





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0771
Address	86 Rowntree Street BIRCHGROVE NSW 2041
Proposal	Alterations and additions to existing dwelling house
Date of Lodgement	18 September 2020
Applicant	Mr Leonard V Hambleton Ms Rhian N Czech
Owner	Mr Leonard V Hambleton Ms Rhian N Czech
Number of Submissions	0
Value of works	\$150,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Variation to Floor Space Ratio Development Standard Variation to Site Coverage Development Standard Variation to Soft Landscaping Development Standard Form of rear skillion dormer addition
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		N ↑
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing dwelling-house at 86 Rowntree Street Birchgrove. The application was notified to surrounding properties and no submissions were received in response.

The main issues that have arisen from the application include:

- Form of rear skillion dormer not appropriate within conservation area
- Variation to Floor Space Ratio development standard
- Variation to Site Coverage development standard
- Variation to Soft Landscaping development standard

Subject to recommended conditions the proposal can be made acceptable with regard to the form of the rear dormer addition. The non-compliances in relation to soft landscaping, site coverage and floor space ratio are acceptable given they are not considered to impact surrounding properties and therefore the application is recommended for approval.

2. Proposal

The proposal is for alterations and additions to an existing dwelling. At ground floor, layout changes are proposed and a small addition is intended to “square out” the rear ground floor. Some landscaping changes are also proposed in the rear yard. At first floor level layout changes are proposed which are all internal. A new attic level bedroom is proposed including a rear skillion dormer with sliding doors and balustrade (Juliet balcony).

3. Site Description

The subject site is located on the north western side of Rowntree Street, between Spring Street and Macquarie Terrace. The site consists of one allotment and is generally rectangular in shape with a total area of 116.2 sqm.

The site has a frontage to Rowntree Street of 5.05 metres. The site is affected by a number of easements including a right of footway between 84 and 86 Rowntree Street.

The site currently supports a two storey dwelling which is significantly raised above street level. The subject dwelling shares party walls at least in part with the adjoining dwellings at 84 and 88 Rowntree Street. These adjoining dwellings have a similar two storey built form significantly raised above street level.

The property is located within a conservation area.

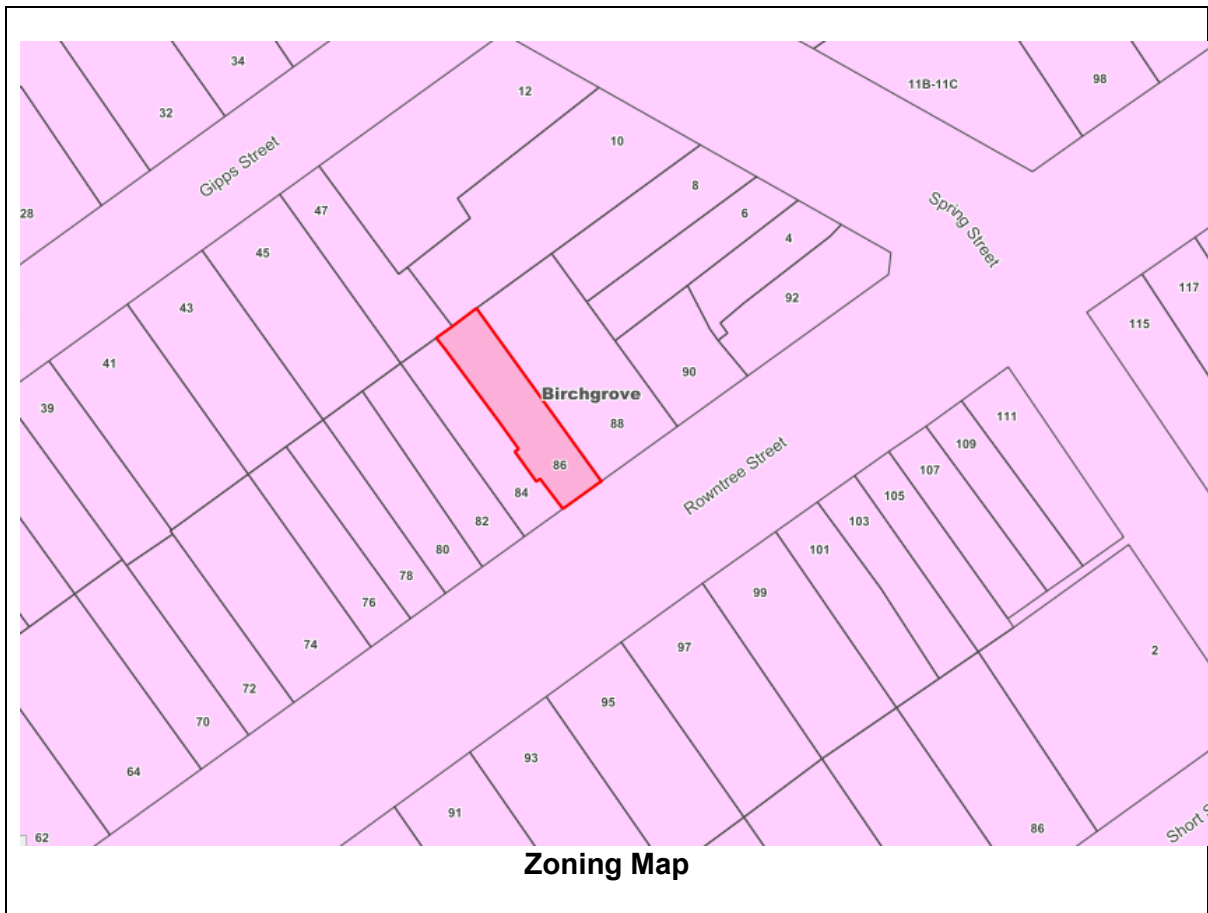


Photo 1: View from Rowntree Street, No.86 is the middle building (light grey)



Photo 2: Photo taken from rear courtyard of site looking south, 86 Rowntree is the property on the left (light grey)



Photo 3: Photo of existing rear roof plan where rear skillion dormer to be located. Photo taken from rear first floor verandah looking south.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2020/0114	Alterations and additions to dwelling	Pre-DA advice Issued 11.5.2020.

Surrounding properties84 Rowntree Street

No recent relevant applications.

88 Rowntree Street

No recent relevant applications.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
18.12.2020	Email request to applicant to request party wall consent, more detailed floor plan of attic, new 4.6 exceptions for soft landscaping and FSR. Plan of redefinition. Council planner spoke to architect on 18.12.2020 to discuss the above email request.
21.12.2020	Architect submitted 4.6 exception for landscaping and FSR, amended floor plan for attic, amended section which demonstrates ceiling height can work. Planner and architect had a phone call where the architect advised they were happy to accept conditions for more specific details of dormer with regard to windows etc. It was agreed that a condition would be imposed regarding the Plan of Definition requirement.
15.1.2021	Council planner spoke to architect and emailed requesting 4.6 exception for site coverage.
8.02.2021	Architect submitted 4.6 Exception for site coverage.

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*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

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

5(a)(ii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment or open space and recreation facilities.

The subject site is not located within the Foreshores and Waterways Area.

5(a)(iii) Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

Clause 1.2 - Aims of the Plan
Clause 2.3 - Zone objectives and Land Use Table
Clause 2.7 - Demolition
Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
Clause 4.4 – Floor Space Ratio
Clause 4.5 - Calculation of floor space ratio and site area
Clause 4.6 - Exceptions to development standards
Clause 5.10 - Heritage Conservation
Clause 6.1 - Acid Sulfate Soils
Clause 6.2 - Earthworks
Clause 6.4 - Stormwater management

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *LLEP 2013*. The *LLEP 2013* defines the development as:

Dwelling house means a building containing only one dwelling

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

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 1:1 or 116.2 sqm	1.12:1 or 130.57 sqm	14.37 sqm or 12.37%	No
Landscape Area Minimum permissible: 15% or 17.43 sqm	5.35% or 6.22sqm	11.21 sqm or 64.31%	No
Site Coverage Maximum permissible: 60% or 69.72 sqm	68.8% or 79.96sqm	10.24 sqm or 14.69%	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Landscaped areas for residential accommodation in Zone R1 (soft landscaping and site coverage) and Floor space ratio development standards under Clauses 4.3A(3)(a), 4.3A(3)(b) and 4.4 respectively of the Leichhardt Local Environmental Plan 2013 by 64.31% (11.21 sqm – soft landscaping), 14.69% (10.24 sqm) site coverage and 12.37% (14.37 sqm) – floor space ratio.

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exceptions to the development standards have been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt Local Environmental Plan 2013 below.

