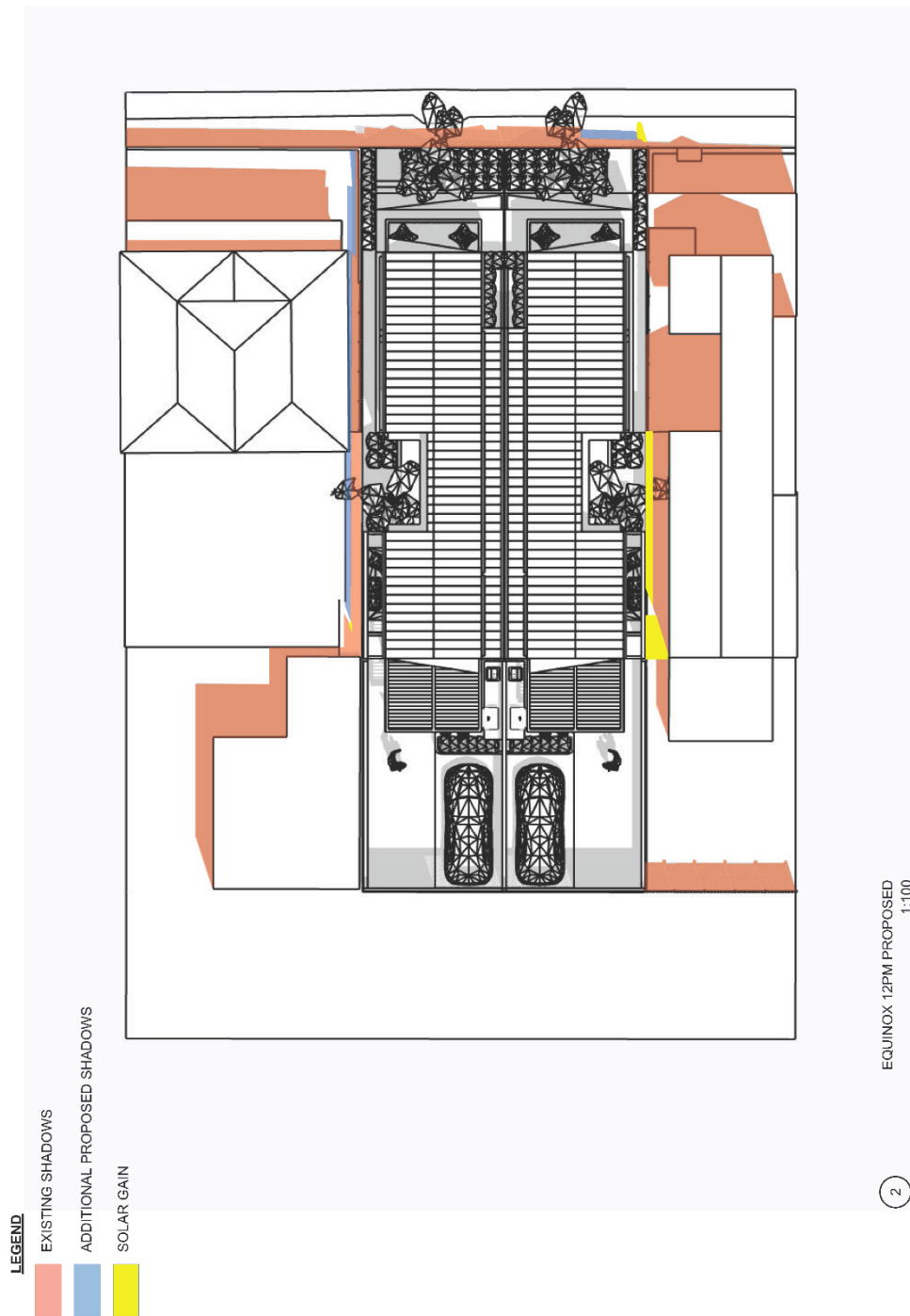
- LEGEND**
- EXISTING SHADOWS
 - ADDITIONAL PROPOSED SHADOWS
 - SOLAR GAIN



2 EQUINOX 9AM PROPOSED
1:100

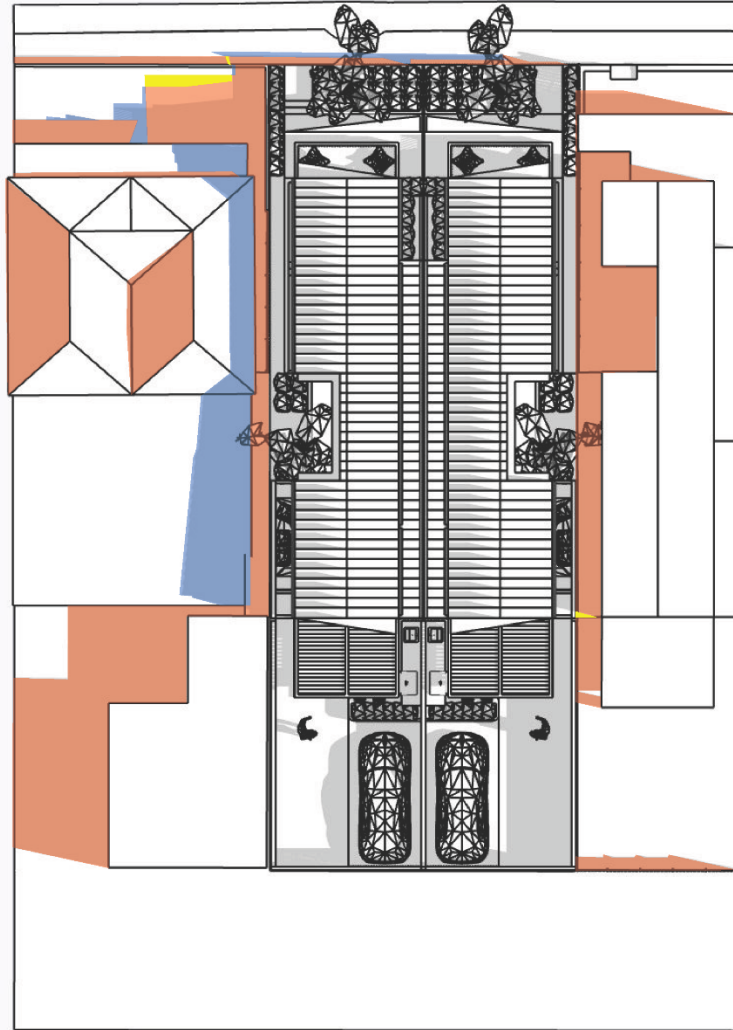
9AM EQUINOX SHADOW DIAGRAM ANALYSIS			
DATE 12.09.2022	CLIENT Development Design Pty Ltd ACN 137 179 867	PROJECT PROPOSED IN-ILL DEVELOPMENT	SCALE 1:100 @ A2
DATE 28.09.2022	ADDRESS 340a Riley Street Surry Hills NSW 2010	DRAWING 9AM EQUINOX SHADOW DIAGRAM ANALYSIS	DRAWN Y.G.
DATE 09.09.2022	ADDRESS 340a Riley Street Surry Hills NSW 2010	CHECKED S.G.	ISSUE C
DATE 09.09.2022	ADDRESS 340a Riley Street Surry Hills NSW 2010	ISSUE DA	SHEET NO 3.04

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LEGEND

- EXISTING SHADOWS
- ADDITIONAL PROPOSED SHADOWS
- SOLAR GAIN



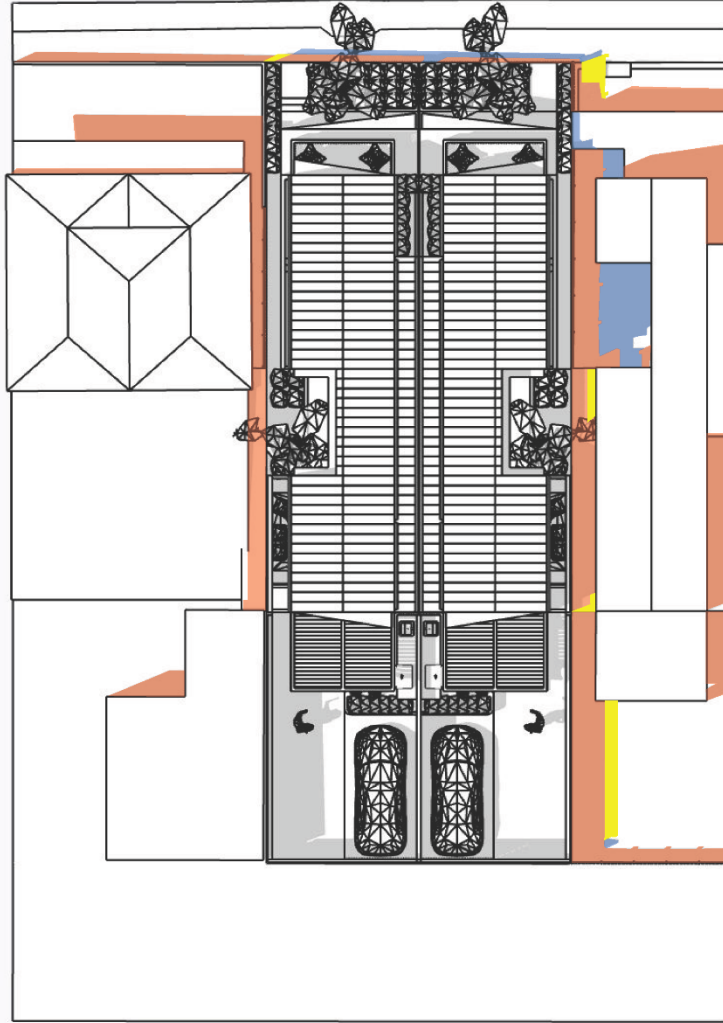
EQUINOX 3PM PROPOSED
1:100

2

3PM EQUINOX SHADOW DIAGRAM ANALYSIS			
DATE: 12.02.2022 12.02.2022 12.02.2022	CLIENT: NAME: Development Design Pty Ltd ACN 107 778 627 34/40 Ring Street Surry Hills NSW 2010 1300 228 228 info@developmentdesign.com.au www.developmentdesign.com.au	PROJECT: PROPOSED LEVEL DEVELOPMENT DRAWING: 3PM EQUINOX SHADOW DIAGRAM ANALYSIS	SCALE: 1:100 @ A4 DRAWN: Y.G. CHECKED: S.G. ISSUE: C DA SHEET NO: 3.06
<p>DO NOT SCALE DRAWING</p> <p>DISCLAIMER: This drawing is for informational purposes only and is not to be used for any other purpose. It is the responsibility of the client to ensure that the information provided in this drawing is accurate and complete. The client acknowledges that the information provided in this drawing is not to be used for any other purpose. The client acknowledges that the information provided in this drawing is not to be used for any other purpose.</p> <p>Version 1, Version Date: 08/04/2022</p>			

LEGEND

- EXISTING SHADOWS
- ADDITIONAL PROPOSED SHADOWS
- SOLAR GAIN

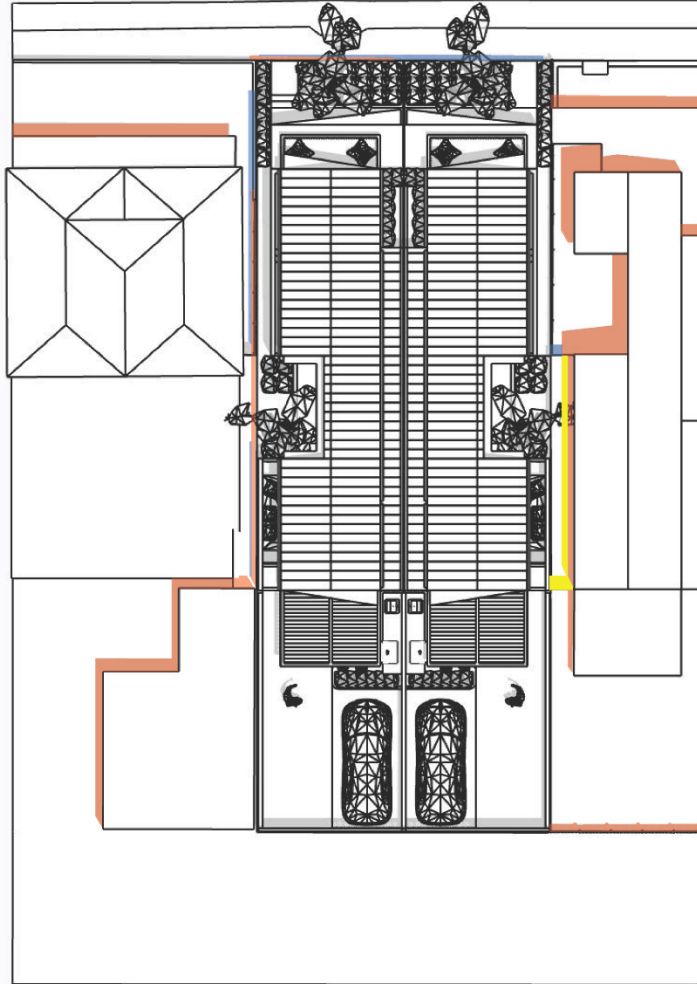


MID SUMMER 9AM PROPOSED
1:100

2

9AM MID-SUMMER SHADOW DIAGRAM ANALYSIS		PROJECT: PROPOSED INFILL DEVELOPMENT		SCALE: 1:100 @ A2		ISSUE: C	
CLIENT: Development Design Pty Ltd		DRAWING: 9AM MID-SUMMER SHADOW DIAGRAM ANALYSIS		DRAWN: Y.G.		SHEET NO. 3.07	
DATE: 12.09.2022 28.02.2023 08.05.2023		ADDRESS: 340a Ray Street Surry Hills NSW 2010 1000 100 100 100 www.1000100100.com.au		CHECKED: 8.G.		20:00 SCALE: 1:100 @ A2	
DOCUMENT PREPARED BY: 1000 100 100 100 DOCUMENT CHECKED BY: 1000 100 100 100 DOCUMENT APPROVED BY: 1000 100 100 100 DOCUMENT DATE: 08.05.2023							

