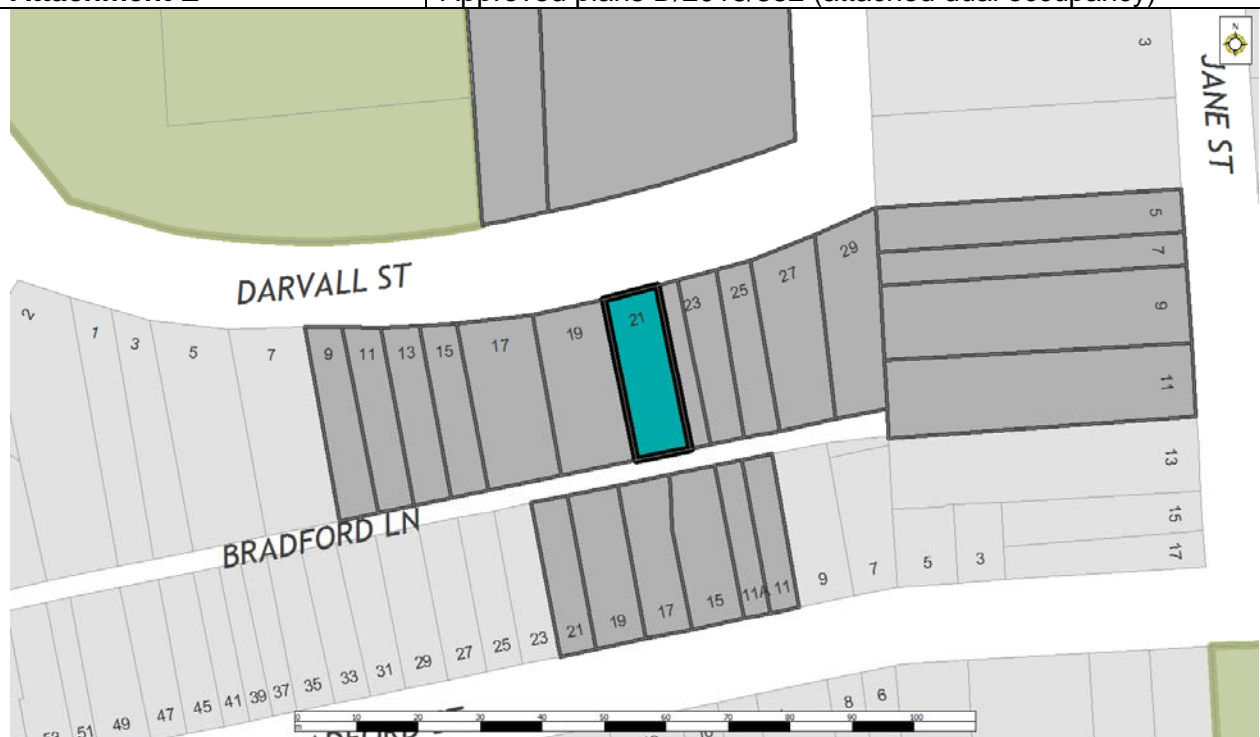




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/544
Address	21 Darvall Street, Balmain
Proposal	Torrens title subdivision into two lots
Date of Lodgement	19 October 2018
Applicant	Corona Projects Pty Ltd
Owner	Mr J B Lowery and Mr K T Lowery
Number of Submissions	Nil
Value of works	\$20,000
Reason for determination at Planning Panel	Minimum lot size exceeds officer delegations
Main Issues	Undersized lots
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance
Attachment E	Approved plans D/2018/332 (attached dual occupancy)



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Torrens title subdivision into two lots at 21 Darvall Street, Balmain. The application was notified to surrounding properties and no submissions were received.

The main issue that has arisen from the application is:

- Non-compliance with minimum lot size development standard prescribed in the Leichhardt Local Environmental Plan 2013.

The non-compliance is acceptable given the surrounding prevailing subdivision pattern, and therefore, the application is recommended for approval.