Landscaped Area

A written request has been submitted to Council in accordance with Clause 4.6(3) of the Leichhardt Local Environmental Plan 2013 justifying the proposed contravention of the development standard which is summarised as follows:

Soft Landscaping

- *Existing area of landscaping represents a non compliance from the development standard, the proposed development seeks to improve these landscaped areas for visual privacy.*
- *In order to comply with the written planning instrument the subject lot would require 17.52sqm of Landscaping.*

- *The new proposal maintains a minimum of 16sqm of private open space in addition to and increasing the existing landscaping. Whilst the landscaping is not compliant with the written instrument it is an improvement from the existing landscaping calculation. The proposal uses permitter planting to maintain visual and acoustic privacy for the dwelling.*

Site Coverage

- *Site coverage is not to exceed 60% of the site area to allow for opportunities for setbacks and landscaping. As the landscaping component of this application is increased from the existing, this satisfies the objective of the maximum site coverage calculation.*
- *With a existing site coverage of 74.9% the existing dwelling exceeds the maximum allowable under the above definition. The proposed increase is for 4sqm on the ground floor to the rear of the property. This increase is of no environmental impact to neighbours and is not visible from the street.*

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt Local Environmental Plan 2013 for the following reasons:

The R1 General Residential relevant zone objectives are

- *To provide for the housing needs of the community*
- *To provide for a variety of housing types and densities*
- *To improve opportunities to work from home*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

Consideration:

- The proposal provides for a larger more flexible layout for modern living
- The proposal improves opportunities to work from home
- The proposal is compatible with the character of the conservation area and surrounding dwellings
- The proposal increases the amount of landscaped area on site
- The proposal improves the amenity of the dwelling for the occupants whilst not impacting on the amenity for surrounding nearby properties.

It is considered the development is in the public interest because it is consistent with the objectives of the Landscaped areas for residential accommodation in Zone R1 (soft landscaping and site coverage)g, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt Local Environmental Plan 2013 for the following reasons:

The relevant objectives of the Landscaped Area development standard are:

- *To provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents*
- *To maintain and encourage a landscaped corridor between adjoining properties*
- *To ensure that development promotes the desired future character of the neighbourhood*
- *To encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and my minimising obstruction to the underground flow of water*
- *To control site density*
- *To limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

Consideration:

- The landscaping provided on site is increased by the proposal and would allow for a small tree to be planted and a landscape corridor at the rear of the properties
- The increased soft landscaping will increase the absorption of surface drainage water on site.
- Adequate private open space is provided.

The objectives of the Site Coverage development standard are:

- *To provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents*
- *To maintain and encourage a landscaped corridor between adjoining properties*
- *To ensure that development promotes the desired future character of the neighbourhood*
- *To encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and my minimising obstruction to the underground flow of water*
- *To control site density*
- *To limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

Consideration:

- The development is consistent with the desired future character of the neighbourhood
- Although the proposal slightly increases the building footprint this is balanced by an increase in soft landscaping on site and there is still a sufficient area of private open space.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the contravention of the Landscaped areas for residential accommodation in Zone R1 development standards and it is recommended the Clause 4.6 exceptions be granted.

Floor Space Ratio

A written request has been submitted to Council in accordance with Clause 4.6(3) of the Leichhardt Local Environmental Plan 2013 justifying the proposed contravention of the development standard which is summarised as follows:

- *The objective of the Floor Space Ratio control is to limit bulk and scale of a development, the proposed development seeks to increase floor space to the rear on the ground floor, which is of no environmental impact to surrounding dwellings and via a dormer roof window to the rear of the existing roof plane. While numerically the Floor Space Ratio control is not adhered to, the intent of the control is enforced via the limitation of the impact of bulk and scale on neighbouring allotments.*
- *The extension of floor space of the ground floor extension by 3qm is of no environmental impact to neighbours or surrounding dwellings. The 2nd floor dormer window is an acceptable increase in floor area as there is no perceivable change to the building envelope. As there is no environmental impact or perceivable change to the building, the proposal satisfies the intent of the Floor Space Ratio control.*

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

- *To ensure that residential accommodation –*
 - (i) *Is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
 - (ii) *Provides a suitable balance between landscaped areas and the built form, and*
 - (iii) *Minimises the impact of the bulk and scale of buildings.*
- Given the location of the additions the proposal is compatible with the desired future character as the additional bulk is minimal being contained principally with the existing roof form and a ground floor single storey small addition
- Given the small size of the site and the change in level from the street to the ground floor there is a suitable balance in this instance between landscaped areas and the built form.
- By providing a rear skillion dormer the impact of the bulk and scale of the building is minimised.

As set out in the section above, it is considered that the proposal adequately satisfies the objectives of the zone.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the contravention of the Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 – Heritage Conservation

The subject property is a contributory dwelling within the Iron Cove Heritage Conservation Area. The proposal includes a rear skillion dormer window to the rear roof plane in the main gable roof form. The DA was originally submitted with a curved skillion dormer as shown below in Figure 1. The application was referred to Council’s heritage advisor who advised that the curved form of the dormer was not supported, that the dormer should slope in the same direction as the roof, that the glazing in the dormer would need to be reduced and use timber framed windows, not have fins walls and that the side walls of the dormer (cheeks) be a more appropriate material than the proposed colorbond.

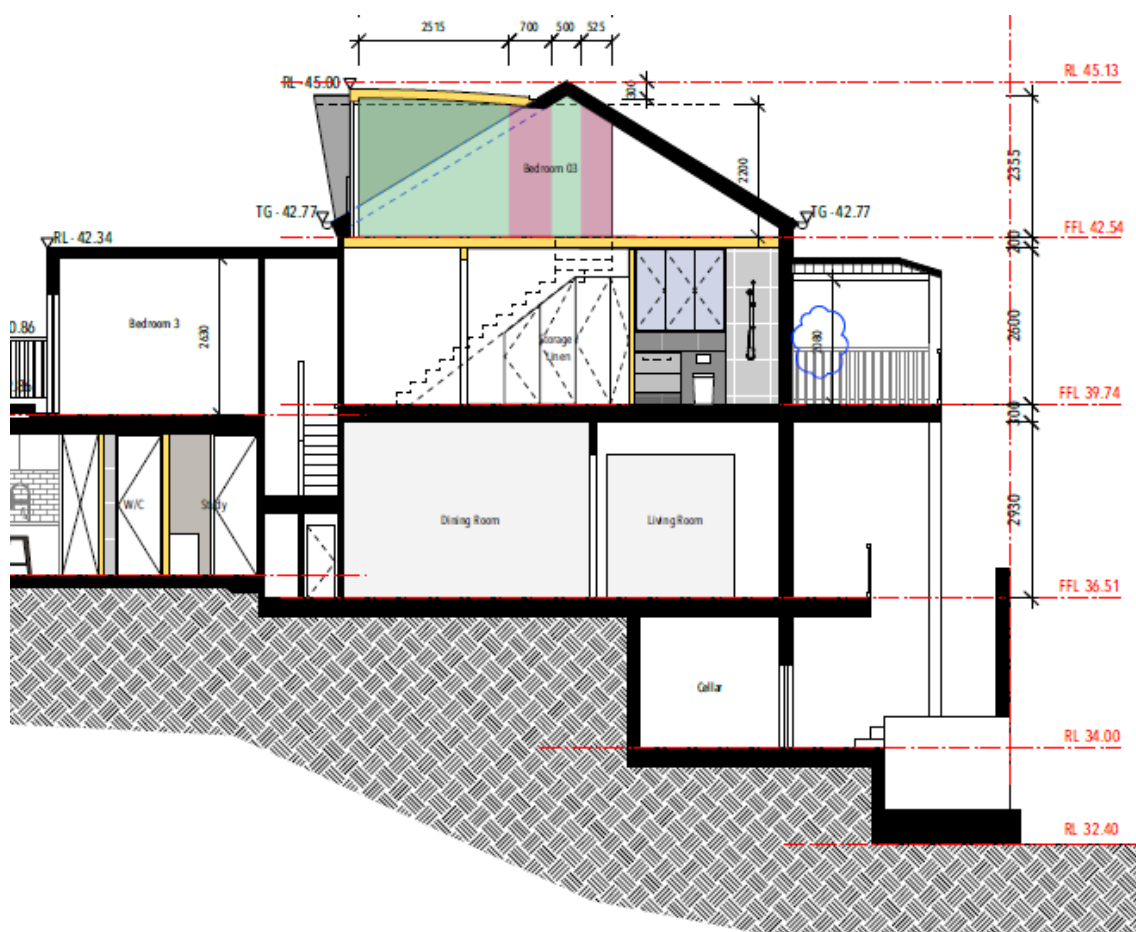


Figure 1: Part of original section depicting curved skillion dormer.

The applicant was contacted and has altered the form of the dormer such that it is able to be conditioned to comply with the outstanding heritage requirements. This was achieved by lowering the RL of the floor of the attic level to achieve required ceiling heights. Figure 2 below shows the new proposed form of the rear skillion dormer.

