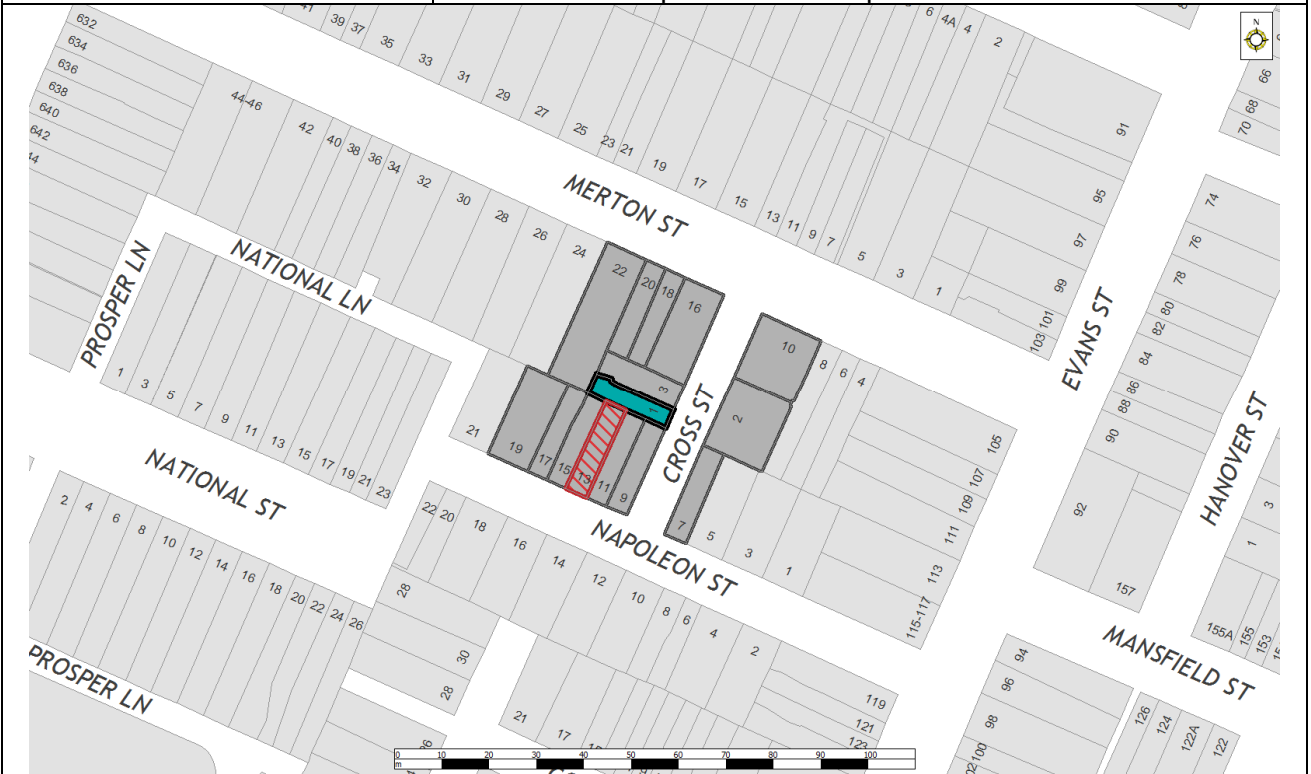




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/418
Address	1 Cross Street, ROZELLE NSW 2039
Proposal	Alterations and additions to an existing dwelling-house.
Date of Lodgement	10 August 2018
Applicant	Christopher Jordon Architecture and Design
Owner	Mr B J Sneddon and Ms J E Leeder
Number of Submissions	1 submission
Value of works	\$95,000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	Solar Access Bulk and Scale
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exceptions to development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Alterations and additions to an existing dwelling-house at 1 Cross Street, Rozelle. The application was notified to surrounding properties and one (1) submission was received.

The main issues that have arisen from the application include:

- Bulk and Scale
- Solar Access

The application has been assessed on its merits and is considered acceptable, subject to conditions and as a result is recommended for approval.

2. Proposal

Consent is sought for alterations and additions to an existing dwelling, including:

- Alterations and additions to the existing ground floor, including infilling the existing lightwell courtyard, a minor increase in building footprint and increasing the ceiling height at the rear.
- A new internal stair.
- Various internal alterations at the ground floor

3. Site Description

The subject site is located on the western side of Cross Street, between Merton Street and Napoleon Street. The site consists of one (1) allotment and is generally rectangular shaped with a total area of 75.9m² and is legally described as Lot A DP 106757. The site has a frontage to Cross Street of 4.40 metres.

The site supports a two storey dwelling. The surrounding properties support residential dwellings of varying scale, including single and two storey dwellings. The image below indicates the dwelling and adjoining neighbours.



Figure 1: 1 Cross Street

The subject site is not listed as a heritage item, however it is located within a Heritage Conservation area and is not identified as a flood prone lot.

4. Background

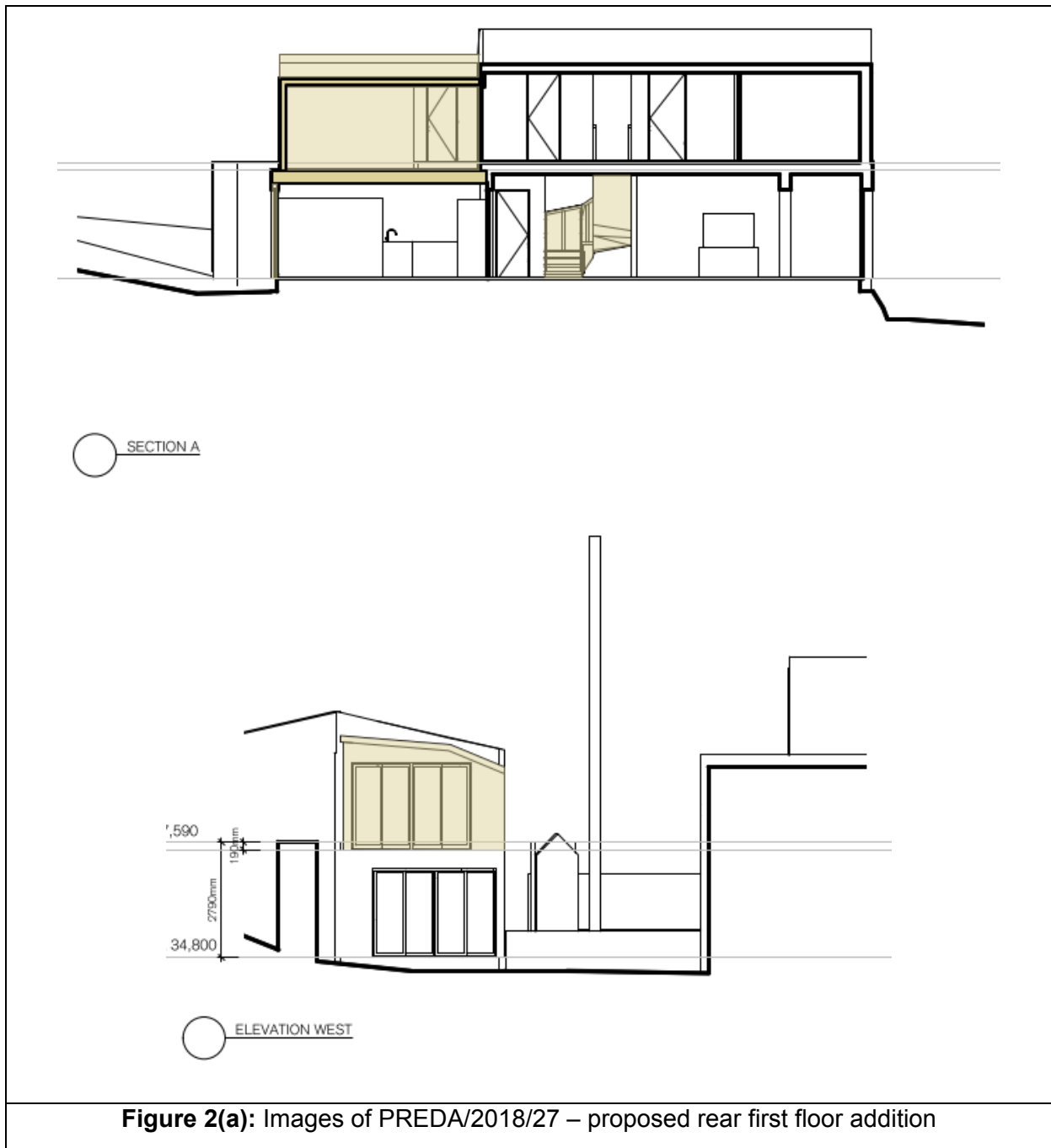
4(a) Site history

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

Subject Site

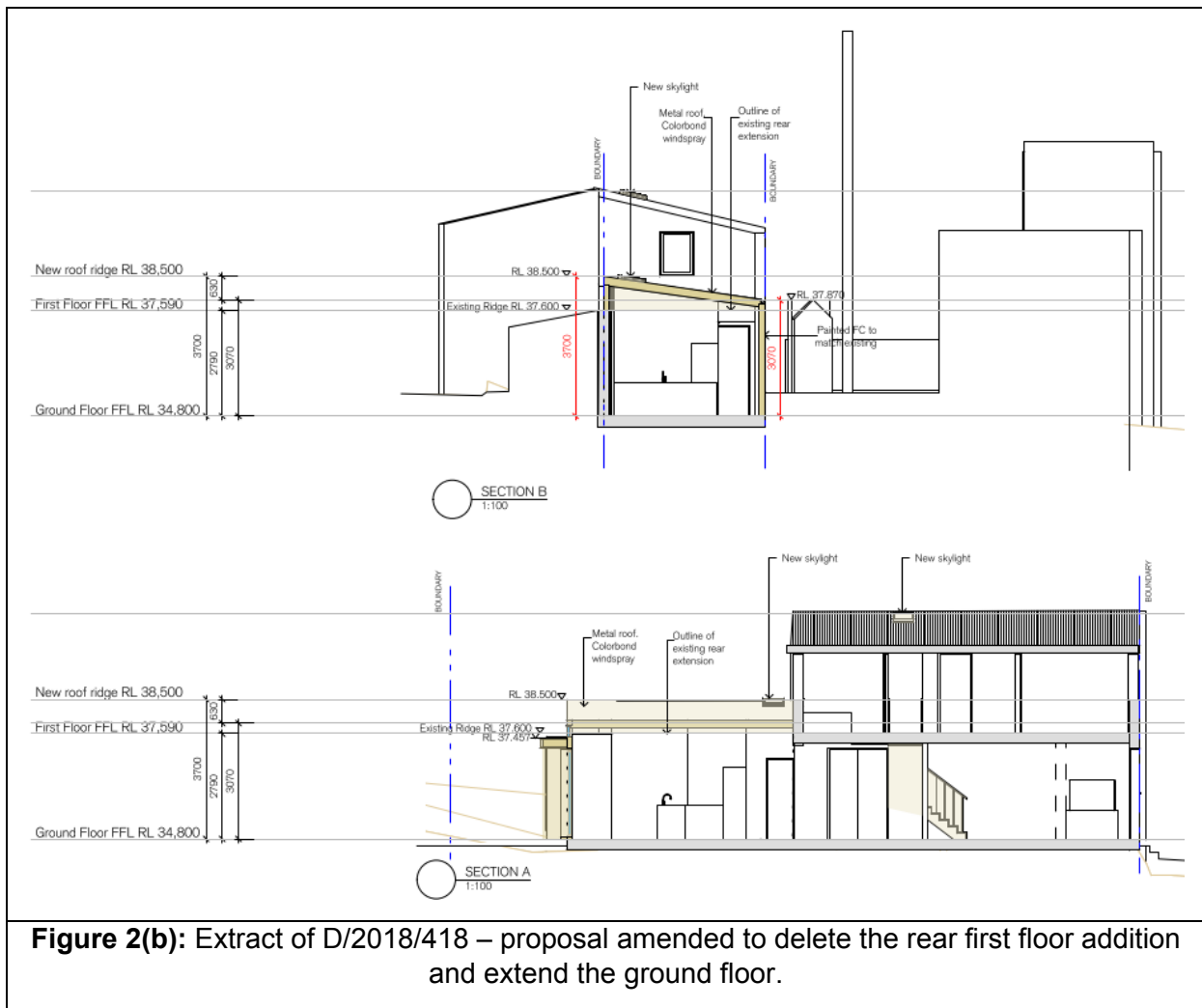
Application	Proposal	Decision & Date
D/2005/81	Alterations and additions to rear of the existing dwelling with the addition of a toilet downstairs and bathroom upstairs.	Approved 26/08/2005
M/2006/7	Section 96 (1A) modification of development consent D/2005/81, which approved alterations and additions to rear of an existing dwelling. Modification includes changing pitched roof to skillion roof and other minor amendments.	Approved 2/02/2006
D/2016/189	Alterations and additions First Floor Rear Addition.	Rejected 12/05/2016
PREDA/2018/27	Alterations and additions to existing rear ground floor and rear first floor	Advice Issued 12/03/2018
D/2018/252	Alterations and additions to an existing dwelling-house.	Rejected 18/05/2018

The site has been subject to one (1) PREDA. The images below indicate the proposal lodged as part of this PREDA.



The key issues raised in the PREDA included neighbouring amenity impacts (solar access and visual bulk), building location zone variation at the first floor and non-compliance with FSR, site coverage and landscaped area development standards.

In summary, it is considered that the amended proposal as part of this DA which has deleted the first floor rear addition has addressed those key issues raised in the PREDA and, taking into account comments raised in the submission, the application is now in a position to be supported. The images below indicate the current proposal as lodged as part of Development Application D/2018/418.



Surrounding properties

3 Cross Street

Application	Proposal	Decision & Date
D/2016/15	Pruning of tree roots due to storm and rainwater running into the back entrance. Roots lifting pavers in courtyard.	Rejected 14/01/2016

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
21/09/2018	Council - requested additional shadow diagrams at the summer solstice
24/09/2018	Applicant - additional information lodged – amended shadow diagrams
24/10/2018	Council - requested amended and additional Clause 4.6 Assessments
24/10/2018	Applicant - additional information lodged – Amended and Additional Clause 4.6 Assessments

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

- **State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

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

- **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.

- **Leichhardt Local Environment Plan 2013 (LLEP 2013)**

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio 0.9:1 (73.16m ²)	1.12:1 (90.85m ²)	24.18% (17.70m ²)	No
Landscape Area 15% (12.20m ²)	Nil (existing)	100%	No
Site Coverage 60% (48.77m ²)	81.39% (66.16m ²)	35.65% (17.40m ²)	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

Comment: As detailed in the table above, the proposal will result in non-compliant site coverage, landscaped area and floor space ratio. It is considered that flexibility in this instance will result in an acceptable amenity/liveability for the residents, whilst retaining an acceptable level of outdoor space at the rear of the site.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The 'key' reasons submitted by the applicant as justification to the contravention of the standards are:

Clause 4.3A – Landscaped areas for residential development in Zone R1

The proposed development seeks to provide nil landscaping. Notwithstanding numerical non-compliance, the applicant contends that the proposed building satisfies the stated objectives given that:

1. The design of the development provides a desirable urban form that maintains the existing site as a single residence, improves the residence, and removes a flood risk, and does not reduce landscaped area. The alterations and additions increase the building footprint but do not reduce landscaped area, and hence it is deemed unnecessary to meet the 15% required landscaping.
2. Currently the rear of the site is used as a small courtyard for outdoor living. It has been excavated from rock with little opportunity for substantial planted area. Landscaping this area would be deemed unnecessary and impede the owners current use of the rear backyard.
3. The site is not heritage listed but is located within a Conservation Area. The retention of the principle original structure of the building will be encouraged by Council.
4. The development does not itself create any adverse impact by way of privacy or bulk and scale that could be viewed by neighbours or those passing the site within the public domain.
5. No additional amenity impacts arise as a result of the proposal.
6. The development achieves the aims and objectives of LLEP 2013.
7. The proposal satisfies the zone objectives.

Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

The proposed development seeks to provide a site coverage of 81.39% (or 66.16m²).

Notwithstanding numerical non-compliance, the applicant contends that the proposed building satisfies the stated objectives given that:

8. The design of the development provides a desirable urban form that maintains the existing site as a single residence, retains the original principle building form and upgrades / reinstates and restores the external building features of the original building thereby improving the streetscape.
9. The proposed dwelling has been sympathetically designed to consider the amenity and character of the surrounding neighbourhood through its retention of the original principle building and modest additions at the rear.
10. The site coverage development standard departure does not itself create any adverse impact by way of privacy or bulk and scale that could be viewed by neighbours or those passing the site within the public domain.
11. No additional amenity impacts arise as a result of the proposal.
12. The development achieves the aims and objectives of LLEP 2013.
13. The proposal satisfies the zone objectives.
14. The increase in site coverage over the existing building is only approximately 2.5sqm and is due to the infill of the internal courtyard. This courtyard offers no amenity to the occupants and creates a flooding risk to the dwelling.

