





 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2023/0157
<b>Address</b>	85 Rowntree Street BIRCHGROVE
<b>Proposal</b>	Lower ground, ground, first and second floor alterations and additions to existing semi-detached dwelling, new swimming pool and associated works
<b>Date of Lodgement</b>	09 March 2023
<b>Applicant</b>	Angela C Biddle
<b>Owner</b>	Angela C Biddle Andrew J Biddle
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$450,000.00
<b>Reason for determination at Planning Panel</b>	Section 4.6 for FSR variation exceeds 10%
<b>Main Issues</b>	Departure with FSR, Landscaped Area and Site Coverage Development Standards Impact on Heritage Conservation Area
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Section 4.6 Exception to Development Standards
<b>Attachment D</b>	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 lower ground, ground, first and second floor alterations and additions to existing semi-detached dwelling, new swimming pool and associated works at 85 Rowntree Street Birchgrove.

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

The main issues that have arisen from the application include:

- Departure with FSR, Landscaped Area and Site Coverage development standards
- Impact on Heritage Conservation Area.

The non-compliances with the FSR, Landscaped Area and Site Coverage development standards are acceptable on merit pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*. The assessment of the Section 4.6 justification concludes that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the R1 zone in which the development is to be carried out.

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

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

## 2. Proposal

The development proposal seeks approval for the following works:

- Partial demolition of the rear ground floor.
- Creation of a lower ground floor under the existing Level 1 Balcony Level.
- Reconstruction of the Level 1 rear roof
- Extension of width of the attic level bay window element commensurate with the adjoining attached terrace.
- Reconfiguration of the internal stair.
- Internal alterations to rear portion of ground floor, Level 1 and attic level.
- Construction of a new pool to the rear existing paved courtyard and associated Earthworks and landscaping.

The above additions result in an increase in Gross Floor Area (GFA) from 108m<sup>2</sup> to 129m<sup>2</sup>. This equates to a non-compliance with the FSR development standard of 14m<sup>2</sup> or 12%.

### 3. Site Description

The subject site is located at 85 Rowntree Street, Birchgrove, legally described as Lot 1 in DP 730620. The site provides a total area of 115m<sup>2</sup> with a front boundary dimension of 5.035m and side boundary dimensions of 22.86m. The subject site is located on the southern side of Rowntree Street and is regular (rectangular) in shape.

A 0.435m wide Right of Footway shared with No. 83 Rowntree Street is located along the western boundary from the front roughly up to the middle of the site. The property shares a party wall to the western boundary with No. 83 Rowntree Street.

The site accommodates an attached Victorian style two storey semi-detached terrace with attic accommodation of rendered and painted brick construction. The dwelling presents as two storeys to the street with a metal deck roof and a chimney. Nos. 85 and 83 are a matching pair of Victorian semi-detached terrace dwellings. The dwelling presents as three storeys to the rear, accommodated by the fall in topography from street to the rear boundary of approximately 1.4 metres.

Surrounding properties are residential in nature and comprise a mix of single, two and three storey dwellings.

The site is located within the Town of Waterview Heritage Conservation Area (HCA). The site does not accommodate any trees or significant vegetation or quantifiable deep soil.

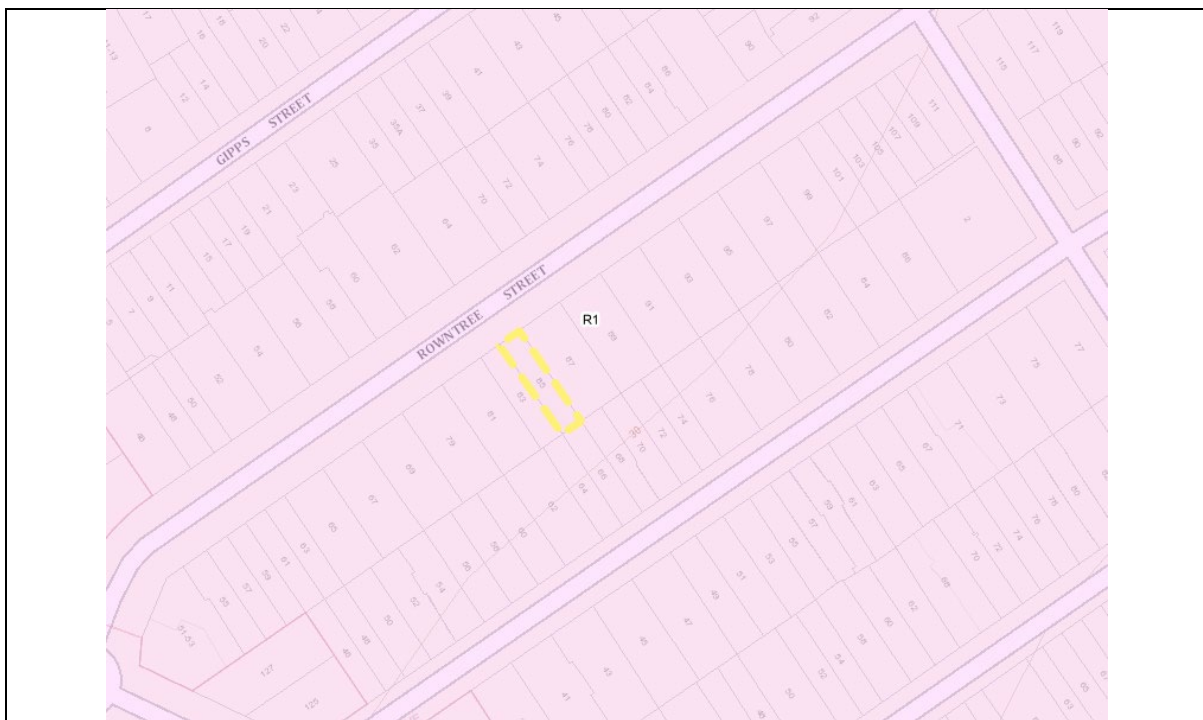


Figure 1 – Land use zoning map (subject site outlined in yellow)

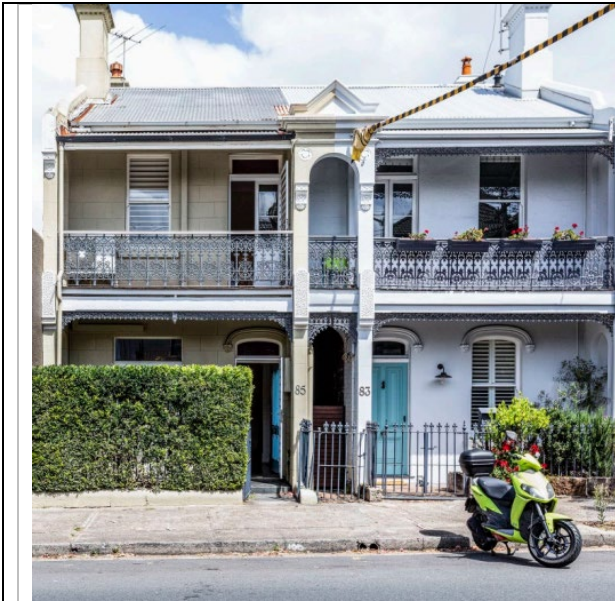


Figure 2 – Street view of subject site (Left)

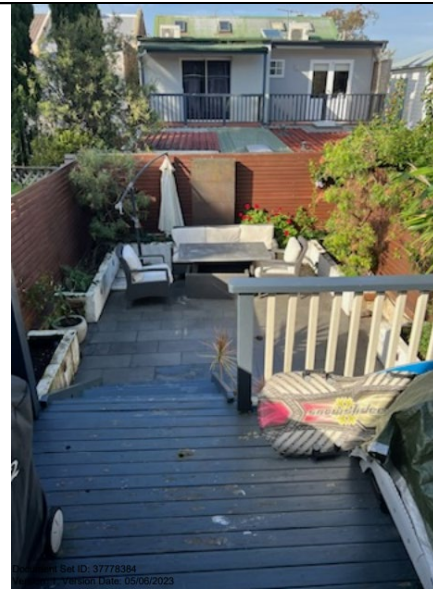


Figure 3 – Rear view of subject site (southern aspect)



Figure 4 - Rear elevation of subject site (northern aspect)



Figure 5 – Rear side elevation of No. 83 Rowntree Street

## 4. Background

### 4(a) Site history

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

**Subject Site**

Application	Proposal	Decision & Date
PDA/2022/0041	Alterations and additions to existing semi-detached dwelling, new pool and associated works	Advice Issued - 22/03/2022
DA/270/96	Addition of an ensuite bathroom at first floor level	Approved - 10/12/1996
BA/96/871	Building approval associated with DA/ 270/96	Approved - 01/04/1997

**Surrounding Properties**

83 Rowntree Street Birchgrove

Application	Proposal	Decision & Date
D/2014/586	Alterations and additions to the existing dwelling, including rear extensions at ground, first and second floor levels, and removal of trees.	Approved – 14/04/2015

**4(b) Application history**

Nil

**5. Assessment**

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

**5(a) Environmental Planning Instruments**

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

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

The following provides further discussion of the relevant issues:

**5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021***Chapter 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 with the application and will be referenced in any consent granted.

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

*Chapter 2 Vegetation in non-rural areas*

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

The application does not seek to remove any significant vegetation from within the site and Council land.

Overall, the proposal is considered acceptable with regard to the SEPP and DCP.

*Chapter 6 Water Catchments*

While the site is located in the Sydney Harbour Catchment, the site is not located in a foreshores and waterways area and raises no issues that will be contrary to the provisions of this part of the SEPP.

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

The application was assessed against the following relevant sections of the *IWLEP 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition Requires Development Consent
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor Space Ratio
- Section 4.5 – Calculation of Floor Space Ratio and Site Area
- Section 4.6 – Exceptions to Development Standards
- Section 5.10 – Heritage Conservation
- Section 6.1 – Acid Sulfate Soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater Management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 -General Residential under the IWLEP 2022. The IWLEP 2022 defines the development as alterations and additions to a *Dwelling House* which is permissible with consent in the zone.

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
<b>Landscape Area</b> Minimum permissible: 15% or 17.25 sqm	0% or 0sqm	17.25 sqm or 100%	No
<b>Site Coverage</b> Maximum permissible: 60% or 69 sqm	61.74% or 71sqm	2.9sqm or 2%	No
<b>Floor Space Ratio</b> Maximum permissible: 1:1 or 115sqm	1.1:1 or 129sqm	14 sqm or 12%	No

Section 4.6 Exceptions to Development Standards

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

- Section 4.3C(3)(a) – Landscaped area and Section 4.3C(3)(b) – Site Coverage
- Section 4.4 – Floor space ratio

*Section 4.3C(3)(a) – Landscaped area and Section 4.3C(3)(b) – Site Coverage*

The applicant seeks a variation to the minimum landscaped area and maximum site coverage development standards under Section 4.3C of the *IWLEP 2022*.

Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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

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

- *The non-compliance is defined by existing site conditions.*
- *Due to the small lot size and existing front setback, the existing landscaping to the front setback zone is <1m and hence is not counted as landscape area under the LEP.*
- *Due to the dimensional constraints of the existing rear courtyard, narrow planters are proposed along the boundary fences similar to the existing condition, albeit with improved porosity by virtue of being at ground level rather than raised.*

- *The non-compliance achieves a functional rear courtyard space for provision of both rear paving (entertainment) and a small pool, providing amenity for a family with two children.*
- *The application of the subject LEP clause is considered unreasonable and unnecessary considering the site is only 115m<sup>2</sup> in size and the existing landscaping area compliance is being retained as is.*
- *The application of the subject LEP clause is considered unreasonable and unnecessary considering the site is only 115m<sup>2</sup> in size and the existing coverage is non-compliant.*
- *There are no adverse additional environmental grounds that the non-compliance causes, in consideration of the fact that the status quo is retained.*
- *The application is in the public interests by way of encouraging the retention of families within the area by provision of an outdoor courtyard with the amenity of both outdoor seating area and a small pool for summer enjoyment by the family.  
The proposal does not impact on the public domain view, bulk and scale of the building.  
The streetscape and roofscape presentation are retained.*

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 objectives of the R1 General Residential, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

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

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

- The development improves upon a rear landscaped courtyard for the use and enjoyment of residents.
- The works maintain a contiguous rear landscaped corridor between adjoining properties.
- The existing dwelling has 0m<sup>2</sup> of quantifiable landscaped area under the respective definition where all areas of landscaping have a dimension in width of less than 1m.
- The narrow site constraints do not lend to providing any significant deep soil or canopy tree planting in the rear courtyard, and the proposed development does not change the deep soil provision on the site.
- The proposed development promotes the desired character of the distinctive neighbourhood.
- The departures do not contribute to any bulk and scale and amenity impacts to neighbouring properties.
- The development provides a compliant quantum of private open space.
- There are no proposed changes to the front setback garden thus the proposal will maintain the streetscape setting.