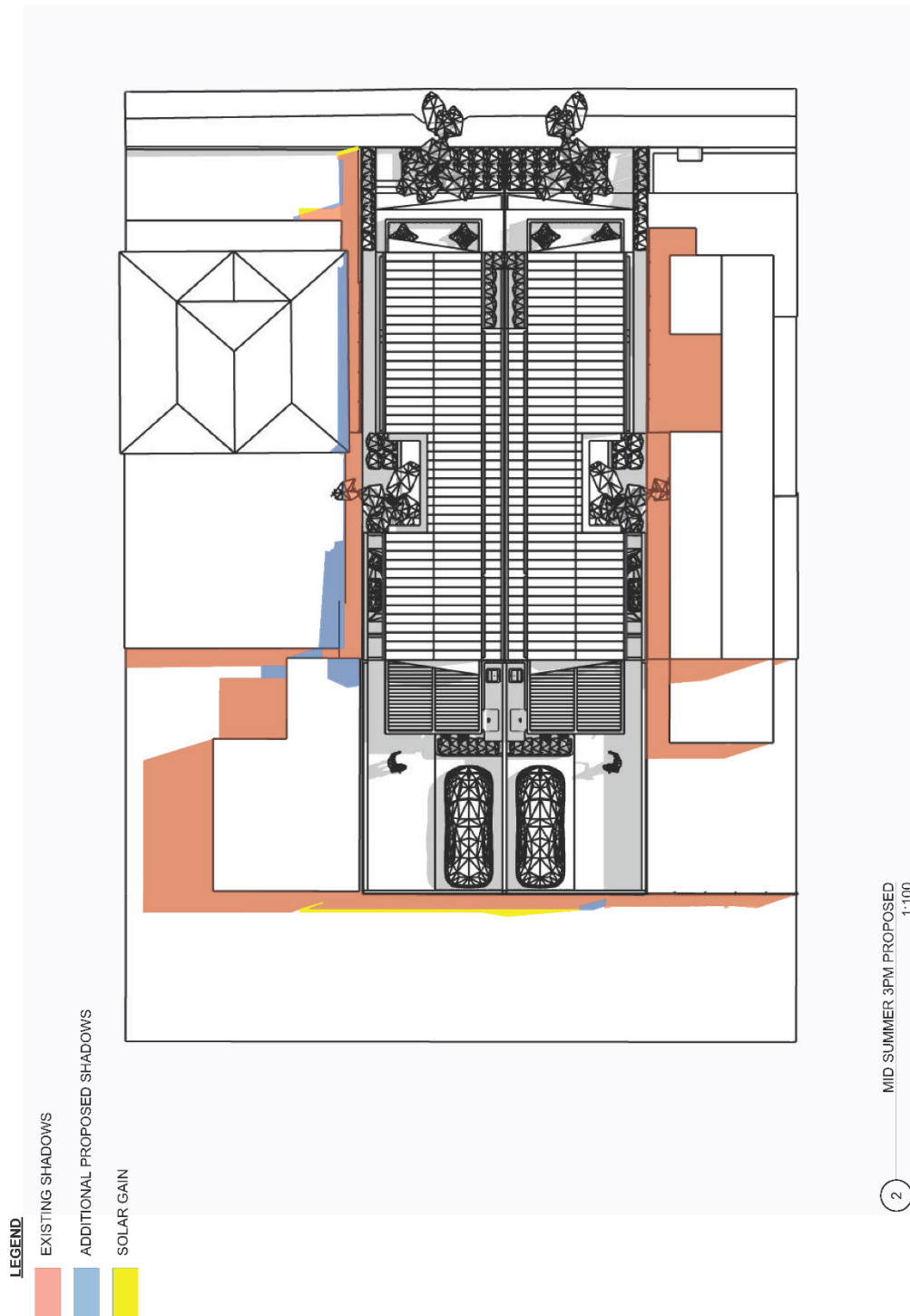
- LEGEND**
- EXISTING SHADOWS
 - ADDITIONAL PROPOSED SHADOWS
 - SOLAR GAIN

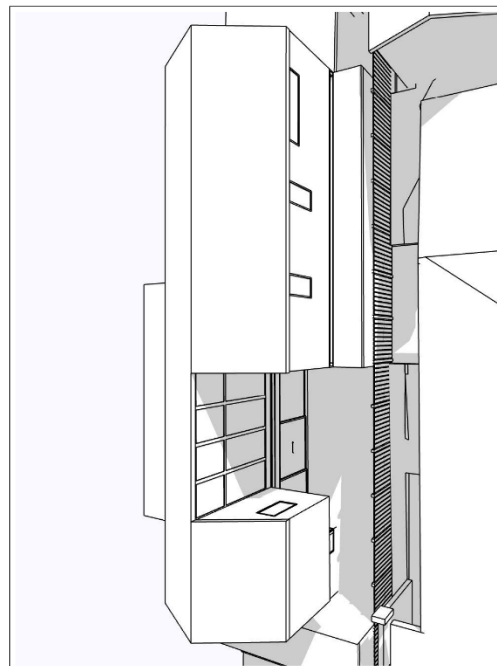


2 MID SUMMER 12PM PROPOSED 1:100

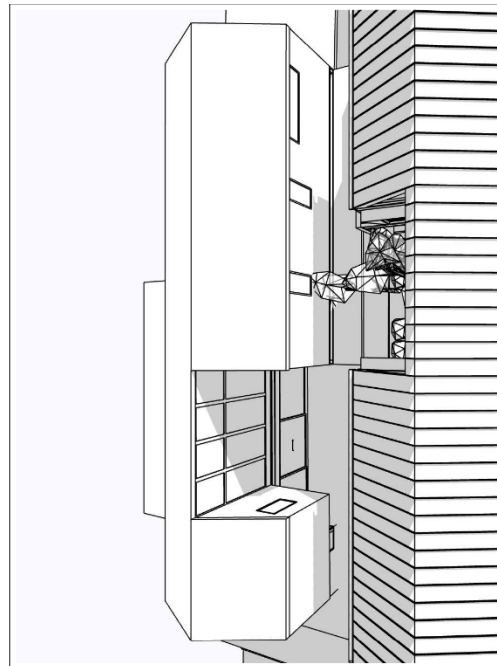
DATE	CLIENT	PROJECT	SCALE	ISSUE
12/05/2023	Development Design Pty Ltd	PROPOSED MULL DEVELOPMENT	1:100 (B/A)	C
05/05/2023	10/1 for 10/187	DRAWING	DRAWN: Y.G.	DA
05/05/2023	3000 Blay Street Surry Hills NSW 2010	12 NOON MID-SUMMER SHADOW DIAGRAM ANALYSIS	CHECKED: S.G.	SHEET NO: 3.08
www.developmentsdesign.com.au				

Development Design Pty Ltd
10/1 for 10/187
3000 Blay Street Surry Hills NSW 2010
www.developmentsdesign.com.au

[illegible]



WESTERN NEIGHBOUR SHADOW IMPACTS 9AM EXISTING
1:193.40

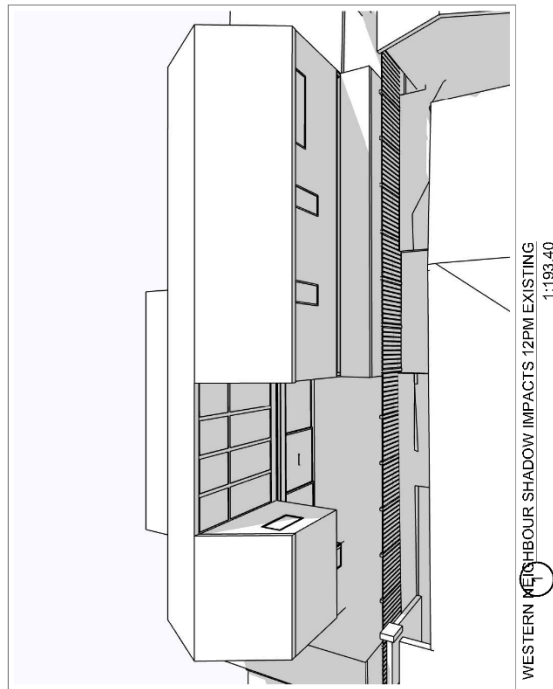
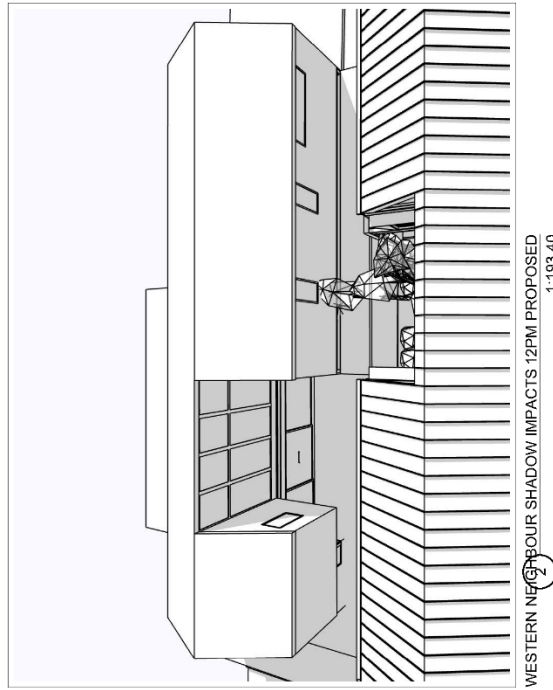


WESTERN NEIGHBOUR SHADOW IMPACTS 9AM PROPOSED
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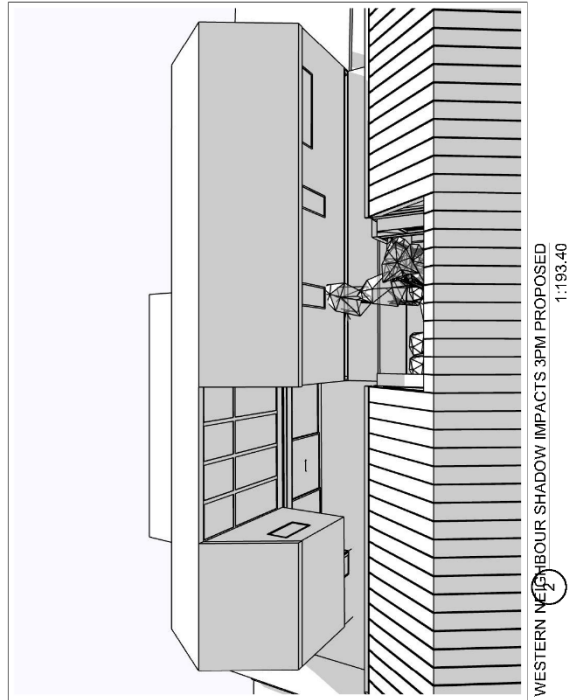
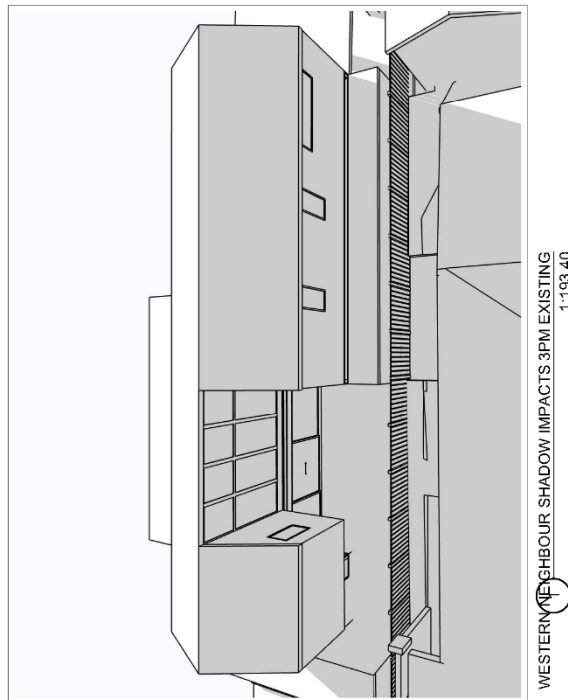
PRE-POST COMPARISON OF 9AM MID-WINTER SHADOW IMPACTS TO WESTERN NEIGHBOURING WINDOWS

[illegible]

Do you see anything that needs to be added?
Version: 1, Vars on Date: 68-08/2023



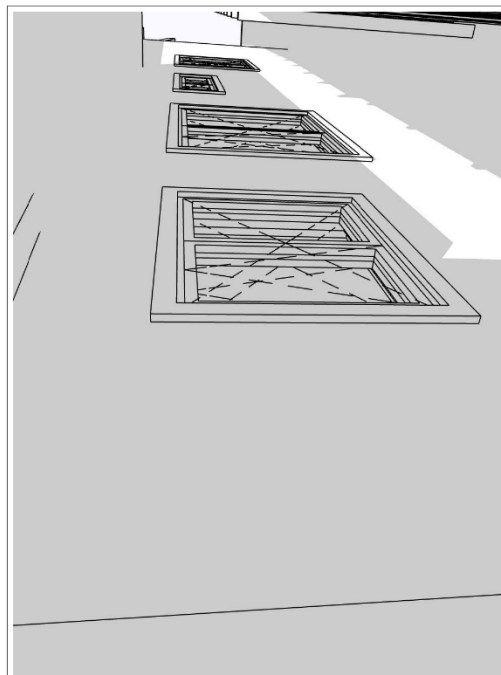
2D PLANS		DATE		CLIENT		PROJECT		SCALE		ISSUE	
DATE	DATE	DATE	DATE	NAME	NAME	PROJECT	PROJECT	SCALE	SCALE	ISSUE	ISSUE
20/01/2023	20/01/2023	20/01/2023	20/01/2023	Development Design Pty Ltd	Development Design Pty Ltd	PROPOSED MBI DEVELOPMENT	PROPOSED MBI DEVELOPMENT	1:100 @ A2	1:100 @ A2	C	C
24/02/2023	24/02/2023	24/02/2023	24/02/2023	340/341 Riley Street, Surry Hills NSW 2010	340/341 Riley Street, Surry Hills NSW 2010	DRAWING	DRAWING	DRAWN	DRAWN	DA	DA
06/05/2023	06/05/2023	06/05/2023	06/05/2023	340/341 Riley Street, Surry Hills NSW 2010	340/341 Riley Street, Surry Hills NSW 2010	CHECKED	CHECKED	CHECKED	CHECKED	SHEET NO.	SHEET NO.
				340/341 Riley Street, Surry Hills NSW 2010	340/341 Riley Street, Surry Hills NSW 2010					3.11	3.11
				340/341 Riley Street, Surry Hills NSW 2010	340/341 Riley Street, Surry Hills NSW 2010					3.11	3.11