2. Proposal

The proposal is to Torrens title subdivide the attached dual occupancy into two lots being 153.4m² (eastern dwelling) and 159.1m² (western dwelling). Both lots would follow the existing subdivision pattern running north south from Darvall Street to Bradford Lane.

3. Site Description

The subject site is located on the southern side of Darvall Street, between Eaton Street and Booth Street. The site consists of 1 allotment and is generally rectangular in shape with a total area of 312.5 m² and is legally described as Lot 100 DP 1246721.

The site has a frontage to Darvall Street of 11.915 metres and a secondary frontage of 11.885 metres to Bradford Lane. The site is not affected by easements or rights of way.

The site is currently under construction to a build two X two and three storey dual occupancy. The adjoining properties support single dwelling houses. The dwelling to the east has the appearance of a two storey dwelling and the dwelling to the west has the appearance of a single storey dwelling. The subject site and adjoining sites fall steeply from Darvall Street to the laneway at the rear.

The property is located within a conservation area and is not identified as a flood prone lot. There are no significant trees located on the site or within the immediate vicinity. Opposite the site are local heritage items A1, I207 and I209, being Gladstone Park Reservoir, Gladstone Park and Balmain Public School respectively.



Figure 1: Dwellings currently under construction

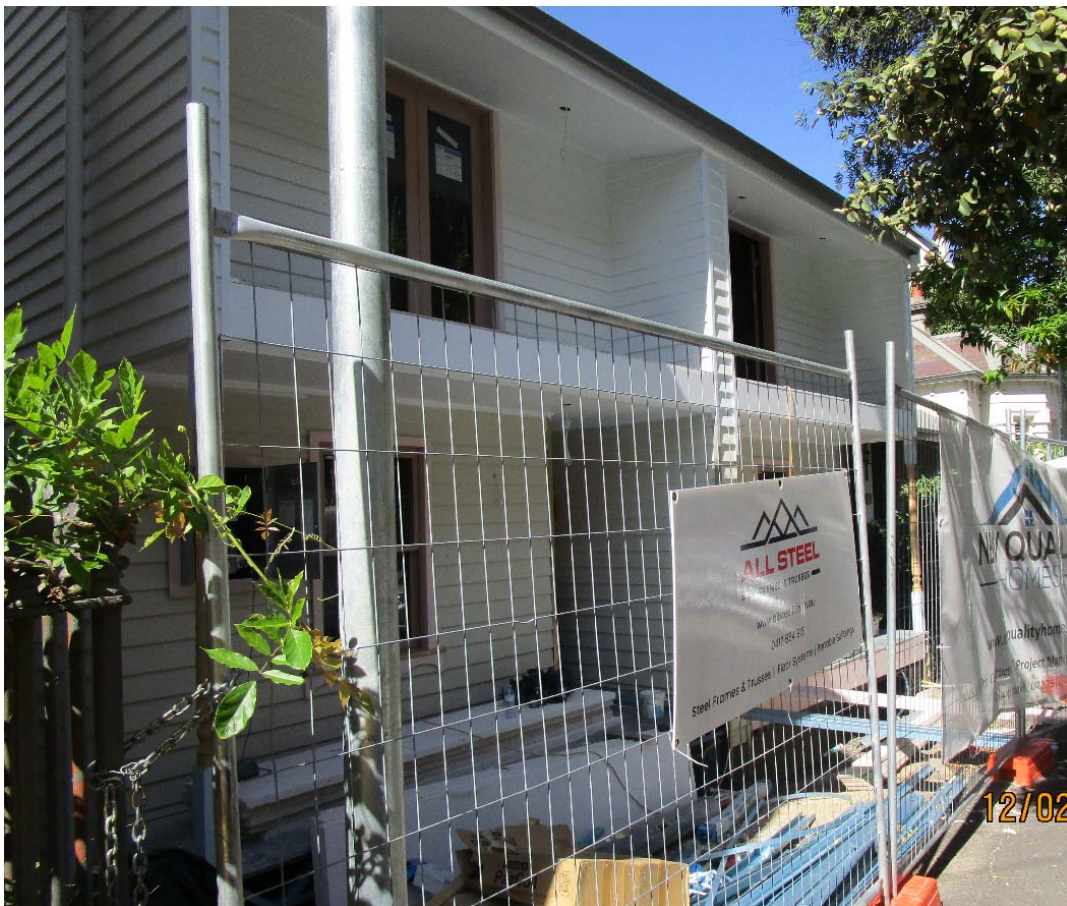


Figure2: Dwellings currently under construction

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2003/400	Part demolition and additions and alterations to the existing dwelling.	Withdrawn 11.8.2003
D/2003/525	Alterations and additions to an existing dwelling to provide a three storey dwelling with front second floor deck.	Approved 15.1.2004
PreDA/2018/95	Additional storey above existing, removal and replacement of most of existing structure to allow a reconfiguration of the currently configured class 2 dual occupancy into a compliant class 1a dual occupancy with the addition of rear lane basement parking and plunge pools. Requires removal of rear tree.	Advice Issued 14.6.2018
D/2018/332	Demolition of existing structures, construction of two X two and three storey dual occupancy, addition of parking to the rear of the site accessed via Bradford Lane, and associated works, including tree removal and fencing works.	Approved Deferred commencements 3.9.2018 Operational consent issued 16.10.2018