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

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

#### *Section 4.4 – Floor Space Ratio*

The applicant seeks a variation to the Floor Space Ratio (FSR) development standard under Section 4.4 of the IWLEP 2022.

Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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

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

- *The proposed works relates to a minor increase in floor area by virtue of building out the lower ground floor to align with both the existing balcony to Level 1 and to align with the bulk and form of No. 83, which is an adjoining semi attached dwelling.*
- *The proposed works is considered compatible with both the existing residential character and the future desired character.*
- *The modest increase allows for a 2nd living area in support of a growing family of 4, with (due to a compact site area), there being limited living space at present. The result is a family home of 123.8m<sup>2</sup> in size which is small by many current standards. As such the planning has been designed to:*
  - *Maximise efficiency of the floor plate by way of creating an economic stair configuration. At present, the stair voids in the existing dwelling are 8.6m<sup>2</sup> in area within the existing footprint. The new scheme has a more efficient stair configuration that over the same levels includes 7.4m<sup>2</sup> of void. In other words of the 3m<sup>2</sup> of the increased GFA, 1.2m<sup>2</sup> is by way of creating a more efficient stair layout.*
  - *As a result, only 1.8m<sup>2</sup> of additional GFA is due to the lower ground floor extension.*
  - *The lower ground floor creates a logical connection to the external rear courtyard, encouraging outdoor living and enjoyment for the occupants.*
- *The additional floor area sits within the existing building bulk and scale in relation to adjoining buildings.*
- *The non-compliance is only 2.5% increase over and above the existing condition.*
- *The proposal does not impact on the public domain view, bulk and scale of the building. The streetscape and roofscape presentation are retained.*

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 objectives of the R1 General Residential, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The proposed development will continue to provide for the housing needs of the community.
- The proposal provides a residential development that maintains the character of built and natural features in the surrounding area.

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

- The development provides for an appropriate development density in light of the site constraints (i.e small lot area, narrow site, HCA) which is reflective of that in the locality.
- The numerical departure does not contribute to any bulk and scale and amenity impacts to neighbouring properties, with particular regard for solar access, view sharing, visual and acoustic privacy.
- The development maintains a rear landscape corridor between adjoining properties.
- The development improves connectivity of internal living areas of the dwelling and rear private open space by virtue of the new lower ground floor.
- The proposal will not remove any existing canopy trees or significant vegetation to accommodate the additions.
- The proposed development promotes the desired character of the distinctive neighbourhood.
- There are no proposed changes to the front dwelling façade thus the proposal will maintain the streetscape setting.

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

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

#### Heritage Conservation

The subject property at 85 Rowntree Street, Birchgrove, is a contributory dwelling located within the Town of Waterview Heritage Conservation Area (C31 in Schedule 5 of the *IWLEP 2022*).

Council's Heritage Officer has reviewed the proposal and has provided the following (summarised) comments:

- Wall nubs are proposed to be retained between the existing dining and kitchen. This will ensure the existing layout remains legible as part of the proposal.
- The original timber staircase is not being retained in its current location and the remaining existing layout of the terrace on the ground and first floor levels are not being retained. Though not a positive heritage outcome, the loss of the demolition of the original staircase and the changes to the internal layout will not be visible from the public domain.
- The original first floor plan has already been altered from its original. Therefore, it will not impact on the significance of the Town of Waterview HCA.

- The proposed alterations and additions will not increase the overall height of the existing building form. Increased bulk to the rear resulting from the addition is acceptable because it will not be visible from the public domain.
- A legend has been provided for proposed materials, though does not specifically state what these are. It is recommended that a condition be included requiring colours and materials to match those on the existing dwelling.
- The void proposed over the new lounge proposed on the lower ground floor would normally not be supported to remove unnecessary bulk to the addition. Given it is located to the rear of the site and will not be visible from the public domain, it is acceptable in this instance.

With consideration of the above, the proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Town of Waterview Heritage Conservation Area, subject to a condition which requires that the proposed colours and materials match those used on the existing dwelling. Accordingly, the development accords with Clause 5.10 Objectives in the *IWLEP 2022* and the relevant objectives and controls in the LDCP 2013.

Section 6.2 – Earthworks

The proposed development will require a maximum of 2.1m of excavation to accommodate to the proposed swimming pool and pump out tank in the rear courtyard. The proposed new lower ground floor will require less than 1m of excavation.

The proposed earthworks are acceptable subject to conditions to minimise impact to neighbouring properties including provision of an integrated structural and geotechnical report and structural plans and dilapidation reports pre and post construction.

Section 6.3 – Stormwater Management

Subject to standard conditions, the proposal will not result in any significant runoff to adjoining properties or the environment.

5(c) Draft Environmental Planning Instruments

There are no 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 LDCP 2013.

LDCP2013	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.3 Alterations and additions	Yes, as conditioned – see discussion

C1.4 Heritage Conservation Areas and Heritage Items	Yes, as conditioned – see discussion under Part 5(a)(iii)- Section 5.10 – Heritage Conservation
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
C.2.2.2.6: Birchgrove Distinctive Neighbourhood	Yes – see discussion
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes – see discussion
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes – see discussion
<b>Part D: Energy</b>	
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
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes, as conditioned
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes

E1.2.7 Wastewater Management	Yes

The following provides discussion of the relevant issues:

C1.3 Alterations and Additions and C.2.2.2.6: Birchgrove Distinctive Neighbourhood

The proposed alterations and additions to the existing dwelling meet the objectives and requirements of C1.3 and C2.2.2.6 as it is considered the proposed development:

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

C3.2 Site Layout and Building Design

This part of the DCP contains Building Location Zone (BLZ) and Side Setback controls which aim to control, inter-alia, bulk and scale and overshadowing impacts, as well as ensure that the pattern of development in the street is not adversely affected. The proposal complies with both the rear BLZ and side setback controls summarised in the following:

*Building Location Zone*

The proposal seeks a new lower floor level and subsequent extension of the ground floor rear alignment and minor extension of width to the attic level to the rear of the existing dwelling.

The proposed lower ground, ground and attic level rear extensions generally align with the rear equivalent setbacks of the main building lines of the immediate adjoining dwellings at Nos. 83 and 87 Rowntree Street (which have a similar orientation to the subject site) and the additions will not result in any undue or adverse bulk and scale, visual privacy, view loss or solar access impacts to neighbouring properties.

Furthermore, the rear additions are sited to the rear of the existing dwelling and will not be readily visible from the public domain, thus retaining the streetscape presentation and heritage significance of the pair of terrace dwellings and provides for a development which is compatible with neighbourhood character, including prevailing site layout.

Accordingly, the proposal complies with the BLZ controls and objectives.

*Side Setbacks*

The existing dwelling is built to the eastern boundary and setback circa 435mm to accommodate a Right of Footway with No. 83 Rowntree Street from the western boundary.

The proposed rear lower ground floor seeks to maintain a nil setback to the eastern side boundary and provide a nil setback to the western side boundary whilst maintaining the Right of Footway located towards the front up to the centre of the site.

The rear ground floor void beneath the first floor rear balcony and above the new lower ground living area is setback from both side boundaries by a minimum of 840mm and complies with the sliding scale requirements of the side setback control.

The proposed minor extension to the width of the rear attic level bay window will continue to align with the rear alignment that of the south-western neighbouring property at 83 Rowntree Street and will not breach the side setback requirements.

Accordingly, the proposal is acceptable with regard to the side setback controls and objectives.

### C3.8 Private Open Space

In accordance with the relevant Pre-DA advice, the private open space (POS) provision has been amended through an increase in the lower ground floor rear setback. The rear private open space dimensions are 3.2m in depth and circa 5m in width and provides for a compliant quantum of POS (16m<sup>2</sup>).

Furthermore, the proposed new lower ground floor level enables the POS to be directly connected to the internal living areas of the dwelling, improving amenity for occupants.

### C3.9 Solar Access

The following Solar Access controls of Part C3.9 of the LDCP 2013 apply with regard to neighbouring properties:

#### *Living Room Glazing*

- *C13 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; and*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

#### *Private Open Space*

- *C16 - Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice; and*
- *C17 - 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; and*
- *C19 - Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Solar access diagrams in plan have been provided for mid-winter at hourly intervals between 9am and 3pm. The proposed extension to the rear is limited to the ground and new lower ground floor only, thus the new shadows cast are minimal and generally reflect that of the existing development.

Additional shadows are cast from the lower ground floor awning, however, maintains solar access between 9am and 12pm to the private open space of No. 83 Rowntree Street before both properties are self-shadowed by existing development.

Between 12pm-2pm, additional shadows are cast as result of the minor expansion of the attic floor rear dormer to the southern adjoining properties rear (north facing) POS located at 64 and 66 Short Street, however this impact is negligible, reflective of the minor extension and will not result in non-compliance where a minimum of three hours of unobstructed solar access will be retained.

Accordingly, the proposal is acceptable with respect to the objectives and requirements of this Part.

#### C3.11 Visual Privacy

The proposed living room to the new lower ground floor is orientated towards the rear POS and any overlooking will be obscured by existing side boundary fencing.

Highlight windows are proposed to the ground floor eastern and western side elevations. This glazing services a void to the lower ground floor. This glazing is setback from the side boundaries by 1m and has a sill height of 2.9m, hence maintain visual privacy to neighbouring properties.

New glazing is proposed to the attic level rear dormer along the western elevation however will not directly overlook the neighbouring properties private open space or living rooms windows located at 87 and 83 Rowntree Street Birchgrove.

Privacy screens are proposed to a portion of both the Eastern and Western side elevations of the existing first floor rear balcony to improve visual privacy to neighbouring properties.

#### C3.12 Acoustic Privacy

The proposal maintains the residential use of the existing dwelling and no adverse acoustic impacts are expected to arise as result of the proposed alterations and additions.

The proposed pool pump and equipment is located in the rear sub-floor of the dwelling. A standard condition of consent will be imposed which requires the proposed pool pump and equipment to be provided in suitable acoustic housing to minimise impact 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 notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to the 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:

Referral	Comment
Heritage	Acceptable subject to condition requiring a schedule of materials and finishes to match those of the existing dwelling. Refer to Part 5(a)(iii) Section 5.10 – Heritage Conservation for detailed heritage comments.
Engineering	Acceptable subject to conditions

6(b) External

The application was not required to be referred to external bodies.