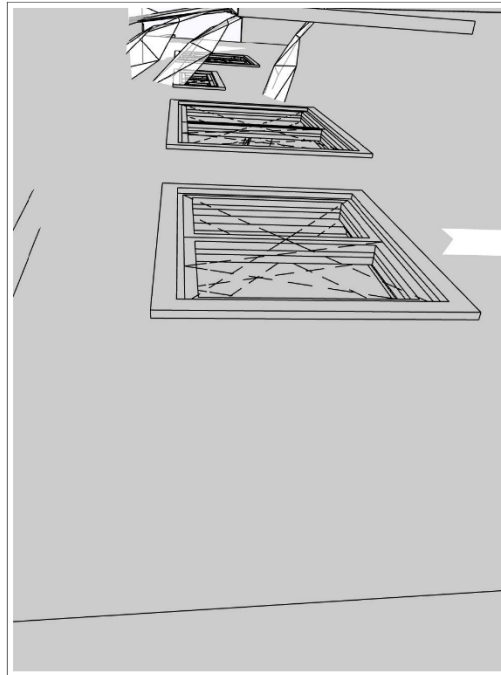
ISSUE	AMENDMENTS
A	DA 0508H
B	DA 0508H
C	DA 0508H

DATE: 12.08.2025 26.02.2025 06.06.2025	CLIENT: Development Design Pty Ltd 4/24 107 78 867	PROJECT: PROPOSED INFILL DEVELOPMENT DRAWING:	SCALE: 1:100 (B, C) DRAWN: Y.G. CHECKED: S.D. ISSUE: C DA SHEET NO 3.12
ADDRESS: 3463 Riley Street Surry Hills NSW 2010 LOT 8 & 9 of DP 716831 EIMLEY STREET TECHHOUST			

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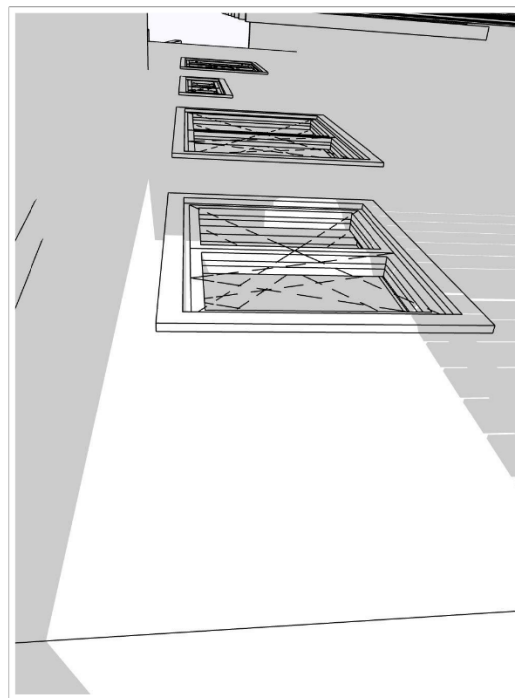
EASTERN NEIGHBOUR SHADOW IMPACTS 12PM EXISTING
1:193.40



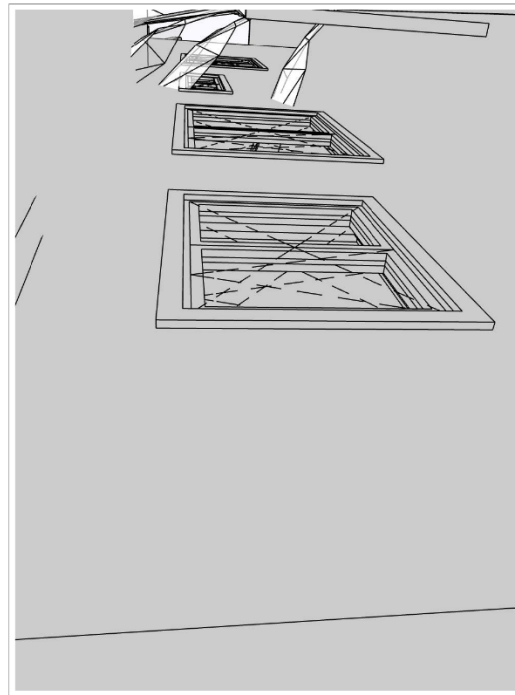
EASTERN NEIGHBOUR SHADOW IMPACTS 12PM PROPOSED
1:193.40

PRE-POST COMPARISON OF 12 NOON MID-WINTER SHADOW IMPACTS TO EASTERN NEIGHBOURING WINDOWS

[illegible][illegible]

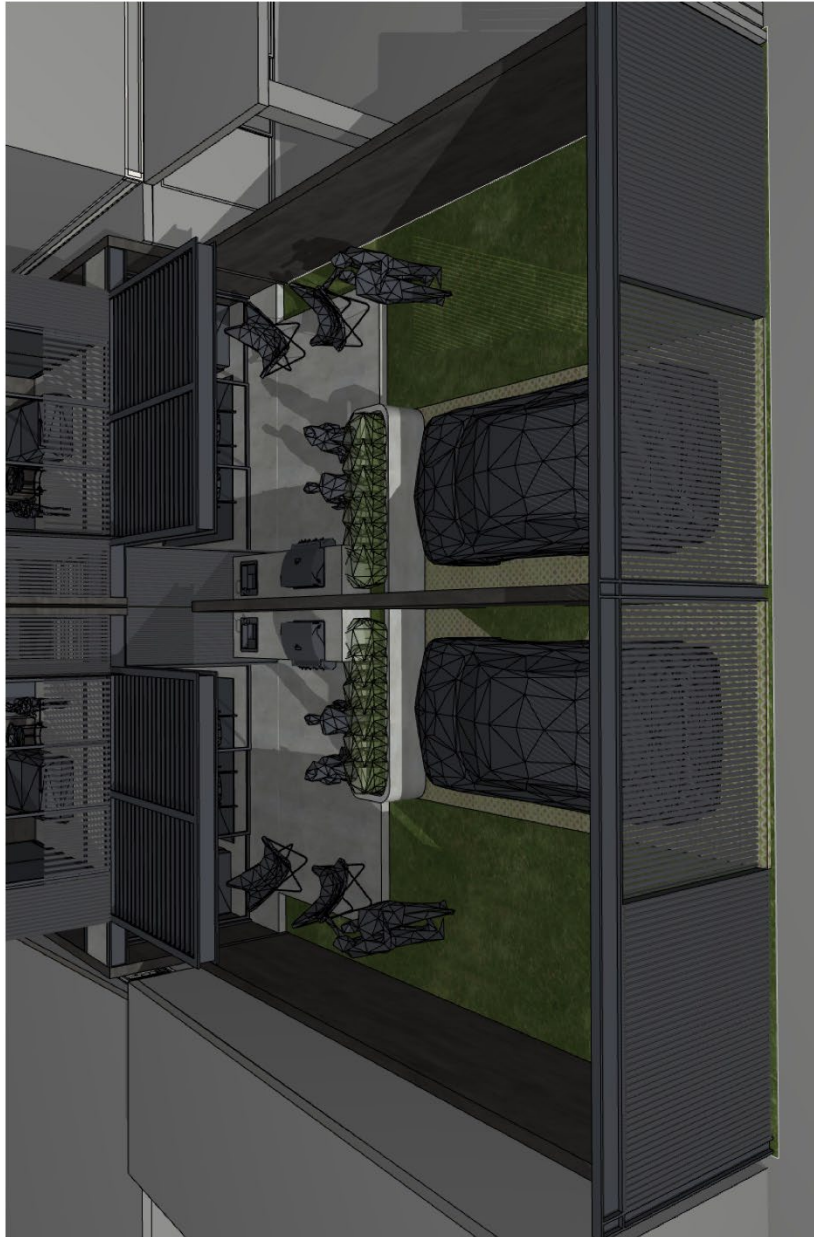


EASTERN NEIGHBOUR SHADOW IMPACTS 3PM EXISTING
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EASTERN NEIGHBOUR SHADOW IMPACTS 3PM PROPOSED

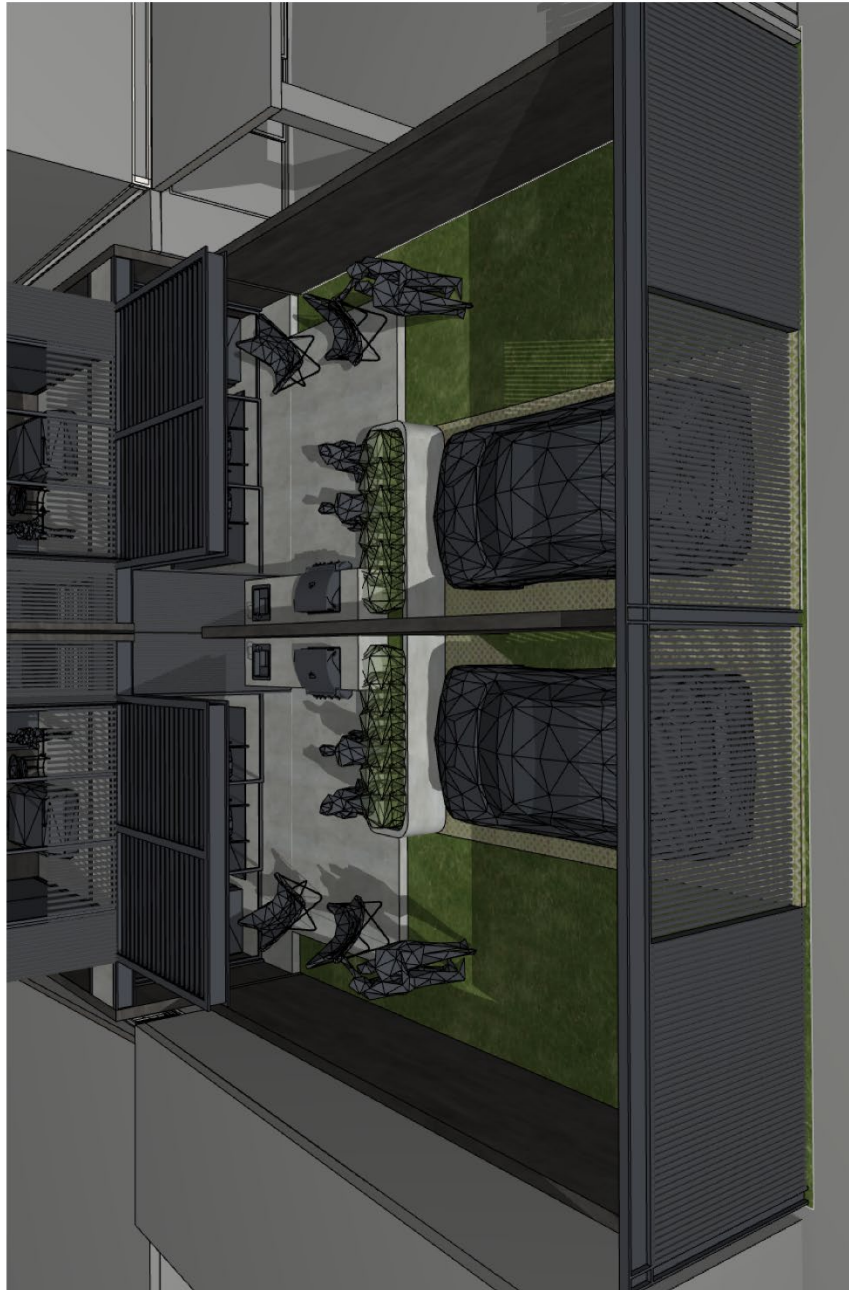
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ISSUE A B C		DATE 12.05.2022 12.05.2022 05.05.2023		CLIENT: NAME ADDRESS 340A Riley Street Surry Hills NSW 2010 340A RILEY ST SURRY HILLS NSW 2010 340A RILEY ST SURRY HILLS NSW 2010 340A RILEY ST SURRY HILLS NSW 2010		PROJECT: PROPOSED WALL DEVELOPMENT DRAWING		SCALE: DRAWN: 1:50 CHECKED: 1:50		ISSUE: C DA SHEET No 3.16	
Development Design Pty Ltd 340A Riley Street Surry Hills NSW 2010 340A RILEY ST SURRY HILLS NSW 2010 340A RILEY ST SURRY HILLS NSW 2010 340A RILEY ST SURRY HILLS NSW 2010											

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Version: 1, Version Date: 05/05/2023



DATE	REVISIONS
12.02.2023	A
28.02.2023	B
06.06.2023	C

DATE	12.02.2023
DATE	28.02.2023
DATE	06.06.2023

DATE	12.02.2023
DATE	28.02.2023
DATE	06.06.2023

DATE	12.02.2023
DATE	28.02.2023
DATE	06.06.2023

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DATE	28.02.2023
DATE	06.06.2023

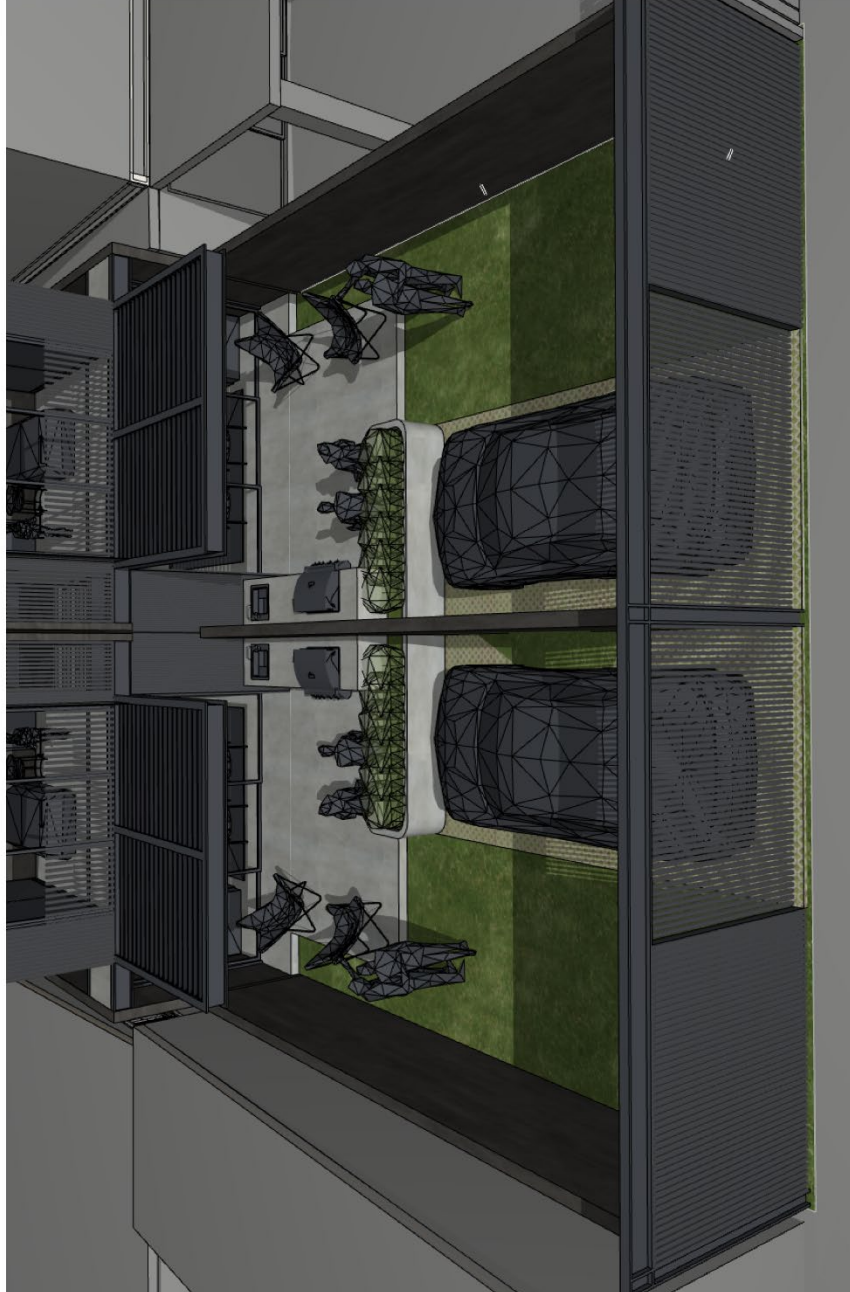
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DATE	28.02.2023
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DATE	12.02.2023
DATE	28.02.2023
DATE	06.06.2023