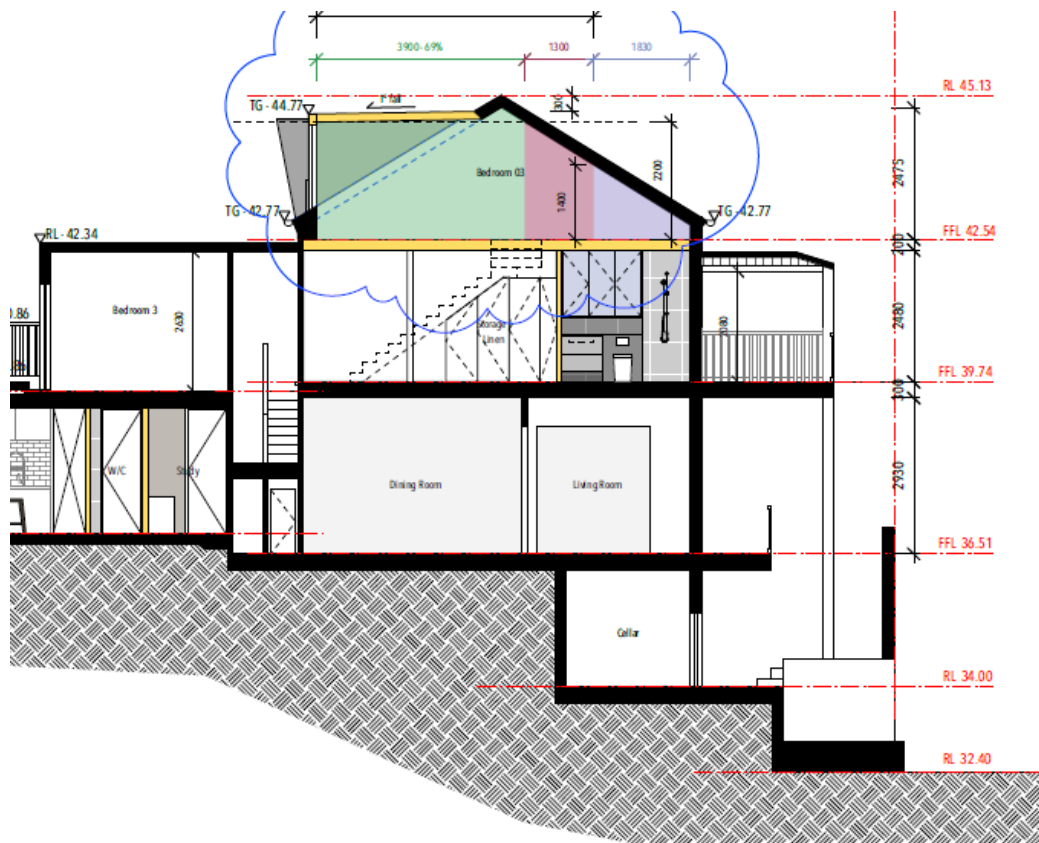


Figure 2: Part of amended section detailing a more traditional dormer form

The applicant has only provided an amended section and floor plan at this stage and they are open to the dormer being conditioned to comply with the heritage officer's recommended requirements which include the following;

- The proposed glazing to the northern (rear) elevation of the dormer is to be replaced with vertically proportioned timber framed windows which have a maximum height of 1.2m;
- The window frames, front lining boards, fascias and barge boards are to be painted timber;
- The side elevations (cheeks) of the dormer are to be weather boards, or shingles or fibre cement sheet with battens over joints and edges;
- The eave of the rear skillion dormer is to extend past the vertical face of the windows;
- The shade awning above the windows and fin wall extensions on the eastern and western elevations are to be deleted.

Council's heritage advisor would also prefer that the remaining original internal layout of the dwelling is retained by having nib walls that are proposed to be demolished between the living and dining rooms. However, Council's heritage advisor does acknowledge that State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not require retention of nib walls therefore this is included as an advisory note rather than a recommended condition.

Subject to the recommended conditions for the rear skillion dormer the overall proposal is considered to be acceptable with regard to Clause 5.10 – Heritage Conservation.

5(b) Draft Environmental Planning Instruments

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

The amended provisions contained in the Draft IWLEP 2020 are not especially relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	No – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	

C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	No – see discussion
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A

The following provides discussion of the relevant issues:

C1.3 – Alterations and additions and C1.4 – Heritage Conservation Areas and Heritage Items

The proposal includes a rear skillion dormer with Juliet style rear glazed doors and colorbond for the side elevations of the dormer. The features of the additions are not considered to satisfy the following objective and control.

Control C5 of C1.3 states that new materials and fenestrations of alterations and additions shall be compatible with the existing building and objective O1a of C1.4 states that development does not represent an unsympathetic alteration or addition to a building.

As detailed above under Clause 5.10 – Heritage Conservation of the LLEP 2013, the site is located in a heritage conservation area. Subject to recommended conditions with regard to the rear skillion dormer it could be altered to satisfy the above control and objective and have a more appropriate form in relation to glazing and use more appropriate materials, which would be a satisfactory outcome.

C3.8 - Private Open Space

The proposal does not comply with control C1b as the private open space does not have a minimum dimension of 3m in both directions. The private open space has a maximum width of 2.25m from the rear wall of the dwelling to the rear boundary however the width of the private open space does comply with the 3m requirement. The existing private open space layout also does not provide a minimum dimension of 3m in length and width. The area of open space provided is considered acceptable in this instance as it meets the minimum area requirement of 16sqm and is considered to be of an appropriate size and dimension for the size of the site and is a usable space for the occupants having regard to the constraints of the site.

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

The survey provided with the application has identified the subject land as limited title (old system) and it is recommended that a plan of redefinition be carried out to remove the limitation prior to any redevelopment on the site. Accordingly, a condition is recommended that this is carried out prior to the issue of a Construction Certificate.

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

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties, 0 submissions were received in response to the initial notification.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage – Acceptable subject to recommended conditions.

6(b) External

The application was not required to be externally referred.

7. Section 7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$750 would be required for the development under Section 7.12 Development Contributions Plan for the Former Leichhardt Area. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clauses 4.3A(3)(a), 4.3A(3)(b) and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variations. The proposed development will be in the public interest because the variations are not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0771 for alterations and additions to existing dwelling-house at 86 Rowntree Street BIRCHGROVE NSW 2041 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
Dwg No. DA 001	Proposed Site Plan	09.09.20	COSO Architecture
Dwg No. DA 002	Proposed Basement Floor Plan	09.09.20	COSO Architecture
Dwg No. DA 003	Proposed Ground Floor Plan	09.09.20	COSO Architecture
Dwg No. DA 004	Proposed First Floor Plan	09.09.20	COSO Architecture
Dwg No. DA 005 Rev A	Proposed Second Floor Plan	21.12.20	COSO Architecture
Dwg No. DA 006	Proposed Roof Plan	09.09.20	COSO Architecture
Dwg No. DA 007 Rev A	Proposed Section AA	21.12.20	COSO Architecture
Dwg No. DA 009	Proposed South (Front) Elevation	09.09.20	COSO Architecture
Dwg No. DA 010	Proposed North (Rear) Elevation	09.09.20	COSO Architecture
Dwg No. DA 011	Proposed West Elevation	09.09.20	COSO Architecture
Dwg No. DA 012	Proposed East Elevation	09.09.20	COSO Architecture
Dwg No. DA 019	Material and Finishes Schedule	09.09.20	COSO Architecture
A389676	BASIX Certificate	09 September 2020	Connor + Solomon Architects

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

1. The skillion dormer proposed in the rear roof plane of the main gable roof form is to be redesigned in accordance with the following :
 - a. The eastern and western side elevations of the rear skillion dormer are to be amended to reflect the form of the dormer in the approved "Section" plan numbered DA 007 Rev A dated 21.12.2020;

- b. the glazing to the rear skillion dormer on the northern (rear) elevation is to be replaced with vertically proportioned timber framed windows which have a maximum height of 1.2m;
- c. the window frames, front lining boards, fascias and barge boards are to be painted timber;
- d. the side elevations (cheeks) of the dormer are to be weather boards, or shingles or fibre cement sheet with battens over joints and edges;
- e. The eave of the rear skillion dormer is to extend past the vertical face of the windows;
- f. The shade awning above the windows and fin wall extensions on the eastern and wester elevations are to be deleted.

FEES

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

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$ _____750_____

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

4. Long Service Levy

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

5. Security Deposit - Standard

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

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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.

GENERAL CONDITIONS

6. Waste Management Plan

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

7. Erosion and Sediment Control

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

8. Works Outside the Property Boundary

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

9. Plan of Redefinition

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a survey plan of redefinition with proof of registration at NSW Land Registry Services.

PRIOR TO ANY DEMOLITION**10. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining properties at 84 Rowntree Street and 88 Rowntree Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

11. Advising Neighbors 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.

12. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE**13. Party Walls**

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

14. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

15. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION**16. 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.

17. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

18. 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.

ADVISORY NOTES**Prescribed Conditions**

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

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

Useful Contacts

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

Landcom www.dialprior toyoudig.com.au
9841 8660
To purchase copies of Volume One of "Soils and
Construction"

Long Service Payments Corporation 131441
www.lspc.nsw.gov.au

NSW Food Authority 1300 552 406
www.foodnotify.nsw.gov.au

NSW Government www.nsw.gov.au/fibro
www.diySAFE.nsw.gov.au
Information on asbestos and safe work
practices.