Surrounding properties

19 Darvall Street, Balmain

Application	Proposal	Decision & Date
D/2004/533	Alterations to existing dwelling including a new window opening and a new garage at the rear of the site to Bradford Lane.	Approved 10.5.2005

23 Darvall Street, Balmain

Application	Proposal	Decision & Date
D/1998/54	Amended Plans:- Alterations and additions to existing residence including extension of rear terrace	Approved 5.5.1999
M/2000/152	Modification of existing consent which approved alterations and additions to the existing dwelling by altering the external layout and configuration and excavation of front courtyard.	Approved 10.10.2000
BC/2005/227	Unauthorised works that have been carried without the proper consent of Council being: erection of retaining wall, decking and stairs to the rear of property.	Approved 15.3.2006

4(b) Application history

Not applicable.

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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following provides further discussion of the relevant issues:

2. 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.

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.

3. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space.

4. 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 2.1 - Land use zones
- Clause 2.3 – Zone objectives and land use table
- Clause 2.6 – Subdivision – consent requirements
- Clause 4.1 – Minimum subdivision lot size
- Clause 4.3A – Landscaped areas for residential accommodation in zone R1
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage conservation
- Clause 6.1 – Acid sulfate soils
- Clause 6.4 – Stormwater management

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

Table 1

Proposed Lot 101

Standard (maximum)	Proposal	% of non compliance	Compliances
Subdivision 200m ² min lot size	159.1m ²	20.45% (40.9m ²)	No
Floor Space Ratio Permissible: 0.9:1	0.81:1 130.19m ²	-	Yes
Landscape Area Minimum 15%	18.37% 29.23m ²	-	Yes
Site Coverage Maximum 60%	30.74% 48.9m ²	-	Yes

Table 2

Proposed Lot 102

Standard (maximum)	Proposal	% of non compliance	Compliances
Subdivision 200m ² min lot size	153.4m ²	23.3% (46.6m ²)	No
Floor Space Ratio Permissible: 0.9:1	0.83:1 126.64m ²	-	Yes
Landscape Area Minimum 15%	22.91% 35.15m ²	-	Yes
Site Coverage Maximum 60%	31.04% 47.62m ²	-	Yes

The following provides further discussion of the relevant issues:

Clause 2.3 – Zone objectives and land use table

The site is zoned R1 General Residential where subdivision is permitted with consent. The objectives of the zone include:

- *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.*

The proposed Torrens subdivision into two regular shaped allotments will be compatible with the orientation of adjoining and surrounding allotments and the lot sizes are compatible with those in the immediate vicinity. Further, the resultant lots following subdivision will be adequate to accommodate an appropriate built form with each dwelling complying with floor space ratio, site coverage and landscaped area requirements and having sufficient private open space, and the subdivision of the existing approved dwellings provide for the housing needs of the community and are compatible with the character of surrounding nearby buildings within the Darvall Street streetscape. Overall, the proposed subdivision is considered acceptable with regard to the objectives of the R1 General Residential zone as

Clause 4.1 – Minimum subdivision lot size

The minimum required lot size for Torrens subdivision is 200m². The proposal is for a two lot Torrens subdivision into lot sizes of 159.1m² (proposed lot 101) and 153.4m² (proposed lot 102). Darvall Street has a curved frontage, and therefore, each lot is a different size and

has a different frontage width. A review of the surrounding prevailing subdivision pattern has confirmed that there is not a consistent subdivision pattern in Darvall Street as evidenced in table 4 below. There are 15 properties in Darvall Street and currently 5 properties ie 33% are below the minimum subdivision size of 200m². The subject site and all properties with a Darvall Street address back onto Bradford Lane. The properties backing onto Bradford Lane to the south have a Bradford Street address and have site areas and frontages as shown in table 4. It is noted that 18 of the 24 (75%) Bradford Street properties that back onto the lane are undersized (less than 200m²).

The proposed subdivision and dwellings currently under construction on each lot will not be out of character with the diverse pattern of development in the immediate area including in terms of lots sizes, lot widths and shapes. The resultant lots following subdivision will be adequate to accommodate an appropriate built form with each dwelling complying with floor space ratio, site coverage and landscaped area requirements and having sufficient private open space. The proposed subdivision is not considered to have any adverse impacts on the adjoining properties or in the immediate surrounding area and will be acceptable within the Darvall Streetscape.

The proposed Torrens title subdivision is considered acceptable in this instance as it meets the objectives of clause 4.1 being lot sizes that are able to accommodate development that is consistent with relevant development controls and lot sizes that are capable of supporting a range of development types.

Table 3 – Darvall Street properties

Address	Site Area	Frontage Width
1 Darvall	252.9m ²	6.86m
3 Darvall	240.3m ²	6.55m
5 Darvall	439m ² approximately	12.8m approximately
7 Darvall (Dual occupancy)	384m ² approximately	12.3m approximately
9 Darvall	189m ² approximately	5.9m approximately
11 Darvall	170.7m ²	6.2m approximately
13 Darvall	164.4m ²	6.1m approximately
15 Darvall	164.4m ²	6.0m approximately
17 Darvall	314m ² approximately	12.3m approximately
19 Darvall	307m ² approximately	11.9m approximately
21 Darvall	312.5m ² (existing) 159.1m² (proposed lot 101) 153.4m² (proposed lot 102)	11.915m (existing) 6.145m (proposed lot 101) 5.77m (proposed lot 102)
23 Darvall	253m ² approximately	9.7m approximately
25 Darvall	158.1m ²	5.68m
27 Darvall	279m ² approximately	11.0m approximately
29 Darvall	276m ² approximately	10.9m approximately

Table 4 – Bradford Street properties

Address	Site Area	Frontage Width
7 Bradford	213m ² approximately	7.01m
9 Bradford	228m ² approximately	9.0m approximately
11 Bradford	120.1m ²	4.72m
11A Bradford	120.1m ²	4.72m
15 Bradford	218.7m ²	8.715m
17 Bradford	201.3m ²	7.9m + 1.37m ROW
19 Bradford	219.5m ²	7.765m + 1.37m ROW
21 Bradford	158.1m ²	5.79m