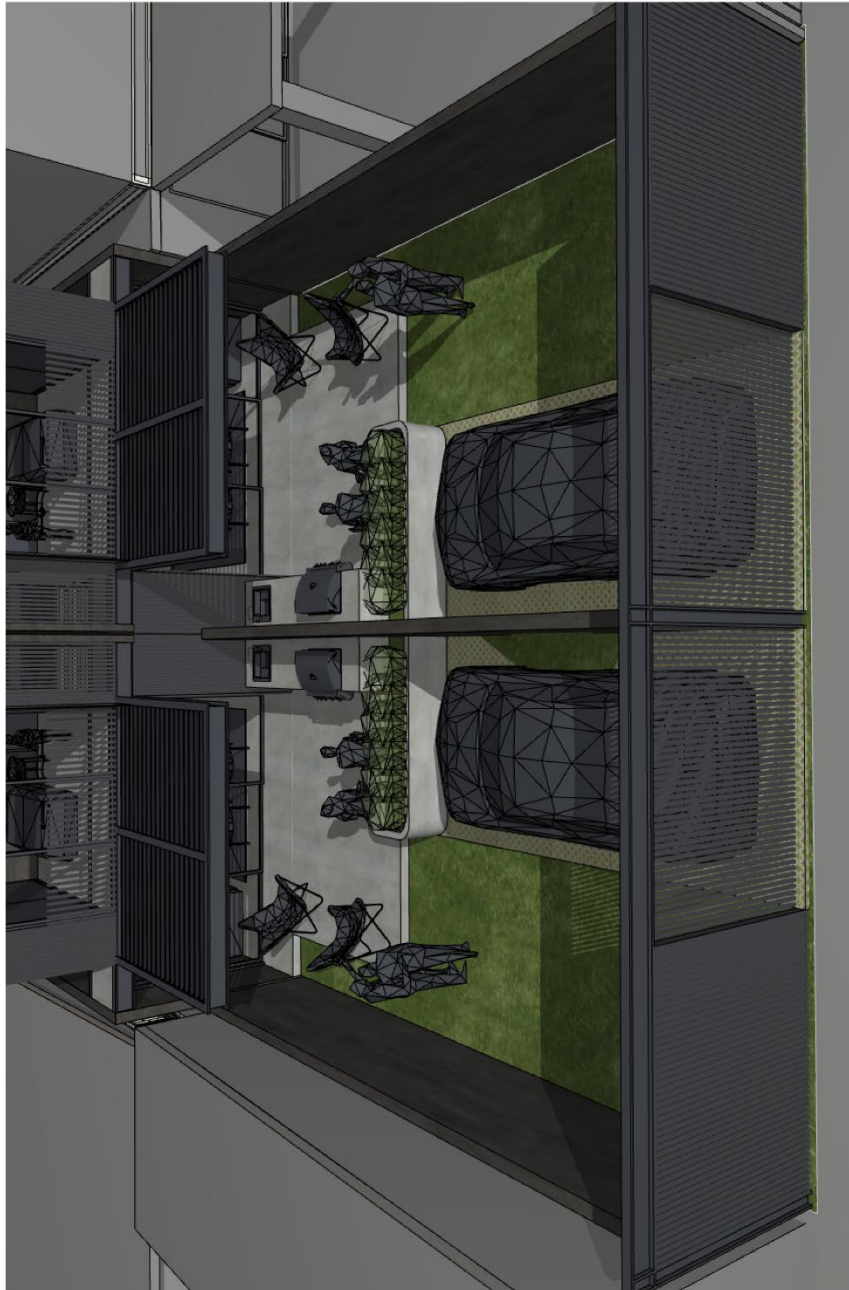
DATE	12.02.2023
DATE	28.02.2023
DATE	06.06.2023



DA PLANS NOT FOR CONSTRUCTION	AMENDMENTS:
A	DA ISSUE
B	DA ISSUE
C	DA ISSUE




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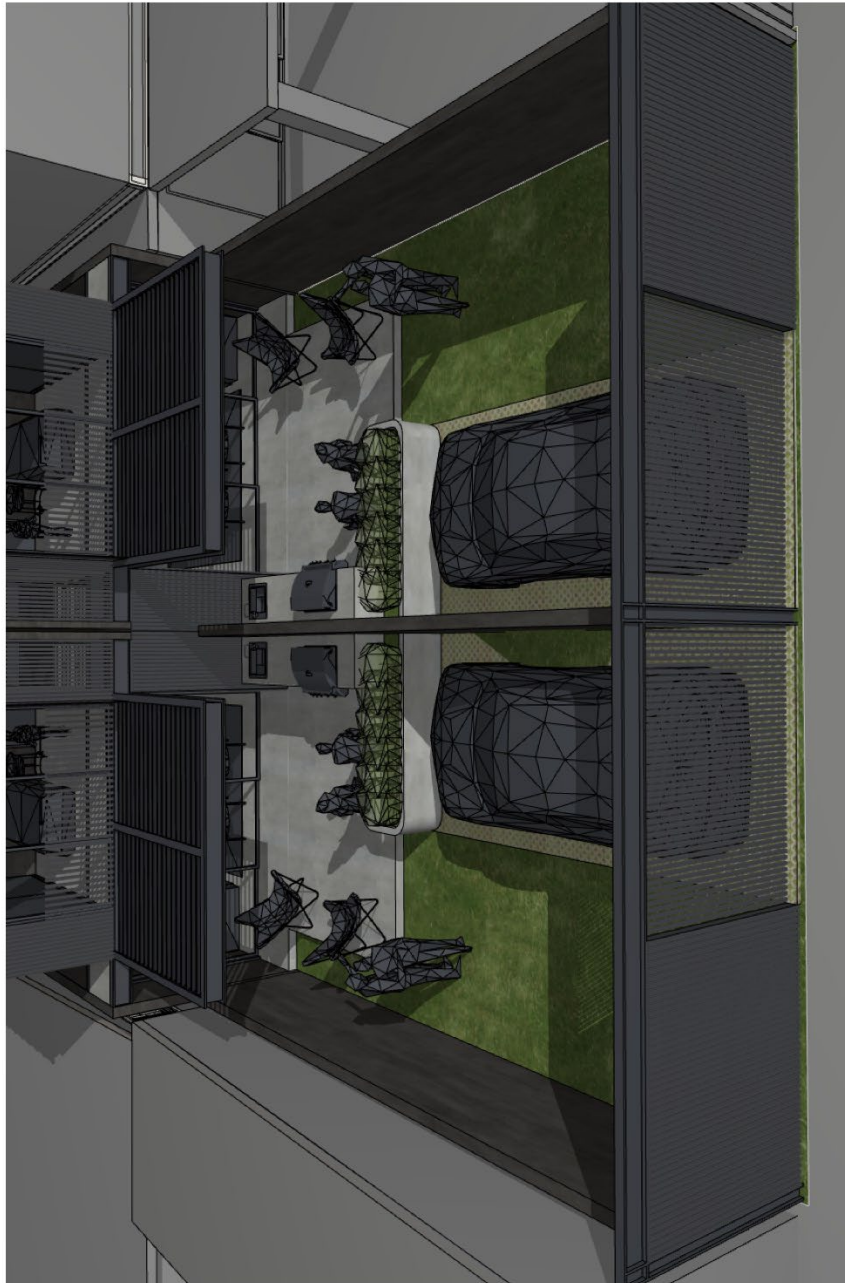
PROJECT: PROPOSED INFILL DEVELOPMENT	SCALE: 1"= 100' @ A2		ISSUE:
			C
DRAWING	DRAWN: Y/G		DA
			DA
TARGET	CHECKED: S/G		SHEET NO:
			318
			JOINT SCALE:
			3/18

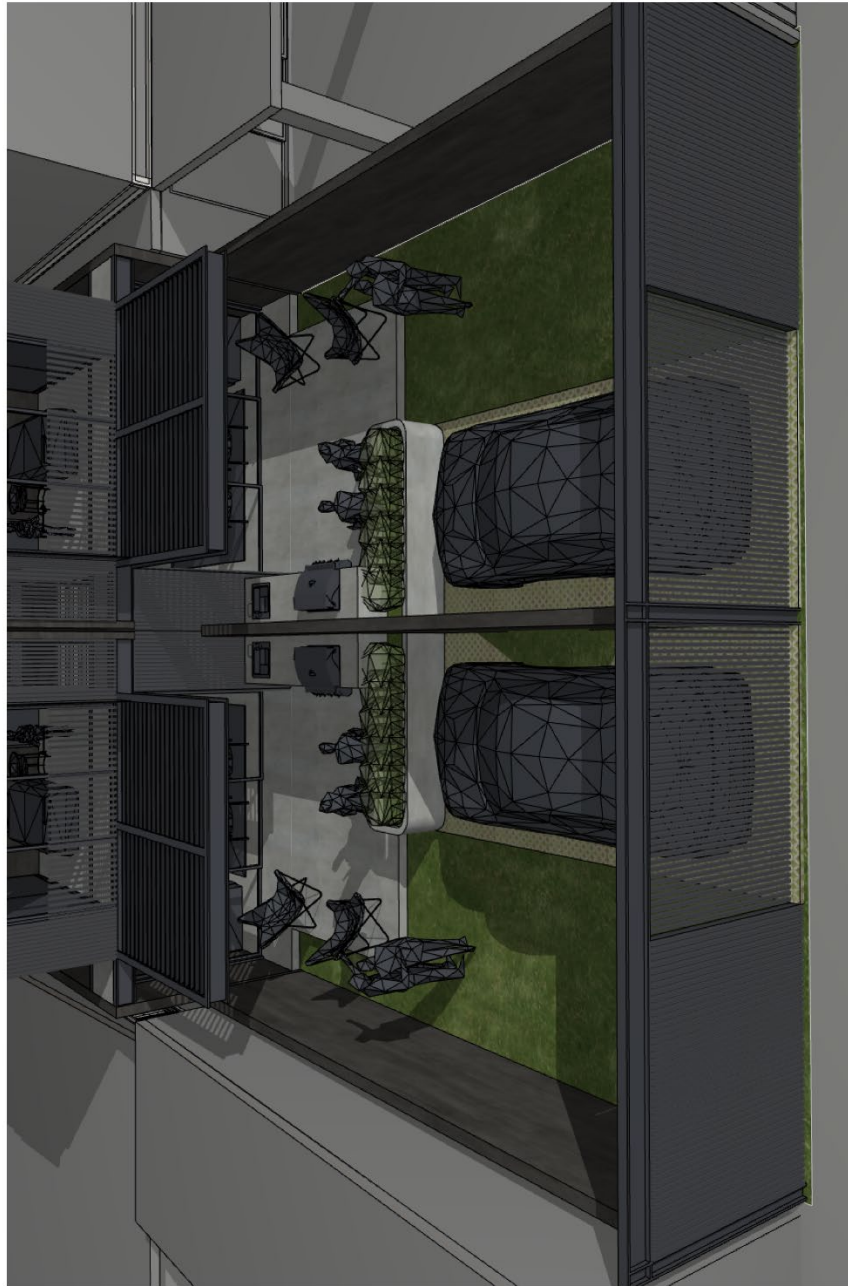


DA PLANS DATE FOR COMPLETION	AMENDMENTS
A	DA ISSUE
B	DA ISSUE
C	DA ISSUE

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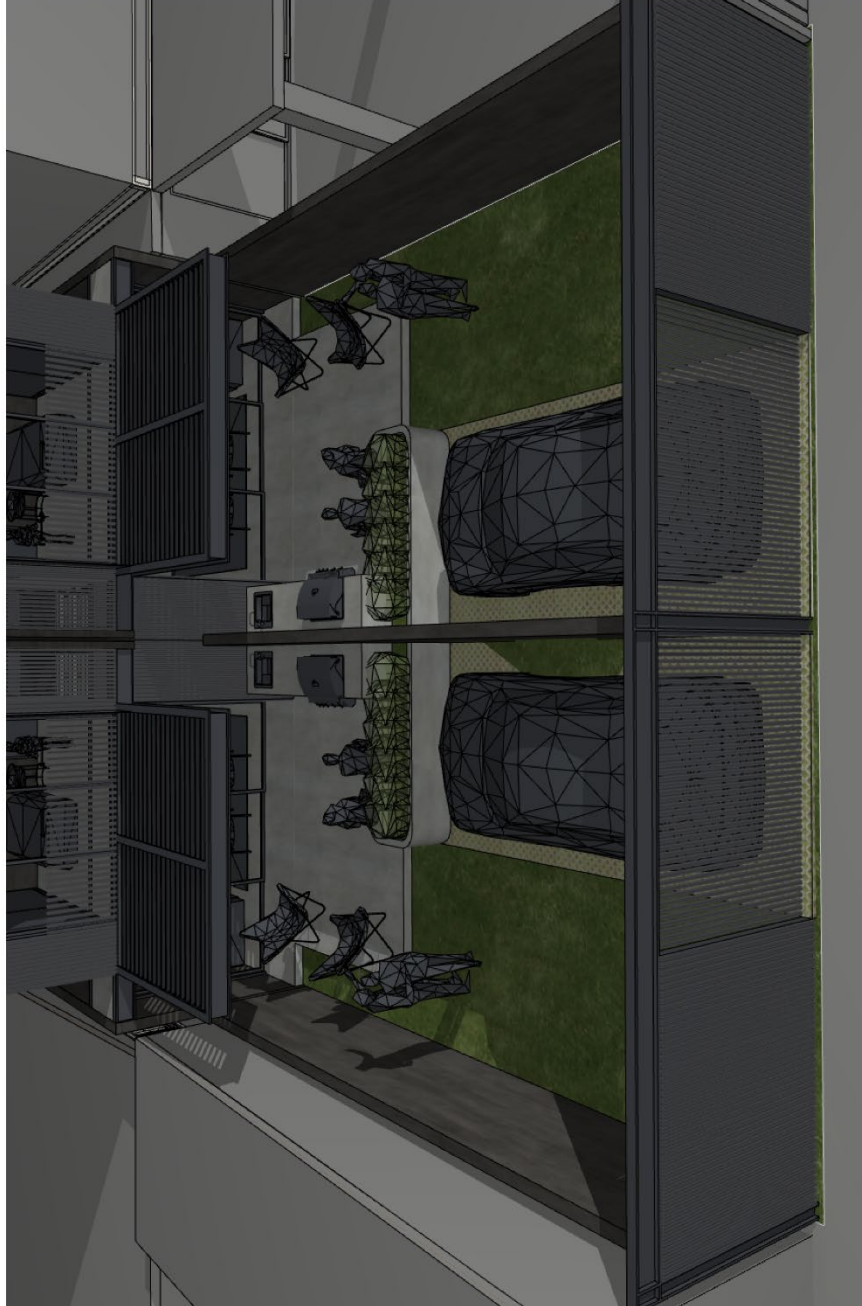
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			JOINT SCALE:
			3/19