Clause 4.4 – Floor Space Ratio

The proposed development seeks to provide a FSR of 1.12:1 (or 90.85m²). Notwithstanding numerical non-compliance, the applicant contends that the proposed building satisfies the stated objectives given that:

15. The design of the development provides a desirable urban form that maintains the existing site as a single residence, retains the original principle building form and upgrades / reinstates and restores the external building features of the original building thereby improving the streetscape.
16. The proposed dwelling has been sympathetically designed to consider the amenity and character of the surrounding neighbourhood through its retention of the original principle building and modest additions at the rear.
17. The FSR development standard departure does not itself create any adverse impact by way of privacy or bulk and scale that could be viewed by neighbours or those passing the site within the public domain.
18. No additional amenity impacts arise as a result of the proposal.
19. The development achieves the aims and objectives of LLEP 2013.

20. The proposal satisfies the zone objectives.
21. The excess in floor area is attributed to infilling a courtyard which is a trapped drainage area.
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and it is considered to be well founded in this instance. The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standard/s and General Residential zoning as demonstrated below:

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale
- The siting of the building is within the building location zones when it can be reasonably assumed development can occur.
- The proposal and development standard non-compliances will not result in any undue adverse amenity impacts to the surrounding properties.

The Secretary has provided concurrence.

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

- (b) *the public benefit of maintaining the development standard, and*

The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

No other matters are required to be considered before granting concurrence.

Clause 5.10 – Heritage Conservation

The site is located in a Heritage Conservation Area. It is considered that the proposal in terms of form, scale, materials and finishes will satisfy the objectives of this Clause and the proposal will have no adverse impacts on the Conservation Area.

Clause 6.4 – Stormwater Management

It is considered that the proposal will satisfy the objectives of this Clause, subject to conditions as recommended by Council's Engineers which will be imposed on any consent granted.

5(b) Draft Environmental Planning Instruments

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

- Draft State Environmental Planning Policy (Environment)

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues that are contrary to the provisions of the Draft Environment SEPP.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.14 Tree Management	N/A
Part C: Place – Section 2 Urban Character	
C2.2.5.1 The Valley 'Rozelle' Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	

C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see below:
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see below
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	Yes
Part E: Water	Yes
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.4 – Heritage Conservation Areas and Heritage Items

As mentioned in Section 5(a)(v), the proposal is considered acceptable and will have no adverse impacts on the Conservation Area.

C3.2 Site Layout and Building Design

The ground floor addition extends slightly beyond the existing rear alignment and in doing so the ‘technical’ ground floor BLZ. In assessment of the application under C6 which enables a variation or establishment of a new Building Location Zone, it is considered that the siting of the ground floor addition is acceptable for the following reasons:

- The proposed development responds to the Heritage Conservation Area and desired future character in conserving the single storey form, siting the addition at the rear and retains the entire original roof form;
- The development has not sought excessive floor-to ceiling heights and the overall height of the rear addition has been kept to a minimum to minimise visual bulk when viewed from adjoining properties;
- A raked ceiling has been provided to ensure that the amenity to adjacent properties (i.e. sunlight and privacy) is reasonably protected;

In consideration of the above, the siting of the proposal is in a location where development could be readily assumed given the context of the area.

Side Boundary Setbacks

The following table indicates compliance with the Side Boundary Setback Graph –

Elevation	Proposed Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern	3.4	0.6	0	0.6
Southern	2.8	0	0	0

As indicated, the northern wall height does not comply with the required setbacks, requiring greater setbacks than proposed. The pattern of development along this section of Cross Street and generally in this area, have a number of buildings with one and two storey forms that exceed this control – and are built boundary to boundary. In addition, the existing rear section of the dwelling is built with zero setbacks which the proposal intends to maintain. As a result, the proposed wall height and setbacks are not considered to be out of character with the prevailing forms.

In assessment under C8 that enables a variation to the setbacks it is considered that the wall height along this boundary is acceptable for the following reasons –

- The scale of the dwelling is not out of character with the overall pattern of development to other one and two storey forms along Cross Street and generally within in this area;
- The floor-to-ceiling heights are not considered excessive for a rear ground floor addition;
- It is not considered that the proposal results in adverse amenity impacts on adjoining neighbours.
- The ground floor zero setback is maintained to the southern and northern boundary as per the rear section of the existing dwelling which is built boundary to boundary.

Building Envelope

The Desired Future Character for the area provides a maximum 3.6m wall height. This single storey appearance of the dwelling is maintained and as a result, the building envelope is not altered and is within the 3.6m.

As a result, on balance it is considered the siting and scale of the additions is appropriate when assessed against the desired themes and its immediate context.

C3.9 – Solar Access

The following controls apply to the proposal in regards to solar access to adjoining properties.

Retaining solar access to neighbouring dwellings main 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.*
- *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.*

Retaining solar access to neighbouring dwellings private open space

- *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.*
- *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.*

Private Open Space

The winter solstice shadows diagrams indicate that there will be a loss to the private open space of No. 13 and No. 15 Napoleon Street where they do not receive the required solar access. The total additional overshadowing impact to these adjoining properties is summarised in the tables below:

No 13 Napoleon Street

Time of Day	Additional Overshadowing (sqm)
10am	0.305
11am	1.0
12pm	1.0
1pm	0.724

No 15 Napoleon Street

Time of Day	Additional Overshadowing (sqm)
11am	0.967
12pm	0.1

Equinox shadow diagrams were also submitted which indicated that majority of the solar access currently received by these properties will be retained.

In regards to the loss of solar access, an assessment against the reasonable of the impacts can be made as follows:

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;*
- b. site orientation;*
- c. the relative levels at which the dwellings are constructed;*
- d. the degree of skill employed in the design to minimise impact; and*
- e. whether reasonably available alternative design solutions would produce a superior result.*

It is considered that in the assessment of reasonableness, whilst there will be a loss of solar access to No. 13 and No. 15 Napoleon Street, it is considered that any reasonable development on this site would likely cause an impact due to these properties being located south of the subject site and being orientated north / south, therefore making them vulnerable to a loss. A year round analysis at equinox times has established that the private open spaces will remain largely unaffected which is considered positive given their highly vulnerable nature.

The proposal complies with the Side Setback controls to the southern boundary, has not sought excessive floor-to-ceiling heights and has a scale for a rear ground floor addition which is not out of character with the overall pattern of development in this area. There are design options that could be introduced for example, reducing the height of the rear addition. However, it is considered that in its context, that the siting is balanced well, in retaining amenity to a vulnerable neighbouring properties and providing amenity for the residents, whilst also conserving the main dwelling. In addition, it is not considered that a minor reduction in the height of the rear addition will significantly reduce the overshadowing impact to these properties.

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

The site is zoned R1 – General Residential. 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(f) Any submissions

The application was notified in accordance with LDCP 2013 for a period of 14 days to surrounding properties. A total of one (1) submission was received from one (1) property.

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

- The increase in visual bulk from the development – see Section 5(c) – C3.2 and C3.9
- The increase in amount of overshadowing from the development – see Section 5(c) – C3.9

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: The increase in glare to No. 13 Napoleon Street from the sloping roof reflecting the sun directly in to the upper rear section of this dwelling.

Comment: The new roof of the rear addition is proposed to be Colorbond Windspray. This is considered to be an appropriate choice of materials and colours in Conservation Areas and is not considered to be highly reflective in nature as to result in any additional glare to adjoining properties.

Issue: Demolition of the southern wall which encroaches the rear yard of No. 13 Napoleon Street is being pursued without the consent of the landowners of this property.

Comment: Council's Senior Lawyer reviewed the advice from the Applicant's Surveyor and confirmed that an applicant does not need the consent of the adjoining land owner to remove an encroaching structure if the encroachment has not been regularised, given it is seen as legally correcting the situation to what it should be. Therefore, it is considered that the DA has been validly made and may be determined by Council.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer – No objections subject to conditions
- Development Engineer – No objections subject to conditions

6(b) External

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

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6(3) of the LEP in support of the contravention of the development standards for 4.3A Landscaped Area, 4.3A(3)(b) Site Coverage and 4.4 Floor Space Ratio. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds, the proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2018/418 for alterations and additions to an existing dwelling-house at 1 Cross Street, ROZELLE NSW 2039, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2018/418 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No. 01 Rev# B Roof Plan	Christopher Jordan Architecture Design	28.05.18
Drawing No. 02 Rev# B Ground Floor Plan	Christopher Jordan Architecture Design	28.05.18
Drawing No. 03 Rev# B First Floor Plan	Christopher Jordan Architecture Design	28.05.18
Drawing No. 04 Rev# B Elevations 1	Christopher Jordan Architecture Design	28.05.18
Drawing No. 05 Rev# B Elevations 2	Christopher Jordan Architecture Design	28.05.18
Drawing No. 06 Rev# B Sections	Christopher Jordan Architecture Design	28.05.18
Drawing No. 07 Rev# B Materials and Finishes	Christopher Jordan Architecture Design	28.05.18
Document Title	Prepared By	Dated
BASIX Certificate No. A315341	Christopher Jordan Architecture Design	14.05.18

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

2. The demolition works approved by this consent shall strictly comply with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:

- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
- ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal

Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 3. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

- 4. In the event that the site drainage system becomes blocked or its capacity is exceeded, this may lead to inundation of the dwelling or redirection of stormwater runoff onto adjoining properties.

The proposal should be modified to reduce the risk of flooding to the dwelling. In this regard, the capacity of the site drainage system should be upgraded to reduce the risk of failure. The design of the sag pit and piped drainage system is to meet the following criteria:

- a) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
- b) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building.
- c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

The design must be prepared by a qualified practicing Civil Engineer.

5. Prior to the issue of a Construction Certificate, a Structural Certificate must be provided to the Principal Certifying Authority. The Certificate must verify that the structural integrity of the existing "Party Walls" are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Certificate must be provided to the consent authority and all owners of the party wall/s.
6. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

7. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
8. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

9. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties.

Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal

Certifying Authority.

10. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (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.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

11. The approved plans must be submitted to a Sydney Water Quick Check agent 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. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

12. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental

Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.

- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

- 13. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
 - a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

- 14. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be 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.

Security Deposit (FOOT)	\$2,152.50
Inspection fee (FOOTI)	\$292.15

Payment will be accepted in the form of cash, bank cheque or 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 Council to determine the condition of the adjacent road reserve & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

15. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Inner West Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

16. The proposed structure(s) to be erected must stand wholly within the boundaries of the

subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) Location of the building with respect to the boundaries of the site;

17. The site must be 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 property 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. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

18. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) The name and licence number of the principal contractor; and
- b) Reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

19. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.

20. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
21. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
22. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

23. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.
24. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

 - a) Preserve and protect the building from damage.
 - b) If necessary, underpin and support the building in an approved manner.
 - c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all

relevant parties.

25. The site must be appropriately secured and fenced at all times during works.
26. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

27. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

28. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.

29. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
30. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
- after excavation for, and prior to the placement of, any footings, and
 - prior to pouring any in-situ reinforced concrete building element, and
 - prior to covering of the framework for any floor, wall, roof or other building element, and
 - prior to covering waterproofing in any wet areas, and
 - prior to covering any stormwater drainage connections, and
 - after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
31. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
32. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.
- Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.
- If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.
33. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.
- The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.
- Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.
- The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.
34. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works

unless specific approval has been provided under this consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

35. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
36. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

37. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
38. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

39. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
 - the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

40. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
41. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
42. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Dwelling House without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a Dwelling House, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS**A. BASIX Commitments**

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- 1) For the purposes of section 4.17(11) of [the Act](#), it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

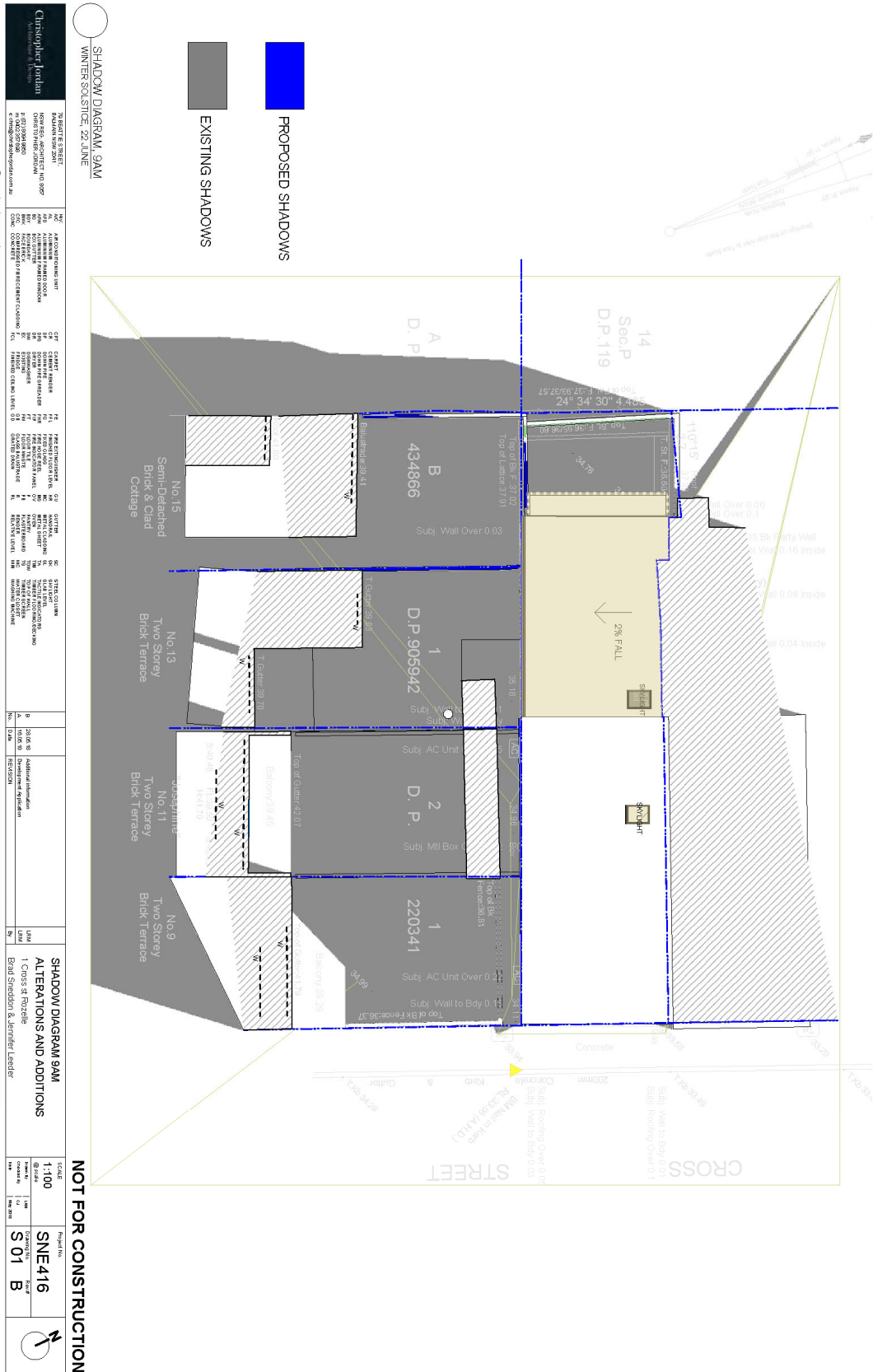
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.
5. 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*.