NSW Office of Environment and Heritage 131 555
www.environment.nsw.gov.au

Sydney Water 13 20 92
www.sydneywater.com.au

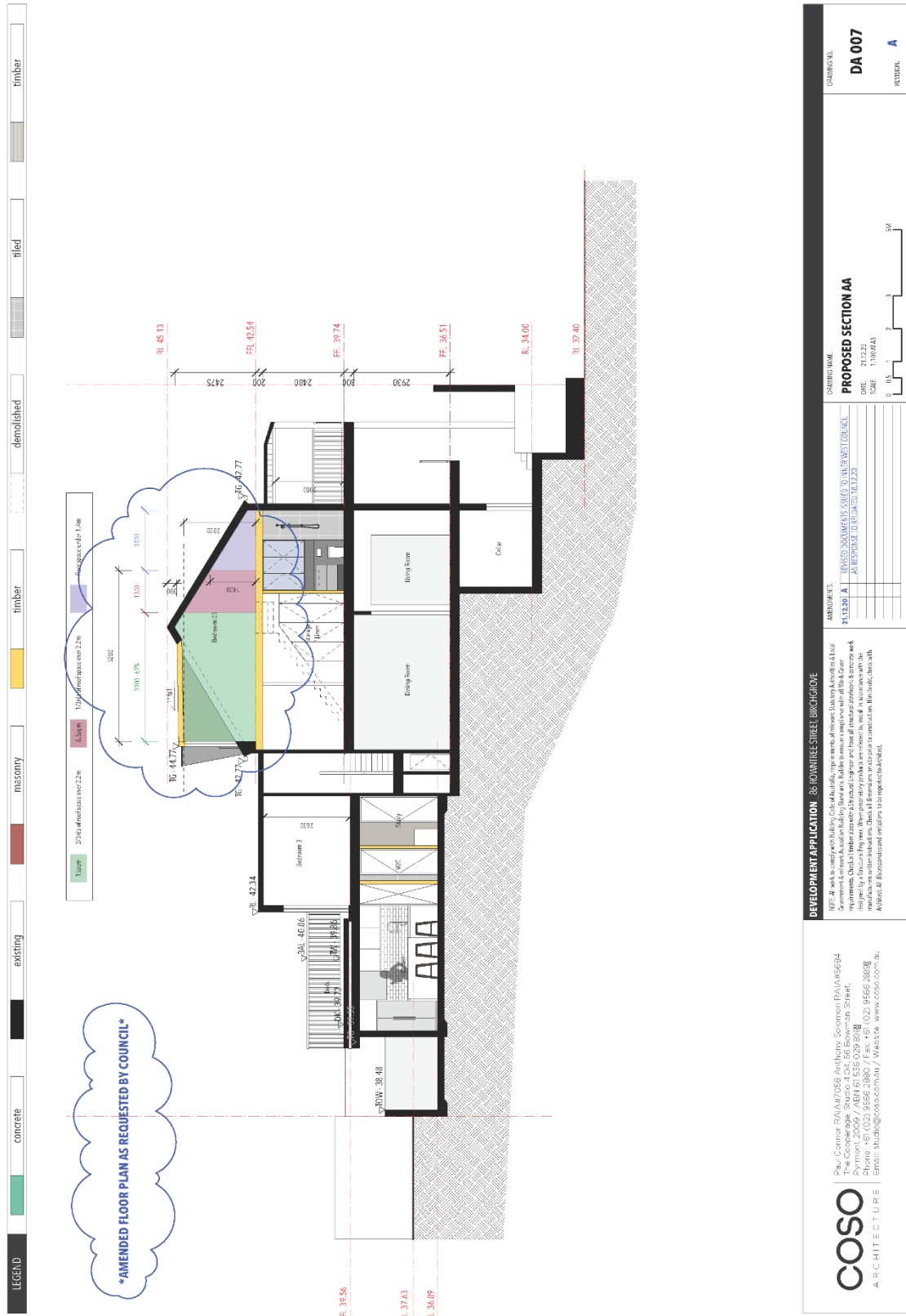
Waste Service - SITA 1300 651 116
www.wasteservice.nsw.gov.au

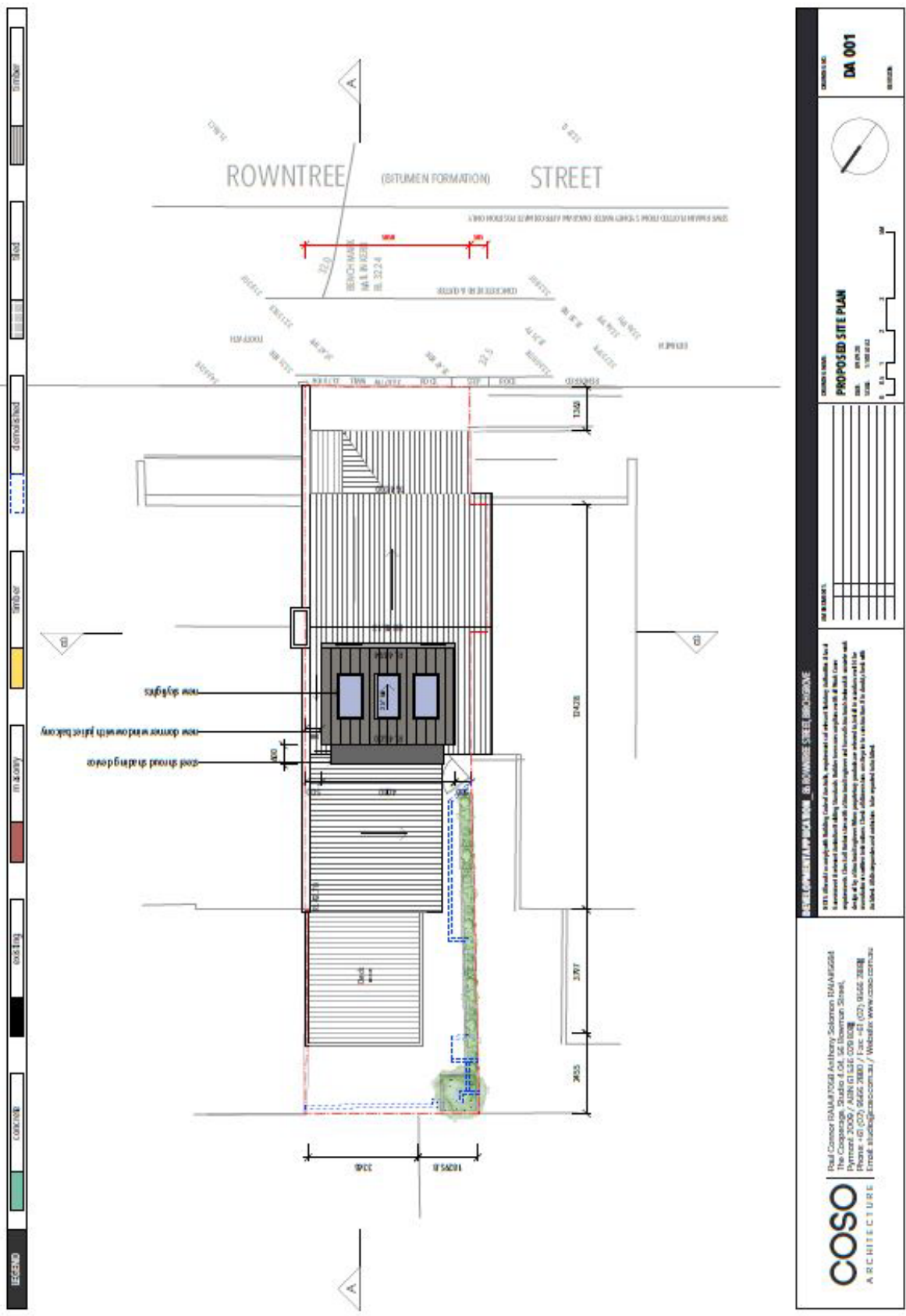
Environmental Solutions

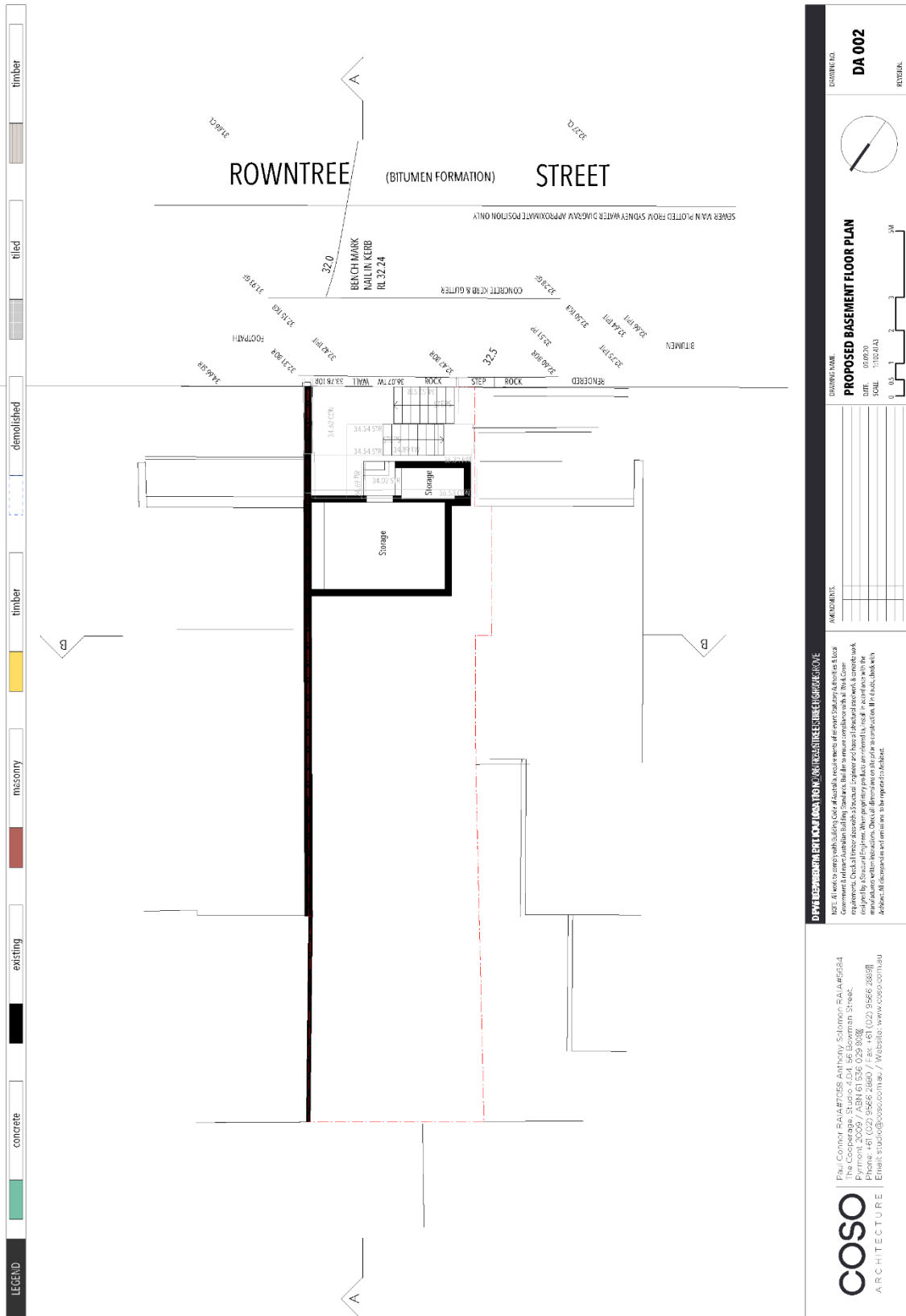
Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