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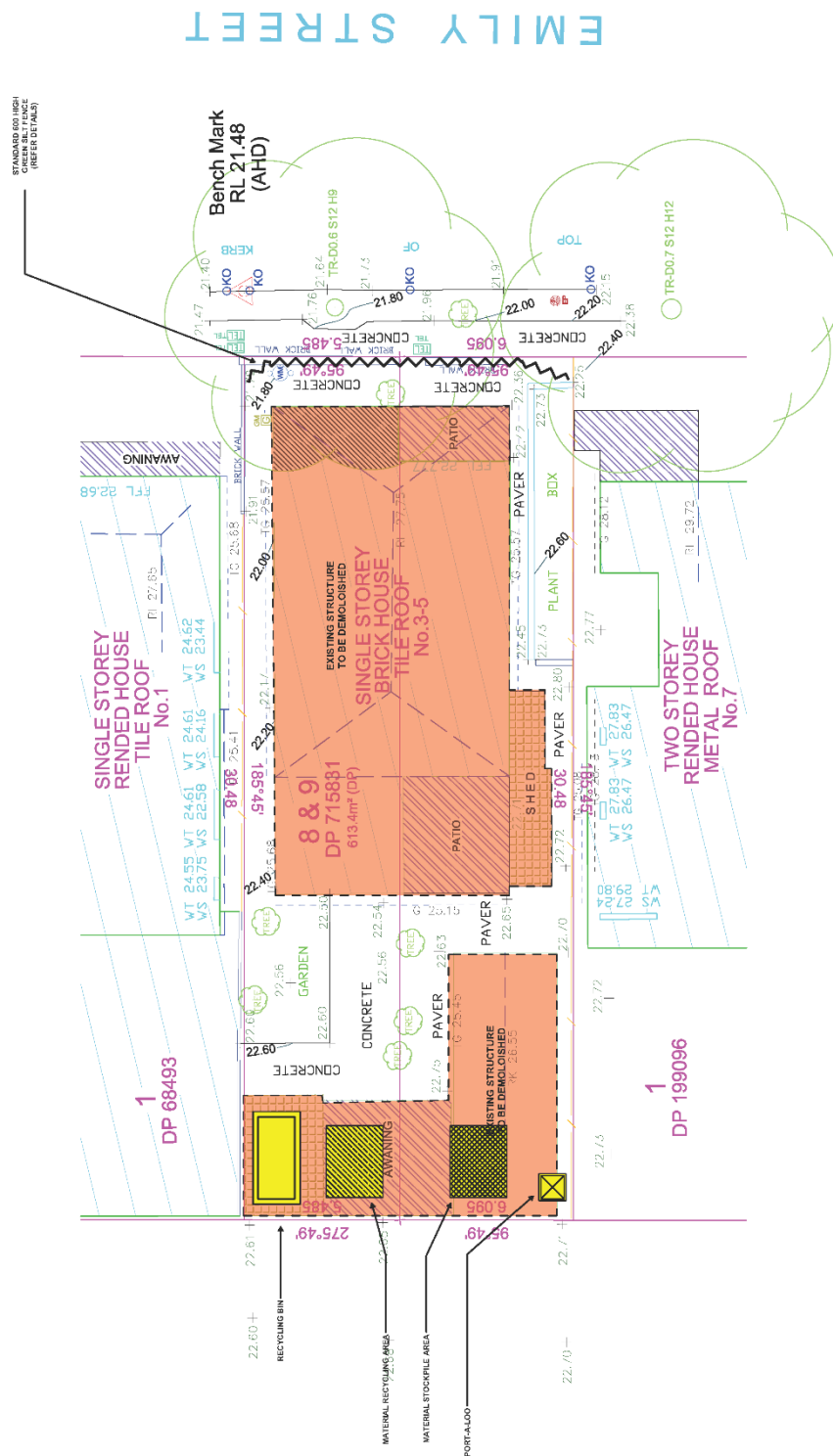


ISSUE:		DATE:		CLIENT:		PROJECT:		SCALE:		ISSUE:	
A	DA ISSUE	12.09.2022	12.09.2022	Development Design Pty Ltd	MEME	PROPOSED INFILL DEVELOPMENT	1:100 @ A2	C			
B	DA ISSUE	28.02.2023	28.02.2023	300s River Street Gully Hills NSW 2010				DRAWN:	Y/G	DA	
C	DA ISSUE	05.05.2023	05.05.2023	www.daveleppincott.com.au				CHECKED:	S/G	SHEET NO	3.21

30 MILL SCALE
 30 MILL SCALE
 30 MILL SCALE



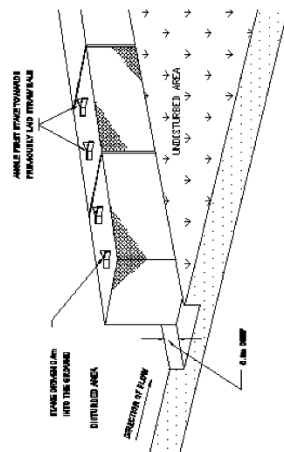
DATE 12.02.2023 28.02.2023 05.05.2023		CLIENT NAME Development Design Pty Ltd ACH 157 176 857 340a Rung Street Surry Hills NSW 2010 400 228 338 info@developmentdesign.com.au www.developmentdesign.com.au		PROJECT PROPOSED DEVELOPMENT DRAWING		SCALE 1:1000 DRAWN Y.G. CHECKED G.G.		ISSUE C DA SHEET No 3.22	
PRIVATE OPEN SPACE SOLAR COMPLIANCE 3PM MID WINTER									



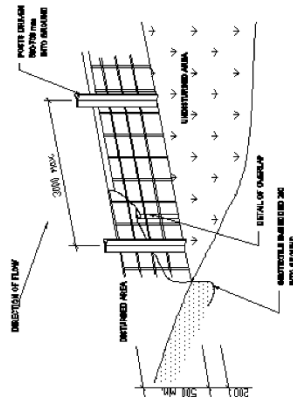
DEMOLITION, SEDIMENTATION & EROSION CONTROL DETAIL

100 YEARS OF INDEPENDENCE	ISSUE: AMENDMENTS:	DATE:	CLIENT: NE-HE
100 YEARS OF INDEPENDENCE	A DA ISSUE	12/01/2024	Development Design Pty Ltd
100 YEARS OF INDEPENDENCE	B DA ISSUE	28/02/2023	ACT 167 112 007
100 YEARS OF INDEPENDENCE	C DA ISSUE	05/05/2023	340a Riley Street Surry Hills NSW 2010
100 YEARS OF INDEPENDENCE	D DA ISSUE	16/01/2024	LOTS 8 & 9 in CP
100 YEARS OF INDEPENDENCE			1600 22nd c/s. 1 info@developmentdesign.com.au
100 YEARS OF INDEPENDENCE			WWW.DEVELOPMENTDESIGN.COM.AU
100 YEARS OF INDEPENDENCE			1600 22nd c/s. 1 info@developmentdesign.com.au
100 YEARS OF INDEPENDENCE			3 BILLY STREET

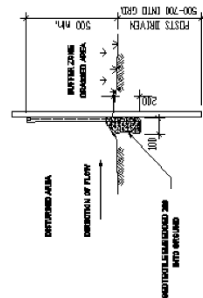
[illegible]



STRAW BALE SEDIMENT FILTER



SILT FENCE SEDIMENT FILTER



GEOTEXTILE LINED SILT FENCE

- NOTES:**
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE
 2. STRIPPING OF GRASS AND VEGETATION ETC FROM SITE SHALL BE KEPT TO A MINIMUM
 3. TOPSOIL FROM ALL AREAS THAT WILL BE DISTURBED TO STRIPPED AND STOCKPILED
 4. ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO A NOMINATED SOIL STOCKPILE SITE

DEMOLITION STAGE				CONSTRUCTION STAGE				USE OF PREMISES			
MATERIALS ON-SITE	REUSE & RECYCLING			Type of material	estimated volume m³	REUSE & RECYCLING		DISPOSAL	MATERIALS BEING GENERATED	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES (on site composting, waste storage & recycling)	DESTINATION (on site composting, waste storage & recycling)
	on-site	off-site	contractor landfill destination			on-site	off-site				
excavated material	5	0	0	excavated material	5	re-used as fill under concrete sub-base	0	excavated material	excavated material	excavated material	excavated material
green waste	1.0	0	0	green waste	1.0	re-used for garden	0	green waste	green waste	green waste	green waste
brick material	1.5	0	0	brick material	1.5	cleaned and used on-site again	0	brick material	brick material	brick material	brick material
concrete material	5	0	0	concrete material	5	re-used as fill under concrete sub-base	0	concrete material	concrete material	concrete material	concrete material
timber material	1.5	0	0	timber material	1.5	cleaned and used on-site again	0	timber material	timber material	timber material	timber material
metal material	0.6	0	0	metal material	0.6	cleaned and used on-site again	0	metal material	metal material	metal material	metal material
carpet material	0	0	0	carpet material	0	cleaned and used on-site again	0	carpet material	carpet material	carpet material	carpet material
plasterboard material	0	0	0	plasterboard material	0	cleaned and used on-site again	0	plasterboard material	plasterboard material	plasterboard material	plasterboard material

DEMOLITION STAGE				CONSTRUCTION STAGE				USE OF PREMISES			
MATERIALS ON-SITE	REUSE & RECYCLING			Type of material	estimated volume m³	REUSE & RECYCLING		DISPOSAL	MATERIALS BEING GENERATED	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES (on site composting, waste storage & recycling)	DESTINATION (on site composting, waste storage & recycling)
	on-site	off-site	contractor landfill destination			on-site	off-site				
excavated material	5	0	0	excavated material	5	re-used as fill under concrete sub-base	0	excavated material	excavated material	excavated material	excavated material
green waste	1.0	0	0	green waste	1.0	re-used for garden	0	green waste	green waste	green waste	green waste
brick material	1.5	0	0	brick material	1.5	cleaned and used on-site again	0	brick material	brick material	brick material	brick material
concrete material	5	0	0	concrete material	5	re-used as fill under concrete sub-base	0	concrete material	concrete material	concrete material	concrete material
timber material	1.5	0	0	timber material	1.5	cleaned and used on-site again	0	timber material	timber material	timber material	timber material
metal material	0.6	0	0	metal material	0.6	cleaned and used on-site again	0	metal material	metal material	metal material	metal material
carpet material	0	0	0	carpet material	0	cleaned and used on-site again	0	carpet material	carpet material	carpet material	carpet material
plasterboard material	0	0	0	plasterboard material	0	cleaned and used on-site again	0	plasterboard material	plasterboard material	plasterboard material	plasterboard material

WASTE MANAGEMENT PLAN

DATE OF REVIEW		DATE	
A	DA ISSUE	29.03.2023	29.03.2023
B	DA ISSUE	29.03.2023	29.03.2023
C	DA ISSUE	29.03.2023	29.03.2023

DATE OF REVIEW		DATE	
A	DA ISSUE	29.03.2023	29.03.2023
B	DA ISSUE	29.03.2023	29.03.2023
C	DA ISSUE	29.03.2023	29.03.2023

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DATE OF REVIEW		DATE	
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C	DA ISSUE	29.03.2023	29.03.2023

DATE OF REVIEW		DATE	
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C	DA ISSUE	29.03.2023	29.03.2023

DATE OF REVIEW		DATE	
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B	DA ISSUE	29.03.2023	29.03.2023
C	DA ISSUE	29.03.2023	29.03.2023

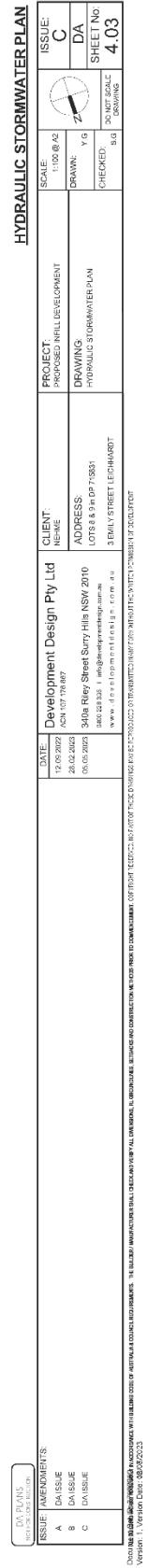
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C	DA ISSUE	29.03.2023	29.03.2023

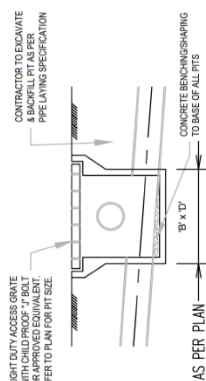
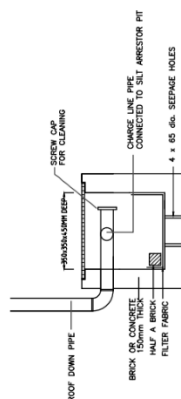
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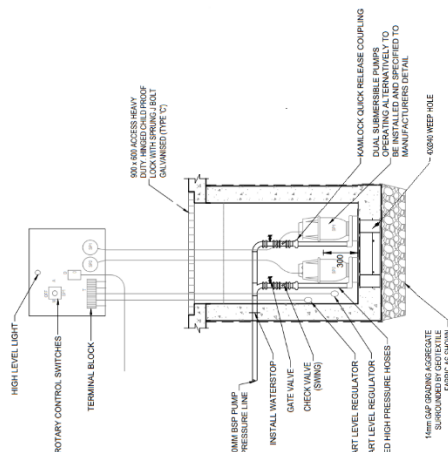
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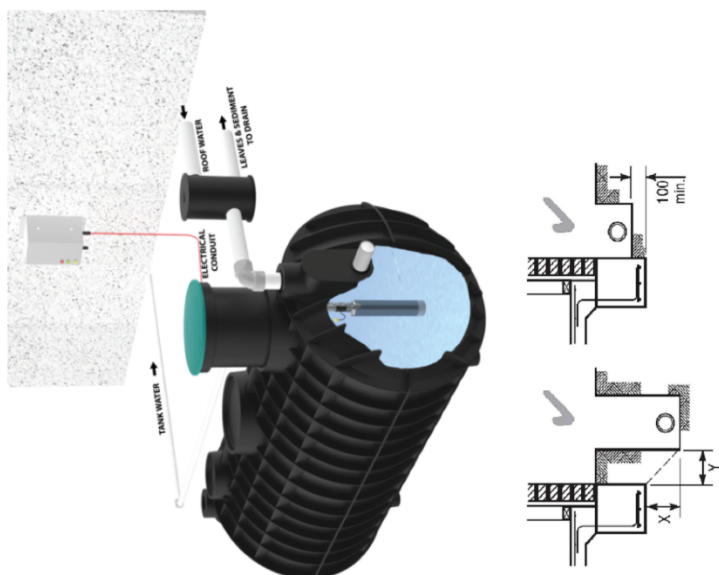
RESULTS
TYPICAL FOR ALL PITS IN NON TRAFFIC AREAS.