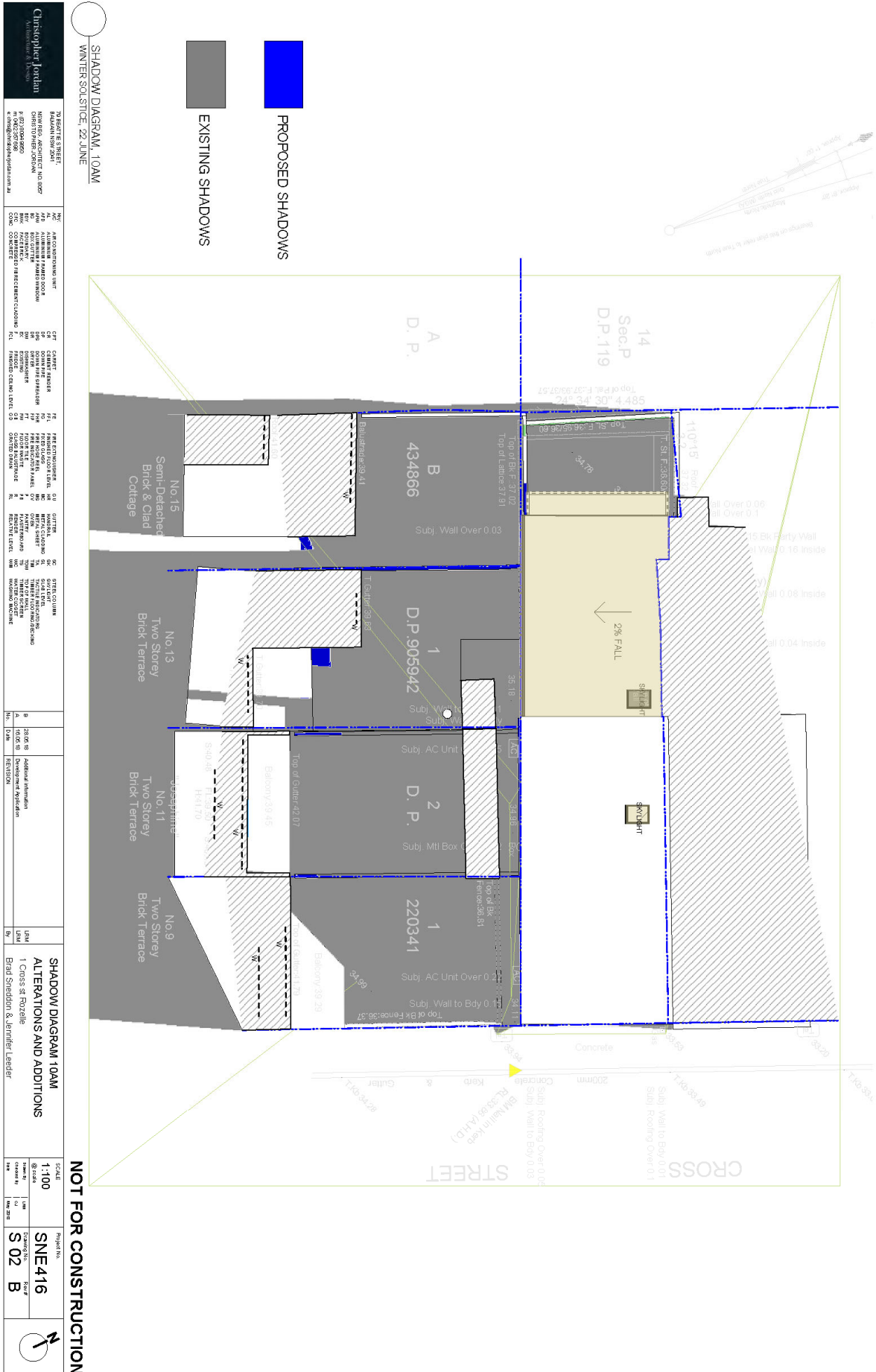
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, 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.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

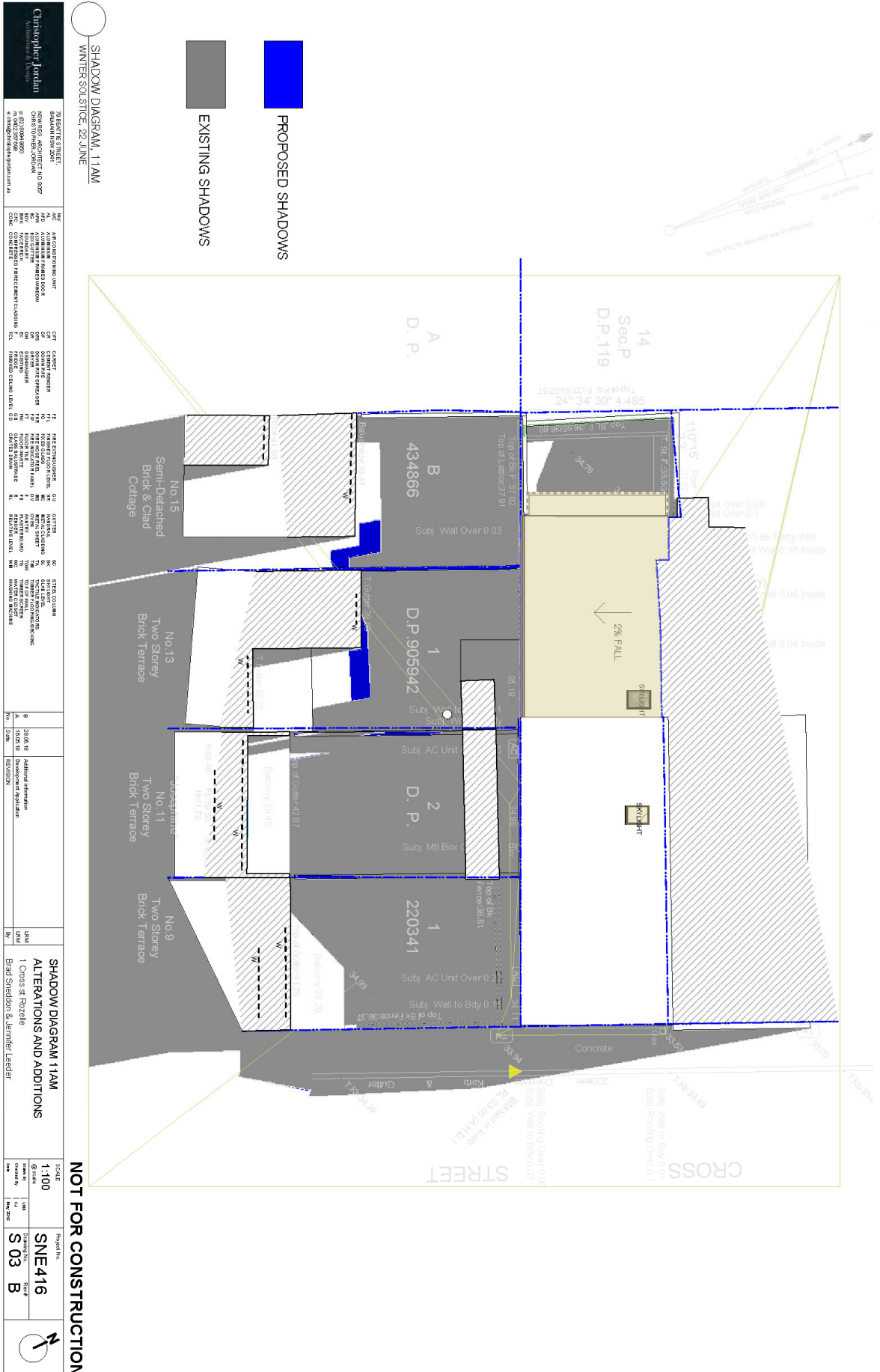
Have you made a political donation?

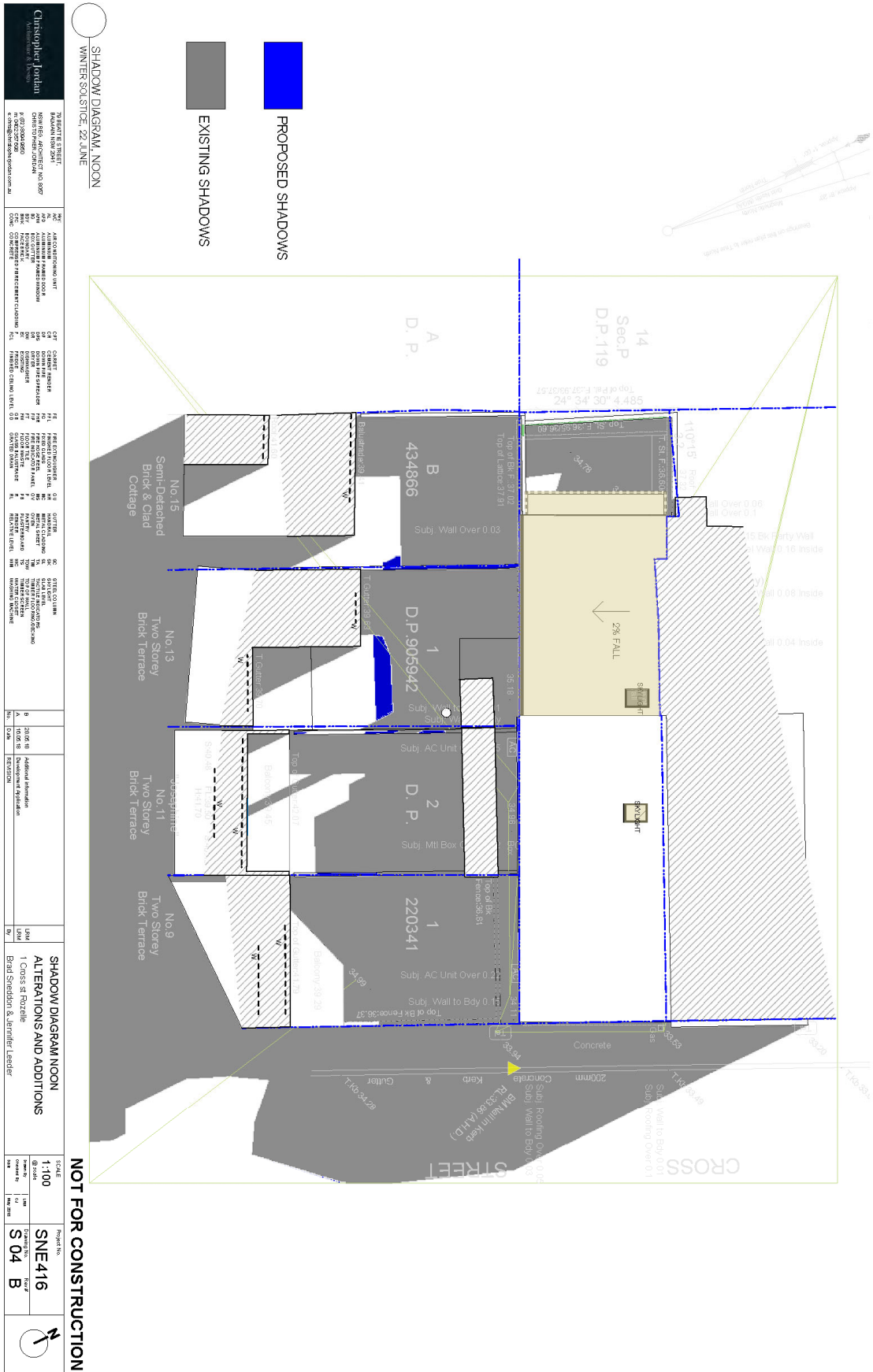
If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at www.leichhardt.nsw.gov.au/Political-Donations.html. If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.

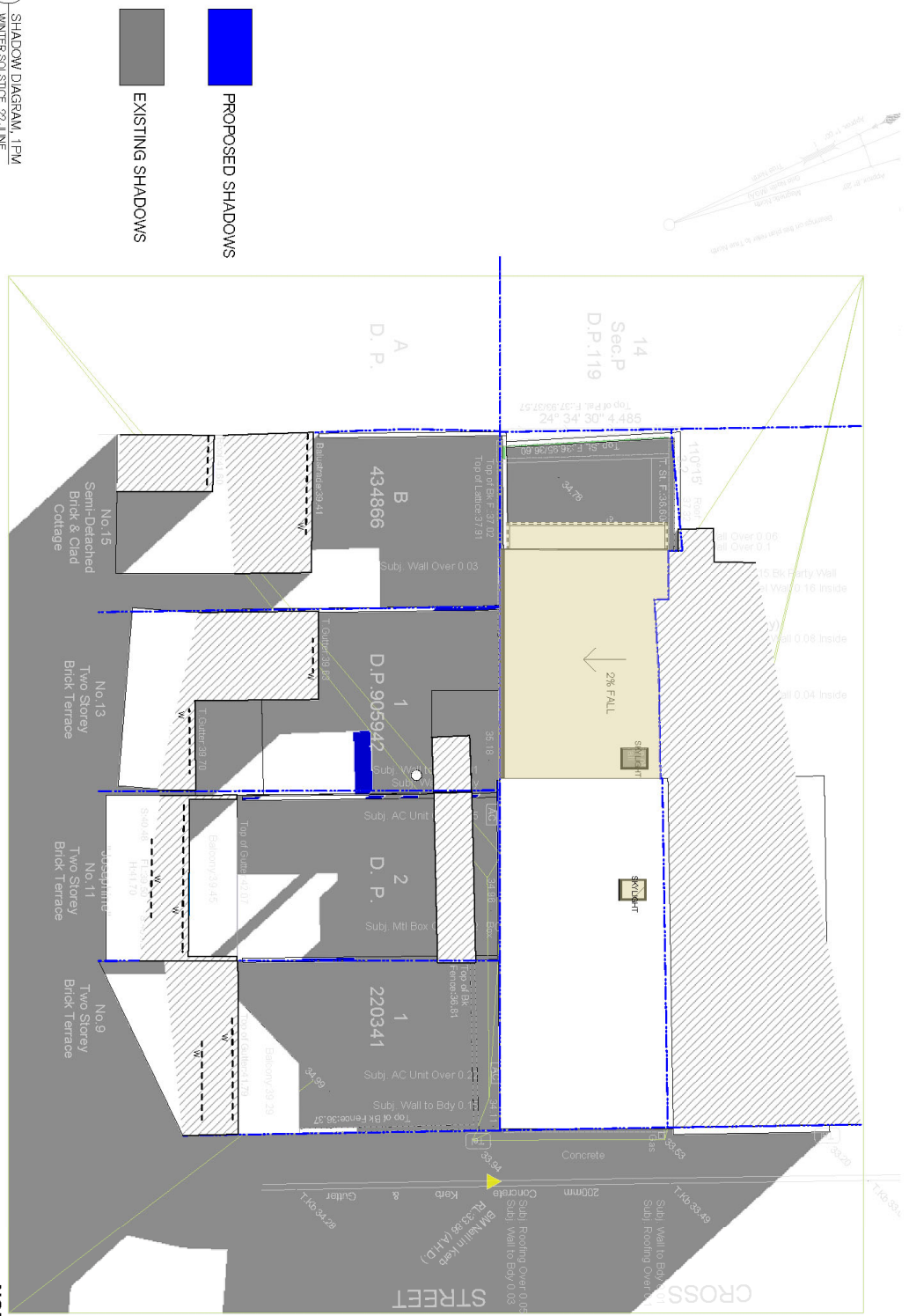
Attachment B – Plans of proposed development