7. Section 7.11 Contributions/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 \$4,500 would be required for the development under the Inner West Local Infrastructure Contribution Plan 2023. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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



## 9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the landscape area, site coverage and floor space ratio development standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
  
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0157 for lower ground, ground, first and second floor alterations and additions to existing semi-detached dwelling, new swimming pool and associated works at 85 Rowntree Street, BIRCHGROVE, 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
DA01 Rev A	Title Page, Site and Roof Plan	7-11-2022	DN Arch
DA02 Rev A	Existing Floor Plan	17-11-2022	DN Arch
DA03 Rev A	Existing Elevations, North and South	17-11-2022	DN Arch
DA04 Rev A	Existing Elevations, East and West	17-11-2022	DN Arch
DA05 Rev A	Existing Sections AA + BB	17-11-2022	DN Arch
DA06 Rev A	Proposed Ground and Lower Ground Floor Plan	17-11-2022	DN Arch
DA07 Rev A	Proposed First + Attic Floor Plan	17-11-2022	DN Arch
DA08 Rev A	Proposed Elevations - North and South	17-11-2022	DN Arch
DA09 Rev A	Proposed Elevations - East and West	17-11-2022	DN Arch
DA10 Rev A	Proposed Section AA + BB	17-11-2022	DN Arch
LA 001_A	Landscape Plan	05-06-2022	Atelier Illume Design
C000 Rev P2	Cover Sheet Site Locality Plan and Drawing List	07-06-2022	JHA
C001 Rev P2	Notes	07-06-2022	JHA
C100 Rev P2	Catchment Analysis	07-06-2022	JHA
C101 Rev P2	Roof, First Floor, Ground Floor & Lower Ground Floor Drainage Plan	07-06-2022	JHA
C200 Rev P2	Details	07-06-2022	JHA
C300 Rev P2	Erosion and Sediment Control Plan and Details	07-06-2022	JHA
Certificate No. A461953_02	BASIX Certificate	07-03-2023	Doug Southwell

As amended by the conditions of consent.

**FEES****2. Section 7.12 Development Contribution Payments**

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **\$4,500** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

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

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

Where:

$C_{\text{payment}}$  = is the contribution at time of payment

$C_{\text{consent}}$  = is the contribution at the time of consent, as shown above

$CPI_{\text{consent}}$  = 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].

$CPI_{\text{payment}}$  = 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](http://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 can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to [www.innerwest.nsw.gov.au/invoice](http://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.

**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. 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.

<b>Security Deposit:</b>	\$5,600.00
<b>Inspection Fee:</b>	\$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.

**GENERAL CONDITIONS****5. Works Outside the Property Boundary**

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

**6. 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.

**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. Waste Management Plan**

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

**9. Noise Levels and Enclosure of Pool/spa Pumping Units**

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

**10. 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.

**PRIOR TO ANY DEMOLITION****11. 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.

**12. 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.

**13. 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.

**14. 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.

**PRIOR TO CONSTRUCTION CERTIFICATE****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*

#### **16. 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.

#### **17. Party Walls**

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

#### **18. Changes to Levels**

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

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

#### **19. Structural and Geotechnical Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed pool, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. No adverse impact on surrounding properties; and
- b. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.

#### **20. Stormwater Drainage System – Minor Developments (OSD is not required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The Stormwater Drainage Concept plan on Drawing No. C101 revision P2 prepared by JHA CONSULTANT and dated 8 March 2023, 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. Minor roof and paved areas (20%) at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- e. ***Charged or pump-out stormwater drainage systems are not permitted including for roof drainage.***
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- g. Drainage pipes must be designed at a minimum grade of 1%. The pipe invert level and finished surface ground level shall be shown on the drainage plan. Access must be available to downpipe connections for installation and maintenance.
- h. 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.
- i. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- k. No nuisance or concentration of flows to other properties.
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- m. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if not of adequate capacity.



**21. 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.

**DURING DEMOLITION AND CONSTRUCTION****22. 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.

**23. 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.

**24. Colours and materials**

During construction work, proposed colours and materials must match those used on the existing dwelling.

**PRIOR TO OCCUPATION CERTIFICATE****25. 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.

**26. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

**ON-GOING**

**27. Bin Storage**

All bins are to be stored within the site.

**ADVISORY NOTES**

**Street Numbering**

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. Link to [Street Numbering Application](#)

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work practices.

NSW Office of Environment and Heritage	131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)		<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a>

Enquiries relating to work safety and asbestos removal and disposal.

#### **Dial before you dig**

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

#### **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.

#### **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.

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

#### 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.

#### Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council &

Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

#### **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.

#### **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.

#### **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.

#### **Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

#### **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.

**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*.

**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 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.

**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.

**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.

**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.

**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.

**Prescribed Conditions**

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

**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.

**Permits**

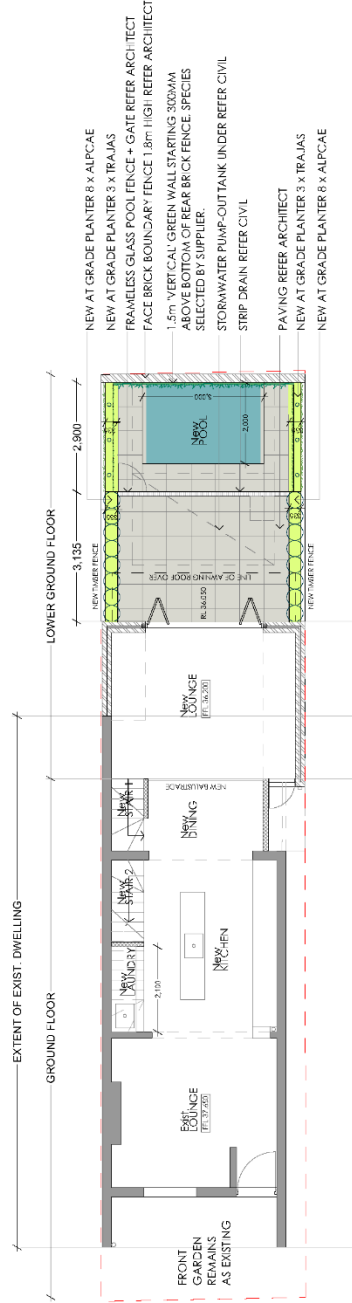
Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits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

Attachment B – Plans of Proposed Development

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PLANTING SCHEDULE

Code	Botanical Name	Common Name	Pot Size	Number
TRA JAS	Trochalaospermum jasmynoides	Star Jasmine	200mm	6
ALPFAE	Alphina caerulea	Native Ginger	200mm	16

atelier illume design  
20 Caspary Grove Dulwich Hill, NSW 2203  
Esther Dickens RUA # 001053  
M: 0412 656 531 E: [eciddie@atelierillume.com.au](mailto:eciddie@atelierillume.com.au)

Project: Alterations & Additions for  
Angela & Andrew Bidde

Scale: 1:100 @ A3

Dwg No LA.001.A  
Date: 5 June 2022

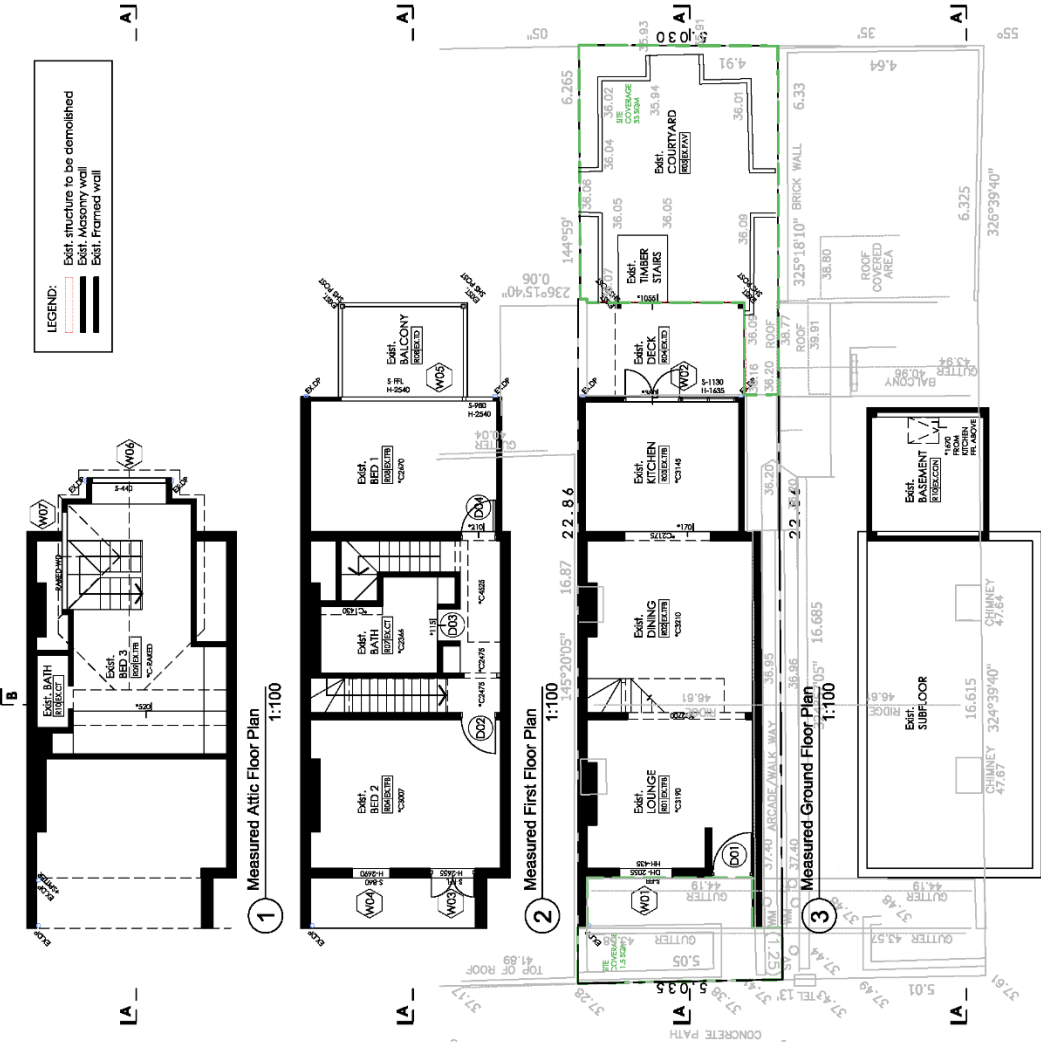
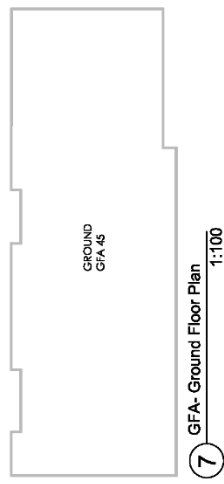
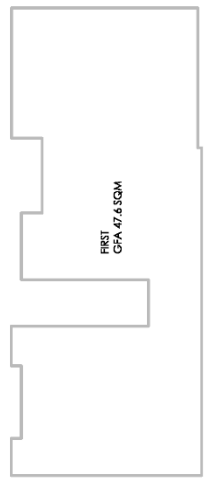
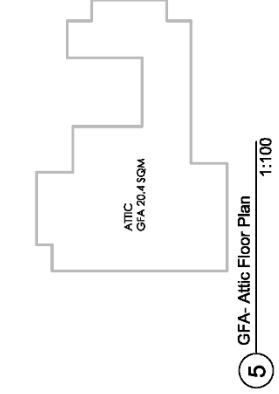
Landscape Plan  
85 Rowntree Street, Birchgrove