23 Bradford	164.4m ²	6.54m
25 Bradford	151.8m ²	5.95m
27 Bradford	170.7m ²	6.14m
29 Bradford	177m ²	6.73m
31 Bradford	158.1m ²	5.95m
33 Bradford	151.8m ²	6.07m
35 Bradford	151.8m ²	6.05m
37 Bradford	107.5m ²	4.05m
39 Bradford	101.2m ²	3.88m
41 Bradford	101.2m ²	4.08m
45 Bradford	152m ² approximately	6.1m approximately
47 Bradford	158m ² approximately	5.8m approximately
49 Bradford	197.9m ²	8.22m
51 Bradford	121.5m ²	4.01m
53 Bradford	202.3m ²	7.95m
55 Bradford	113.8m ²	4.36m

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 4.1 – Minimum subdivision Lot size

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.*

As shown in tables 1 and 2 above the proposal does not comply with the minimum subdivision size of 200m² per lot. Proposed lot 101 is 20.45% (40.9m²) undersized whilst proposed lot 102 is 23.3% (46.6m²) undersized. It is considered that flexibility is warranted in this instance as dwellings of a suitable size with sufficient landscaping and open space can be accommodated on each lot.

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.*

The applicant has provided the following justification:

- *The development meets the objectives of the development standard*
- *The proposed allotment sizes would result in a better planning outcome for this site as it provides an efficient and orderly administrative arrangement for the approved*

dual occupancy within a consistent subdivision pattern. The proposal will reinforce and reflect the predominant subdivision pattern of the area.

- *As the built form has been approved, the proposed subdivision will not give rise to any adverse amenity impacts on adjoining properties in terms of overshadowing, view loss, acoustic and visual privacy.*
- *The development standard of minimum subdivision lot size covers a wide area and whilst it is not appropriate to this site, it is appropriate to other sites elsewhere in the locality. There are numerous instances where consents departing from the standard have been approved and others where the standards have been upheld. This is more an indication of the inappropriateness of particular standards to some sites rather than a comment on Council's actions.*
- *The zoning of the site is not considered to be inappropriate. The minimum lot size development standard applicable to this particular site in its approved dual occupancy configuration is however not considered to be relevant.*
- *Strict compliance with the standard would hinder the attainment of the objectives of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and coordinate orderly and economic use and development of land.*
- *Strict compliance would result in an inflexible application of policy. It does not serve any purpose that should outweigh the positive outcomes of the development and therefore a better planning outcome overall, given the proposed lots would be consistent with adjoining lots in terms of area and dimensions.*
- *The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide an efficient administrative arrangement for the two approved dwellings which meets the objectives of applicable controls.*

(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 lot size development standard and General Residential zoning as demonstrated below:

- The lot sizes are able to accommodate development that is consistent with the relevant controls including FSR, Site Coverage and Landscaped Area and provides sufficient private open space for each lot.
- The proposed lots allow for housing that is compatible with the orientation and pattern of surrounding buildings.
- The subdivision creates lots of regular shapes that are compatible with the pattern of the surrounding area.
- The proposal does not result in any 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 lot size development standard.

- (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 application was referred to Council’s Heritage Advisor who advised that the proposal was supportable as it will have no further impact on the heritage significance of The Valley Heritage Conservation Area or the heritage items in the vicinity than the works already approved as part of the development application D/2018/332 to construct the dwellings.

Clause 6.4 – Stormwater Management

Subject to recommended conditions the proposal is acceptable with regard to stormwater management.

5(b) Draft Environmental Planning Instruments

Draft Environment State Environmental Planning Policy

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018.

This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed subdivision would be acceptable with regard to the intended requirements within 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

B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Not applicable
C1.3 Alterations and additions	Not applicable
C1.4 Heritage Conservation Areas and Heritage Items	Not applicable
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	No
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Not applicable
C1.11 Parking	Yes
C1.12 Landscaping	Not applicable
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Not applicable
C1.15 Signs and Outdoor Advertising	Not applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
C2.2.2.3 Gladstone Park Distinctive Neighbourhood	No
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Not applicable
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	Not applicable
C3.7 Environmental Performance	Not applicable
C3.8 Private Open Space	Yes
C3.9 Solar Access	Not applicable
C3.10 Views	Not applicable
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	
Not applicable	
Part D: Energy	
Section 1 – Energy Management	Not applicable
Section 2 – Resource Recovery and Waste Management	Not applicable
D2.1 General Requirements	Not applicable