CLEANOUT PIT SECTION DETAIL

RESULTS



OW LEVEL DRIVEWAY ABSORPTION PIT PUMP TO KERB



Site classes A, S & P: $Y = X$

STORMWATER LAYOUT NOTES

REFER TO PAGE 5 FOR GENERAL STORMWATER NOTES

- COMPARING ANY WORKS A NOTIFY - THE ENGINEER OF ANY CONCERN**
- 8) PROVIDE ANY LEVELS PROVIDED FOR DRAINAGE DESIGN PURPOSES ONLY. LEVELS MAY BE ADJUSTED TO SUIT FINAL HOUSE / CULVERT CONDITIONS BUT NEED TO MAINTAIN INTENT OF DRAINFALL SYSTEM. ENGINEER TO BE CONSULTED PRIOR TO CONSTRUCTION TO ENSURE INTENT MAINTAINED.
 - 9) END OF EXISTING DRAINAGE LINE TO BE EXPOSED & LEVELS CONFIRMED BY BULLDOZER PRIOR TO COMPLETION OF WORKS.
 - 10) ALL WORKS TO BE IN ACCORDANCE WITH DRAINAGE CODES. NOT CONFLICT WITH DRAINAGE DESIGN REQUIREMENTS.
 - 11) ALL WORKS TO BE MAINTAINED TO MEET ACCEPTED SPECIFICATIONS PRACTICE & MAINTAINED TO MEET ACCEPTED SPECIFICATIONS

DA PLANS

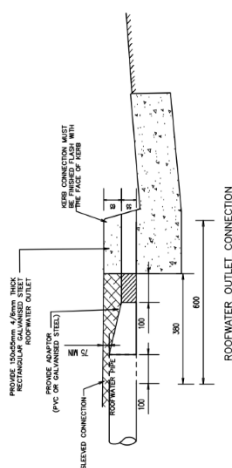
SUBJECT: AMENDMENTS:

ISSUE

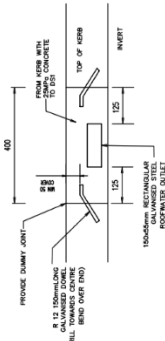
DAISSUE

Dr. JESSIE

Documenta5 with Word2Vec and GDoc in Accordance
Version: 1, Version Date: 03/08/2023



OF WATER OUTLET CONNECTION

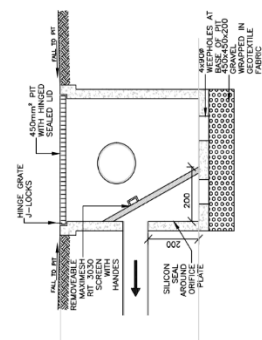


FRONT VIEW SECTION

SECTION ONE -- NEW PIPE CONNECTION
NOT TO SCALE

NOTES FOR KERB CONNECTION




1. ENSURE THAT ALL CONNECTIONS ARE WATER TIGHT.
2. FOR TRAFFICABLE AREA SUCH AS DRIVEWAYS, USE RECTANGULAR GALVANISED STEEL ROOFWATER OUTLET FOR FULL LENGTH, EG. BOUNDARY TO KERB.
3. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE SHOWN.



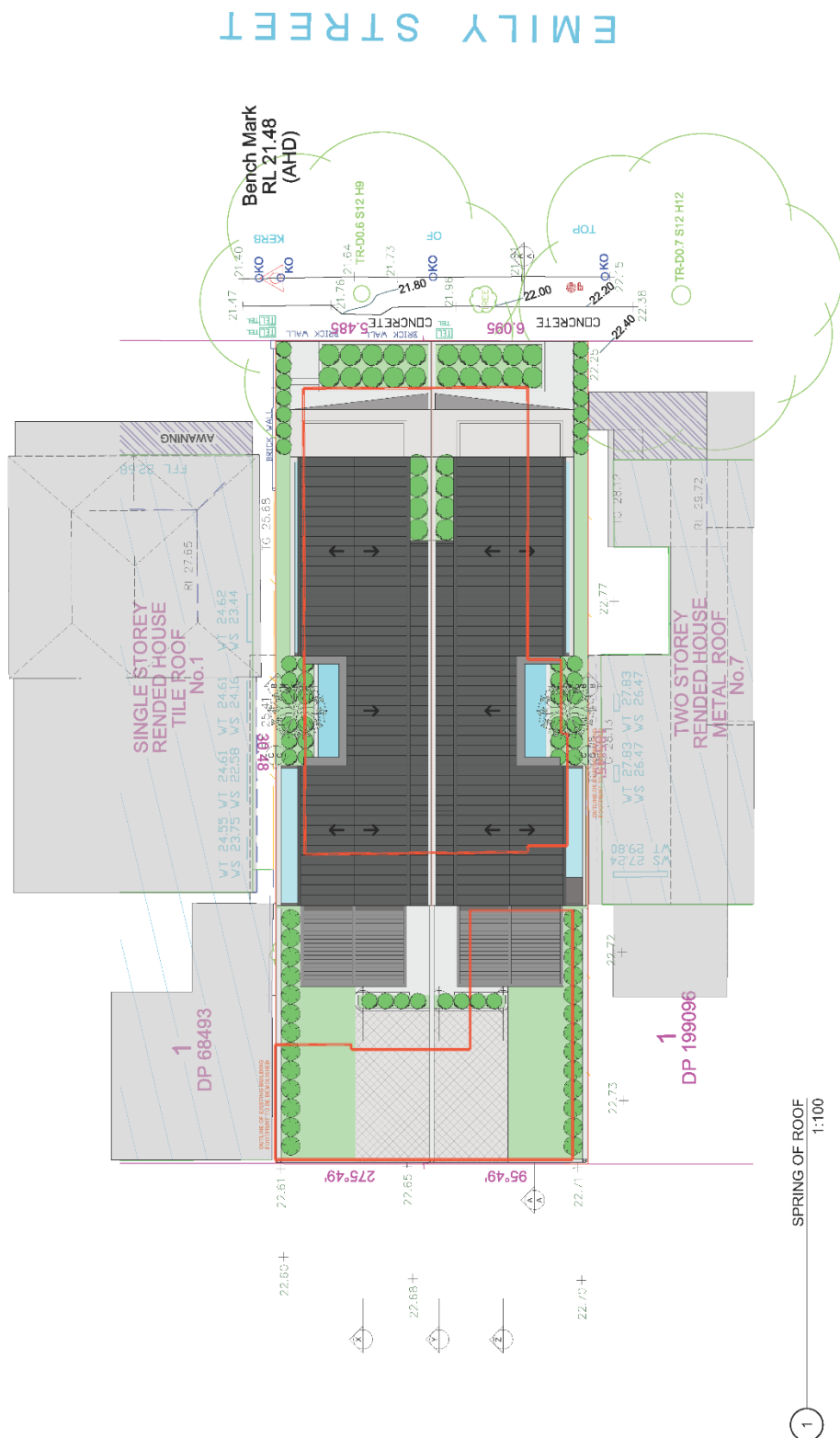
SILT ARRESTOR PIT


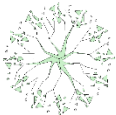

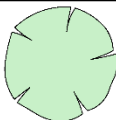


ESTOR PIT

HYDRAULIC STORMWATER DETAILS

ISSUE		AMENDMENTS		DATE		Development Design Pty Ltd		CLIENT:		PROJECT:		SCALE:		ISSUE:		
A	DA 853/J			12.06.2022	ACN 157 178 967			NE/ME	PROPOSED INFILL DEVELOPMENT		1:100 @ A2			C		
B	DA 853/J			28.02.2023										DA		
C	DA 853/J			05.05.2023					ADDRESS: 340a Riley Street Surry Hills NSW 2010 LOTS 8 & 9 in DP 715831 0602 228 335 info@developmentdesign.com.au www.developmentdesign.com.au	DRAWING: HYDRAULIC STORMWATER DETAILS		DRAWN: Y.G			SHEET NO: 4.04	
												CHECKED:	BY A/P SCALE DRAWING	SG		

DOCUMENT NO. W-00709(00) IN ACCORDANCE WITH BUILDING CODE OF ALABAMA A COROLLARY REQUIREMENTS THE BUILDER MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS & ORIGINALS, SETBACKS AND CONSTRUCTION METHODS PRIOR TO COMMENCMENT. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF DUFFY-WINT
DATE: 08/04/2023
BY: J. Mendenhall

[illegible]

PHOTOGRAPH	SYMBOL	BOTANIC NAME	COMMON NAME	MAX HEIGHT	MAX WIDTH	POT SIZE	STAKING	NUMBER
		ADONTOIDESMA ALEXANDRINE	ALEXANDER PALM	7.5M	4M	25H	YES	4
		BAMBUSA GRACILIS	BAMBOO	3M	1M	2.5H	YES	26
		Pennisetum setaceum	FOUNTAIN GRASS	0.6M	0.6M	2.5H	NO	84

SPACING MATERIALS

PLANTING MIX:

Planting mix to planting beds is to comprise an approved soil mix of:

- 60% Soil mix (75% coarse sand and 25% blacksoil)
- 10% Mushroom compost
- 10% Composted sawdust
- 10% Pine Bark fines
- 10% Composted manure

Mulch:

Mulch shall mean Hort-Bark (15mm grade), free from material derived from Privet, Willow, Poplar, Carlees, or other noxious weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Graded pine bark mulch (ANL code MHB) to be supplied by Australian Native Landscapes Pty Ltd Phone (02) 9450 1444; or approved equivalent.

Plant Materials:

All plant materials must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soft or force grown and not bound.

Turfed areas:

All lawns turfed areas are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly bulled with staggered joints, flush with adjacent surfaces and have even running falls to all planting points. All new turfed area shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to laying.

PREPARATION AND HARDWORKS

Excavating for Spot Planting

To planting areas; excavate a hole for each plant large enough to provide no less than twice the depth and twice the diameter than the root ball of species to be planted.

Staking

Use durable hardwood, straight, free from knots or twists, pointed at one end. Drive stakes into the ground at a minimum one third of their length, avoiding damage to the root system. Stakes shall be placed at the base of the plant and secured with a 10mm diameter wire.

POSTING:

Provide a 50mm width Nylon webbing tie per stake, fixed securely to the stakes, one tie at half the height of the main stem and the other as necessary to stabilise the plant

Decorative Pebble

Decorative pebbles shall be Western White pebble, gravel to be of uniform size or graded material in the size 30 - 40mm grade to nominal 75mm thickness as available from Australian Native Landscapes. Ph: (02) 9450 1444.

Concrete Edge

Concrete to be off white colour.

INSTALLATION:

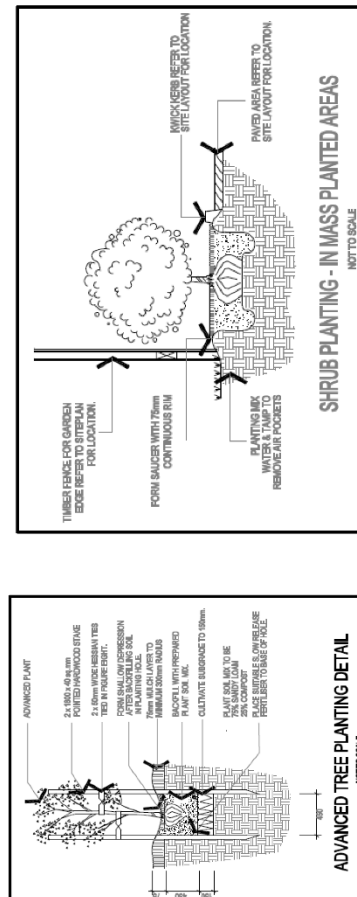
Supply and install 100 x 250mm (width) reinforced lush concrete kerb to locations as approved on site by the Superintendent. Provide flexible joints at maximum 3 metre intervals in colour to match concrete. Lightly expose aggregate through rinsing / sparging. Touch up exposed areas with concrete.

MAINTENANCE / PLANT ESTABLISHMENT

- Landscape Contractors to provide 13 weeks for maintenance / plant establishment period. Carry out recurrent works of a maintenance nature including, but not limited to: watering, mowing, weeding, rubbish removal, fertilising, pest and disease control, returfing, slaking and tying, replanting, cultivating, pruning, hedge clipping, top dressing, and keeping the site neat and tidy.