Document Set ID: 3780731  
Version: 1, Version Date: 15/06/2023





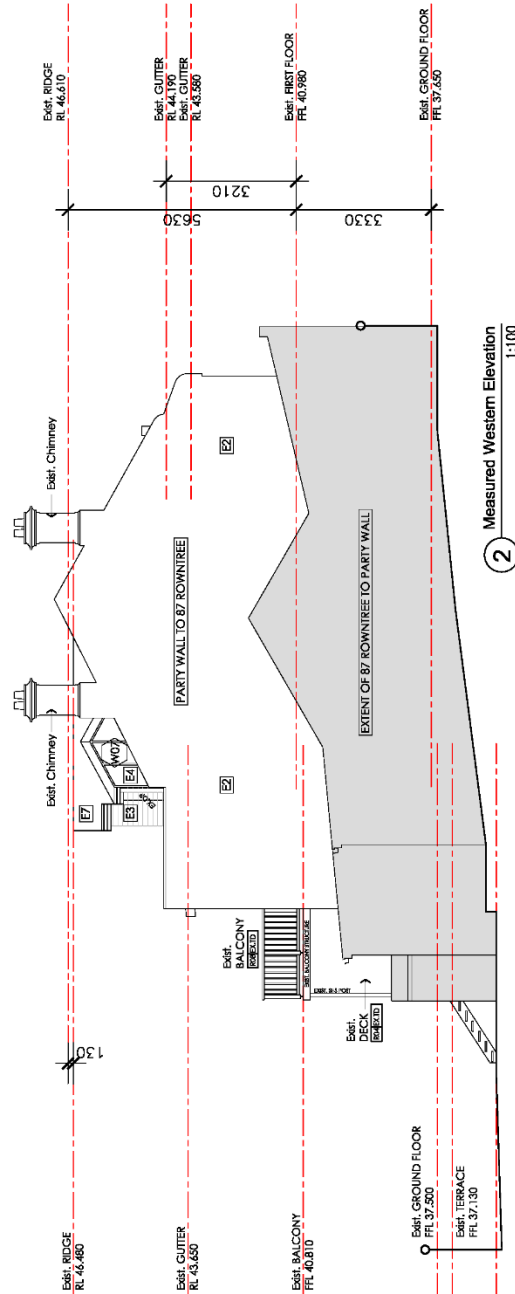
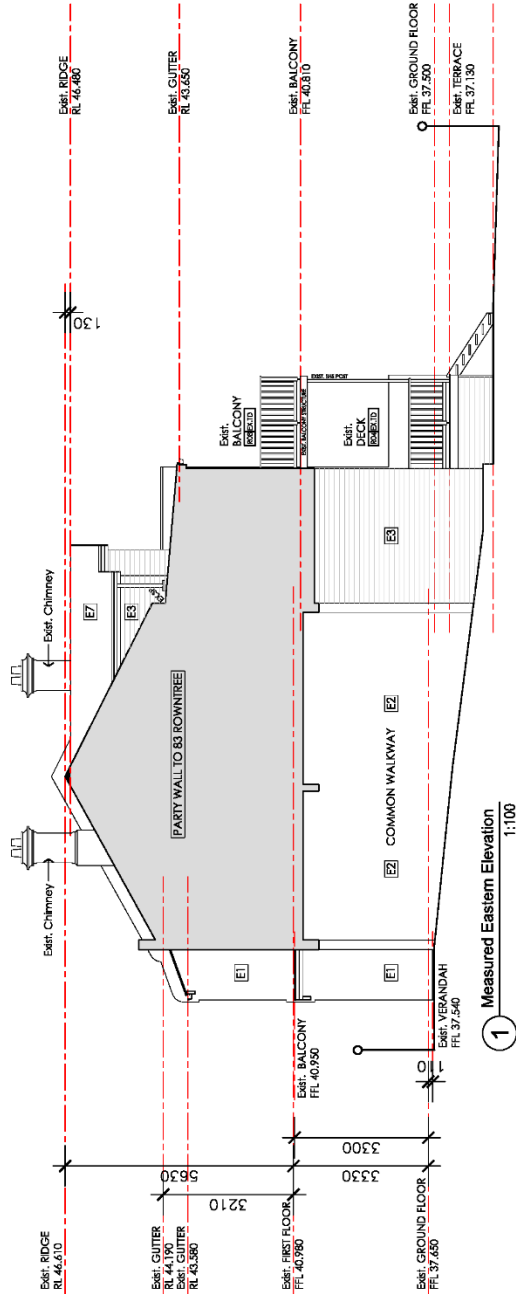
DEVELOPMENT APPLICATION  
 Name: Dong Sudarwati 262  
 File: Rowntree DA package - 161122.dwg  
 Print Date: NOV 2022  
 Description: SUBSTRUCTURE CONCRETE  
 Date: 1/1/12



85 Rowntree Street, BIRCHCROVE  
 Client: Angela and Andrew Biddle  
 DNArch  
 Version: 1, Version Date: 15/06/2023  
 Proposed Ground Floor Plan  
 Drawing No.: DA-02  
 Date: A

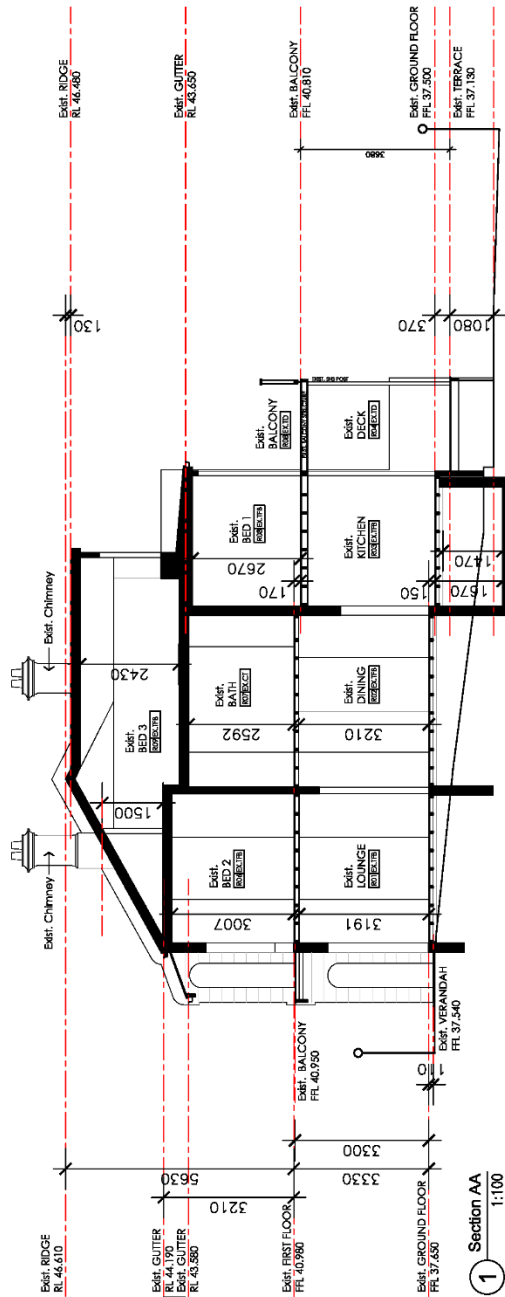


DRAWING DEVELOPMENT APPLICATION  
 Name Address: Doug Southwell 262  
 File: Rowntree DA package - 161122.dwg  
 Print Date: NOV 2022  
 No: 1640-2022-0001  
 Description: ROWNTREE HOUSE  
 Date: 16/11/22



85 Rowntree Street, BIRCHGROVE  
 Client: Angela and Andrew Biddle  
 DNArch  
 DNArch Architects and Design  
 10/100 High Street, BIRCHGROVE NSW 2227 Australia  
 Phone: 02 9339 8888  
 Email: info@dnarch.com.au  
 Version: 1, Version Date: 15/06/2023  
 Measured Elevation - East and West  
 Drawing No. DA-04  
 Revision No. A

DEVELOPMENT APPLICATION  
 Name: Andrew Dang  
 File: Rowntree DA package - 6/1/22.dwg  
 Print Date: NOV 2022  
 No: 160-2022-0000  
 Date: 1/11/22



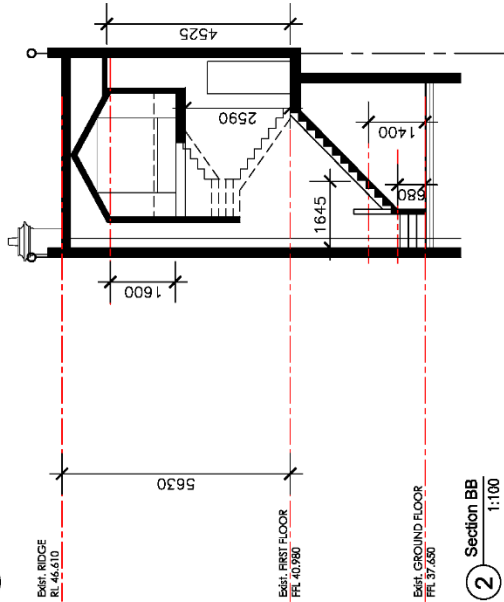
**MATERIALS LEGEND**

**EXISTING MATERIAL FABRIC**

- E1 Existing render with stretcher bond scribe, paint finish.
- E2 Existing brickwork, painted finish.
- E3 Existing lightweight weatherboard cladding, paint finish.
- E4 Existing timber framed windows, paint finish.
- E5 Existing wrought iron detail, paint finish.
- E6 Existing wrought iron balustrade, paint finish.
- E7 Existing Custom orb roof sheeting, zincalume.

**LEGEND:**

- Exst. structure to be demolished
- Exst. Masonry wall
- Exst. Framed wall
- Exst. Neighbours



Measured Sections-  
 AA + BB  
 A  
 DA-05 A

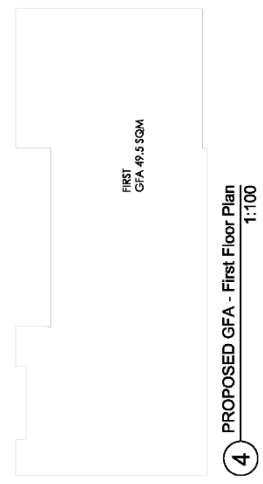
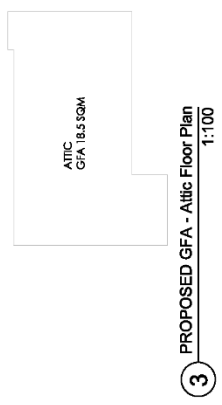
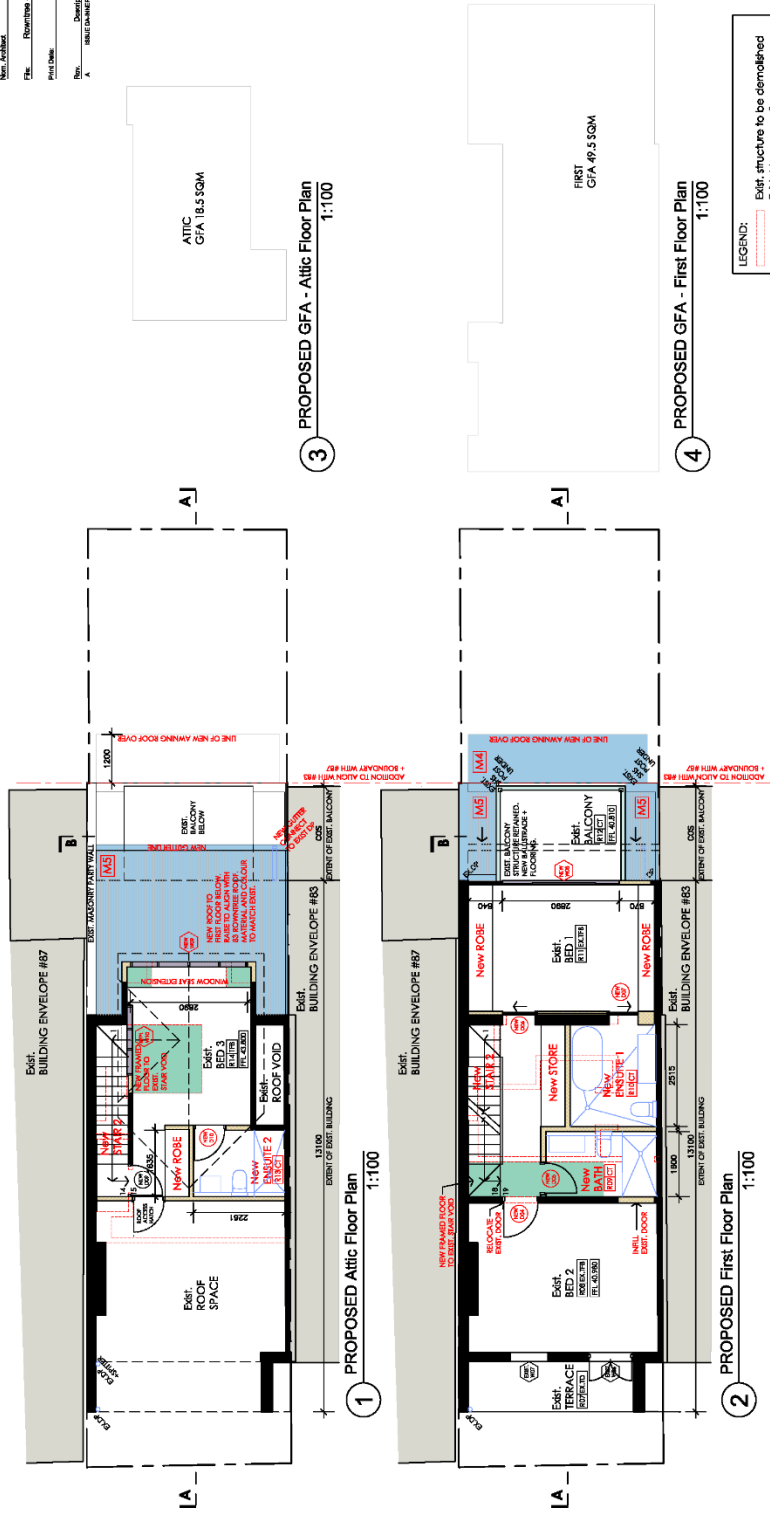
1 : 100 @ A3