D2.2 Demolition and Construction of All Development	Not applicable
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Not applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Not applicable
E1.1.2 Integrated Water Cycle Plan	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	No
E1.1.4 Flood Risk Management Report	Not applicable
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	
E1.2.1 Water Conservation	Not applicable
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Not applicable
E1.2.4 Stormwater Treatment	Not applicable
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	Not applicable
E1.3 Hazard Management	Not applicable
E1.3.1 Flood Risk Management	Not applicable
E1.3.2 Foreshore Risk Management	Not applicable
Part F: Food	
Not applicable	
Part G: Site Specific Controls	
Not applicable	

The following provides discussion of the relevant issues:

C1.6 – Subdivision

The proposed Torrens title subdivision into two lots does not comply with Control C1 which states that the minimum lot size for dwellings is 200sqm. However as discussed above under the Leichhardt LEP 2013 assessment within Section 5(a)(ii) of this report the proposal is considered consistent with the prevailing immediate subdivision pattern and is considered acceptable in this instance.

C2.2.2.3 - Gladstone Park Distinctive Neighbourhood

Control C4 requires that the rhythm of the neighbourhood be preserved by maintaining the lot sizes. Although the existing lot size will not be “maintained”, it is not considered that the proposed subdivision of the existing lot will impact on the neighbourhood given that an attached dual occupancy development has already been approved and is under construction on the site, and the lot sizes are not out of character with the subdivision pattern of the area.

Part E: Water

Stormwater plans were approved under the previous Development Application D/2018/332 for construction of the two dwellings. A condition is recommended requiring stormwater drainage to have a single point of discharge per lot.

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 the Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were received.

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 to proposal.

6(b) External

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

7. Section 7.11 Contributions

Section 7.11 (previously known as Section 94) contributions are not payable for the proposal. Please note that Section 7.11 contributions were charged for the previous Development application (D/2018/688) for construction of the two dwellings.

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 of the Leichhardt Local Environmental Plan 2013 in support of the contravention of the development standard for Clause 4.1 Minimum subdivision lot size. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard 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 standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application D/2018/544 for Torrens title subdivision into two lots at 21 Darvall Street, Balmain 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/2018/544 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of Redefinition of Lot A in DP311420 Surveyor's Ref: 319924	Gregory Vaughan Hull	25 July 2018
Plan of proposed subdivision DGN 320457	Structerre surveying	August 2018

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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

2. A Registered Surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. The certification is to be provided prior to the issue of a Subdivision Certificate.
3. A single point of stormwater discharge is to be provided to the kerb and gutter per lot frontage.
4. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus three (3) copies for Council's endorsement and administration sheet. The following details shall also be submitted:
 - a) Evidence that all conditions of Development Consent D/2018/544 have been satisfied.
 - b) Evidence of payment of all relevant fees and contributions.
 - c) The 88B instrument plus six (6) copies.
 - d) A copy of the final Occupation Certificate issued for the development.
 - e) All surveyor's or engineer's certification required by the Development Consent.

- f) A copy of the Section 73 Compliance Certificate issued by Sydney Water.

All on-site detention facilities must be included on the final plans of subdivision.