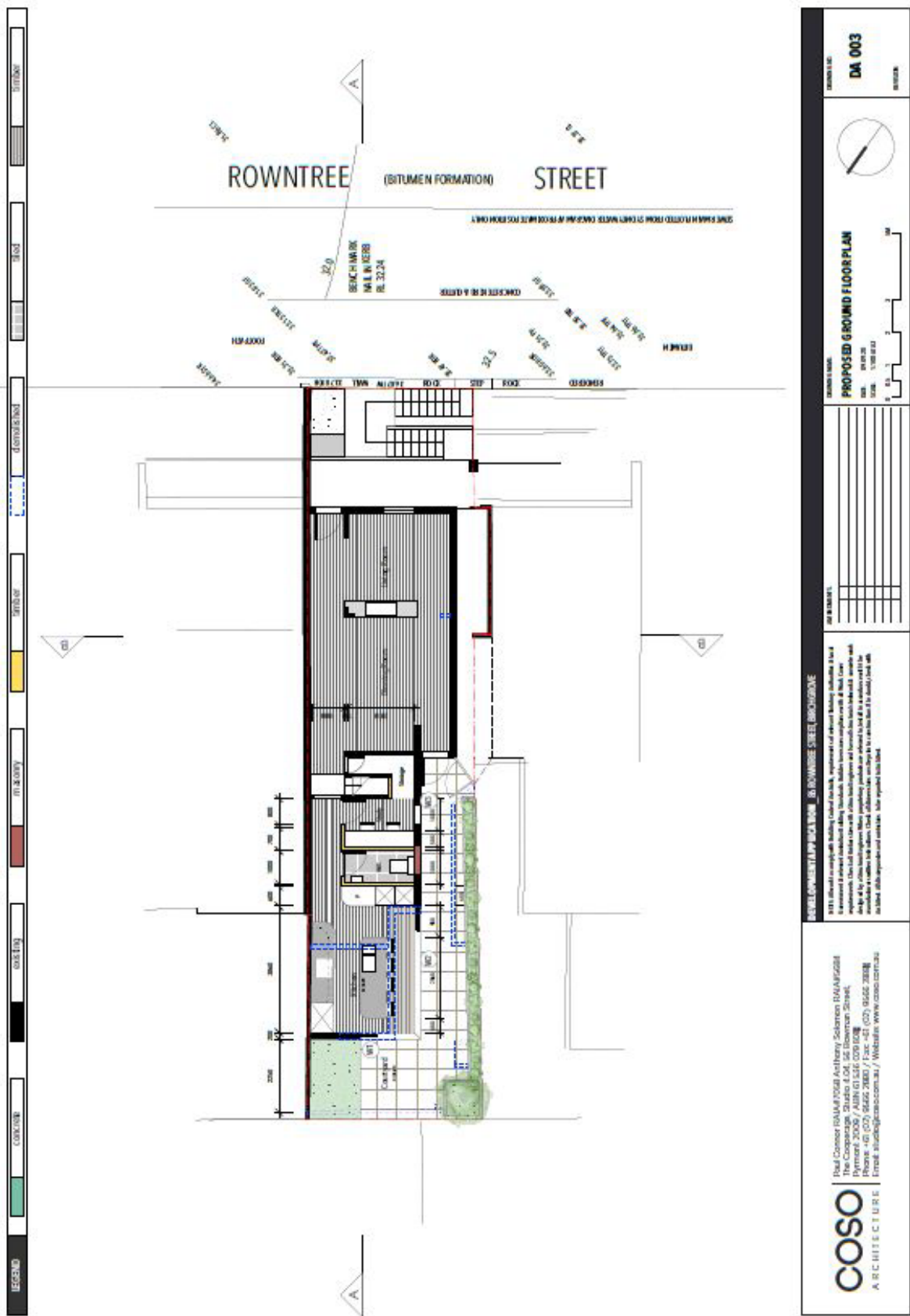
WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos
removal and disposal.

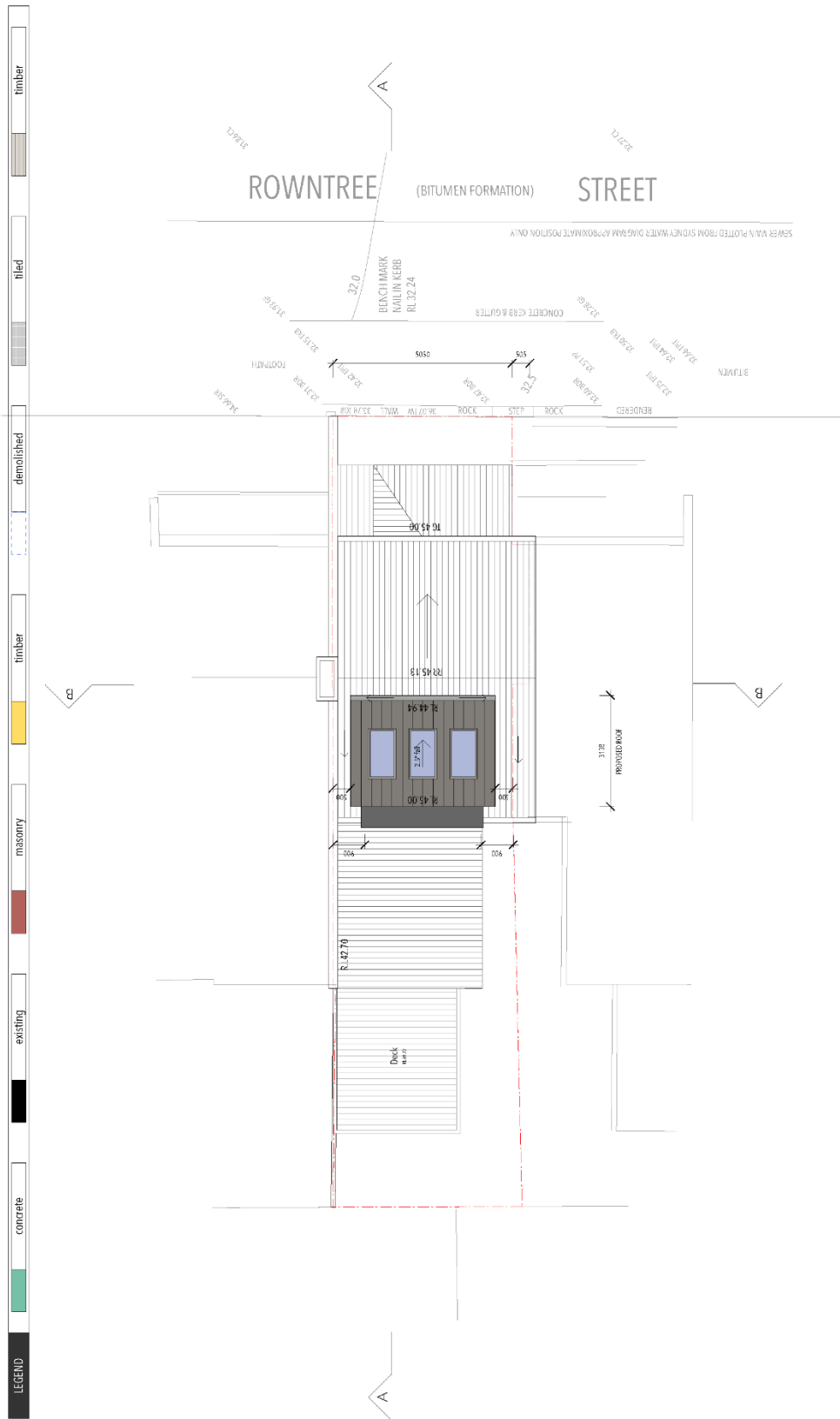
Attachment B – Plans of proposed development