85 Rowntree Street, BIRCHGROVE  
 Client: Angela and Andrew Biddle

**DNArch**  
 DNVN Architects and Design  
 10/100 Pitt Street, Sydney NSW 2000  
 Tel: 02 9251 1818  
 Email: info@dnarch.com.au  
 Version: 1, Version Date: 15/06/2023



DRAWING: DEVELOPMENT APPLICATION  
 No. 24888  
 Date: 16/11/2022  
 Title: Rowntree DA package - 16/11/2022  
 Date: NOV. 2022  
 No. 1  
 Description: BUILDING CONSTRUCTION  
 Date: 17/11/22



**LEGEND:**

[Red outline]	Exist. structure to be demolished
[Black outline]	Exist. Masonry wall
[Grey outline]	Exist. Concrete wall
[Blue outline]	New masonry wall
[Light blue outline]	New timber framed clad wall
[Yellow outline]	New RC Slab
[Green outline]	New RC Pool
[Light green outline]	New Framed floor
[Light blue outline]	New Metal deck roof
[Light purple outline]	New Window
[Light blue outline]	New Glazing and privacy screen to exist frame
[Light green outline]	Neighbouring Properties
[Light green outline]	New Planter
[Light blue outline]	EXIST - Timber floor boards
[Light blue outline]	CT - Ceramic Tile
[Light blue outline]	PCON - Polished Concrete floor
[Light blue outline]	PAV - Select paver
[Light blue outline]	FEL - Finished Floor level

85 Rowntree Street, BIRCHGROVE  
 Project: 1:100 @ A3  
 Date: 15/06/2023  
 Designer: Angela and Andrew Biddle  
 Proposed First + Attic Floor Plan  
 Drawing No. DA-07 A





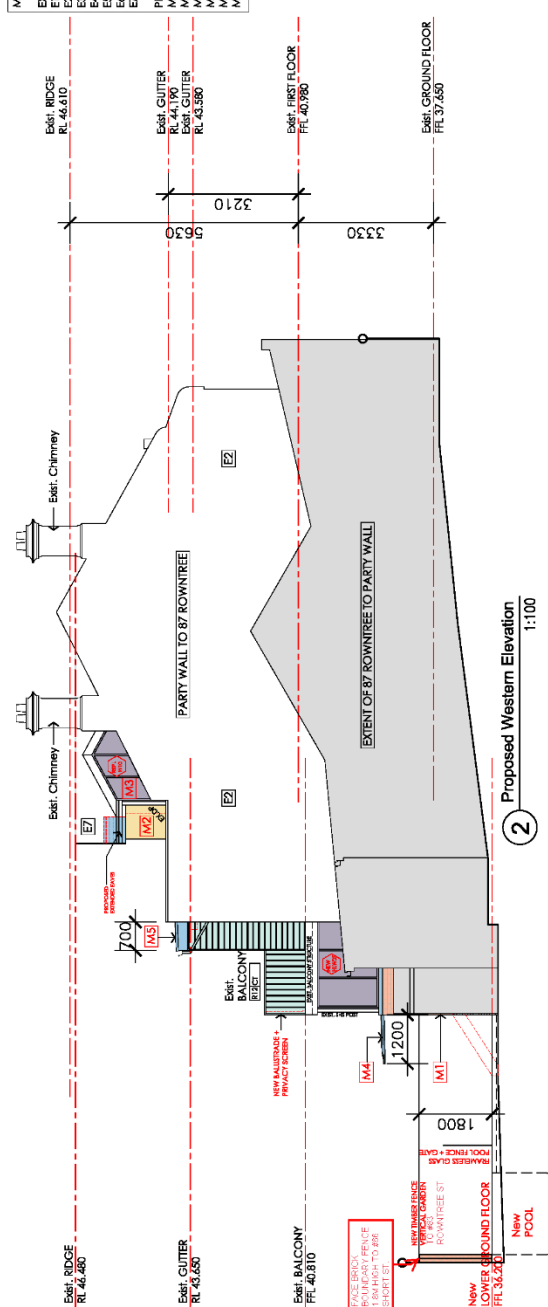
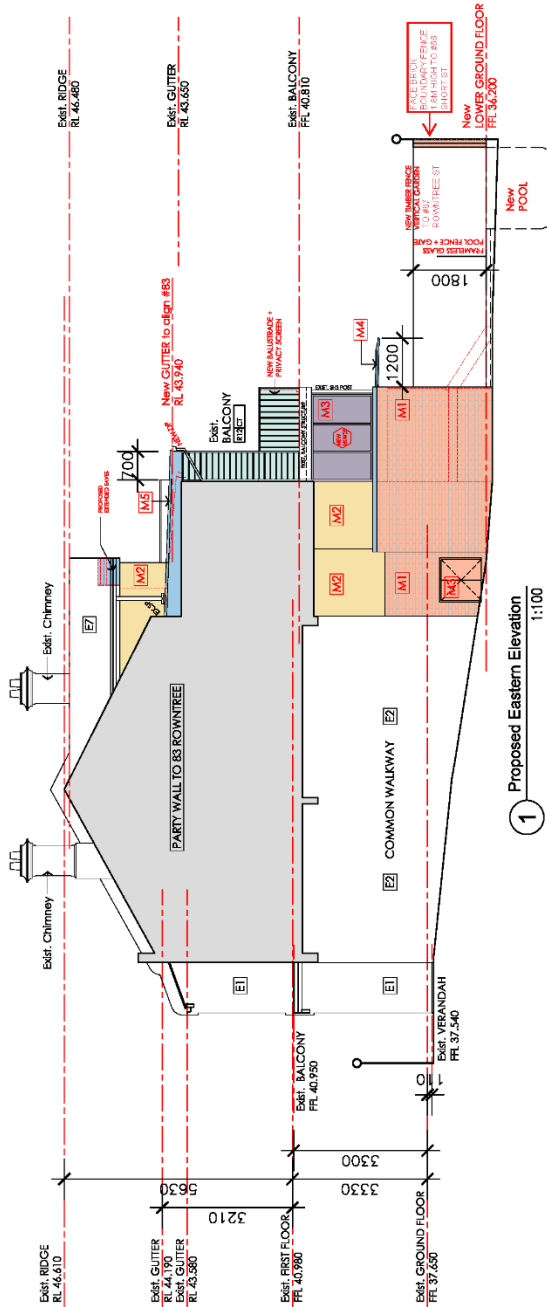
DEVELOPMENT APPLICATION  
 No. 2022/0001  
 Date: 15/06/2022  
 Applicant: DONG SUDHARTO  
 Description: 85 ROWNTREE STREET, BIRCHGROVE  
 Date: 15/06/2022

LEGEND:

[Red dashed line]	Exst. structure to be demolished
[Black line]	Exst. masonry wall
[Blue line]	New masonry wall
[Green line]	New timber framed clad wall
[Orange line]	New RC Slab
[Yellow line]	New timber framed floor
[Light blue line]	New metal deck roof
[Light green line]	New Balustrade and privacy screen to exist. Terrace
[Light purple line]	Neighbouring Properties
[Light yellow line]	New Planter
[Light blue line]	Exst. timber floor boards
[Light green line]	CT
[Light purple line]	FCOON - Polished Concrete floor
[Light yellow line]	PAV - Polished paver
[Light green line]	FL - Finished floor level

MATERIALS LEGEND

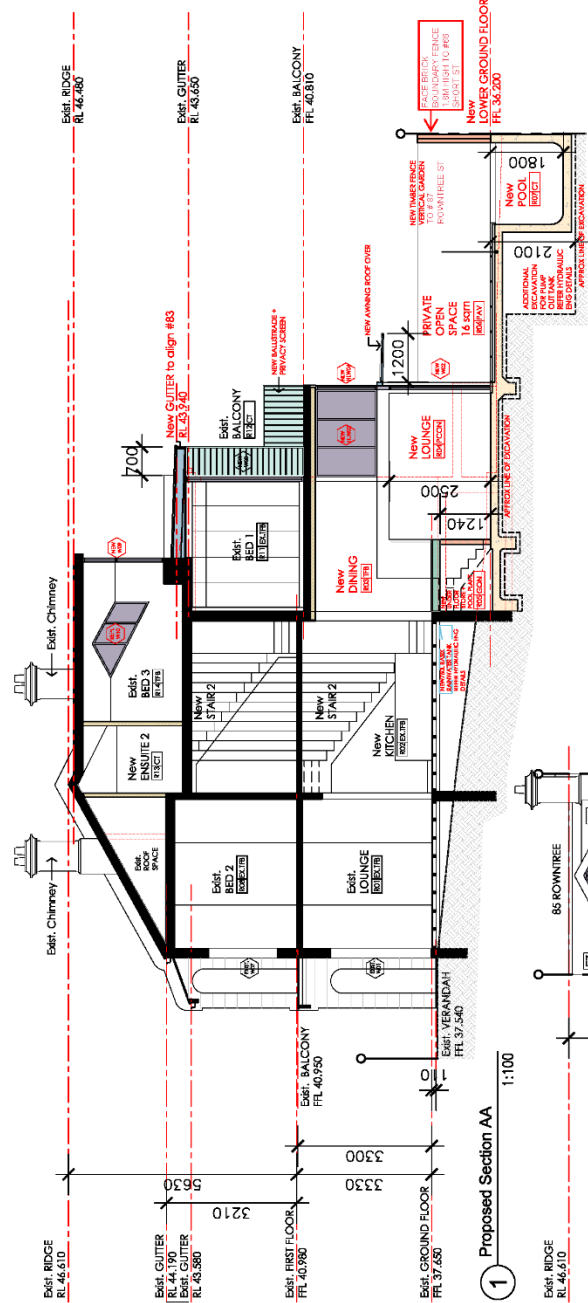
E1	EXISTING MATERIAL FABRIC
E2	Existing pickwork paint finish.
E3	Existing lightweight Weatherboard cladding, paint finish.
E4	Existing timber framed windows, paint finish.
E5	Existing wrought iron detail, paint finish.
E6	Existing wrought iron balustrade, paint finish.
E7	Existing Custom iron roof sheeting, zincalume.
M1	PROPOSED MATERIAL FABRIC
M2	RECYCLED FACE BRICK
M3	EXISTING LIGHTWEIGHT WEATHERBOARD CLADDING
M4	METAL BALUSTRADE AND PRIVACY SCREEN TO EXIST. TERRACE
M5	METAL CAPPING AND AWNING - POWDERCOAT FINISH
M6	NEW CUSTOM ORB ROOF SHEETING + GUTTER TO MATCH EXIST.
M7	NEW REINFORCED CONCRETE SLAB TO STRUCT. ENG DETAILS.