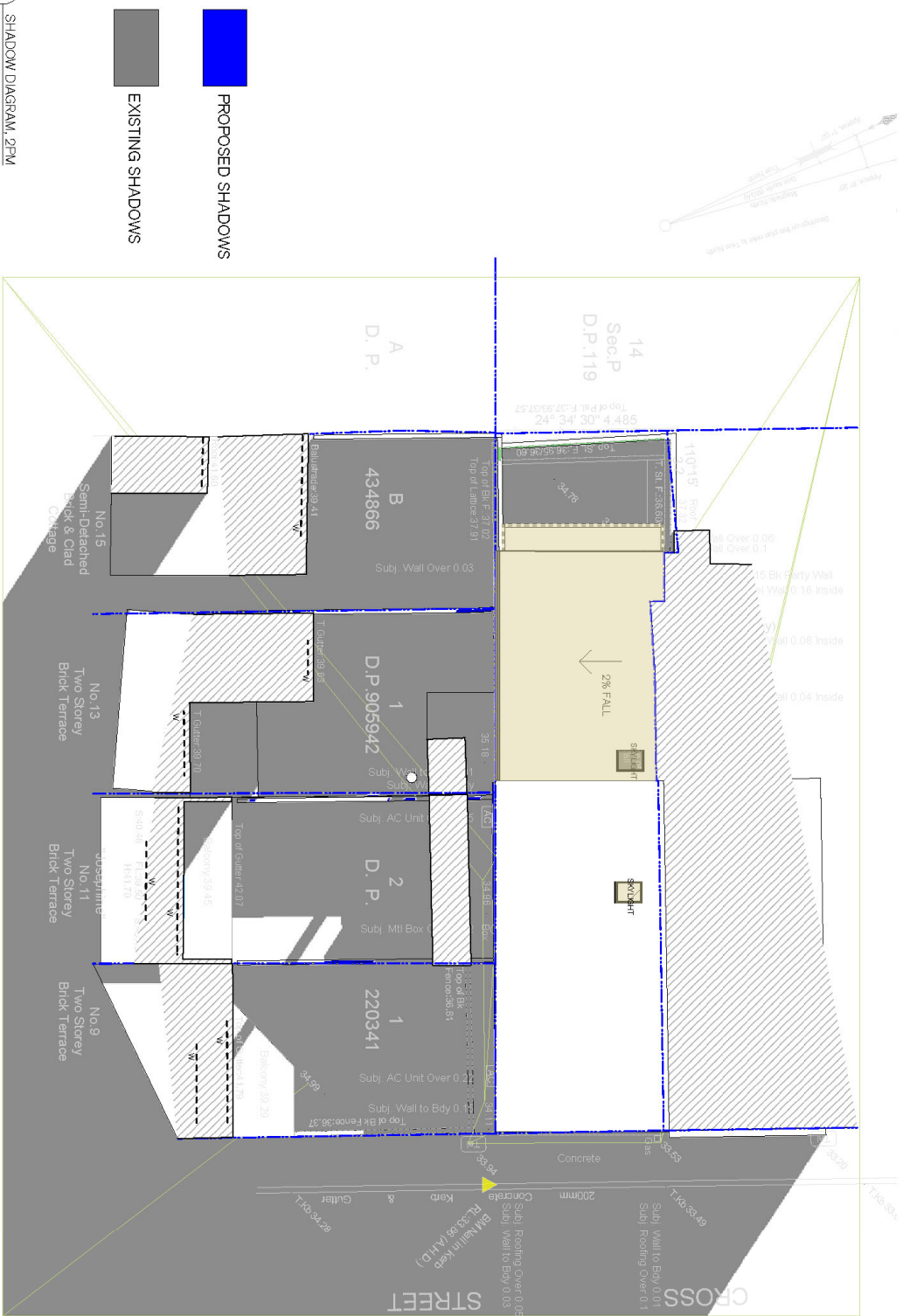
PROPOSED SHADOWS

EXISTING SHADOWS

SHADOW DIAGRAM 1PM
WINTER SOLSTICE, 22 JUNE

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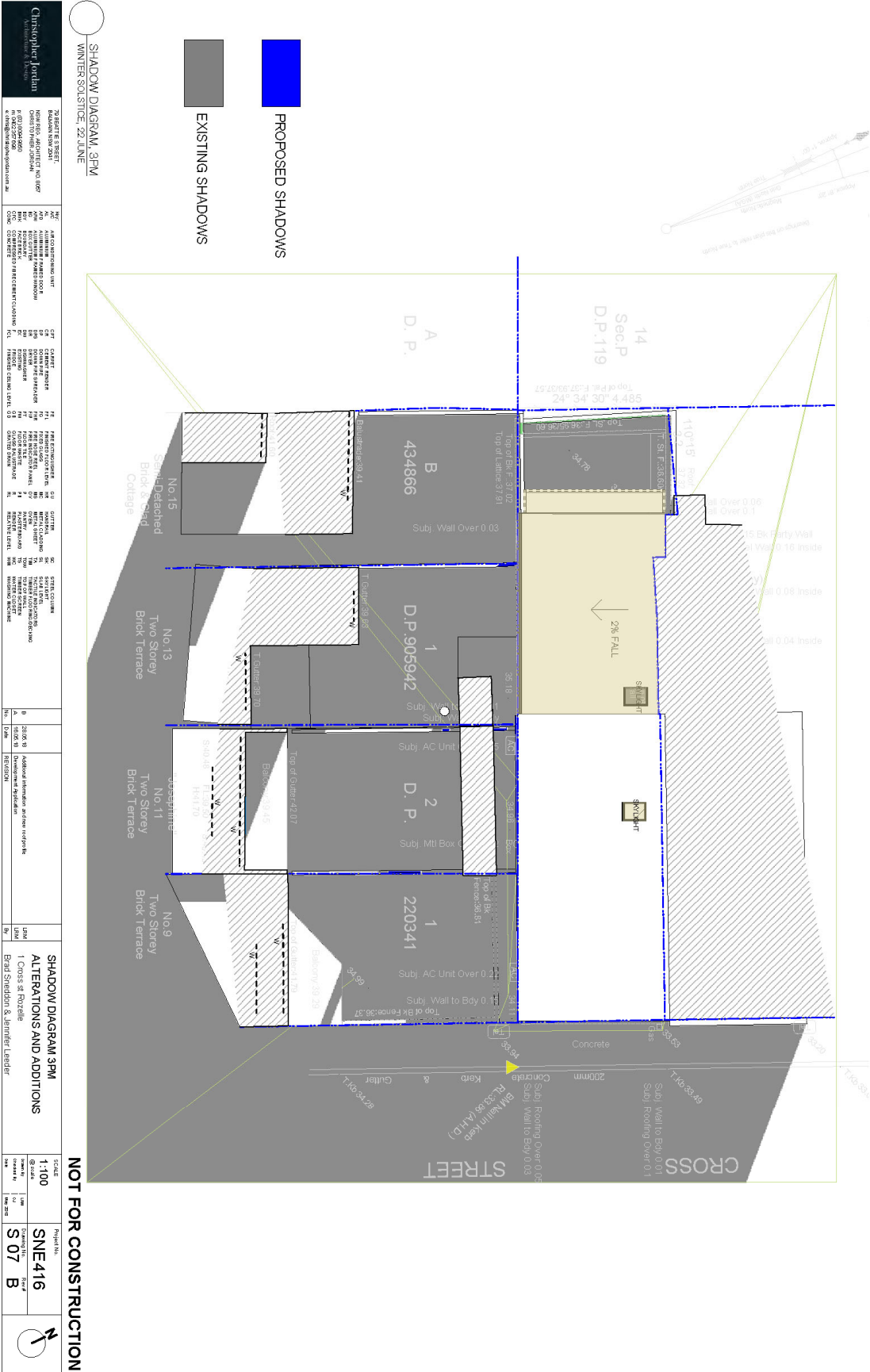
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WINTER SOLSTICE, 22:00LINE

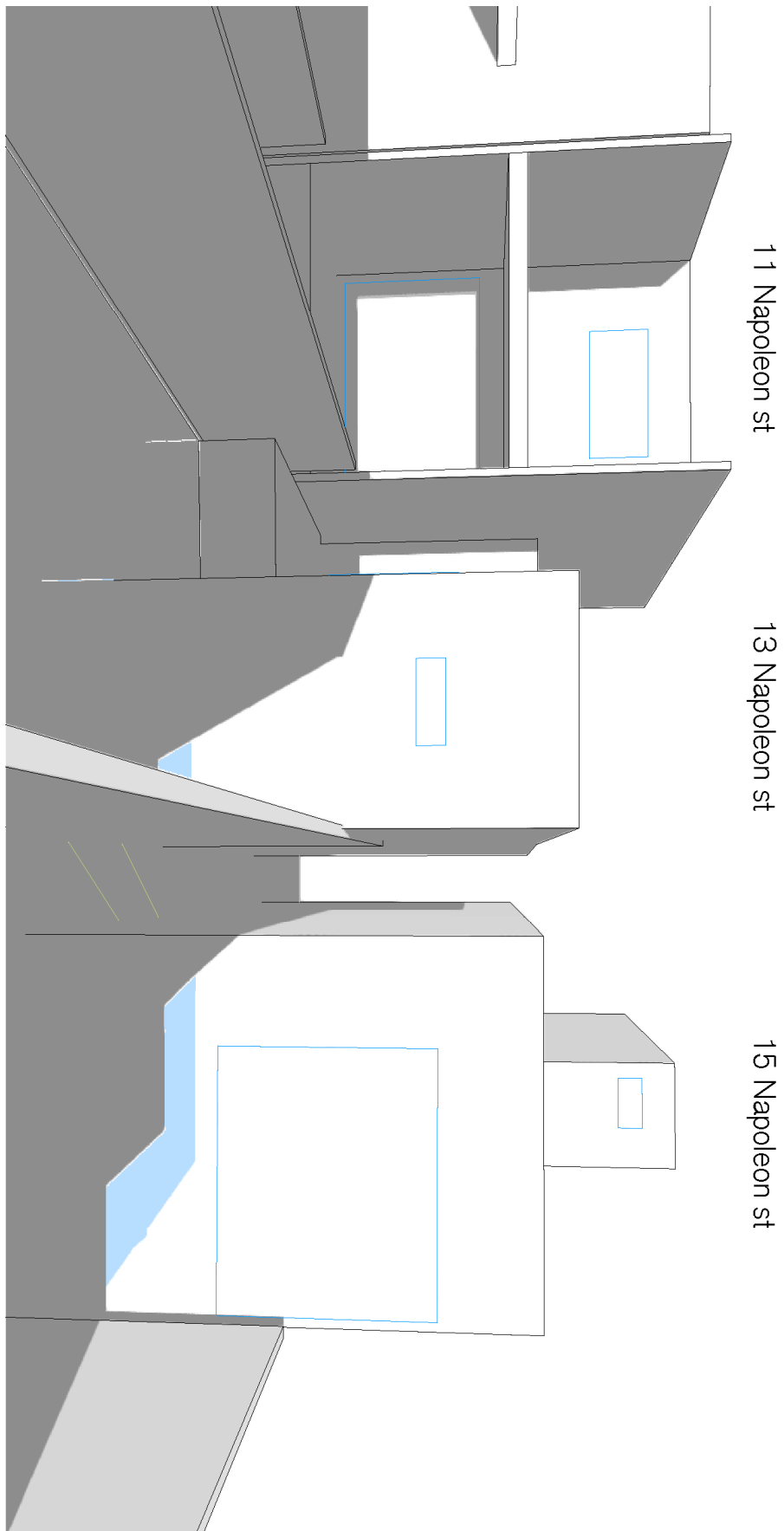
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SHADOW DIAGRAM DEM
ALTERATIONS AND ADDITIONS
1 Cross St Rozelle
Brad Stedden & Jennifer Lander

SCALE: 1:100
DATE: 10/11/17
PROJECT NO. SNE 416
REV. 06 B



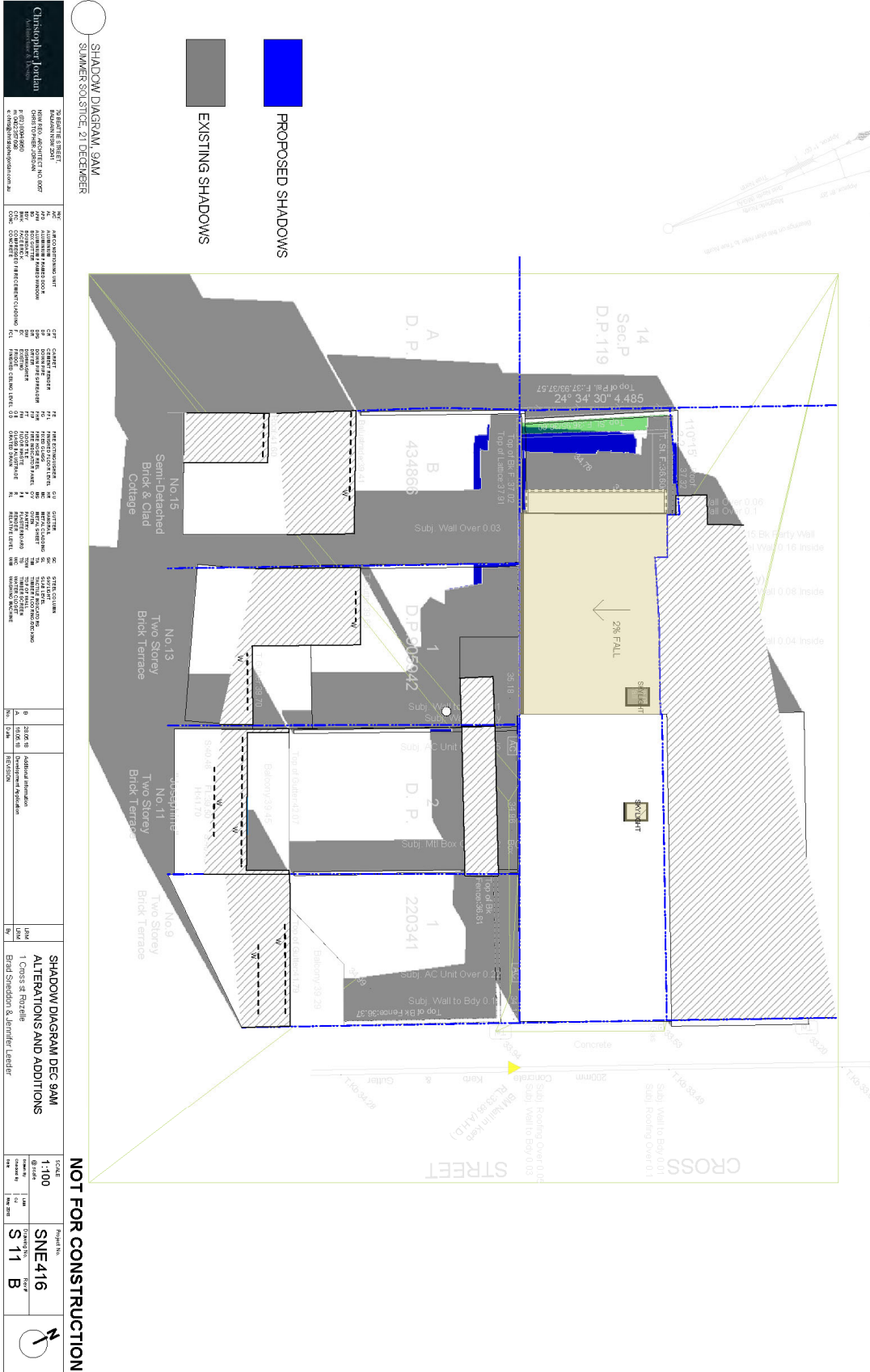


 EXISTING SHADOWS
 PROPOSED SHADOWS
 SHADOW DIAGRAM 9AM
 WINTER SOLSTICE 22 JUNE

CHRISTOPHER JORDAN ARCHITECTURE & INTERIORS 11/12-14/15 WILSON ST SYDNEY NSW 1585 PH: 02 9220 0000 www.christopherjordan.com.au		PROJECT NO: 11/15/16/0001 DATE: 15/06/2016 DRAWING NO: 11/15/16/0001-01	
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CONSULTANTS: STRUCTURAL: [Blank] CIVIL: [Blank] ELECTRICAL: [Blank] MECHANICAL: [Blank] PLUMBING: [Blank]	APPROVALS: ARCHITECT: [Blank] ENGINEER: [Blank] COUNCIL: [Blank]	SCALE: 1:100 DATE: 15/06/2016 DRAWING NO: 11/15/16/0001-01	PROJECT NO: 11/15/16/0001 DATE: 15/06/2016 DRAWING NO: 11/15/16/0001-01