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 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

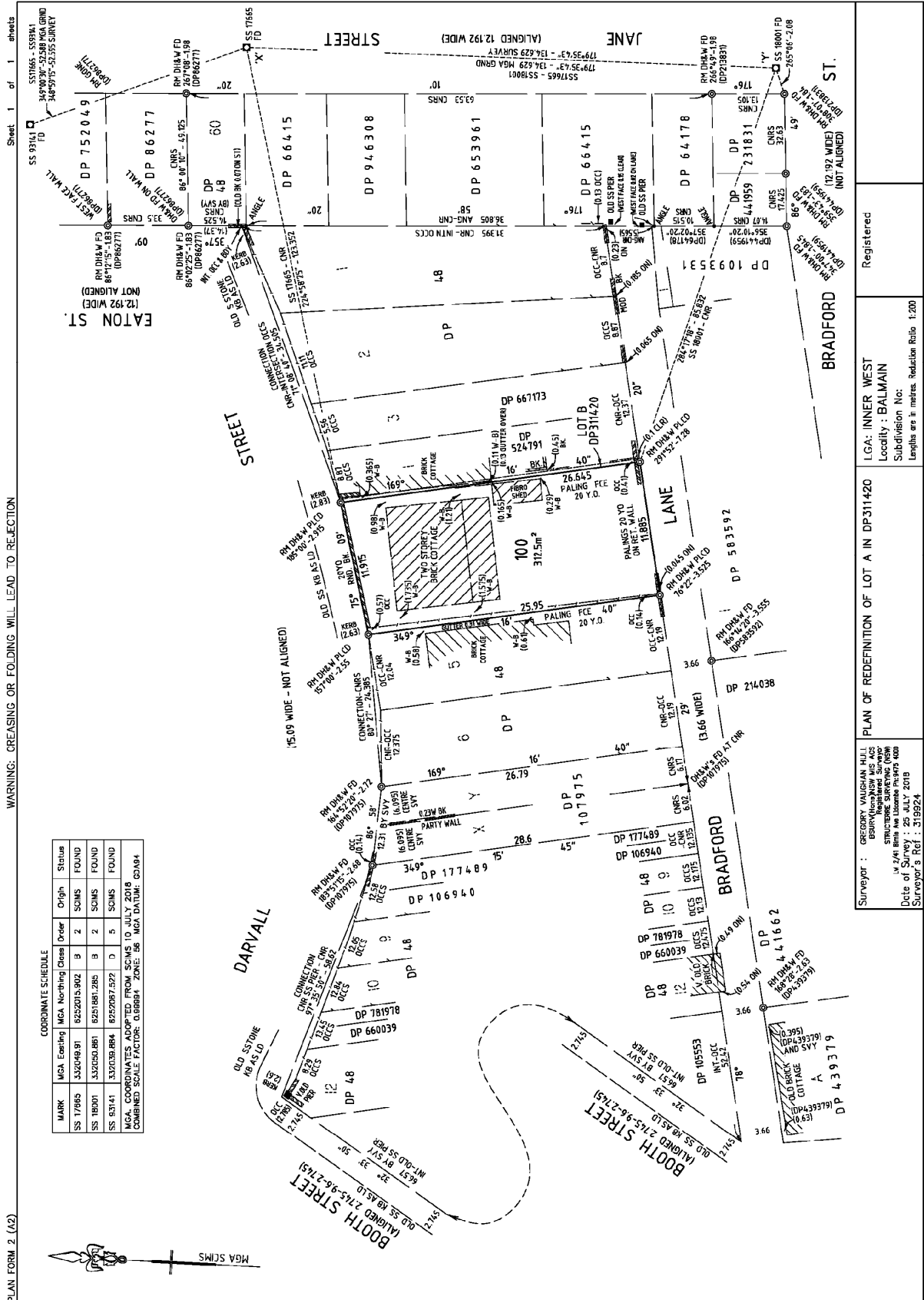
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, 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.