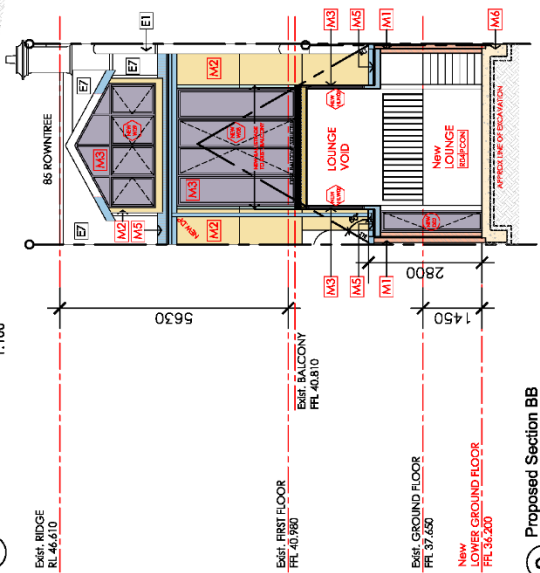
85 Rowntree Street, BIRCHGROVE  
 Client: Angela and Andrew Biddle  
 Date: 15/06/2022  
 Designer: A  
 Drafter: DA-09 A  
 Scale: 1:100 @ A3  
 DNaArch  
 Version: 1, Version Date: 15/06/2022

DEVELOPMENT APPLICATION  
 Name: **Dang Soudwattirasee**  
 File: **Rowntree DA package - 15122.dwg**  
 Print Date: **JUNE 2022**

Rev: **1**  
 Description: **Final Development Council**  
 Date: **17/11/21**



1 Proposed Section AA  
 1:100



2 Proposed Section BB  
 1:100

**LEGEND:**

- : Est. structure to be demolished
- : Est. Masonry wall
- : Est. masonry wall
- : New masonry wall
- : New timber framed clad wall
- : New RC Slab
- : New RC Pool
- : New Metal deck roof
- : New Window
- : New door and privacy screen to exist terrace
- : Neighbouring properties
- : New Planter
- : Est. timber floor boards
- : Ceramic Tiles
- : Polished Concrete floor
- : Select paver
- : Finished Floor level

**MATERIALS LEGEND**

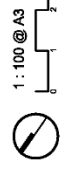
**EXISTING MATERIAL FABRIC**

- E1 Existing render with she/cher bond scribe, point finish.
- E2 Existing brickwork, point finish.
- E3 Existing lightweight Weatherboard cladding, point finish.
- E4 Existing timber framed window, point finish.
- E5 Existing timber framed door, point finish.
- E6 Existing wrought iron balustrade, point finish.
- E7 Existing custom orb roof sheeling, zinc/stone.

**PROPOSED MATERIAL FABRIC**

- M1 PRE FINISHED CLADDING PANEL
- M2 METAL FRAMED WINDOWS - POWDERCOAT FINISH
- M3 METAL FRAMED AWNING - POWDERCOAT FINISH
- M4 METAL CAPPING AND AWNING - POWDERCOAT FINISH
- M5 NEW CUSTOM ORB ROOF SHEETING + GUTTER TO MATCH EXIST.
- M6 NEW REINFORCED CONCRETE SLAB TO STRUCT. ENG DETAILS.

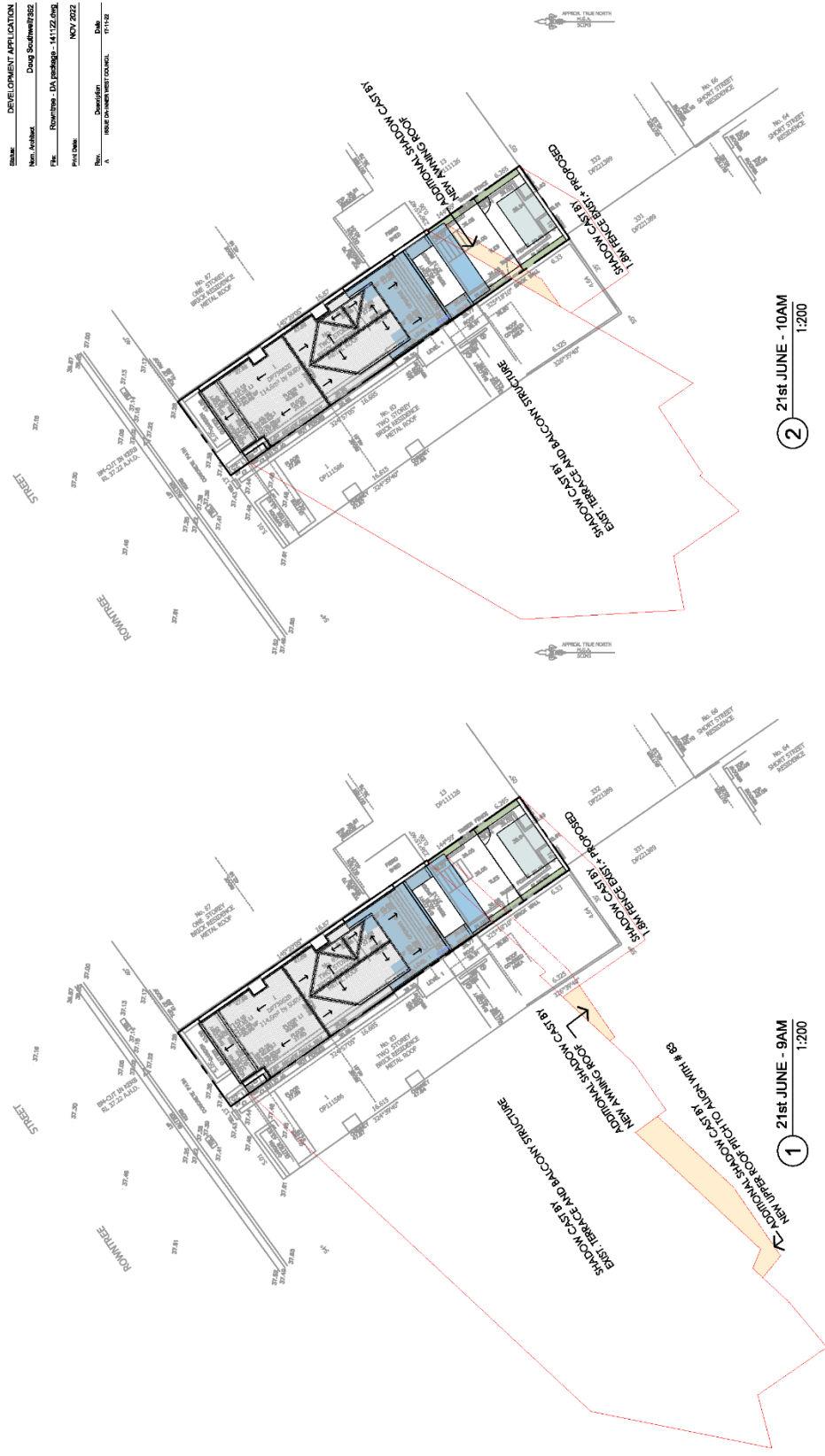
Proposed Section - AA and BB  
 Reference No: **A**  
 Drawing No: **DA-10**  
 Date: **A**



85 Rowntree Street, BIRCHGROVE  
 Client: **Angela and Andrew Biddle**

DNArch  
 11/11/2022  
 Version: 1, Version Date: 15/06/2023

DRAWN: DEVELOPMENT APPLICATION  
 No. Address: Doug Southwell/262  
 File: Rowntree DA package - 6/1/22.dwg  
 Print Date: NOV 2022  
 No. Description: 17114  
 Date: 17/11/22  
 By: RECD ENVIRONMENT COUNCIL



2 21st JUNE - 10AM 1:200

1 21st JUNE - 9AM 1:200

**SHADOW LEGEND:**  
 Shadow cast by Exst. structure  
 Additional shadow cast by proposed structure  
 proposed structure

85 Rowntree Street, BIRCHGROVE  
 Project: 17114  
 Client: Angela and Andrew Biddle  
 DNaArch  
 DNaArch Architects and Design  
 1/100 RIVERVIEW DRIVE, BIRCHGROVE NSW 2227 Australia  
 Tel: 02 9333 1638  
 Email: info@dnarchitects.com.au  
 Version: 1, Version Date: 15/06/2023  
 Shadow Diagrams - June 21st - Existing and Proposed  
 Drawing No. DA-11 A  
 Revision No. A





DEVELOPMENT APPLICATION  
 Name: Doug Southwell/262  
 File: Rowntree - DA package - 16.12.2022  
 Print Date: MARCH 2023  
 Drawn: A  
 Description: 85 ROWNTREE COURT  
 Date: 01/03/23

**LEGEND:**

[Pattern]	Exist. structure to be demolished
[Pattern]	Exist. Masonry wall
[Pattern]	Exist. Brickwork
[Pattern]	New masonry wall
[Pattern]	New timber framed cbd wall
[Pattern]	New RC Slab
[Pattern]	New Formed floor
[Pattern]	New Metal deck roof
[Pattern]	New window
[Pattern]	New door
[Pattern]	New side and privacy screen to exist. terraces
[Pattern]	Neighbouring Properties
[Pattern]	New Planter
[Pattern]	Exist. timber floor boards
[Pattern]	Ceramic Tiles
[Pattern]	Polished Concrete floor
[Pattern]	Select paver
[Pattern]	FL
[Pattern]	Finished floor level

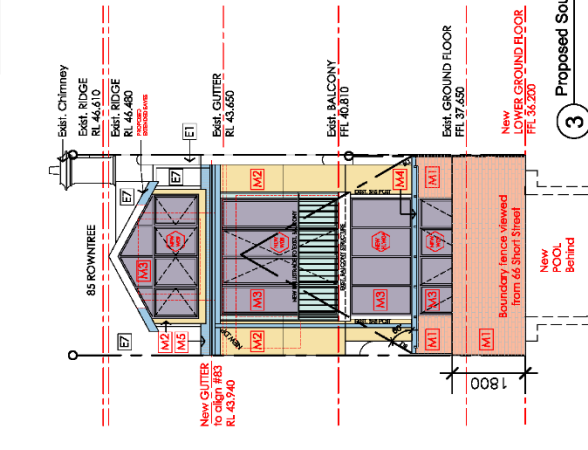
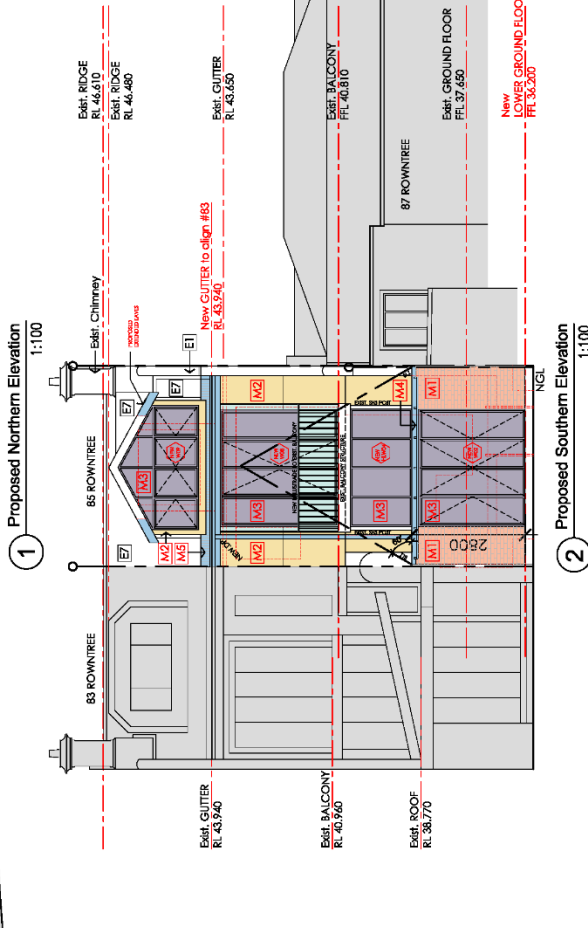
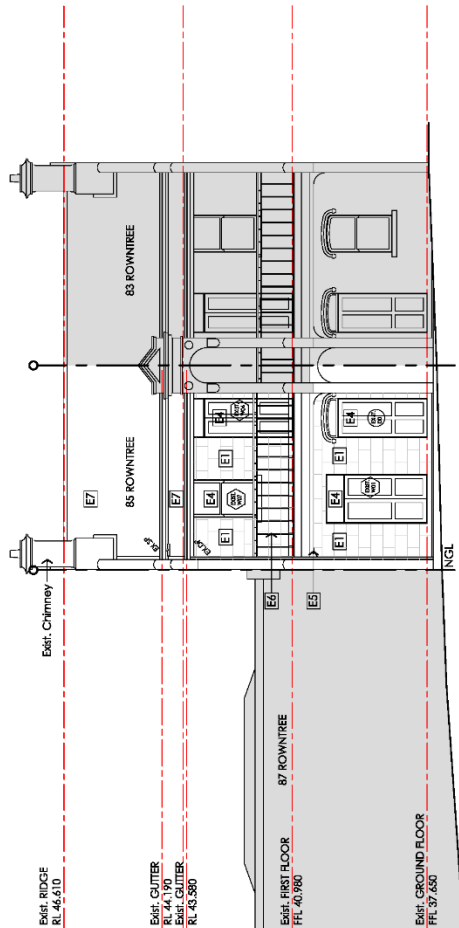
**MATERIALS LEGEND**

**EXISTING MATERIAL FABRIC**

- E1 Existing render with stretcher bond scribe, paint finish.
- E2 Existing brickwork, paint finish.
- E3 Existing lightweight Weatherboard cladding, paint finish.
- E4 Existing iron balcony, paint finish.
- E5 Existing wrought iron balustrade, paint finish.
- E6 Existing Custom cbd roof sheeting, zinc/alume.
- E7 Existing Custom cbd roof sheeting, zinc/alume.