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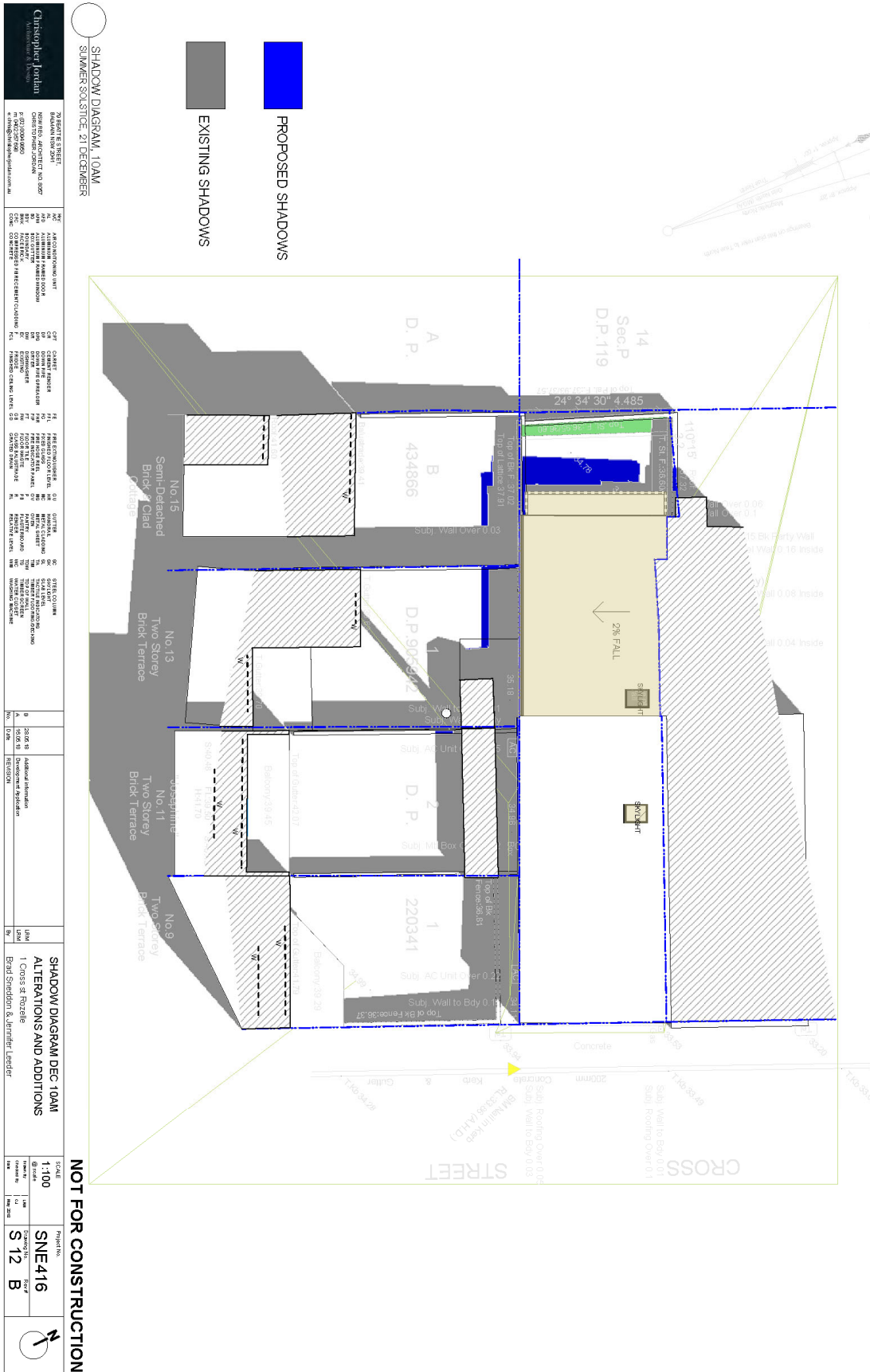
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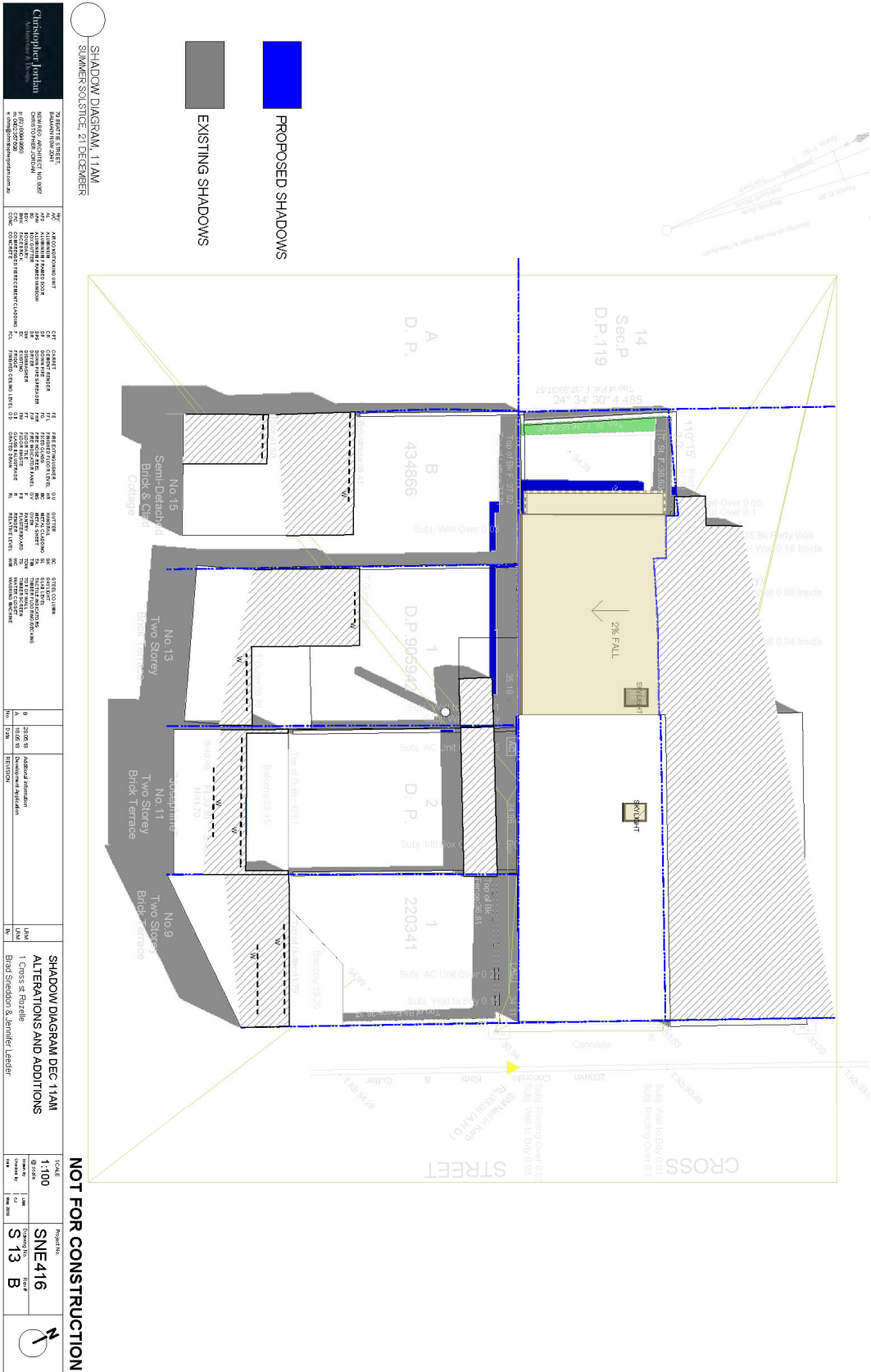


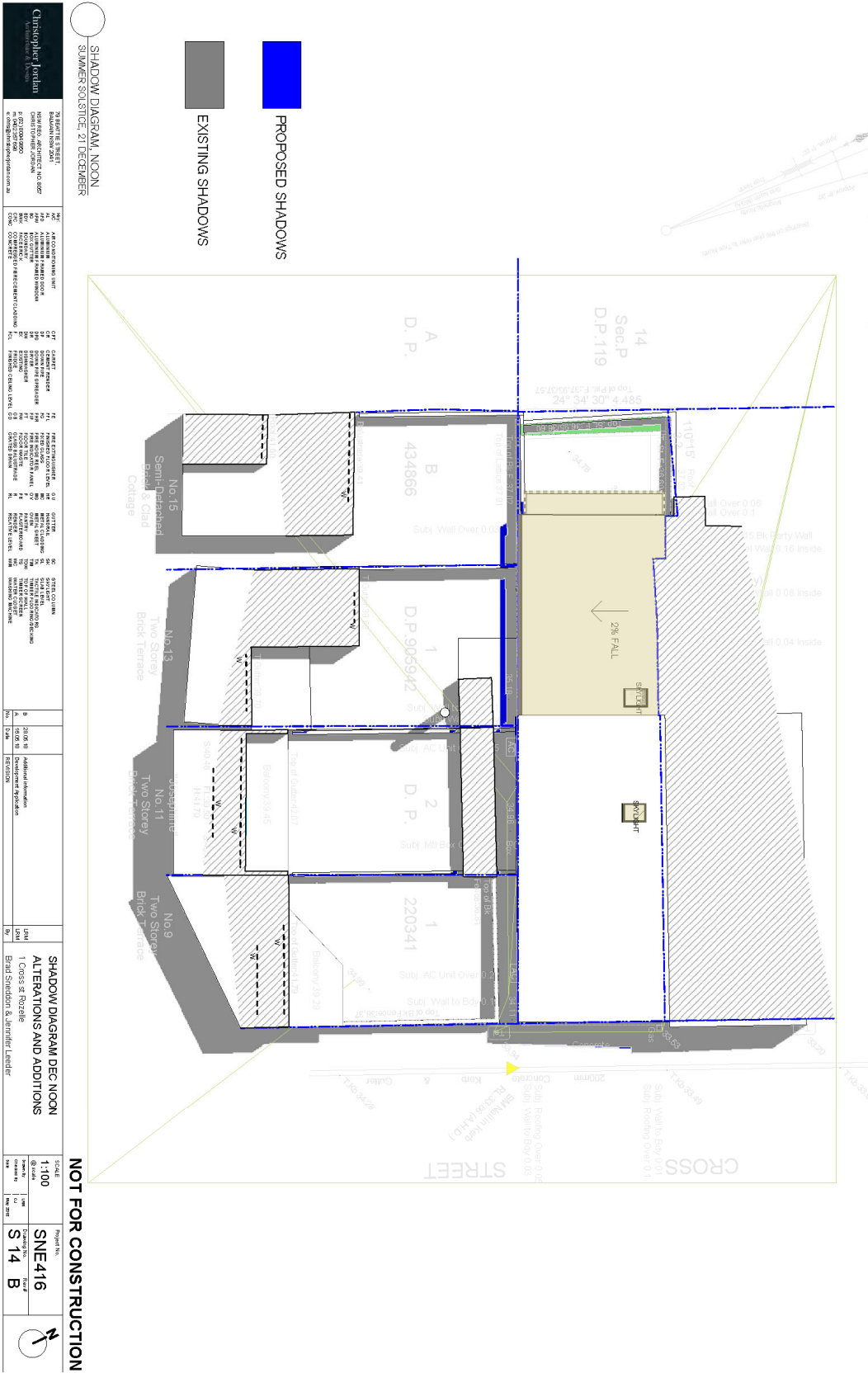
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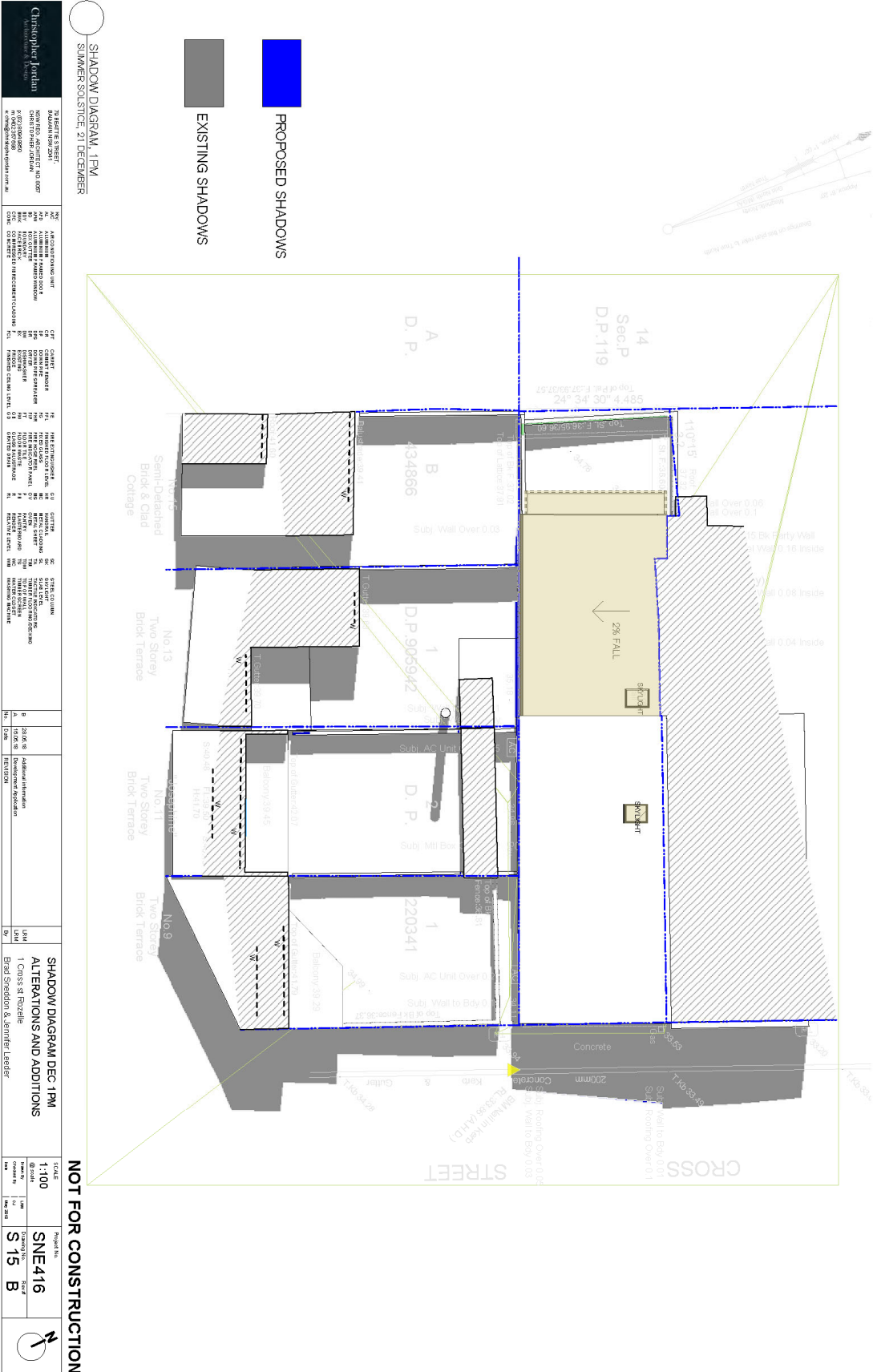
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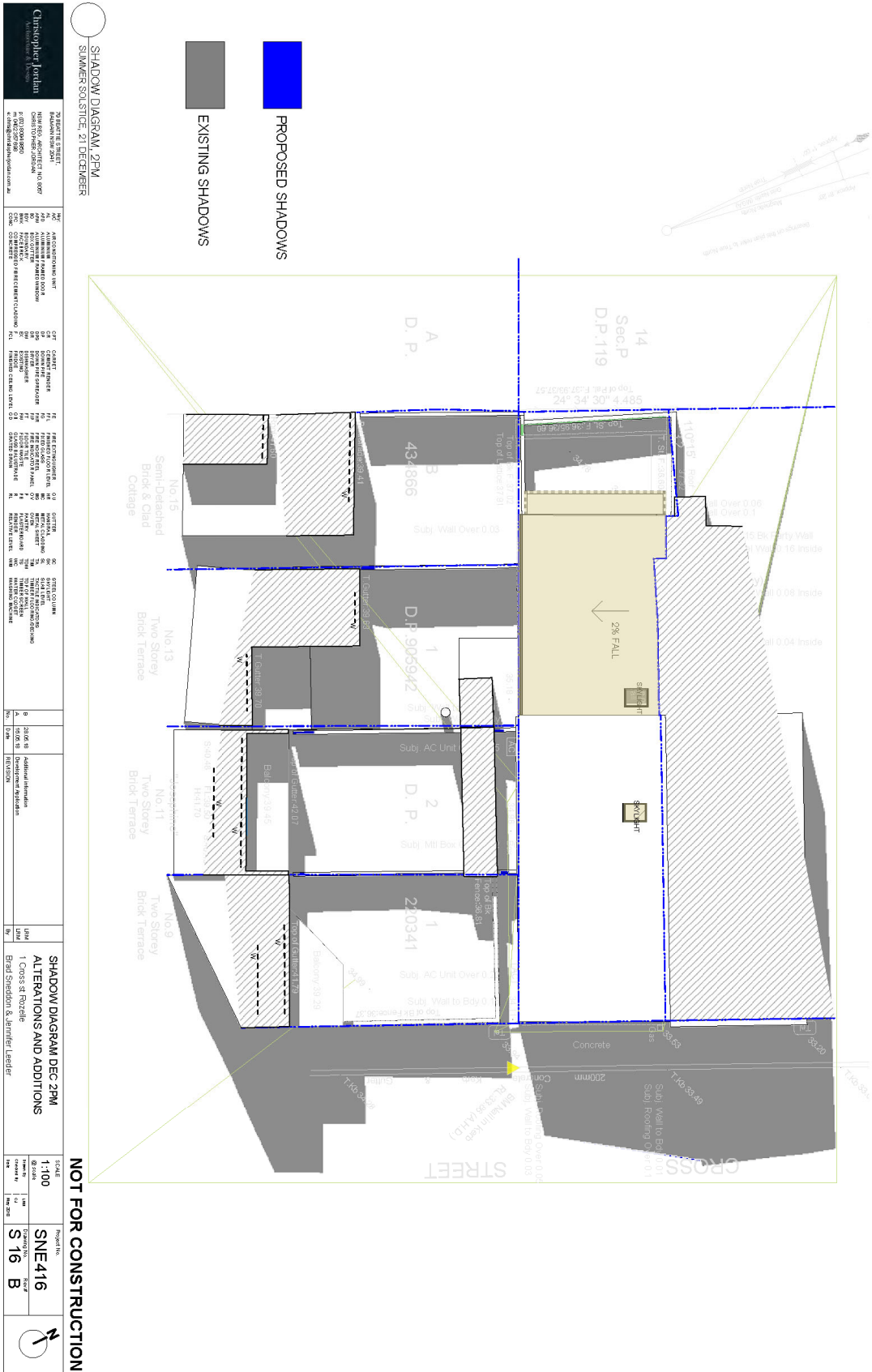
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SHADOW DIAGRAM, 2PM
SUMMER SOLSTICE, 21 DECEMBER