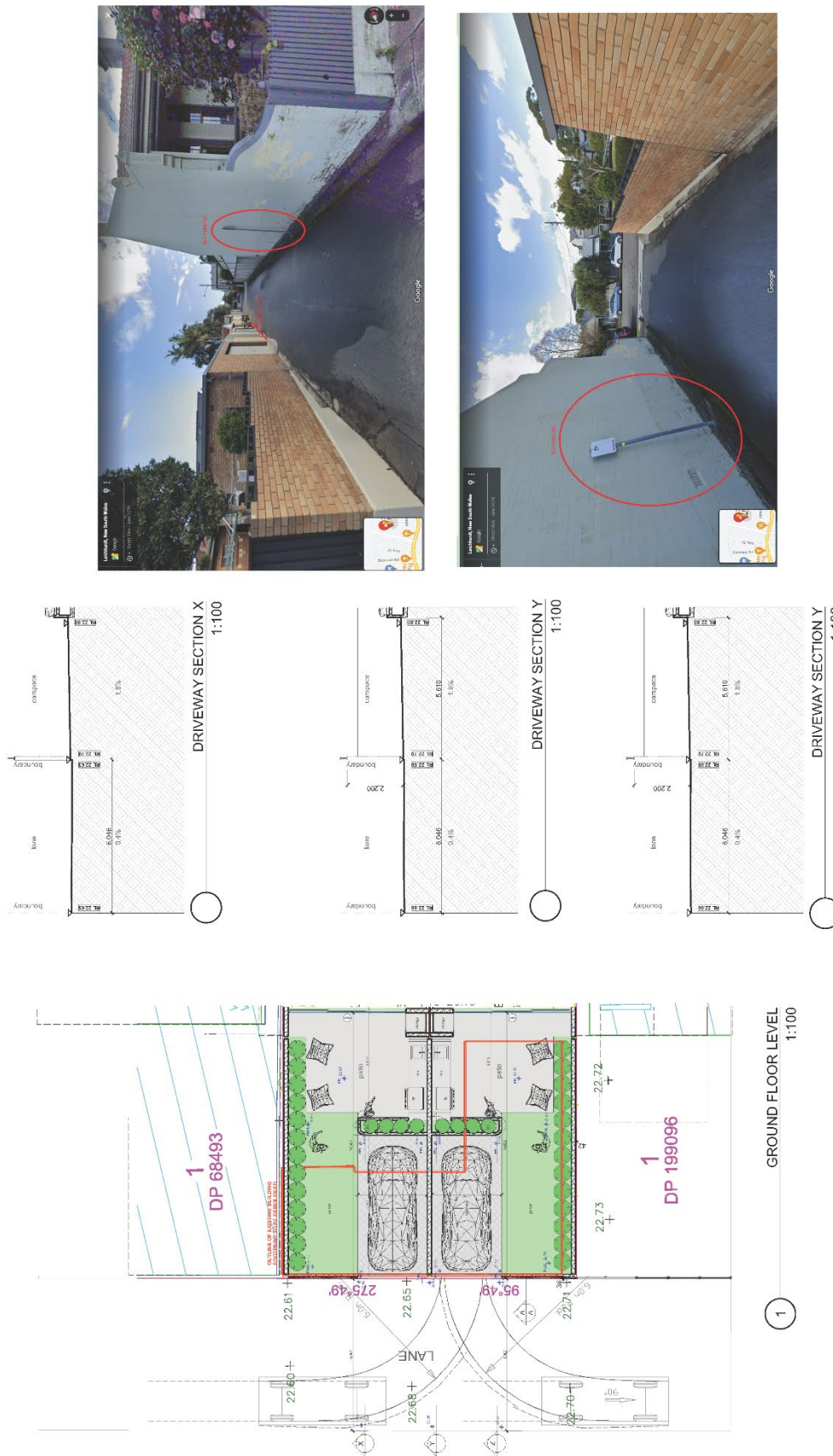
NOTE:

All finished levels are to be verified by Contractor on site.
All landscape works be in strict accordance with Council's landscape code and guidelines
This plan to be used in conjunction with all other submitted architectural, hydraulics and engineering drawing where applicable



DATE PLANS ISSUED: 15/08/2023		NOT TO SCALE		NOT TO SCALE		LANDSCAPE MAINTENANCE & DETAILS					
ISSUE: A		DATE: 15/08/2023		CLIENT: Development Design Pty Ltd 10N 171 071 637		PROJECT: PROPOSED WHEEL DEVELOPMENT		SCALE: 1:150 @ A2		ISSUE: C	
ISSUE: B		DATE: 28/03/2023		ADDRESS: 3403 Riley Street Surry Hills NSW 2010		DRAWING: LANDSCAPE, BARKLANDS, & ULTALS		DRAWN: Y.G		DATE: 01/09/2023	
ISSUE: C		DATE: 05/03/2023		3403 RILEY STREET SURRY HILLS NSW 2010 3400 228 336 info@developmentdesign.com.au www.developmentdesign.com.au		9 EMLY STREET LEICHHARDT		CHECKED: S.G		SHEET NO: 4.06	

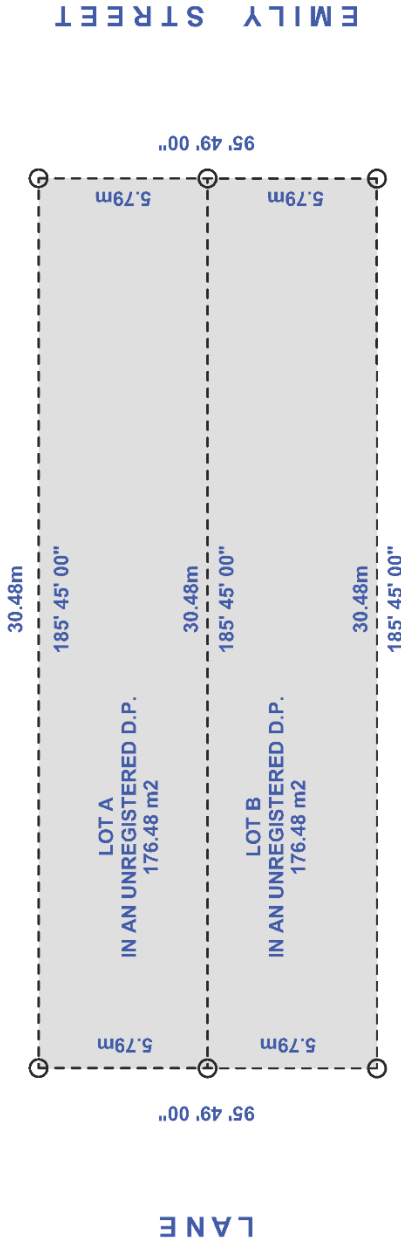
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CAR PARKING & VEHICLE ACCESS PLAN

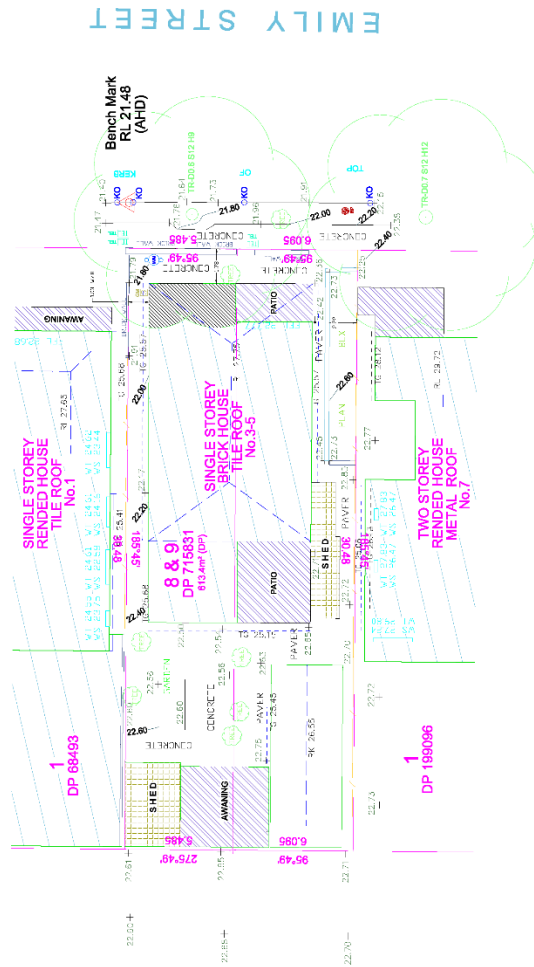
DRAWING NO.	ISSUE:		DATE:	Development Design Pty Ltd PO BOX 178 861 28012 2023 06.10.2023	CLIENT:	PROJECT:	SCALE:	ISSUE:	
	A	DA ISSUE							
	B	DA ISSUE							
	C	DA ISSUE							
						PROPOSED INFILL DEVELOPMENT	1:100 @ A4		C
						DRAWING:	DRAWN: Y.G.		DA
						ADDRESS:	CAR PARKING & VEHICLE ACCESS PLAN	CHECKED:	SHEET NO:
						LOTS 8 & 9 in DP 11581		DO NOT SCALE DRAWING	4.07
						3 BULLY STREET LEICHHARDT			
						www.developmentsign.com.au			

DOI:10.1002/for.2023



DV PLANS 10/10/2023		Development Design Pty Ltd ACN 107 788 887 340a Riley Street Sully Hill NSW 2010 0400 228 335 info@developmentdesign.com.au www.developmentdesign.com.au		CLIENT: RENAME ADDRESS: LOT 8 & 9 in DP 715611 3 EMILY STREET LEOPHARDT		PROJECT: PROPOSED WELL DEVELOPMENT DRAWING: TORRENS TITLE SUBDIVISION PLAN		SCALE: 1:100 @ A2 DRAWN: Y.G. CHECKED: S.G.		ISSUE: C DA SHEET NO: 4.08	
AMENDMENTS:		DATE:		DATE:		DATE:		DATE:		DATE:	
A		12/09/2023		12/09/2023		12/09/2023		12/09/2023		12/09/2023	
B		28/02/2023		28/02/2023		28/02/2023		28/02/2023		28/02/2023	
C		05/05/2023		05/05/2023		05/05/2023		05/05/2023		05/05/2023	

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B. Fudge of NSW Land Services, a surveyor registered under the Surveying and Spatial Information act 2002, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the surveying and spatial information regulation 2017.

GENERAL & SITE SPECIFIC NOTES

Brauncker et al. Identifying

Contours are indicative of surface topography only. Surveyed spot levels are the only values at which reduced level can be relied upon. Contours are displayed at 0.2 metre major and 0.2 metre minor intervals.

Services shown have been derived from visual evidence apparent at the time of survey. It is strongly advised to visit site before you dig prior to any excavation or construction and verify critical locations with a suitably qualified service locator to AS 5488:2013 CL-A prior to any works or critical design.

It is strongly advised to review an up to date title search and give careful consideration to all items prior to any planning and/or construction.

[illegible]

CLIENT: JIM NEHME
CLIENT REF: -
ADDRESS: 3-5 EMILY STREET
SUBURB: LEICHHARDT



P: 02 9789 3837
info@nswlandservices.com.au
www.nswlandservices.com.au
 1/585 Canterbury Road
 Belmore NSW 2192
 A/N: 72 634 608 575

Document Set ID: 37950290
Version: 1, Version Date: 02/08/2023

Attachment C- Section 4.6 Exceptions to Development Standards

7

Clause 4.6 Exception to Development Standard

Exception to Development Standard to IWEP2022 Clause 4.1 – Minimum subdivision lot size

FOR:

PROPOSED INFILL DEVELOPMENT

AT:

No.3 Emily Street Rozelle

Prepared by:

Development Design Pty Ltd
340A Riley Street Surry Hills 2010

Issue B - February 2023

89

Document Set ID: 37066288
Version: 1, Version Date: 08/08/2023

1. INTRODUCTION

An objection pursuant to Clause 4.6 Exception to Development Standard – Development Standards is made requesting variation to strict compliance with the Minimum subdivision lot size standard contained in Inner West Local Environmental Plan 2022 (IWLEP2022).

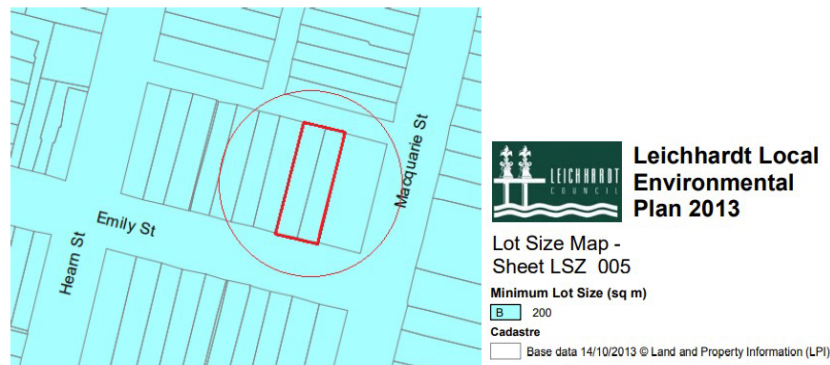
The objection is made on the grounds that strict compliance with the development standard is unreasonable and unnecessary given the circumstances of the case.

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”. The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Minimum subdivision lot size control will not adversely affect the amenity of any neighbouring properties and ensures that the lot size proposed accommodate a development which is consistent with the relevant development controls capable of supporting residential development.

2. Objection to Development Standard to Clause 4.1 – Minimum subdivision lot size

Inner West Council Environmental Plan 2022 (IWLEP2022), Clause 4.1, where a development standard is prescribed for Minimum subdivision lot size of 200m².



2.7 What are the objectives or underlying purpose relevant to the development standard?

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to ensure lot sizes cater for a variety of development,
- (b) to ensure lot sizes do not result in adverse amenity impacts,
- (c) to ensure lot sizes deliver high quality architectural, urban and landscape design,
- (d) to provide a pattern of subdivision that is consistent with the desired future character,
- (e) to ensure lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land.

2.8 Is compliance with the standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

90

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”.

The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Minimum subdivision lot size control will not adversely affect the amenity of any neighbouring properties and ensures that the lot size proposed accommodate a development which is consistent with the relevant development controls capable of supporting residential development.

2.9 Is compliance with the development standard unreasonable or unnecessary?

This assessment requires consideration as to whether the proposal meets the underlying objectives of the Minimum lot size.

The underlying objective or purpose of the Minimum subdivision lot size is to ensure lot sizes cater for a variety of development, to ensure lot sizes do not result in adverse amenity impacts, to ensure lot sizes deliver high quality architectural, urban and landscape design, to provide a pattern of subdivision that is consistent with the desired future character, to ensure lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land.

The Minimum subdivision lot size control is a "development standard" to which exceptions can be granted pursuant to Clause 4.6 of IWLEP2022

PROPOSED VARIATION & RATIONALE

The subject site falls within the 200m² Minimum subdivision lot size.



The aerial analysis demonstrates the existing established immediate subdivision pattern and resultant building forms. The immediate subdivision pattern which is bound between the western Hearn Street and eastern Macquarie Street is characterised by densely packed narrow allotments with the exception of the remaining eastern double fronted allotment cornering Macquarie Street.

The subject site falls within what is considered a predominantly narrow allotment and small lot subdivision pattern, comprising of an eclectic mixture of single storey and two storey Victorian character and contemporary interpretative terrace built forms within the same group.