**PROPOSED MATERIAL FABRIC**

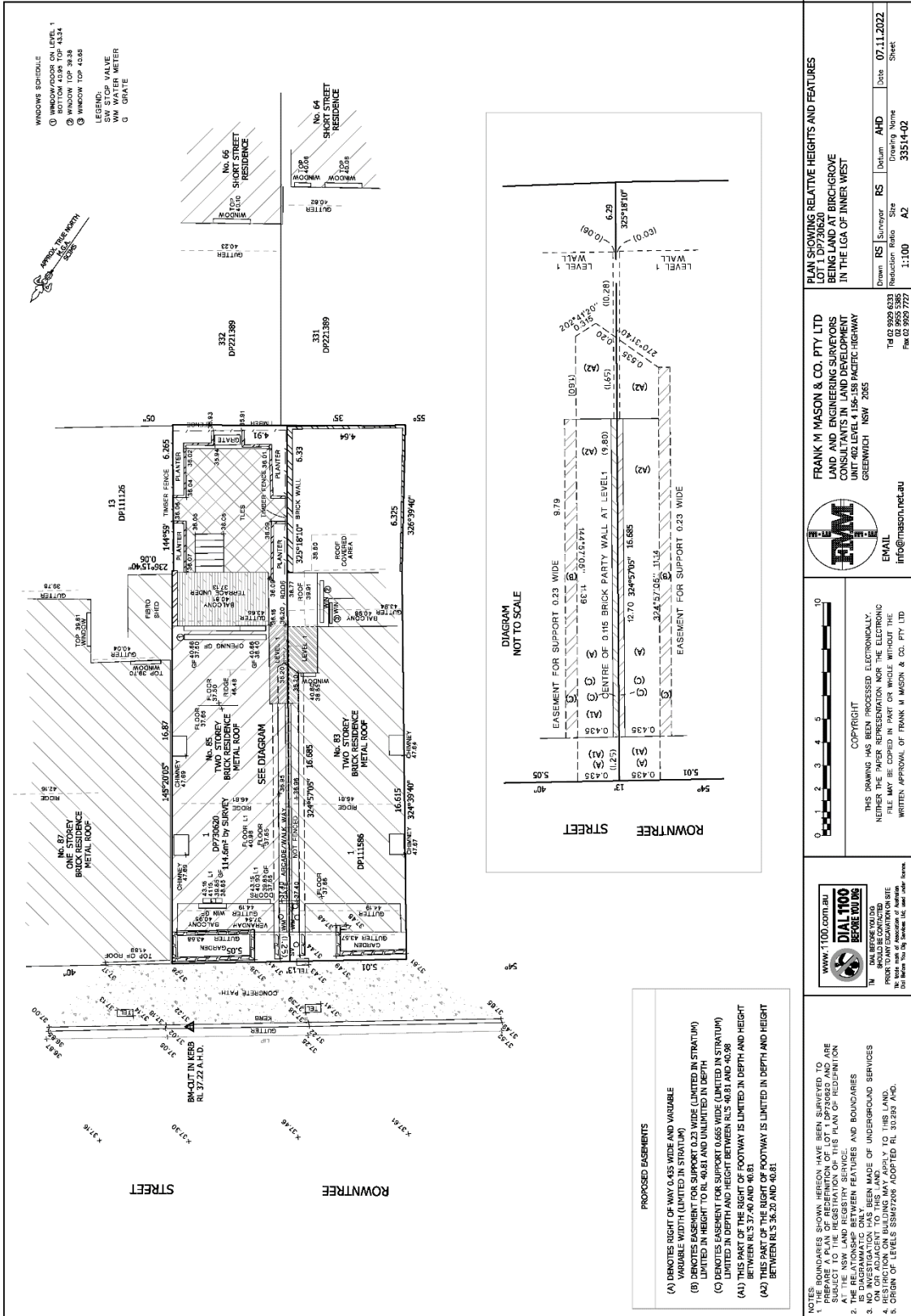
- M1 RECYCLED FACE BRICK
- M2 PRE FINISHED CLADDING PANEL
- M3 METAL FRAMED WINDOWS - POWDERCOAT FINISH
- M4 METAL CAPPING AND AWNING - POWDERCOAT FINISH
- M5 UPDOWN ROOF SHEETING - METAL MATCH EXIST.
- M6 NEW REINFORCED CONCRETE SLAB TO STRUCT. ENG DETAILS.



85 Rowntree Street, BIRCHGROVE  
 Client: Angela and Andrew Biddle  
 Scale: 1:100 @ A3  
 Proposed Elevations - North and South  
 Drawing No: DA-08 A  
 Date: 01/03/23

DNArch  
 1601/1602/1603/1604/1605/1606/1607/1608/1609/1610/1611/1612/1613/1614/1615/1616/1617/1618/1619/1620/1621/1622/1623/1624/1625/1626/1627/1628/1629/1630/1631/1632/1633/1634/1635/1636/1637/1638/1639/1640/1641/1642/1643/1644/1645/1646/1647/1648/1649/1650/1651/1652/1653/1654/1655/1656/1657/1658/1659/1660/1661/1662/1663/1664/1665/1666/1667/1668/1669/1670/1671/1672/1673/1674/1675/1676/1677/1678/1679/1680/1681/1682/1683/1684/1685/1686/1687/1688/1689/1690/1691/1692/1693/1694/1695/1696/1697/1698/1699/1700/1701/1702/1703/1704/1705/1706/1707/1708/1709/1710/1711/1712/1713/1714/1715/1716/1717/1718/1719/1720/1721/1722/1723/1724/1725/1726/1727/1728/1729/1730/1731/1732/1733/1734/1735/1736/1737/1738/1739/1740/1741/1742/1743/1744/1745/1746/1747/1748/1749/1750/1751/1752/1753/1754/1755/1756/1757/1758/1759/1760/1761/1762/1763/1764/1765/1766/1767/1768/1769/1770/1771/1772/1773/1774/1775/1776/1777/1778/1779/1780/1781/1782/1783/1784/1785/1786/1787/1788/1789/1790/1791/1792/1793/1794/1795/1796/1797/1798/1799/1800/1801/1802/1803/1804/1805/1806/1807/1808/1809/1810/1811/1812/1813/1814/1815/1816/1817/1818/1819/1820/1821/1822/1823/1824/1825/1826/1827/1828/1829/1830/1831/1832/1833/1834/1835/1836/1837/1838/1839/1840/1841/1842/1843/1844/1845/1846/1847/1848/1849/1850/1851/1852/1853/1854/1855/1856/1857/1858/1859/1860/1861/1862/1863/1864/1865/1866/1867/1868/1869/1870/1871/1872/1873/1874/1875/1876/1877/1878/1879/1880/1881/1882/1883/1884/1885/1886/1887/1888/1889/1890/1891/1892/1893/1894/1895/1896/1897/1898/1899/1900/1901/1902/1903/1904/1905/1906/1907/1908/1909/1910/1911/1912/1913/1914/1915/1916/1917/1918/1919/1920/1921/1922/1923/1924/1925/1926/1927/1928/1929/1930/1931/1932/1933/1934/1935/1936/1937/1938/1939/1940/1941/1942/1943/1944/1945/1946/1947/1948/1949/1950/1951/1952/1953/1954/1955/1956/1957/1958/1959/1960/1961/1962/1963/1964/1965/1966/1967/1968/1969/1970/1971/1972/1973/1974/1975/1976/1977/1978/1979/1980/1981/1982/1983/1984/1985/1986/1987/1988/1989/1990/1991/1992/1993/1994/1995/1996/1997/1998/1999/2000

Document Set ID: 37807731  
 Version: 1, Version Date: 15/08/2023



- WINDOWS SCHEDULE
- ① WINDOW/FLOOR ON LEVEL 1
  - ② WINDOW TOP 43.4
  - ③ WINDOW TOP 38.8
  - ④ WINDOW TOP 42.8
- LEGEND:
- SW STOP VALVE
  - WM WATER METER
  - G GRATE



**PROPOSED EASEMENTS**

(A) DENOTES RIGHT-OF-WAY 0.435 WIDE AND VARIABLE WIDTH (LIMITED IN STRATUM)

(B) DENOTES EASEMENT FOR SUPPORT 0.23 WIDE (LIMITED IN STRATUM)

(C) DENOTES EASEMENT FOR 0.115 BRICK PARTY WALL (LIMITED IN STRATUM)

(D) DENOTES EASEMENT FOR 0.115 BRICK PARTY WALL (LIMITED IN DEPTH AND HEIGHT BETWEEN RLS 40.81 AND 40.28)

(E) THIS PART OF THE SIGHT OF FOOTWAY IS LIMITED IN DEPTH AND HEIGHT BETWEEN RLS 37.40 AND 40.81

(F) THIS PART OF THE SIGHT OF FOOTWAY IS LIMITED IN DEPTH AND HEIGHT BETWEEN RLS 36.20 AND 40.81

**NOTES:**

1. BOUNDARIES SHOWN HEREON HAVE BEEN SURVEYED TO PREPARE A PLAN OF REDEFINITION OF LOT 1 DPT6880 AND ARE ACCORDING TO THE SURVEY REPORT DATED 11/06/2008.
2. THE RELATIONSHIP BETWEEN FEATURES AND BOUNDARIES SHOWN ON THIS PLAN IS AS SHOWN ON THE SURVEY REPORT DATED 11/06/2008.
3. NO INVESTIGATION HAS BEEN MADE OF UNDERGROUND SERVICES OR ADJACENT TO THIS LAND.
4. THIS PLAN IS A PLAN OF REDEFINITION OF LOT 1 DPT6880 AND IS IN ACCORDANCE WITH THE SUBDIVISION ACT 1988.
5. ORIGIN OF LEVELS SSMETZWS ADOPTED RL 30.293 AHD.



THIS DRAWING HAS BEEN PROCESSED ELECTRONICALLY. NEITHER THE PAPER REPRESENTATION NOR THE ELECTRONIC FILE MAY BE COPIED IN PART OR WHOLE WITHOUT THE WRITTEN APPROVAL OF FRANK M WASON & CO. PTY LTD.