- PROPOSED SHADOWS
- EXISTING SHADOWS

Christopher Jordan
Landscape Architect

PROJECT NO: 2018/0001
DATE: 21 DECEMBER 2018

CLIENT: [REDACTED]

PROJECT: SHADOW DIAGRAM DEC 2PM ALTERATIONS AND ADDITIONS

DESIGNER: Brad Sheridan & Jennifer Leifer

SCALE: 1:100

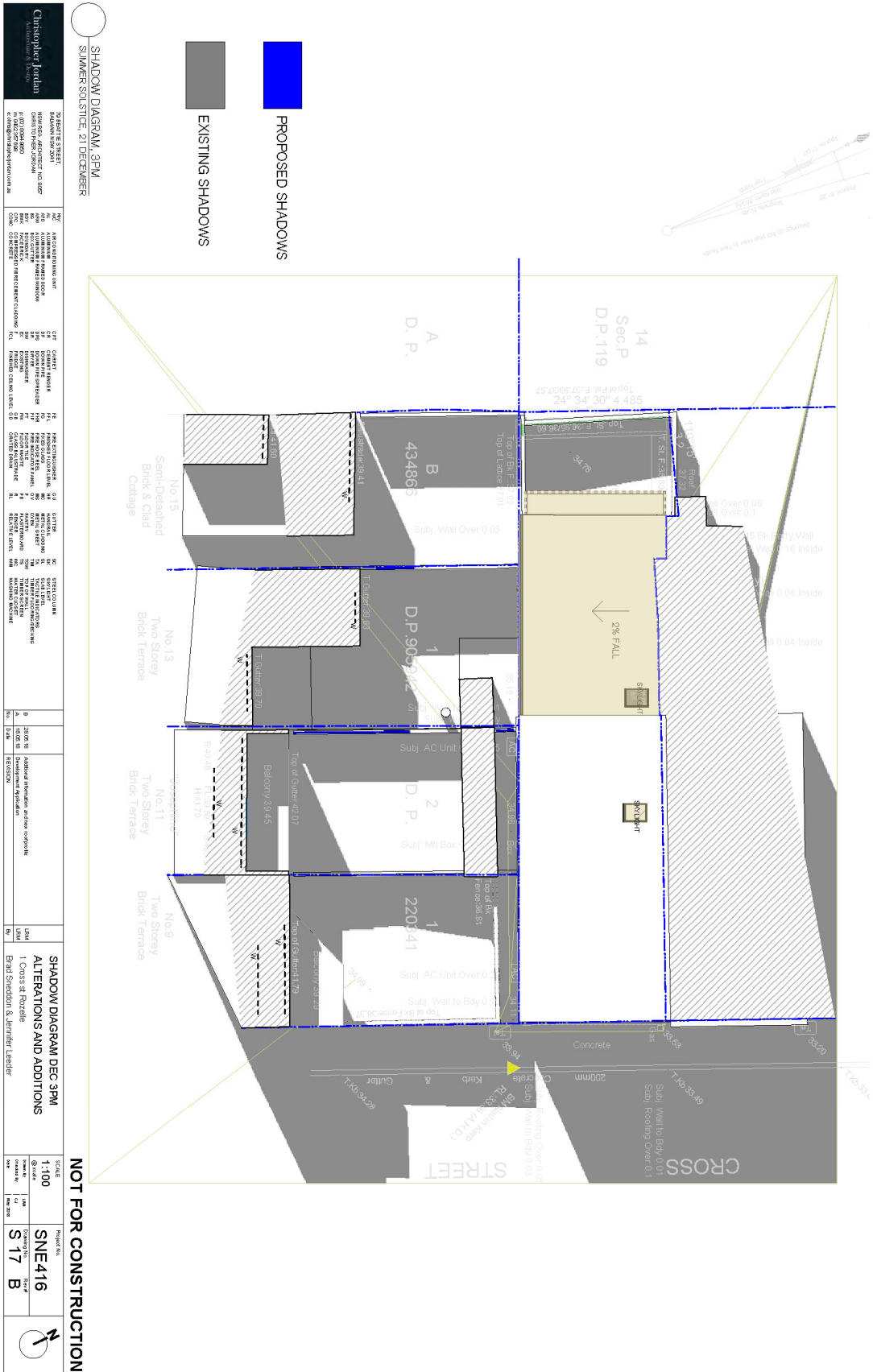
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DATE: 21 DECEMBER 2018

PROJECT: S 16 B

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SHADOW DIAGRAM, 3PM SUMMER SOLSTICE, 21 DECEMBER	
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SCALE 1:100 Project No. SNE416 Drawing No. S 17 Rev. B	Project No. SNE416 Drawing No. S 17 Rev. B



No. 13 Napoleon Street - Rear Yard

Christopher Jordan
Architect
30 Macclesfield Street
Birmingham B2 3LH
0121 773 4378
cj@christopherjordan.co.uk

20 MACTLESFIELD STREET
PROPOSED ALTERNATIONS AND ADDITIONS
1 CROSS ST FERRIS
BIRD SHEDDEN & LINTIFF LEISURE

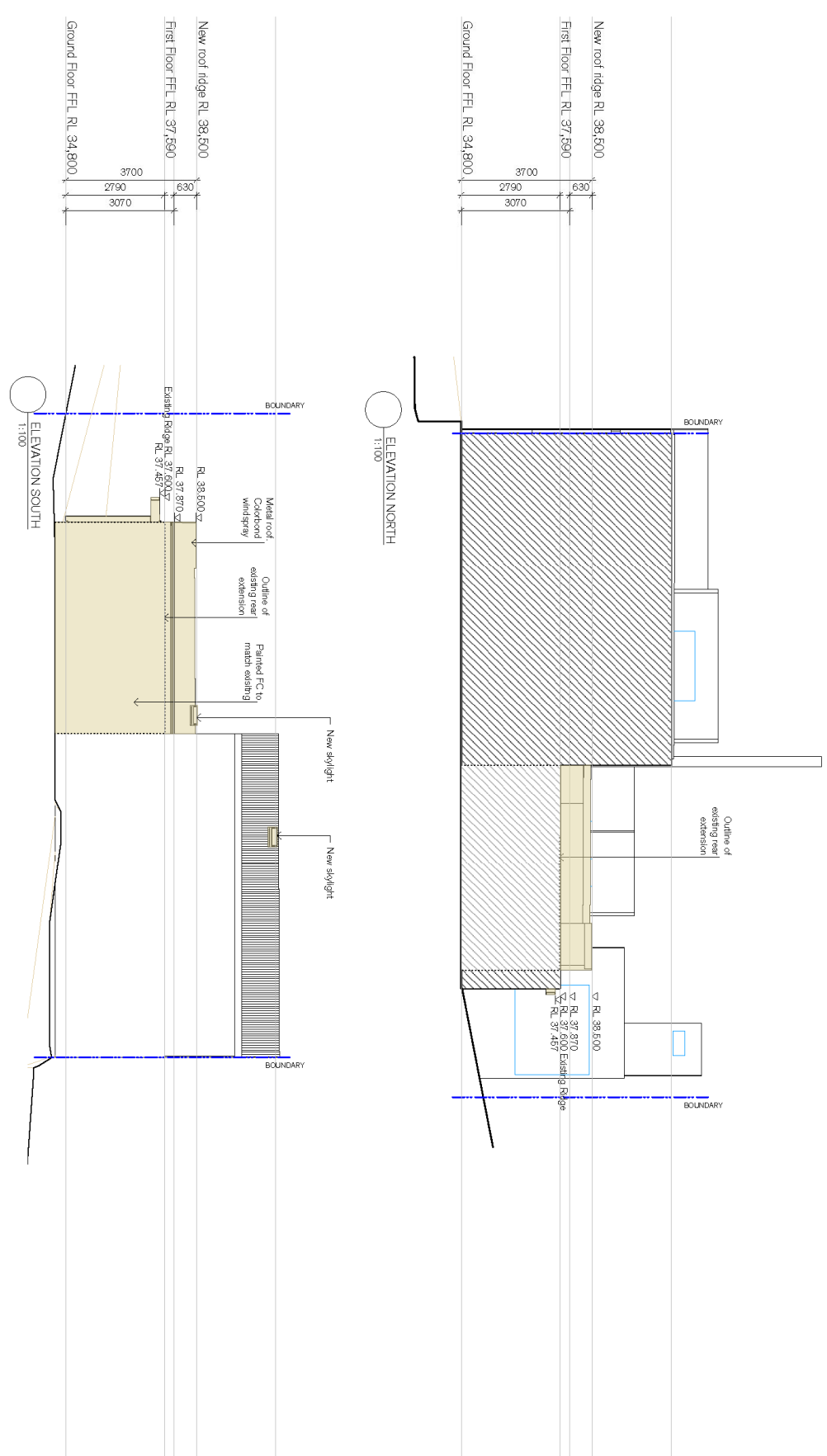
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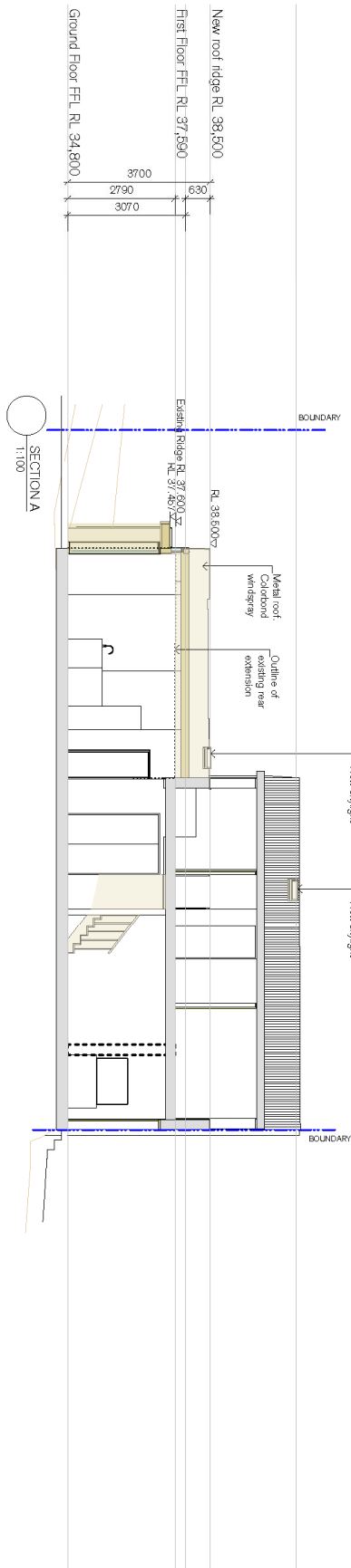
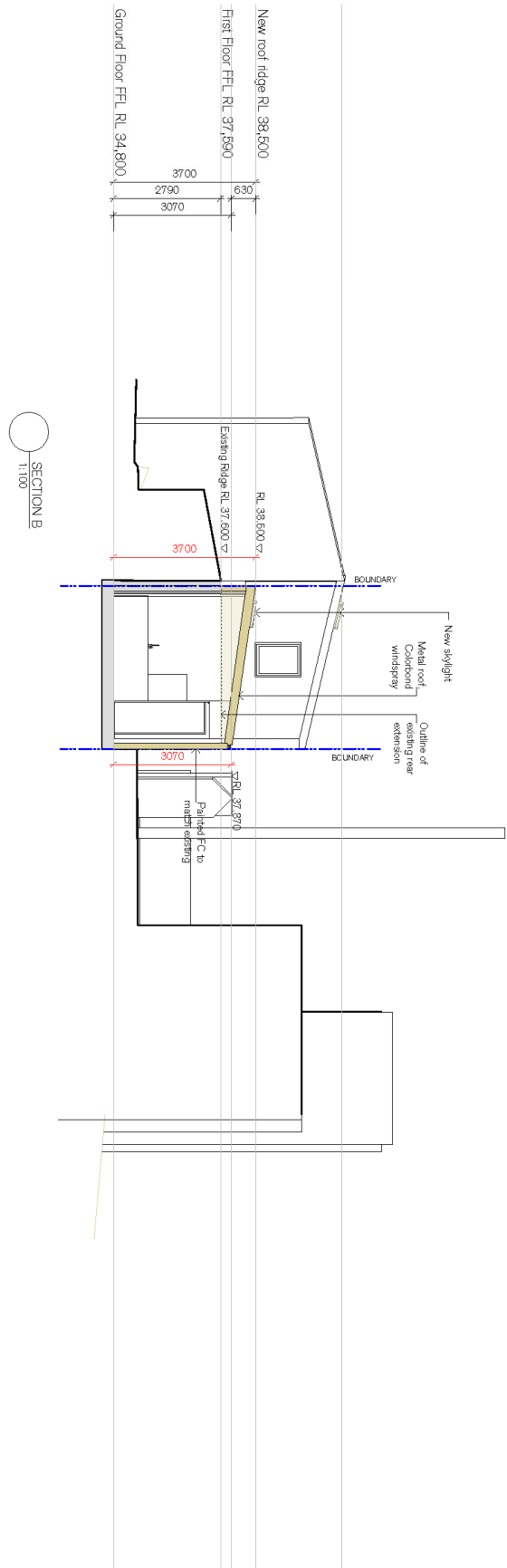
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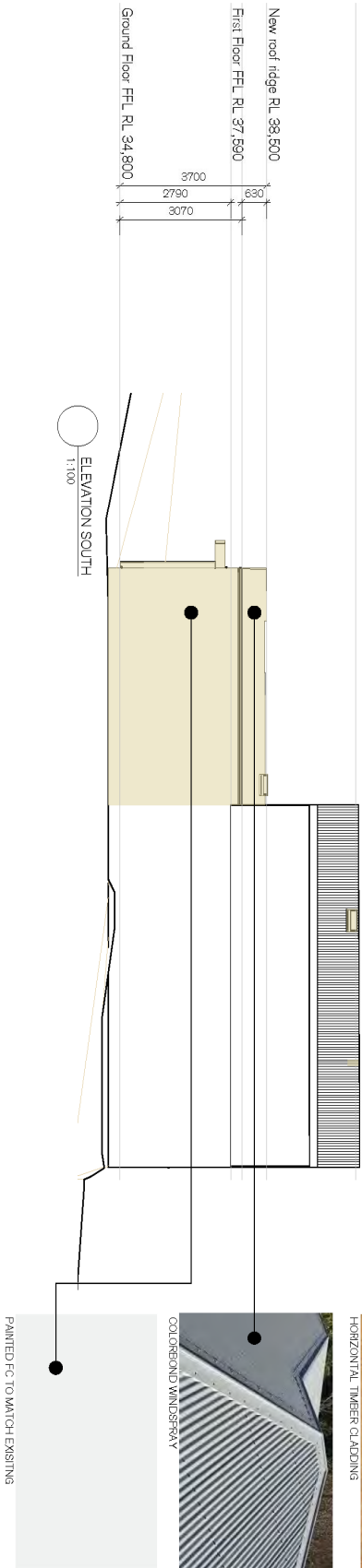
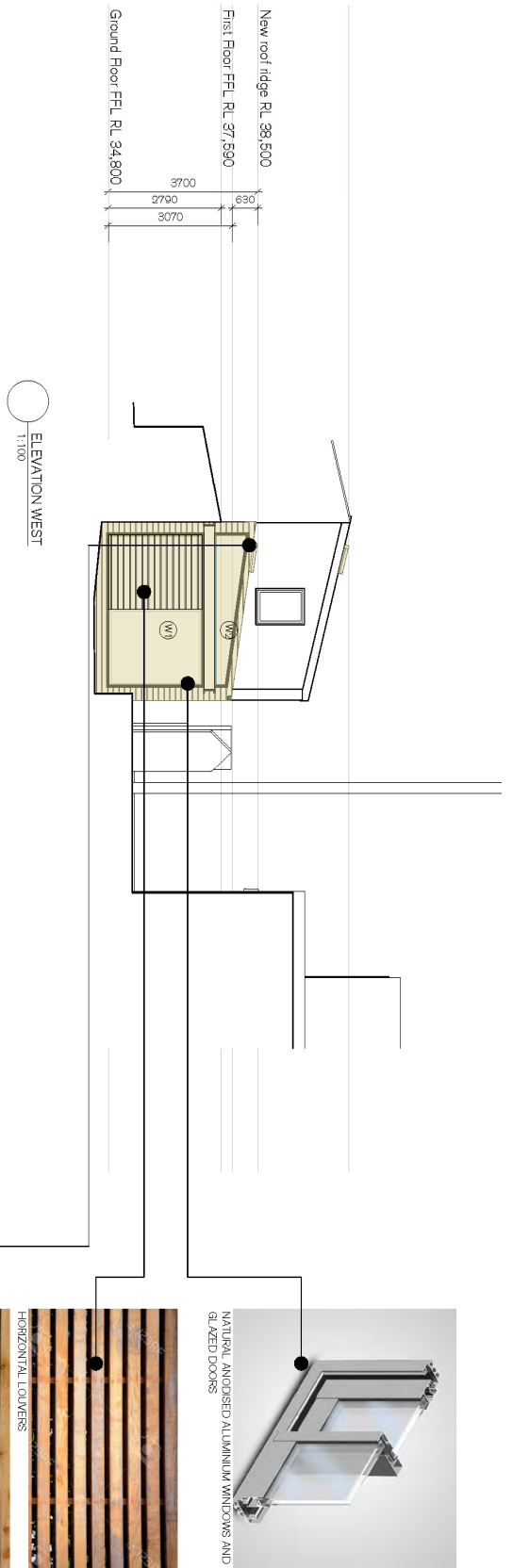
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Christopher Jordan
Architect & Planner
10/2020/2021