The subject Title currently comprises of two inconsistent rectangular lots having primary frontages of 6.095m and 5.485m with a depth of 30.48m, achieving 185.78m² and 167.18m² respectively that have secondary boundary frontage and vehicle access to the northern rear lane.

The proposal seeks the opportunity for the realignment of the central boundary in order to create two consistent allotments having primary frontage widths of 5.79m, achieving allotment areas of 176.48m² each that will allow the resultant building forms to appear as consistent pair of semi-detached dwellings within the same group that will further contribute to the overall streetscape and Piperston Distinctive Neighbourhood.

The Subdivision controls outlines specific parameters in relation to the subdivision of land. These controls do not however contain minimum lot width but rely on performance-based controls that aim to ensure that the new lots facilitate development that is compatible with the immediate area.

This assessment requires consideration as to whether the proposal meets the underlying objectives of the Minimum lot size standard and have been summarised below:

- The proposed boundary realignment of the existing subdivision will allow the proposed infill dwellings to form part of a consistent paired form within the same group. This form reflects and reinforces the predominant size and shape of the prevailing subdivision pattern within the immediate and intermediate streetscape and overall locality as well as maintaining the consistent immediate and intermediate building pattern & form within the vicinity of the site;
- The proposed boundary realignment and adjusted subdivision is capable of accommodating buildings, particularly where compliance with the Landscape , Site Coverage , Private Open Space, Building Location Zones are achieved and where there are no adverse impacts on the adjoining amenities, streetscape compatibility and separation between adjoining forms and the positive contributions it provides to the overall Distinctive Neighbourhood Area. The result being a proposal that facilitates an orderly and reasonably appropriate high-quality development of the resultant lots;
- The proposed boundary realignment and re-subdivision and resultant built form and scale are considered appropriate within the immediate and intermediate streetscapes and subdivision pattern;
- The proposed boundary realignment and re-subdivision layout and dimensions including area enable the proposed building to be consistent with the density, setbacks, building bulk and scale and height found along Emily Street ;
- The size of the proposed allotments are suitable to enable the sitting and construction of an appropriately sized and proportioned dwelling house that provides adequate amenity to future residents and areas for open space;
- The proposed boundary realignment and re-subdivision lot size and building form will not adversely affect the amenity of any neighbouring properties and ensures that the lot size proposed accommodate a development which is consistent with the relevant development controls capable of supporting residential development;
- It is not considered that this subdivision influences any amenity impacts across the boundaries or compromises the existing surrounding mixed subdivision pattern;
- The proposed boundary realignment and re-subdivision is supported with plans that adequately demonstrate that the lots are of sufficient area and dimension that enable an appropriate building that are consistent with the varied density, setbacks, building location zone, building bulk and scale and height found along the Emily Street and surrounding streets;
- The proposed boundary realignment and re-subdivision is further supported by shadow diagrams which demonstrate that the proposal will have imperceptible and inconsequential effects on the adjoining amenities;

- The proposed resultant subdivision facilitates an orderly economic appropriate use of the land having sufficient area, width and depth to accommodate a building form that will contribute positively to the Emily Streetscape and the Piperston Distinctive Neighbourhood;
- The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings in Emily Street and surrounding Streets;
- It is anticipated that the proposed boundary realignment and re-subdivision is sensitive to the local environment and is socially responsive to the needs of the community. The capacity of the community's infrastructure and the road networks will not be affected given the proximity of public transport networks;
- The proposed boundary realignment and re-subdivision can tolerate the residential proposal as the built form, density, height, building bulk and scale is considered to adopt an appropriate building form and character which is similar to and complements those adjacent residential buildings within Emily Street;
- The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape that uphold the Piperston Distinctive Neighbourhood Controls ;

In conclusion, the proposed boundary realignment and re-subdivision and the resultant built form are considered appropriate, satisfying the overall objectives behind the Minimum lot size controls within the IWLEP2022.

CASE STUDY

Wehbe V Pittwater Council (2007) NSW LEC 827

In Wehbe V Pittwater Council (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, *inter alia*:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded, and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Having regard to all of the above, it is our opinion that compliance with the Minimum lot size development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives.

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2.10 Is the objection well founded?

The objection is well founded as this the variation from the standard, as proposed, is considered reasonable, in the circumstances of this case, as the proposal still meets the overall objectives behind the standard by ensuring its intensity are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape appearance.

Notwithstanding the justifiable noncompliance in the Minimum lot size standard, the proposed resultant infill development will not generate any adverse environmental impacts on the immediate residential precinct, the key features of which are expressed below;

- The building envelope will not give rise to any significant impacts to adjoining or surrounding properties with regards to loss of views, loss of sunlight or loss of privacy;
- The building provides for a positive outcome in terms of building appearance, residential amenity and housing choice;
- The proposal building form, scale & height is comparable to the predominate existing and likely future forms within the overall streetscape;
- It is anticipated that this minor non-compliance in the Minimum lot size is sensitive to the local environment and is socially responsive to the needs of the owners.

2.11 CONSISTENCY WITH STATE AND REGIONAL PLANNING POLICIES AND PUBLIC BENEFIT

The proposed variation does not raise any matters of regional or state significance. For the reasons outlined in the foregoing, in the circumstances of the subject site, the variation will not conflict any public benefit associated with maintaining the development standard. The variation to the landscaped area currently exists on the site and the proposal brings the landscape area closer to compliance. Given these circumstances, the proposed variation would not set an undesirable precedent or undermine the standard. The proposal exhibits a level of design excellence, therefore being consistent with the objects of metropolitan planning and the EP&A Act, 1979.

2.12 CONCLUSION

On the basis of the above assessment, it is considered that strict compliance with the Minimum lot size development standard is unreasonable and unnecessary in the site circumstances, particularly where the existing Title currently comprises of two lots albeit inconsistent in width and in area, there would be no public benefit in strictly applying the standard.

The proposed variation is numerically minor in its effects, achieves the Minimum lot size objectives and performs exceptionally in terms of occupant amenity considerations compared with the existing development on the site and displays a high level of architectural quality.

The development is compatible with its existing surrounds and will improve the site with a high quality contrasting contemporary infill development character form that contributes to the overall streetscape and Piperston Distinctive Neighbourhood.

The proposed variation does not raise any matters of regional or state significance. For the reasons outlined in the foregoing, in the circumstances of the subject site, the variation will not conflict any public benefit associated with maintaining the development standard.

The variation to the Minimum lot size currently exists on the site and the proposal brings the greater consistency between the lots in order to facilitate a consistent pair of semi-detached dwellings within the overall streetscape. Given these circumstances, the proposed variation would not set an undesirable precedent or undermine the standard. The proposal exhibits a level of design excellence, therefore being consistent with the objects of metropolitan planning and the EP&A Act, 1979.

For these reasons, the proposal sits within the threshold of warranting an "appropriate degree of flexibility" to be applied to "achieve a better outcome for and from development", being the specific aims of Clause 4.6.

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Clause 4.6 Exception to Development Standard

Exception to Development Standard to IWEP2022 Clause 4.4(2B)(c) - Floor Space Ratio

FOR:

PROPOSED INFILL DEVELOPMENT

AT:

No.3 Emily Street Rozelle

Prepared by:

Development Design Pty Ltd
340A Riley Street Surry Hills 2010

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1. INTRODUCTION

An objection pursuant to Clause 4.6 Exception to Development Standard – Development Standards is made requesting variation to strict compliance with the floor space ratio standard contained in Inner West Local Environmental Plan 2022 (IWLEP2022).

The objection is made on the grounds that strict compliance with the development standard is unreasonable and unnecessary given the circumstances of the case.

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”. The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Floor Space Ratio control will not adversely affect the amenity of any neighbouring properties.

2. Objection to Development Standard to Clause 4.4(2B)(c) - Floor Space Ratio

Inner West Council Environmental Plan 2022 (IWLEP2022), Clause 4.4, where a development standard is prescribed for floor space ratio (FSR).

(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.

(2B) The maximum floor space ratio for development for the purposes of residential accommodation is as follows—

(c) on land shown edged brown on the Floor Space Ratio Map is—

Site area	Maximum floor space ratio
< 150m ²	0.8:1
≥ 150 < 300m ²	0.7:1
≥ 300m ² < 450m ²	0.6:1
≥ 450m ²	0.5:1

2.1 What are the objectives or underlying purpose relevant to the development standard?

4.4 Floor space ratio

(1) The objectives of this clause are as follows:

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

2.2 Is compliance with the standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”.

The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Floor Space Ratio control will not adversely affect the amenity of any neighbouring properties.

2.3 Is compliance with the development standard unreasonable or unnecessary?

This assessment requires consideration as to whether the proposal meets the underlying objectives of the Floor Space Ratio standard.

The underlying objective or purpose of the Floor Space Ratio is *to establish a maximum floor space ratio to enable appropriate development density, to ensure development density reflects its locality, to provide an appropriate transition between development of different densities, to minimise adverse impacts on local amenity, to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

The maximum Floor Space Ratio control is a "development standard" to which exceptions can be granted pursuant to Clause 4.6 of IWLEP2022

PROPOSED VARIATION & RATIONALE

The subject site falls within the 0.7 : 1 maximum Floor Space Ratio requirement consistent with the 176.48m² lot size.

FLOOR SPACE RATIO	173 / 352.96m ² 0.49 : 1	132.60 / 176.48 m ² 0.75 : 1	132.60 / 176.48 m ² 0.75 : 1	0.7 : 1 MAX.	NO 7.1% level of non-compliance
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This assessment requires consideration as to whether the proposal meets the underlying objectives of the Floor Space Ratio standard.

The underlying objective or purpose of the FSR standard is to restrict over development of the site by controlling the bulk and scale of the building in order to minimise the impacts of the proposal on the neighbouring properties and on the amenity of the surrounding locality.

In the context of this development proposal, strict compliance with the floor space ratio requirement of 0.7 : 1 is unreasonable and unnecessary as the increase is appropriate within its context having inconsequential and imperceptible effects on the adjoining immediate and intermediate amenity for the following justifiable reasons.

- Despite the 7.1% level of non-compliance the proposed increase is imperceptible and inconsequential in its effects particularly where compliance with the Landscape, Site Coverage, Private Open Space, Building Location Zones are achieved and where there are no adverse impacts on the adjoining amenities, streetscape compatibility and separation between adjoining forms and the positive contributions it provides to the overall Distinctive Neighbourhood Area;
- It is noted that our adjoining neighbour at No.7 Emily Street was approved by Council under D/2015/21 with a 44% Level of non-compliance and as such request the same assessment considerations afforded to that application particularly where our level of non-compliance sought is at 7.1%;
- The proposal on balance seeks the better designed outcome within the context of the site compatible with the immediately adjoining and intermediate forms and Building Location Zones within the overall streetscape and subdivision pattern of development;
- The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings within Emily Street;
- The minor increase will have no adverse solar amenity impacts on the adjoining amenities particularly due to the rear northern orientation of the site where solar access to neighbouring courtyards and directly accessible living area are currently maintained;

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- The minor increase does not create any privacy impacts on the adjoining amenities due to the careful placement of courtyards, atriums and window positions;
- The imperceptible and inconsequential increase is further justified against a proposal that is outweighed by the positive contributions that the development presents and contributes to the overall streetscape appearance ensuring that the proposed external works will have a significant improvement on the overall character of the streetscape within the suburb of Leichhardt and the Piperston Distinctive Neighbourhood ;
- It is anticipated that this FSR increase is sensitive to the local environment and is socially responsive to the needs of the community. The capacity of the community's infrastructure and the road networks will not be affected as the minor increase in floor space will not allow for the development to allow or provide for an increase of people who would reside in this limited development;
- The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape that uphold the Piperston Distinctive Neighbourhood Controls ;

CASE STUDY

Wehbe V Pittwater Council (2007) NSW LEC 827

In Wehbe V Pittwater Council (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded, and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Having regard to all of the above, it is our opinion that compliance with the landscaped area development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives.

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2.4 Is the objection well founded?

The objection is well founded as this the variation from the standard, as proposed, is considered reasonable, in the circumstances of this case, as the proposal still meets the overall objectives behind the standard by ensuring its intensity are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape appearance.

Notwithstanding the justifiable noncompliance in floor space ratio, the proposed alterations and additions will not generate any adverse environmental impacts on the immediate residential precinct, the key features of which are expressed below;

- The building envelope will not give rise to any significant impacts to adjoining or surrounding properties with regards to loss of views, loss of sunlight or loss of privacy;
- The building provides for a positive outcome in terms of building appearance, residential amenity and housing choice;
- The proposal building form, scale & height is comparable to the predominate existing and likely future forms within the overall streetscape;
- It is anticipated that this minor non-compliance in floor space ratio is sensitive to the local environment and is socially responsive to the needs of the owners.

2.5 CONSISTENCY WITH STATE AND REGIONAL PLANNING POLICIES AND PUBLIC BENEFIT

The proposed variation does not raise any matters of regional or state significance. For the reasons outlined in the foregoing, in the circumstances of the subject site, the variation will not conflict any public benefit associated with maintaining the development standard. The variation to the landscaped area currently exists on the site and the proposal brings the landscape area closer to compliance. Given these circumstances, the proposed variation would not set an undesirable precedent or undermine the standard. The proposal exhibits a level of design excellence, therefore being consistent with the objects of metropolitan planning and the EP&A Act, 1979.

2.6 CONCLUSION

On the basis of the above assessment, it is considered that strict compliance with the Floor Space Ratio development standard is unreasonable and unnecessary in the circumstances and that given the unique site circumstances, there would be no public benefit in strictly applying the standard.

The proposed variation is numerically minor in its effects, achieves the Floor Space Ratio objectives and performs exceptionally in terms of occupant amenity considerations compared with the existing development on the site and displays a high level of architectural quality.

The development is compatible with its existing surrounds and will improve the site with a high quality contrasting contemporary addition to the retained primary corner shop character form that contributes to the streetscape.

The proposed variation does not raise any matters of regional or state significance. For the reasons outlined in the foregoing, in the circumstances of the subject site, the variation will not conflict any public benefit associated with maintaining the development standard.

The variation to the Floor Space Ratio currently exists on the site and the proposal brings the landscape area closer to compliance. Given these circumstances, the proposed variation would not set an undesirable precedent or undermine the standard. The proposal exhibits a level of design excellence, therefore being consistent with the objects of metropolitan planning and the EP&A Act, 1979.

For these reasons, the proposal sits within the threshold of warranting an "appropriate degree of flexibility" to be applied to "achieve a better outcome for and from development", being the specific aims of Clause 4.6.