FRANK M WASON & CO. PTY LTD  
LAND AND ENGINEERING SURVEYORS  
CONSULTANTS IN LAND DEVELOPMENT  
UNIT 402 LEVEL 4 156-158 PACIFIC HIGHWAY  
GREENWICH NSW 2065

TEL 61 9292 6338  
FAX 61 9292 7772

EMAIL: info@mason.net.au



**PLAN SHOWING RELATIVE HEIGHTS AND FEATURES BEING LAND AT BIRCHGROVE IN THE LGA OF INNER WEST**

Drawn: RS Surveyor  
Checked: AHD  
Date: 07.11.2022

Reduction Ratio: Size  
1:100 A2

Drawing Name: 33154-02  
Sheet

PLAN FORM 6 (2019)		WARNING: Creasing or folding will lead to rejection	
<b>DEPOSITED PLAN ADMINISTRATION SHEET</b>		Sheet 1 of 3 sheet(s)	
Office Use Only		Office Use Only	
Registered:			
Title System:			
<b>PLAN OF REDEFINITION OF LOT 1 DP111586 AND LOT 1 DP730620</b>		LGA: INNER WEST	
		Locality: BIRCHGROVE	
		Parish: PETERSHAM	
		County: CUMBERLAND	
Survey Certificate		Crown Lands NSW/Western Lands Office Approval	
I, Andrew Philip Mason of Frank M Mason & Co Pty Ltd, Suite 402, 156 Pacific Highway, Greenwich NSW 2065, a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that:		I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.	
* <i>(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on 6<sup>th</sup> October 2022</i>		Signature: .....	
* <i>(b) The part of the land shown in the plan (*being* excluding ..... as surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on ..... the part not surveyed was compiled in accordance with that Regulation, or</i>		Date: .....	
* <i>(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</i>		File Number: .....	
Datum Line: X-Y		Office: .....	
Type: Urban		Subdivision Certificate	
The terrain is Level-Undulating		I, ..... *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.	
Signature: 		Signature: .....	
Dated: 6/10/2020,		Accreditation number: .....	
signature added digitally by me, Andrew Philip Mason on 6/10/20220		Consent Authority: .....	
Surveyor Identification No: 1576		Date of endorsement: .....	
Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>		Subdivision Certificate number: .....	
*Strike out inappropriate words.		File number: .....	
Plans used in the preparation of survey. DP'S 111586, 730620, 111126, 1268060, 811875, 743581, 75244, 741611, 109674, 1194734, 730582, 777689, 711176, 858159, 782850, 7183265, 221389, 997035, 196482, 1264762, 732390		*Strike through if inapplicable.	
		Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.	
Surveyor's Reference: 33588-DP		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	



<b>PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET</b>		Sheet 2 of 3 sheet(s)															
Office Use Only <b>Registered:</b> <b>PLAN OF REDEFINITION OF LOT 1 DP111586 AND LOT 1 DP730620</b>	Office Use Only  This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> <li>• A schedule of lots and addresses - See 60(c) SSI Regulation 2017</li> <li>• Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919</li> <li>• Signatures and seals- see 195D Conveyancing Act 1919</li> <li>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>																
Subdivision Certificate number: ..... Date of Endorsement: .....																	
<b>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:</b> <ol style="list-style-type: none"> <li>1. RIGHT OF FOOTWAY 0.435 WIDE &amp; VARIABLE WIDTH (LIMITED IN STRATUM)</li> <li>2. EASEMENT FOR SUPPORT 0.23 WIDE (LIMITED IN STRATUM)</li> <li>3. EASMENT FOR SUPPORT 0.665 WIDE (LIMITED IN STRATUM)</li> </ol>																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Lot Number</th> <th style="width: 15%;">Street Number</th> <th style="width: 25%;">Street Name</th> <th style="width: 15%;">Street Type</th> <th style="width: 30%;">Locality</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">83</td> <td style="text-align: center;">Rowntree</td> <td style="text-align: center;">Street</td> <td style="text-align: center;">Birchgrove</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">85</td> <td style="text-align: center;">Rowntree</td> <td style="text-align: center;">Street</td> <td style="text-align: center;">Birchgrove</td> </tr> </tbody> </table>	Lot Number	Street Number	Street Name	Street Type	Locality	1	83	Rowntree	Street	Birchgrove	2	85	Rowntree	Street	Birchgrove		
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1	83	Rowntree	Street	Birchgrove													
2	85	Rowntree	Street	Birchgrove													
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>.....</p> <p><b>Andrew James Biddle</b></p> </div> <div style="width: 45%;"> <p>.....</p> <p><b>Angela Cheryl Biddle</b></p> </div> </div>																	
Executed by <b>National Australia Bank Ltd</b> Pursuant to Registered Mortgage No. AQ677595 (Lot 1 DP730620)																	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>Mortgages under Mortgage No. AQ677595</b>                      Signed at <i>Parramatta</i> this <i>6th</i> day of <i>December</i> 20<i>22</i> for National Australia Bank Limited ABN 12 004 044 937 by <i>Walter Jm</i> its duly appointed Attorney under Power of Attorney No. 39 Book 4512</p> </div> <div style="width: 45%;"> <p>.....</p> <p><b>Level 3 Attorney</b></p> <p>.....</p> <p><b>Witness/Bank Officer</b>                      Level 8, 3PS                      153 Macquarie Street                      Parramatta NSW 2150</p> </div> </div>																	
If space is insufficient use additional annexure sheet																	
Surveyor's Reference: 33588-DP																	

**INSTRUMENT SETTING OUT THE TERMS AND CONDITIONS OF EASEMENTS  
INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE  
CONVEYANCING ACT, 1919**

Lengths are in metres

Page 1 of 5

**PLAN:** **Plan of Redefinition of Lot 1 DP111586  
and  
Lot 1 DP730620.**

**FULL NAME AND ADDRESS  
OF THE PROPRIETOR OF  
THE LAND:**

**1. Lot 1 DP111586:**  
Marc Bennie & Anna Nicole MacFarlane  
83 Rowntree Street  
Birchgrove NSW 2041

**2. Lot 1 DP730620:**  
Andrew James Biddle & Angela Cheryl  
Biddle  
85 Rowntree Street  
Birchgrove NSW 2041

**PART 1 (CREATION)**

<b>Number of Item Shown in the Intention Panel of the Plan</b>	<b>Identity of Easement to be created and referred to in the Plan</b>	<b>Burdened Lots</b>	<b>Lots or Authority Benefited</b>
1	Right of Footway 0.435 Wide and Variable Width (Limited in Stratum)	1 2	2 1
2	Easement for Support 0.23 Wide (Limited in Stratum)	1 2	2 1
3	Easement for Support 0.665 Wide (Limited in Stratum)	1 2	2 1

**Part 2 (TERMS)**

**1. Terms of the Easement for Support numbered 2 & 3 in the plan:**

Full and free right for the Registered Proprietor from time to time of the dominant tenement to use that part of the land shown on the above mentioned Plan as "Easement for Support" on the servient tenant for the support of the dividing party wall erected between the residences and shown on the above mentioned plan as "0.115 wide Brick Party Wall at Level 1" and any structures supported by this Brick Party Wall, including (but not limited to) floors, ceilings, roof structures and internal walls provided that the Registered Proprietors of both the dominant and servient tenements shall be equally responsible for the maintenance of the walls and floors within these Easements for Support and the Party Wall common to both lots.

33588DP\_88B\_03\_11\_22

Lengths are in metres

Page 4 of 5

PLAN:

Plan of Redefinition of Lot 1 DP111586 and Lot 1 DP730620.

EXECUTION cont.

Lot 1 DP730620

Signed in my presence by Andrew James Biddle who is personally known to me.

[Redacted signature]

Signature of witness:

[Redacted signature]

Andrew James Biddle

ZORAN SARAJEVA

Name of witness: (Please print full name)

6 EVELIN ST ROZELLE 2039

Address of witness:

\_\_\_\_\_

Signed in my presence by Angela Cheryl Biddle who is personally known to me.

[Redacted signature]

Signature of witness:

[Redacted signature]

Angela Cheryl Biddle

DONG SOUTHCOCK

Name of witness: (Please print full name)

247 WONIORA RD. BLAKEVIEW  
Address of witness: NSW 2221.

\_\_\_\_\_

33588DP\_88B\_03\_11\_22

Lengths are in metres

Page 5 of 5

PLAN:

Plan of Redefinition of Lot 1 DP111586  
and Lot 1 DP730620.

**EXECUTION cont.**

Executed by National Australia Bank Limited  
Pursuant to Registered Mortgage No. AQ677595  
(Lot 1 DP730620).

Mortgagee under Mortgage No. AQ677595  
Signed at Parramatta this 6<sup>th</sup> day of  
December 2022 for National  
Australia Bank Limited ABN 12 004 044 937  
by Wattay Im  
its duly appointed Attorney under Power of  
Attorney No. 39 Book 4512

.....  
Level 3 Attorney  
.....

  
.....  
**Level 8, 3PS  
153 Macquarie Street  
Parramatta NSW 2150**

33588DP\_88B\_03\_11\_22

Document Set ID: 37807731  
Version: 1, Version Date: 15/06/2023

Attachment C- Section 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

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

<b>Development Application Details:</b>	
<b>Address:</b>	
<b>Proposed Development:</b>	

<b>Standard sought to be varied:</b>	
<input type="checkbox"/>	<b>Floor Space Ratio</b> – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – 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"> <li>a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</li> <li>b. that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ol>	




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

<b>Applicant's signature:</b>	[REDACTED]	<b>Date:</b>	/ /
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<b>Privacy statement</b>
<p>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 <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>, 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 <i>Government Information (Public Access) Act 2009</i>, 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.</p>

<b>Instructions for applicants</b>
<p>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 <a href="#">Development Application Checklist</a> and <a href="#">DA Document Requirements</a>.</p> <p><b>Incomplete/illegible applications will not be accepted and will be returned to you.</b></p> <p><b>Lodge online:</b> <a href="https://www.planningportal.nsw.gov.au/onlineDA">https://www.planningportal.nsw.gov.au/onlineDA</a></p> <p><b>Fees and charges:</b> Find fees and charges on the Council website: <a href="http://www.innerwest.nsw.gov.au/FeesAndCharges">www.innerwest.nsw.gov.au/FeesAndCharges</a></p> <p>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.</p> <p><b>Inconsistency in Lodgement Information:</b> Where information on this form differs from information entered into the Planning Portal Application (PAN) the information on this form will prevail.</p>

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

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

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<b>Development Application Details:</b>	
<b>Address:</b>	
<b>Proposed Development:</b>	

<b>Standard sought to be varied:</b>	
<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<p><b>Floor Space Ratio</b> – Clause 4.4 or 4.4A of LEP 2013</p> <p><b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013</p> <p><b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013</p> <p><b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013</p> <p><b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013</p> <p><b>Diverse Housing</b> – Clause 6.13 of LEP 2013</p> <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"> <li>a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</li> <li>b. that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ol>






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

<b>Applicant's signature:</b>		<b>Date:</b>	/ /
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## Attachment D – Statement of Heritage Significance

Godden Mackay Logan

### Area 15 Town of Waterview Conservation Area

#### Landform

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

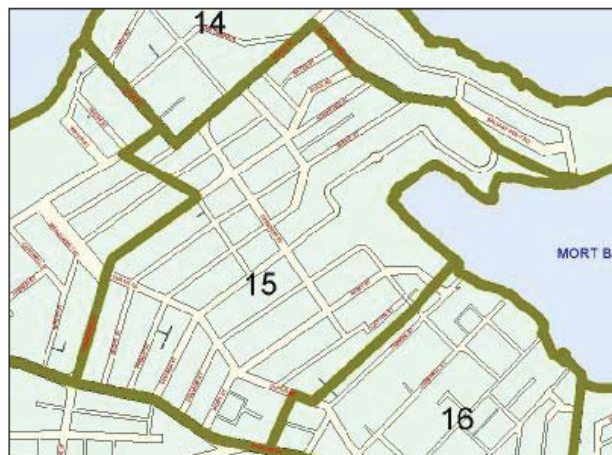


Figure 15.1 Town of Waterview Conservation Area Map.

#### History

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

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

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

Godden Mackay Logan

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

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

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

#### Sources

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

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

Further research by Max Solling.

#### Significant Characteristics

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

Godden Mackay Logan

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

#### Statement of Significance or Why the Area is Important

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

#### Management of Heritage Values

##### Generally

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

##### Retain

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

Godden Mackay Logan

- All remaining sandstone kerbs and gutter.

Avoid

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