DATE: 11/20/2021
PROJECT NO: SNE416
DRAWING NO: 07
REV: B

3D ELEVATION SHEET

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02		11/20/2021	REVISIONS

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MATERIALS FINISHES ALTERATIONS AND ADDITIONS

1 CROSS REF POSSIBLE

Brad Sheldon & Jennifer Lander

GROUND FLOOR PLAN
1:100

Christopher Jordan
Architect & Planner
10/25/2023

30 METRE STREET
BUDAUN NSW 2821
NEW RECYCLED BRICK AND LIGHT
CONCRETE
10/25/2023
www.christopherjordan.com.au

DATE: 10/25/2023
PROJECT: 10/25/2023

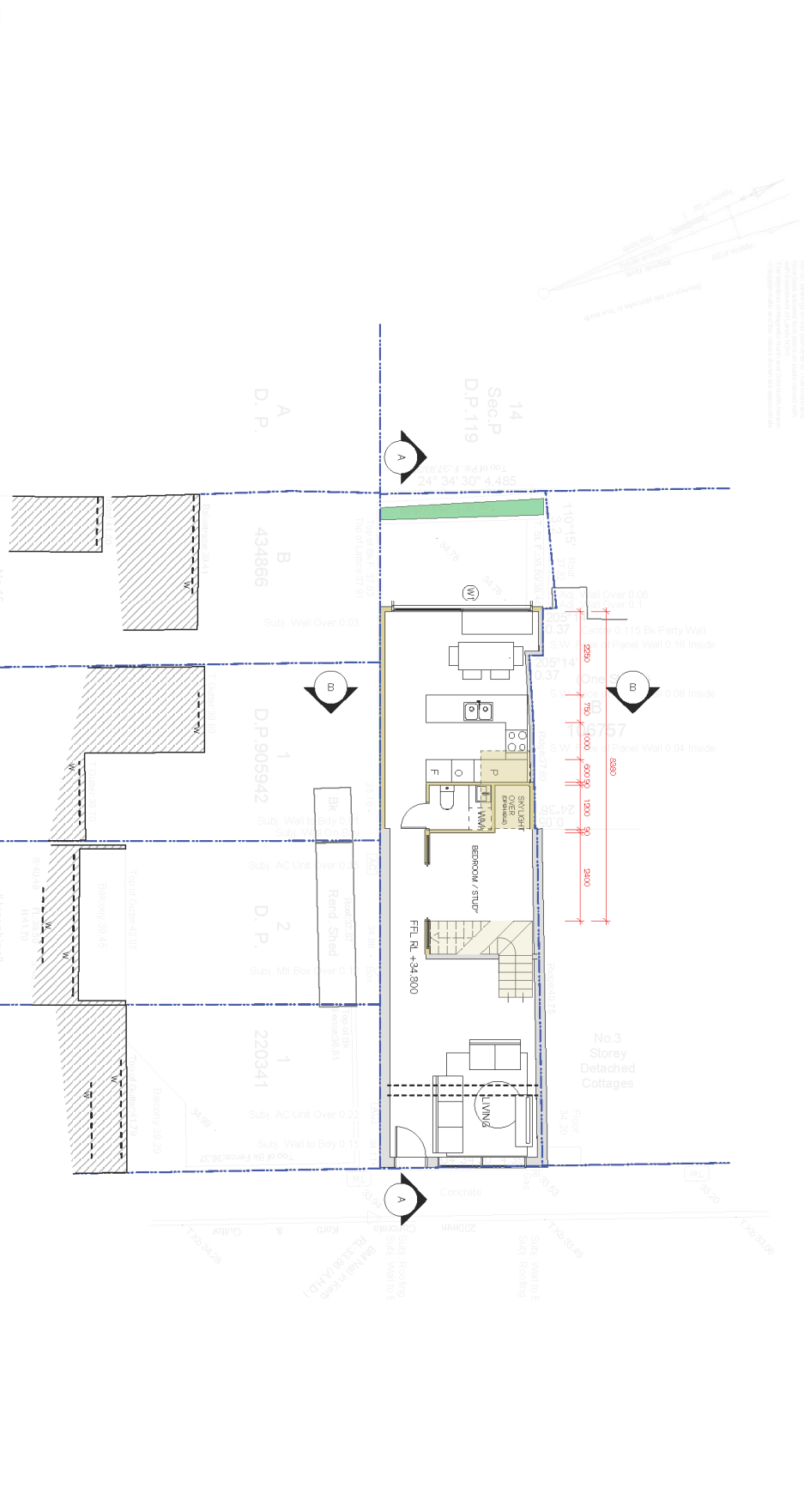
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SCALE: 1:100

PROJECT NO.: SNE416

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BY: B



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GROUND FLOOR PLAN
ALTERATIONS AND ADDITIONS

1 CROSS ST RIVIERE
BRAND STENDERON & JENNIFER LEADER

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BY: B

DATE: 10/25/2023

PROJECT: 10/25/2023

NO. OF SHEETS: 02

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SCALE: 1:100

PROJECT NO.: SNE416

DATE: 02

BY: B

Christophers Jordan
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P: (02) 9339 9900
M: (02) 9339 9908
E: christophers@christophers.com.au

PROJECT STREET
BROADWAY 109/201

NEW REVISIONS
NO. REV. DATE BY
1 01/03/2017
2 02/03/2017
3 03/03/2017

DATE
03/03/2017

PROJECT NAME
FIRST FLOOR PLAN ALTERATIONS AND ADDITIONS

CLIENT
1 Conns of Rozelle
Broad Street & Lindfield Leasale

SCALE
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PROJECT NO.
SNE 4/16

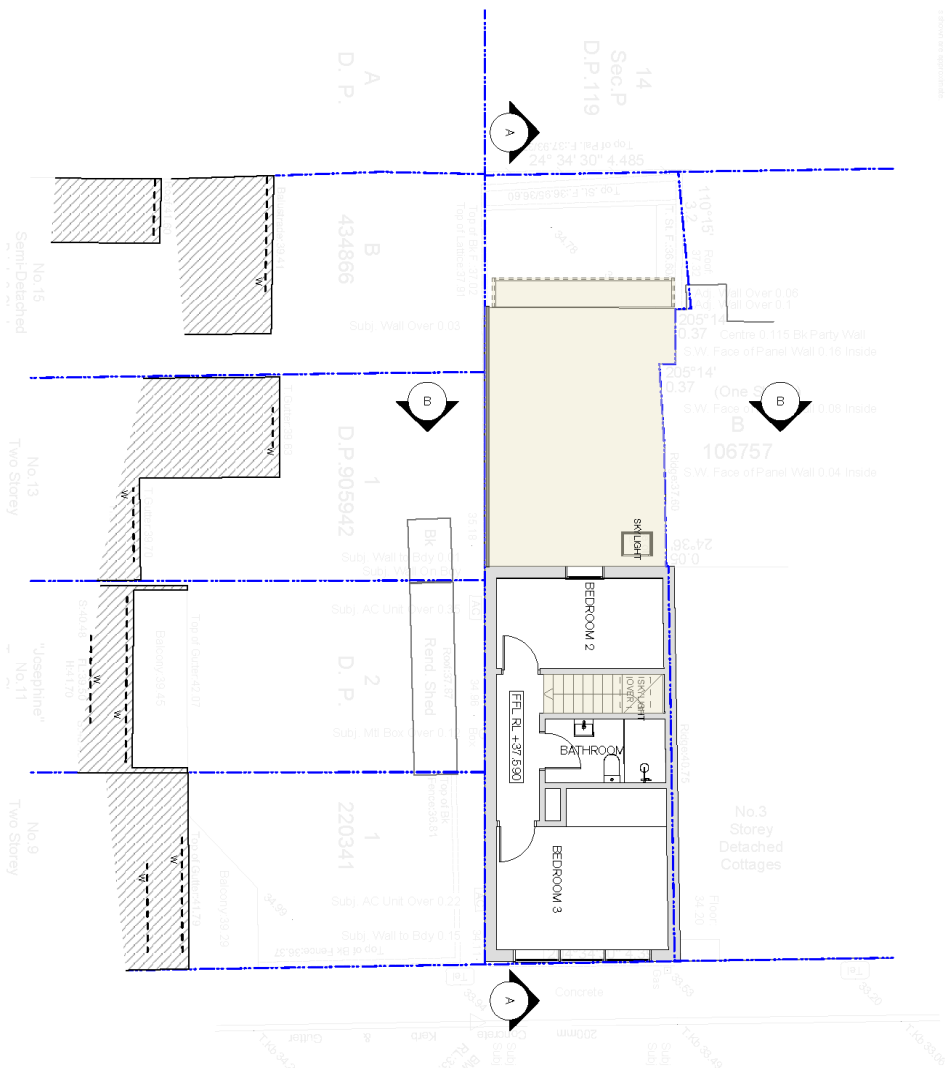
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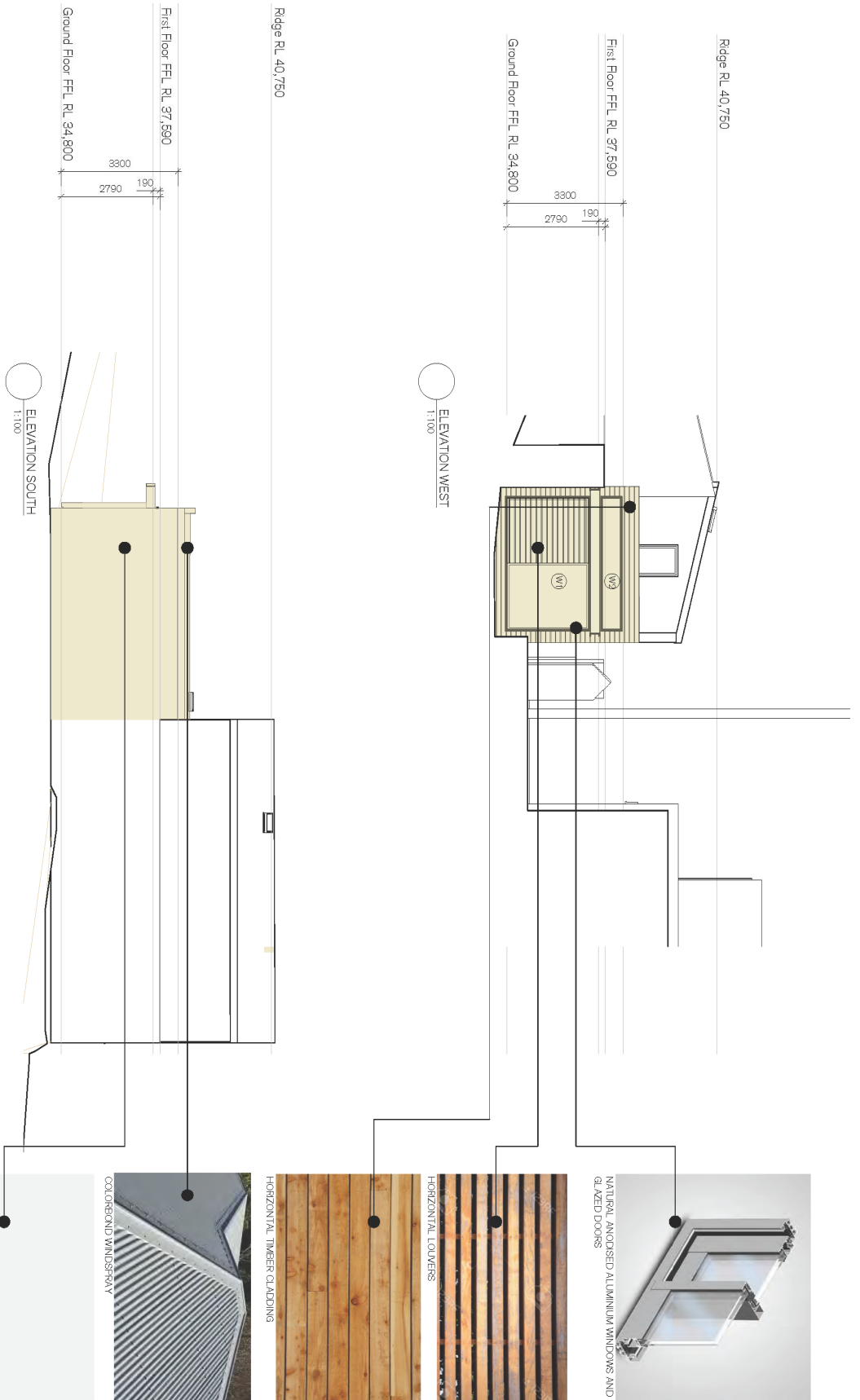
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FIRST FLOOR PLAN
1:100





Christopher Jordan Architect & Designer 15/170 Springvale Road Springvale VIC 3171 P 03 9595 9500 F 03 9595 9500 c.jordan@christopherjordan.com.au		PROJECT NO: 2017-001 DRAWING NO: 11 DATE: 11/11/2017 SCALE: 1:100 DRAWN BY: CJ CHECKED BY: CJ	
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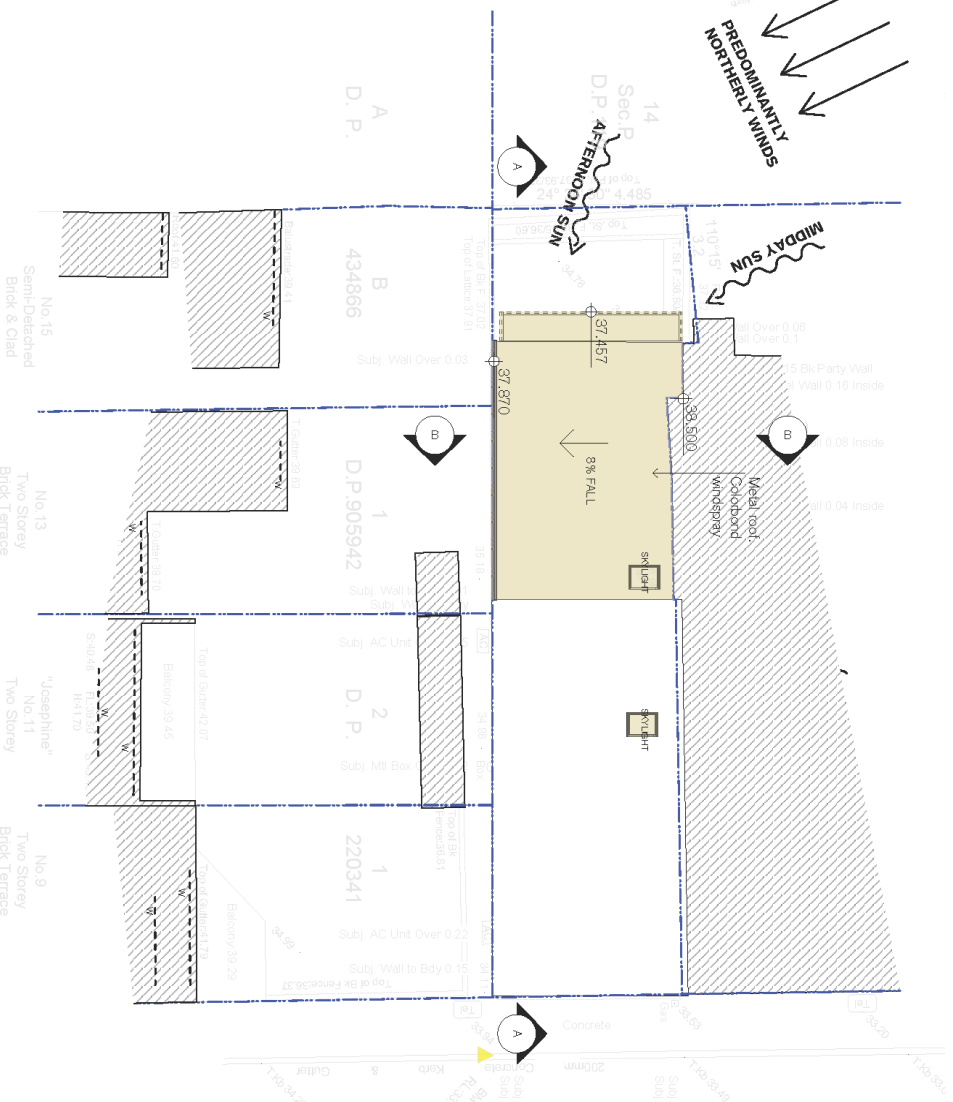
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PROJECT ADDRESS**