LEGEND

- concrete
- existing
- masonry
- timber
- demolished
- tiled
- timber

PROPOSED ROOF PLAN

DATE: 08/03/20
SCALE: 1:100 (A3)

DRAWING NO: **DA 006**

DATE: 08/03/20

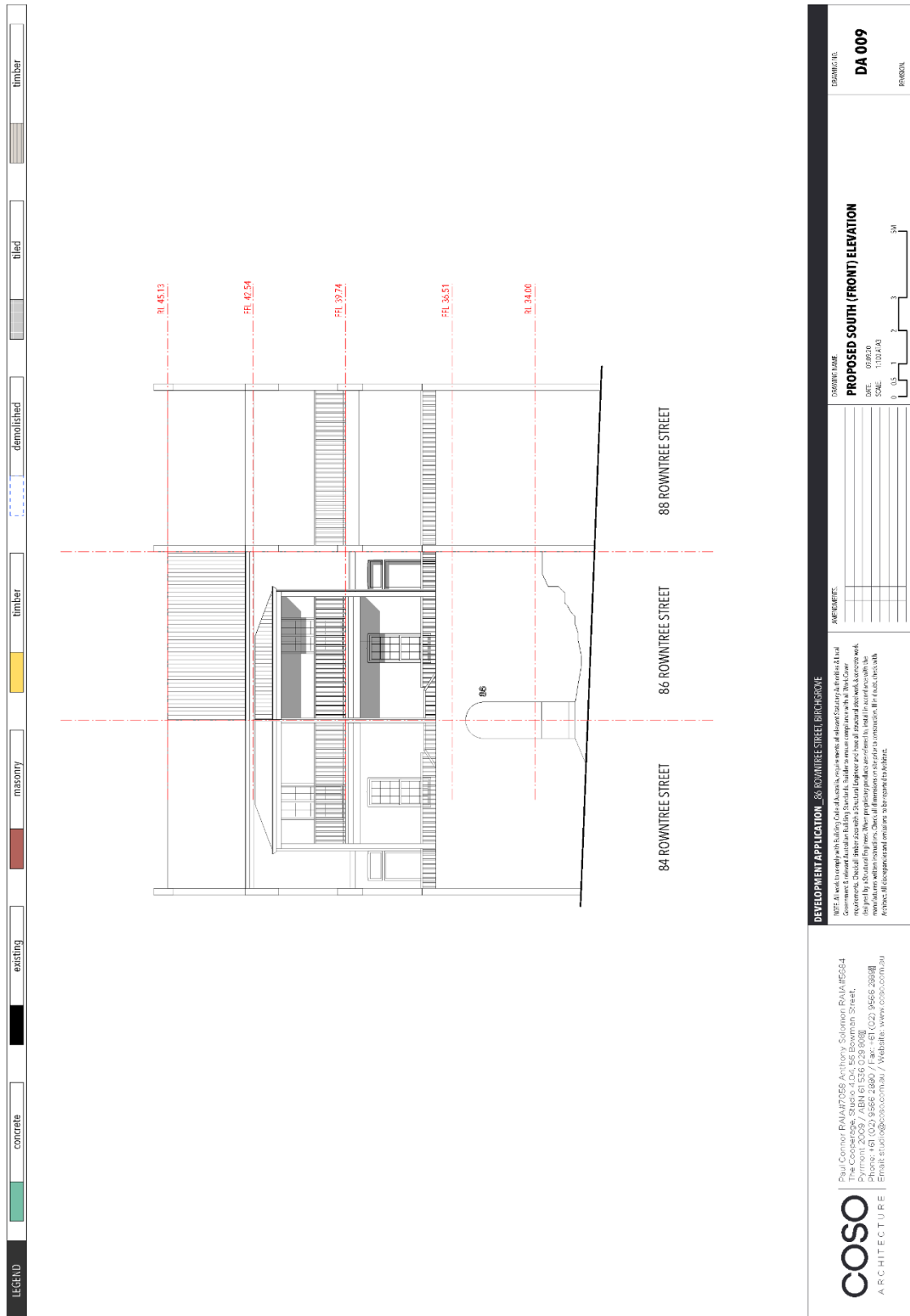
SCALE: 1:100 (A3)

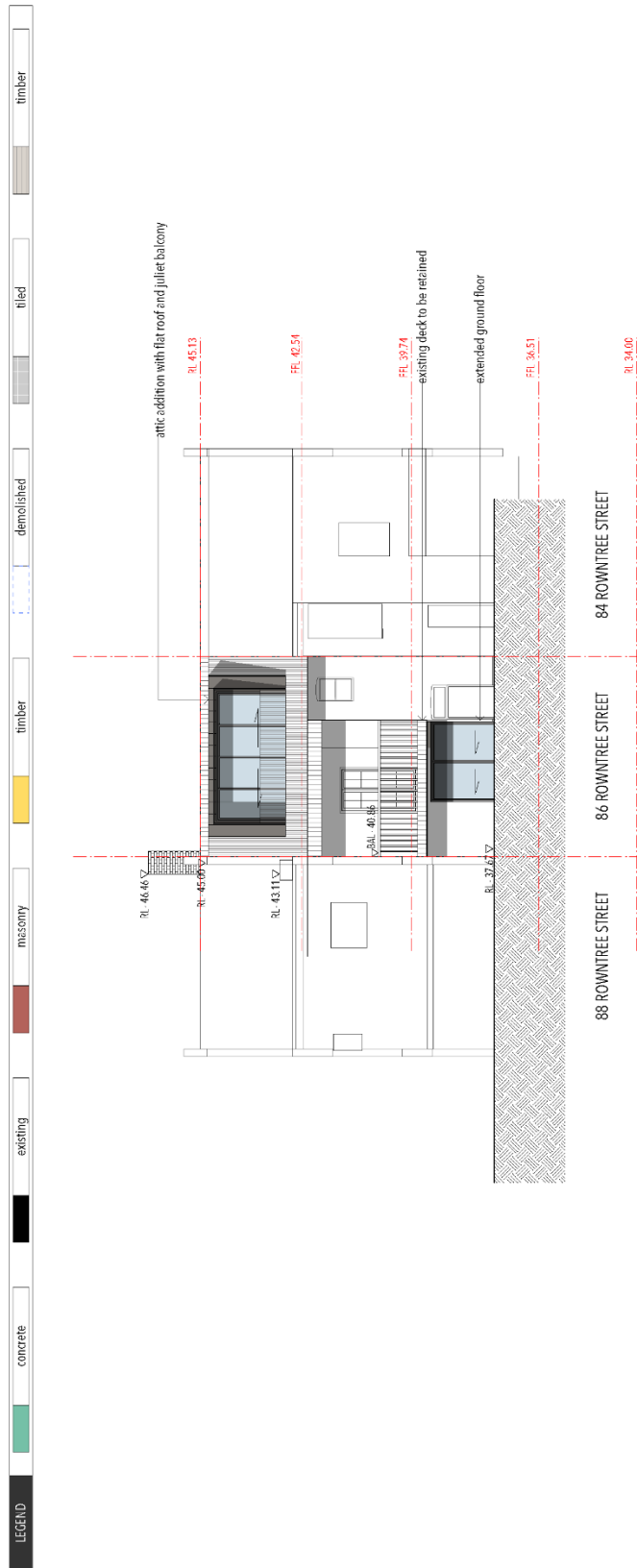
PROJECT: 66 ROWNTREE STREET BURGHOGBE

NOTE: All work to comply with Building Code of Australia, requirements of services, Statutory, fire, drainage & local government or other applicable Building Standards. Builder to ensure compliance with all Work Order. All work to be done in accordance with the Building Code of Australia. When preparing plans, refer to local council for compliance with the relevant building codes. Check all dimensions and materials before construction. All work to be done in accordance with the Building Code of Australia. All dimensions and materials to be stamped & certified.

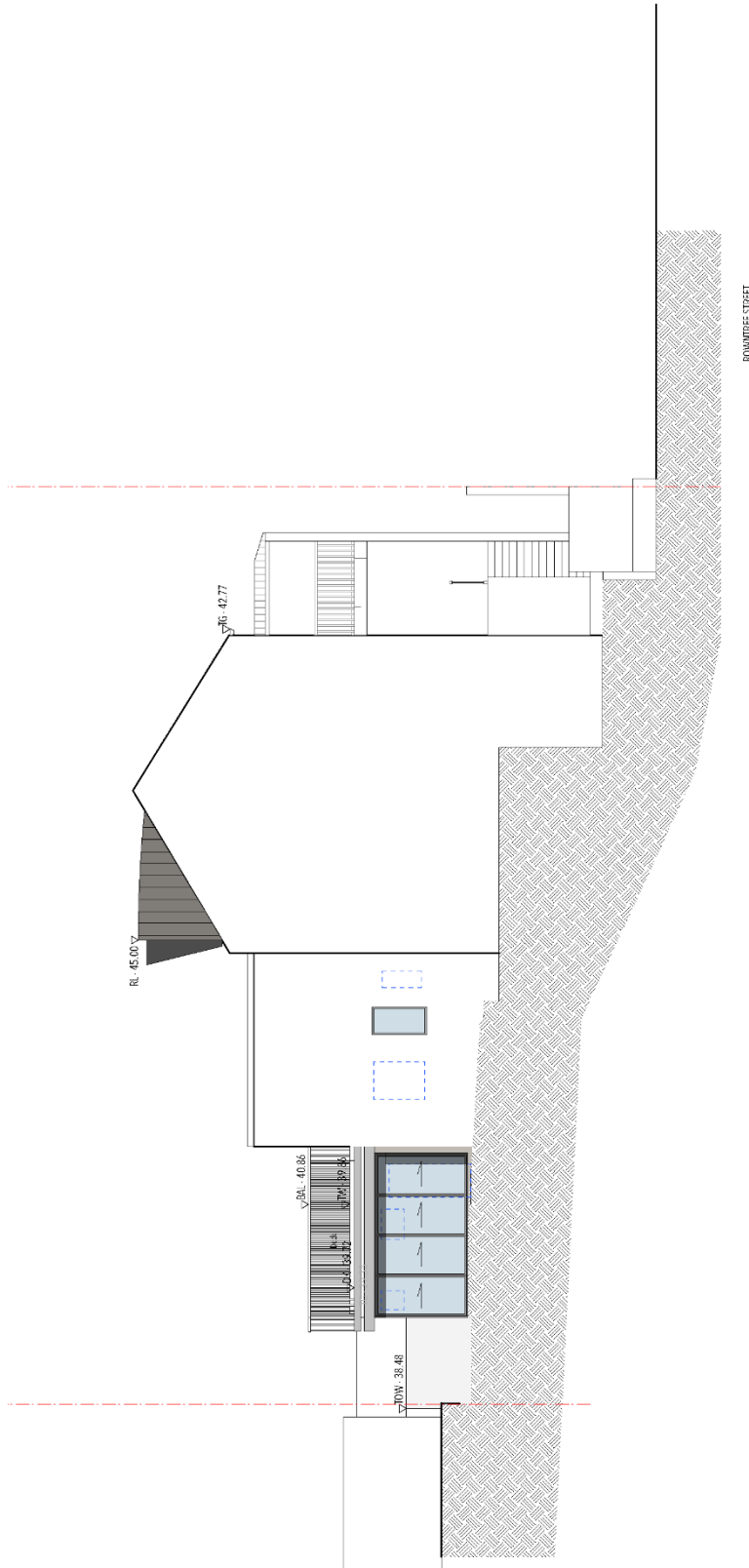
COSO
ARCHITECTURE

Paul Connor, BA15477058, Anthony Solomon, BA15462684
The Corporation, SU1070 4/04, 5/5 Bowman Street,
Pyrmont, 2009 / ABN 61 538 029 848
Phone: +61 (0)2 9562 2880 / Fax: +61 (0)2 9562 2880
Email: paul@coso.com.au / anthony@coso.com.au

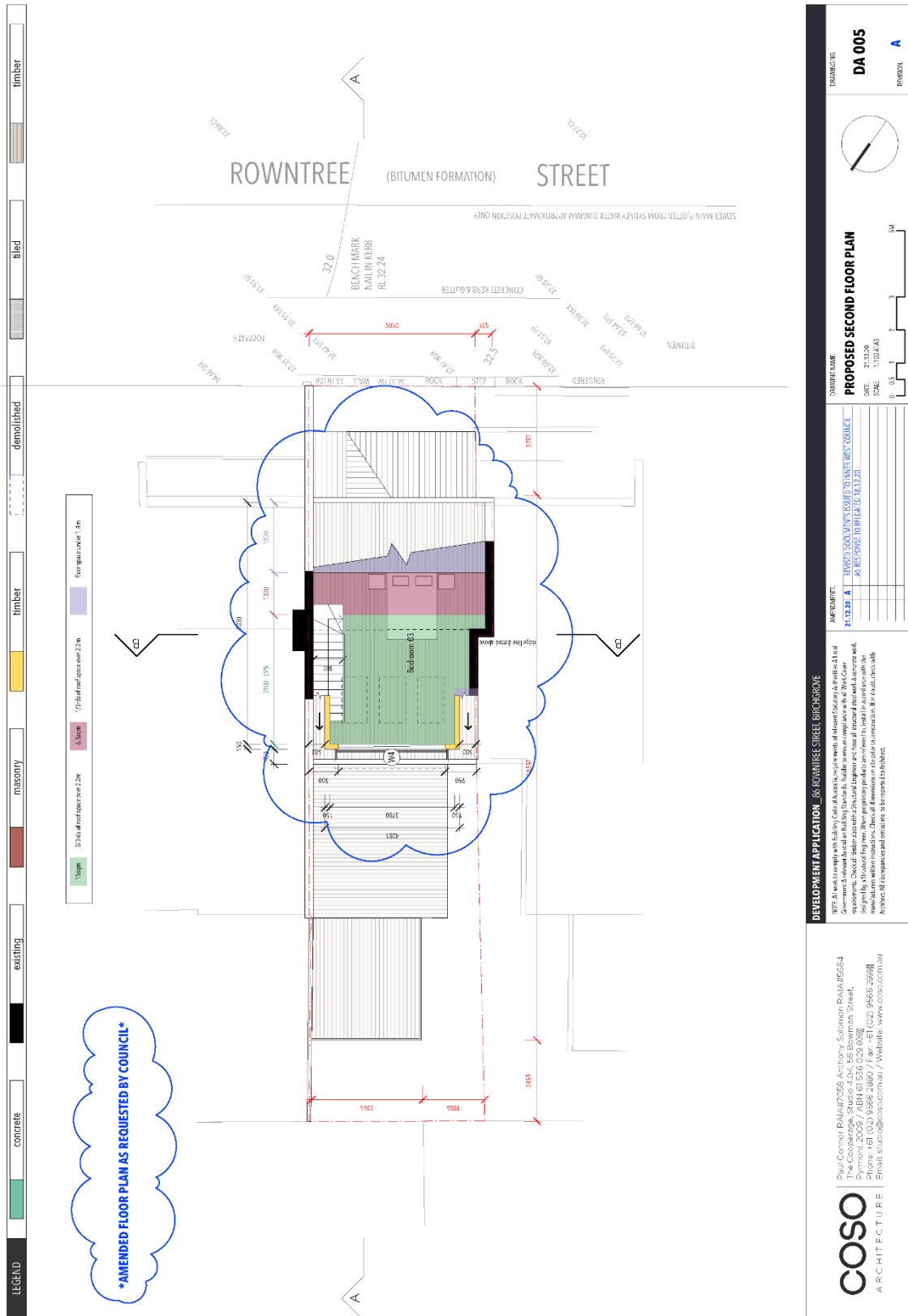




<p>LEGEND</p> <ul style="list-style-type: none"> concrete existing masonry timber demolished tiled timber 	<p>DEVELOPMENT APPLICATION: 86 ROWNTREE STREET, BIRCHGOVE</p> <p>NOTE: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. All fire-escape compliance with all New Code requirements. Civil & structural work to be completed prior to construction. All structural work to be completed prior to construction. Check of drawings are to be prior to construction. All work to be completed prior to construction. All work to be completed prior to construction.</p>	<p>DRAWING NO: DA 010</p> <p>REVISION:</p>
	<p>PROPOSED NORTH (REAR) ELEVATION</p> <p>SCALE: 1:100 (A3)</p> <p>0 1 2 3 4 5 6 7 8 9 10</p>	<p>DATE: 10/04/23</p>
<p>COSO ARCHITECTURE</p> <p>Paul Cooper, E: paul@coso.com.au, S: 02 9566 2884 Lisa Cooper, S: 02 9566 2884 Pyramont 2008 / ABN 61 534 029 893 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2890 Email: paul@coso.com.au / Website: www.coso.com.au</p>		



<p>COSO ARCHITECTURE</p> <p>Paul Connor RAIA147052 Anthony Solomon RAIA145684 1/100-1/102 Pitt Street Pyrmont NSW 1570 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DEVELOPMENT APPLICATION - 86 ROWMREE STREET, BIRCHGROVE</p> <p>NOTE: All work to comply with the Building Code of Australia, requirements of relevant State, Territory, and local Government, and to meet Australian Building Standards. But the contractor compliance with all VWA/Conver requirements. Check all tender documents with Structural Engineer and have all structural drawings & concrete work designed by a Structural Engineer. Check all tender documents for any other requirements to meet in accordance with the tender documents. Check all tender documents for any other requirements to meet in accordance with the tender documents. Check all tender documents for any other requirements to meet in accordance with the tender documents. Check all tender documents for any other requirements to meet in accordance with the tender documents.</p>	<p>DRAWING NAME: PROPOSED EAST ELEVATION</p> <p>DATE: 09/25/20 SCALE: 1:100 (1/3)</p>	<p>DRAWING NO: DA 012</p> <p>REVISION:</p>
	<p>0 0.5 1 2 3 5M</p>		