- 01 ROOF PLAN/SITE ANALYSIS
- 02 GROUND FLOOR/LANDSCAPE PLAN
- 03 ELEVATIONS 1
- 04 ELEVATIONS 2
- 05 ELEVATIONS 3
- 06 ELEVATIONS 4
- 07 MATERIALS FINISHES
- 08 SHADOWS DIAGRAMS 9AM
- 09 SHADOWS DIAGRAMS 10AM
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- 22 SHADOWS DIAGRAMS 11PM

**SITE / SITE ANALYSIS / ROOF PLAN
STOREY/ALTER PLAN**

Christopher Jordan
Architects & Planners
1/100 Stirling Street
Sydney NSW 2000
P: (02) 9237 5200
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**ROOF PLAN
ALTERATIONS AND ADDITIONS**
1 Cross St Rozelle
Brad Smeaton & Jennifer Leeder

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SCALE: 1:100
Drawing No: SNE 416
Sheet No: 01 of 2
DATE: 14/03/2017

Attachment C – Clause 4.6 Exceptions to development Standards

Christopher Jordan
Architecture & Design

Statement of Environmental Effects

To accompany a
Development Application for
Alterations & Additions at

1 CROSS STREET, ROZELLE



1 CROSS STREET, ROZELLE

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1 CROSS STREET, ROZELLE

1.0 Introduction

This Statement of Environmental Effects is to accompany a development application for alterations and additions of an existing dwelling at 1 Cross street located in The Inner West Council – formerly within the Leichhardt Municipal Council jurisdiction. The proposal incorporates works to the existing rear ground floor.

The proposal includes the following:

- Alterations of the existing ground floor.
- Infill of existing ground floor light well.

This SEE supports the proposed development and recommends it to Council for its approval.

In forming this position, an environmental planning assessment has been undertaken using the following analytical structure:

- **Site analysis**, which examines the attributes of the site together with the opportunities and constraints to development presented by the land.
- **Environmental Context**, which considers the existing and future urban character of the locality.
- **Description of the proposed development**, including a table of development statistics.
- **Planning framework**, examines the statutory and non-statutory planning regime associated with the land and the manner by which the proposed development resolves relevant items contained in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA).
- **Environmental issues** are discussed, with reference to privacy, overshadowing and energy efficiency.

2.0 Site analysis

2.1 Description of the site

The subject site comprises of Lot A, DP 106757 and has the street address of 1 Cross street, Rozelle.

The site is subject to the following planning instruments of the Inner West Council:

- Leichhardt Local Environment Plan (2013)
- Leichhardt Development Control Plan (2013)

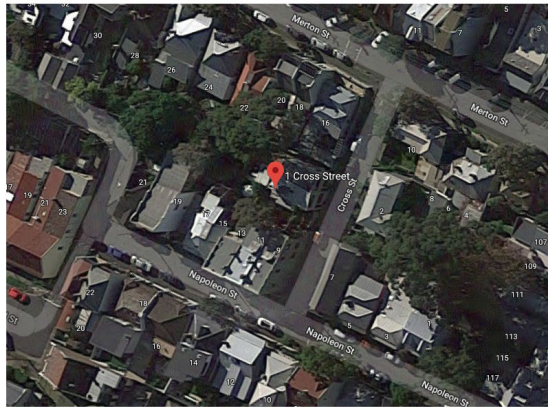


Image 1 – Aerial photo of the subject property 1 Cross street, Rozelle (Source: Google Earth).

1 CROSS STREET, ROZELLE

2.2 The Proposal

The proposal encompasses alterations and additions to the existing building. The alterations and additions incorporate the following elements:

- Alterations of the existing ground floor including infilling the existing lightwell courtyard and increasing the ceiling height at the rear.
- New internal stair.
- Other associated internal alterations

The proposed development is considered to be an appropriate response to the site constraints, particularly its relationship to the adjoining properties and the general wider neighbourhood.

3.0 Assessment of Statutory & Policy Compliance Section 4.15 (1)(a)

3.1 General

There is one statutory document and one non-statutory document that relate to the subject site. These documents include:

- Leichhardt Local Environmental Plan 2013
- Leichhardt Development Control Plan 2013, Part C – Place (Section 1,2,3 and 4)

The relevant sections of these documents are outlined in the remainder of this Section.

3.2 Statutory Compliance Table

Site Area (79.33m ²)	Existing	Proposed	Control	Complies
Floor Space Ratio	1.07:1 (85.15m ²)	1.11:1 (87.99m ²)	0.90:1 (71.37m ²)	NO*
Landscaped Area	1.7m ² (2.14%)	1.7m ² (2.14%)	11.90m ² (15% min)	NO**
Site Coverage	60.92m ² (76.8%)	64.66m ² (81.53%)	47.60m ² (60% max)	NO*

*A Clause 4.6 Variation is included at the end of this statement.

**There are no alterations to the existing landscape area.

3.3 Visual Impact, Bulk & Scale

The proposed development will not alter the appearance of the building when viewed from the public domain. The scale, envelope and type of addition is consistent with other recent development in the area. The proposal will change the rear appearance of the property to complement the character of Balmain and the neighbouring properties.

The proposed additions increase the FSR on the site; however, this will not result in the development creating any negative amenity impacts on neighboring properties. The proposed building envelope does not create any substantial impacts to neighboring properties and is similar in scale to neighboring properties.

When viewed from the rear of the site, the proposed additions will appear as a well designed complementary element with reference to the existing dwelling and similar dwellings found throughout the Balmain area. The height, scale & quality of the addition will compliment the existing property, fit well within the site and be consistent with future developments in the area. Overall the proposal is compliant with the objectives of the DCP & LEP in terms of visual impact, bulk and scale.

1 CROSS STREET, ROZELLE

4.0 Conclusion

This application has been assessed under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies.

The proposed development is of high quality contemporary design, with the setbacks, height, massing, scale and bulk of the building being consistent with that exhibited by both the existing and future development within the locality.

The design has been developed as a result of a site analysis that identified the building's optimal siting and orientation to maximise amenity for residents of the development and future adjoining buildings, as well as environmental performance.

The proposed development sits comfortably within the locality and creates no unreasonable adverse impacts on any neighbouring property. The proposal is compatible with the existing and future surrounding development and development in the locality generally.

It is maintained that the proposed development is permissible within the statutory zone, consistent with the majority of provisions of statutory and non-statutory controls applicable to the site and performs well from an environmental planning perspective.

Consequently, on any balanced assessment of the proposed development under the provisions of section 4.15 of the Environmental Planning and Assessment Act it would be concluded that the proposed development is acceptable. On this basis, the proposal is worthy of favourable consideration by Council.

Yours Sincerely,



Chris Jordan, Director

1 CROSS STREET, ROZELLE

Clause 4.6 Variation: Floor Space Ratio

1 Cross st, Rozelle

4.6 Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include any of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

1 CROSS STREET, ROZELLE

The applicant requests a variation under Clause 4.6 to the 0.9:1 FSR standard contained under clause 4.4 2B (d) of LLEP 2013 of 0.37:1.

Any variation request must justify the need to vary the particular development standard by considering the following:

- *whether strict compliance with the standard, in the particular case, would be unreasonable or unnecessary and why, and*
- *demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.*

Strict application of the 0.9:1 FSR development standard is considered unreasonable and unnecessary in the circumstances of the case for the following reasons:

1. The design of the development provides a desirable urban form that maintains the existing site as a single residence, retains the original principle building form and upgrades / reinstates and restores the external building features of the original building thereby improving the streetscape.
2. The proposed dwelling has been sympathetically designed to consider the amenity and character of the surrounding neighbourhood through its retention of the original principle building and modest additions at the rear.
3. The FSR development standard departure does not itself create any adverse impact by way of privacy or bulk and scale that could be viewed by neighbours or those passing the site within the public domain.
4. No additional amenity impacts arise as a result of the proposal.
5. The development achieves the aims and objectives of LLEP 2013.
6. The proposal satisfies the zone objectives.
7. The excess in floor area is attributed to infilling a courtyard which is a trapped drainage area.

The relevant objectives are as follows and a comment is provided in relation to each objective demonstrating adequacy of the proposal and the requested variation:

The objectives of this clause are as follows:

(a) to ensure that residential accommodation:

(i) is compatible with the desired future character of the area in relation to building bulk, form and scale,

The proposal demonstrates that the built form is compatible with the desired future character in the area. Planning principles have established that in order for a development to be compatible does not necessarily need to be the same. As no works are visible from the public domain, there is no potential for this development to have a jarring effect on the streetscape.

(ii) provides a suitable balance between landscaped areas and the built form,

The proposal does not reduce the existing landscaping. The existing rear landscaping area importantly has incorporated quality active and passive private open space for the enjoyment of occupants. There is a far better interaction between indoor and outdoor living areas.

(iii) minimizes the impact of the bulk and scale of buildings,

The proposal does not result in significant impacts on neighbouring properties due to bulk or scale. The proposed ridge height is not substantially higher than neighbouring buildings. Front and rear setbacks are substantial. Materials and finishes proposed will also assist in reducing the appearance and extent of the built form. The bulk and scale does not have any significant impacts on neighbouring properties.

(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

Not applicable.

In order for council to consider a variation the proposal must be consistent with the zone objectives:

1 CROSS STREET, ROZELLE

1 Objectives of zone

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

The subject proposal satisfies the stated residential objectives given that:

- The amenity is enhanced by the development due to the improved architectural presentation of the building.
- The proposal improves the liveability of the house and reduces the risk of flooding.
- The proposal is compatible with the grain of development due to the retention of the original principle building, particularly the pitched roofs to Cross st.
- Provision of significant passive and active recreational spaces for the dwelling – front and rear yards, family room, outdoor BBQ area.
- The proposal will enhance the long term amenity of the neighbourhood through the renovation of the original dwelling, compatible with the desired character of the area yet sympathetic to its past use and heritage.
- The increase in floor area over the existing building is only approximately 2.5sqm and is due to the infill of the internal courtyard. This courtyard offers no amenity to the occupants and creates a flooding risk to the dwelling.

It is considered that the minor variation to the FSR standard in this case is reasonable and should be accepted by council as the proposed development does not have an adverse impact on the surrounding environment and the design is within the guidelines outlined in Leichhardt LEP and DCP.

Yours Sincerely,



Chris Jordan, Director

Clause 4.6 Variation: Site Coverage

1 Cross st, Rozelle

4.6 Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include any of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

1 CROSS STREET, ROZELLE

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4.

The applicant requests a variation under Clause 4.6 to the 60% of site coverage standard contained under clause 4.3A(3)(b) of LLEP 2013.

Any variation request must justify the need to vary the particular development standard by considering the following:

- *whether strict compliance with the standard, in the particular case, would be unreasonable or unnecessary and why, and*
- *demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.*

Strict application of the 60% of site coverage development standard is considered unreasonable and unnecessary in the circumstances of the case for the following reasons:

- The design of the development provides a desirable urban form that maintains the existing site as a single residence, retains the original principle building form and upgrades / reinstates and restores the external building features of the original building thereby improving the streetscape.
- The proposed dwelling has been sympathetically designed to consider the amenity and character of the surrounding neighbourhood through its retention of the original principle building and modest additions at the rear.
- The site coverage development standard departure does not itself create any adverse impact by way of privacy or bulk and scale that could be viewed by neighbours or those passing the site within the public domain.
- No additional amenity impacts arise as a result of the proposal.
- The development achieves the aims and objectives of LLEP 2013.
- The proposal satisfies the zone objectives.
- The increase in site coverage over the existing building is only approximately 2.5sqm and is due to the infill of the internal courtyard. This courtyard offers no amenity to the occupants and creates a flooding risk to the dwelling.

The relevant objectives are as follows and a comment is provided in relation to each objective demonstrating adequacy of the proposal and the requested variation:

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

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

The proposal demonstrates that the built form is compatible with the desired future character in the area. There is no potential for this development to have a jarring effect on the streetscape or landscape.

1 CROSS STREET, ROZELLE

In order for council to consider a variation the proposal must be consistent with the zone objectives:

1 Objectives of zone

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

The subject proposal satisfies the stated residential objectives given that:

- The amenity is enhanced by the development due to the improved architectural presentation of the building.
- The proposal improves the liveability of the house and reduces the risk of flooding.
- The proposal is compatible with the grain of development due to the retention of the original principle building, particularly the pitched roofs to Cross st.
- Provision of significant passive and active recreational spaces for the dwelling – front and rear yards, family room, outdoor BBQ area.
- The proposal will enhance the long term amenity of the neighbourhood through the renovation of the original dwelling, compatible with the desired character of the area yet sympathetic to its past use and heritage.

It is considered that the minor variation to the Site coverage standard in this case is reasonable and should be accepted by council as the proposed development solves the flooding problems of the interior courtyard and provide a skylight that illuminate the center of the building. However, the proposed development does not have an adverse impact on the surrounding environment and the design is within the guidelines outlined in the Leichhardt LEP 2013 and DCP.

Yours Sincerely,



Chris Jordan, Director

1 CROSS STREET, ROZELLE

Clause 4.6 Variation: LANDSCAPE

To Accompany
Development Application
For Alterations & Additions

119 BEATTIE ST BALMAIN

4.6 Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include any of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

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1 CROSS STREET, ROZELLE

(c) clause 5.4.

The applicant requests a variation under Clause 4.6 to landscaped area standard contained under Clause 4.3A of LLEP 2013.

Any variation request must justify the need to vary the particular development standard by considering the following:

- *whether strict compliance with the standard, in the particular case, would be unreasonable or unnecessary and why, and*
- *demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.*

Strict application of the landscaped area development standard is considered unreasonable and unnecessary in the circumstances of the case for the following reasons:

- The design of the development provides a desirable urban form that maintains the existing site as a single residence, improves the residence, and removes a flood risk, and does not reduce landscaped area. The alterations and additions increase the building footprint but do not reduce landscaped area, and hence it is deemed unnecessary to meet the 15% required landscaping.
- Currently the rear of the site is used as a small courtyard for outdoor living. It has been excavated from rock with little opportunity for substantial planted area. Landscaping this area would be deemed unnecessary and impede the owners current use of the rear backyard.
- The site is not heritage listed but is located within a Conservation Area. The retention of the principle original structure of the building will be encouraged by Council.
- The development does not itself create any adverse impact by way of privacy or bulk and scale that could be viewed by neighbours or those passing the site within the public domain.
- No additional amenity impacts arise as a result of the proposal.
- The development achieves the aims and objectives of LLEP 2013.
- The proposal satisfies the zone objectives.

The relevant objectives are as follows and a comment is provided in relation to each objective demonstrating adequacy of the proposal and the requested variation:

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

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

The proposal demonstrates that the built form is compatible with the desired future character in the area. There is no potential for this development to have a jarring effect on the streetscape or landscape.

In order for council to consider a variation the proposal must be consistent with the zone objectives:

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

Christopher Jordan Architecture & Design

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1 CROSS STREET, ROZELLE

The subject proposal satisfies the stated residential objectives given that:

- The amenity is enhanced by the development due to the improved architectural presentation of the building.
- The proposal is compatible with the grain of development due to the retention of the original principle building.
- Provision of existing passive and active recreational spaces for the dwelling - rear yard.
- The proposal will enhance the long term amenity of the neighbourhood, compatible with the desired character of the area yet sympathetic to its past use and heritage.

It is considered that the minor variation to the landscaped standard in this case is reasonable and should be accepted by council as the proposed development does not have an adverse impact on the surrounding environment and the design is within the guidelines outlined in the Leichhardt LEP 2013 and DCP.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'CJd', is centered on a light grey rectangular background.

Chris Jordan, Director