AMENDED FLOOR PLAN AS REQUESTED BY COUNCIL

Attachment C- Clause 4.6 Exception to Development Standards

 **INNER WEST COUNCIL**
Development Applications
Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

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

Development Application Details:	
Address:	86 Rowntree Street, Birchgrove 2041
Proposed Development:	Alterations + Additions to existing dwelling house, GF rear extension + rearrange internal walls for better fit for family. 1F ensuite demolished and moved to more desirable location 2F proposed dormer in existing attic space Rear yard is to be landscaped with perimeter planting

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

INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

What are the environmental planning grounds that justify contravening the development standard?
Existing area of Landscaping represents a non compliance from the development standard, the proposed development seeks to improve these landscaped areas for visual privacy.
Leichhardt Local Environmental Plan 2013 4.3A Site Coverage is not to exceed 60% of the Site Area to allow for opportunities for setbacks and landscaping. As the Landscaping component of this application is increased from the existing, this satisfies the objective of the maximum Site Coverage calculation.
The objective of the Floor Space Ratio control is to limit bulk and scale of a development, the proposed development seeks to increase floor space to the rear on the ground floor, which is of no environmental impact to surrounding dwelling and via a dormer roof window to the rear of the existing roof plane. While numerically the Floor Space Ratio control is not adhered to, the intent of the control is enforced via the limitation of the impact of bulk and scale on neighbouring allotments.
Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable)
LANDSCAPING Clause 4.3A(3)(a) of LEP 2013 states that Development consent must not be granted to development with less 15% of the site area.
As demonstrated in the documents prepared by COSO Architecture, in order to comply with the written planning instrument, the subject lot would require 17.52sqm of Landscaping. The existing dwelling currently has 6.7sqm of landscaping which resembles 5.7% of the site area. This represents a 10.8sqm shortage in the required landscaping from the Environmental Planning Instrument. The new proposal maintains a minimum 16sqm of Private Open Space in addition to and increasing the existing Landscaping to 10sqm or 8.56%. While this is not compliant with the written instrument it is an improvement from the existing Landscaping calculation. Further to this, as advised in the Pre-DA advise, the proposal uses perimeter planting to maintain visual and acoustic privacy for the dwelling.
SITE COVERAGE Leichhardt Local Environmental Plan 2013 4.3A With an existing site coverage of 74.9% the existing dwelling exceeds the maximum allowable under the above definition. The proposed increase is for 4sqm on the ground floor to the rear of the property. This increase is on no environmental impact to neighbours, is not visible from the street, and most importantly - would not increase the amount of landscaping on site, which the clear objective of the Site Coverage instrument.
FSR Clause 4.4(2B) The floor space ratio for development for the purpose of residential accommodation in the case of development on a lot with an area of less than 150sqm - 1.0 : 1 With a Site Area of 116.8sqm the existing development has 105sqm of Gross Floor Area. This represents a Floor Space Ratio of 0.89:1 The proposal seeks to increase this to a GFA of 129.5sqm or an FSR of 1.10:1 Importantly, the extension of floor space of the ground floor extension by 3sqm is of no environmental impact to neighbours or surrounding dwellings. The 2F dormer window is an acceptable increase in floor area as there is no perceivable change to the building envelope. As there is no environmental impact or perceivable change to the building, the proposal satisfies the intent of the Floor Space Ratio control.
Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone?
Yes, The objective of the Floor Space Ratio control is to limit bulk and scale of a development, which is achieved in this proposal via the limitation of the impact of bulk and scale on neighbouring properties
Yes, the relevant zone for the development is general residential which sets out a number of objectives which are met by this proposal including to provide housing needs for the community, providing landscaped areas for use and enjoyment of existing and future residents, to enhance the amenity of existing and future residents and the neighbourhood, to improve opportunities to work from home.



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

Applicant's signature:		Date:	04 / 02 / 21
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Privacy statement

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

Instructions for applicants

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

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

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

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

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

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

Attachment D – Statement of Heritage Significance

Godden Mackay Logan

Area 13 Iron Cove Conservation Area

Landform

A northwest facing shoreline area, running from Victoria Road along the back of the Darling Street commercial zone and the Darling Street ridge to Rowntree Street and Cove Street. There are some relatively steep shoreline areas providing views to the Parramatta River, and a central flat plateau area around Turner Street.

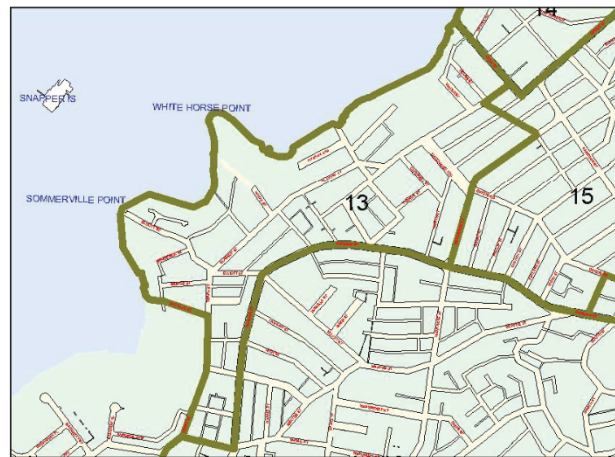


Figure 13.1 Iron Cove Conservation Area Map.

History

When sales of John Gilchrist's Balmain grant of 550 acres were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections. He used existing routes such as Darling Street and Birchgrove Road, and other contour-hugging tracks, such as Terry Street/Glassop Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

A group of busy speculators, William Paling, FH Reuss, Alfred Hancock, John Booth, George Weston, Owen Evans and others bought up the tract of land that stretched along the waterfront from Cove Street to just beyond Bayville Street, and broadly bounded by Birchgrove Road and Glassop Street. These same speculators were also involved in land from Darling Street down to Rozelle Bay, including much of the very densely developed area now known as The Valley. The remainder of the area was bought up in a similar fashion and subdivision of the Iron Cove area stretched over twenty-four years from 1853 to 1877. By 1891 the streets that laced this precinct were largely built up. Some steep parcels of land, because of their deep water frontages, were taken up initially for small water-based industries, which expanded over the twentieth century.

A large area of Housing Commission flats was constructed near the waterfront in the early postwar years.

Godden Mackay Logan

Sources

Information provided by Max Solling.

Significant Characteristics

- Contour hugging main access roads.
- Many irregular, narrow and wide minor roads.
- Stone steps providing public pedestrian access.
- Trees and street tree planting particularly noticeable along Glassop and Cove Streets and Macquarie Terrace.
- Elkington Park – mature trees, palm trees and Edwardian plantings.
- Irregular-shaped sections of subdivisions.
- Narrow allotments, with groups of allotments of uniform width.
- Buildings set back from the street alignment.
- Groups of shops along Darling Street with parapets and awnings.
- Corner shop buildings and other former commercial buildings.
- Garden space small, but a noticeable characteristic.
- Variety of housing:
 - terrace and semi-detached housing with groups of uniform development; and
 - some free-standing housing and Victorian villas.
- Landmarks: the Birchgrove Public School and the Elkington Park (with the Dawn Fraser Swimming Pool) are noticeable places within the area and visible from the harbour.
- Building materials vary:
 - plastered brick (generally pre-1890) and pockets of face brick (generally post-1890);
 - some timber cottages; and
 - occasional stone cottage or villa.
- Roofs of terracotta tiles, slate and iron.
- Fences – low or transparent fences: some iron palisade fences remain; early twentieth-century low brick fences contemporary with house.
- Sandstone kerbs and gutters, mostly uninterrupted by vehicular access.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for

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illustrating development particularly from 1870s-1910s, and this forms the major element of its identity, with later pockets of infill prior to World War II (ie pre-1939).

- Through the route of its main access roads, demonstrates the subdivision sections, closely related to the landform, drawn up by Surveyor Langley for the sale of Gilchrist's Balmain grant after 1852.
- Illustrates through its irregular small street layout, and varied allotment width and length (within a limited range), the many different groups of speculators and subdividers involved in the development of the area.
- Through the materials of its outer masonry walls, demonstrates the rapid advances in brick making in the Sydney area over the period 1870s-1910s.
- Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.

Management of Heritage Values

Generally

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

Retain

- existing width and alignment of the streets: avoid chicanes which cut diagonally across the carriageways.
- All remaining sandstone kerbs and gutters, uninterrupted by access driveways.
- All pre-1939 buildings and structures, especially weatherboard buildings.
- All original plaster finishes to external walls (as a rough rule of thumb this will mostly apply to pre-1890s buildings). Reconstruct where necessary.
- All original unplastered face brick external walls (usually applies to post-1890s buildings).
- All original external architectural detail, and encourage replacement of lost elements, but only where evidence is available.
- Any remaining original iron palisade or low brick fences.
- All street planting schemes and park planting; reinstate individual trees where they have been lost.
- Green front garden space.

Avoid

- Demolition of any pre-1939 building, especially timber buildings.

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- Removal of any plaster or decorative plaster to external walls, except where it is to remove more recent plaster/paint on face brick walls.
- Plastering and/or painting of original face brick walls.
- Removal of original architectural details.
- Second-storey additions to an original single-storey building, other than in a separated pavilion form.
- Alteration to the original roof form over the main part of any building.
- Additional architectural detail for which there is no evidence in the photographic record or on the building itself.
- Inappropriate fences such as high brick fences/walls, new iron palisades on high brick bases.
- Interruption of the kerb and gutter line for vehicular access.
- Development that encroaches upon the setting of important buildings/parks.