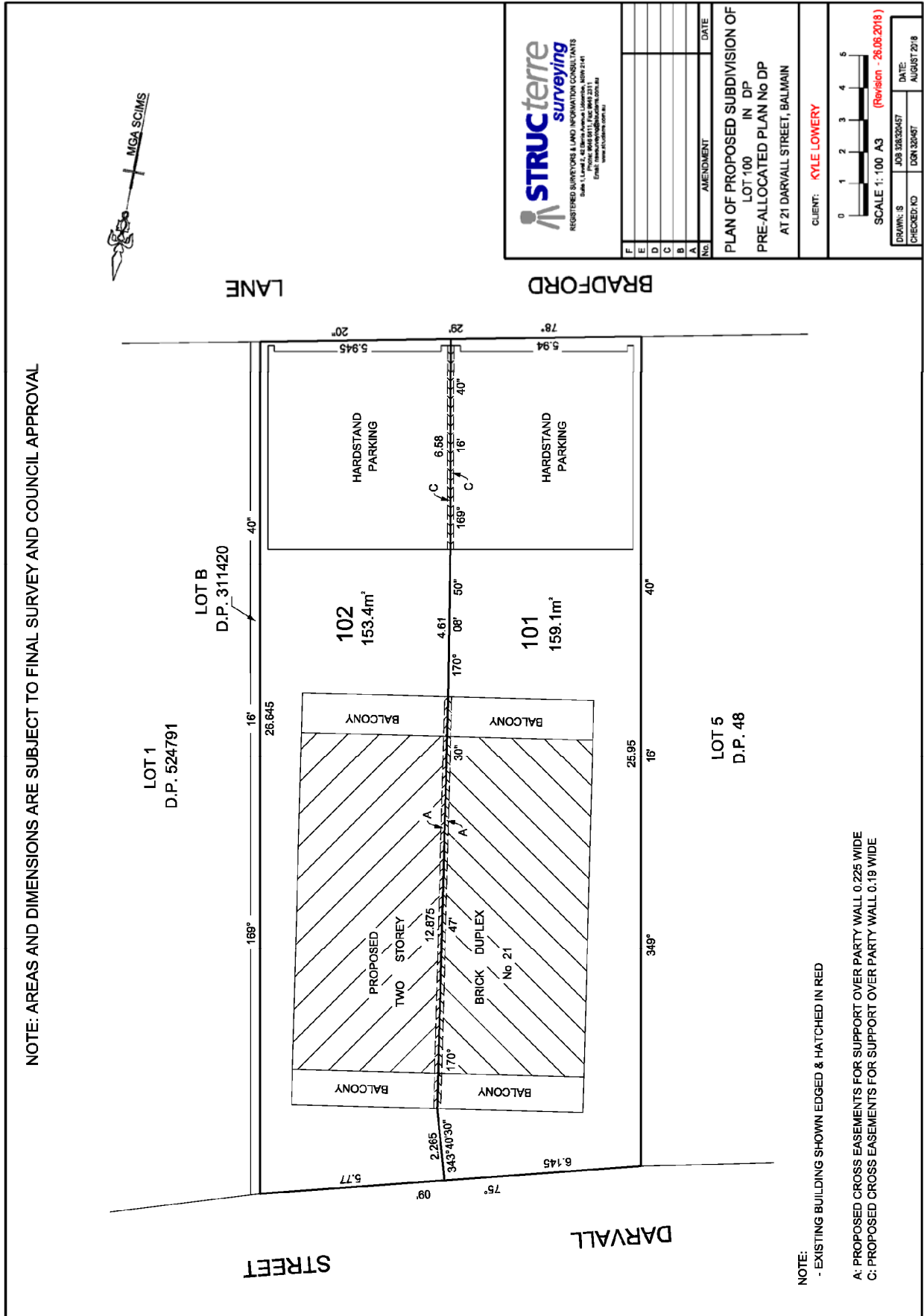
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with 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 <https://www.innerwest.nsw.gov.au/about/reports-and-registers/political-donations>. 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



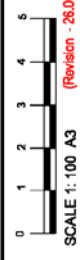


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Email: www@structerre.com.au
www.structerre.com.au

No	AMENDMENT	DATE
F		
E		
D		
C		
B		
A		

PLAN OF PROPOSED SUBDIVISION OF
LOT 100 IN DP
PRE-ALLOCATED PLAN NO DP
AT 21 DARVALL STREET, BALMAIN

CLIENT: **KYLE LOWERY**



DRAWN: S	JOB: 30820457	DATE: AUGUST 2018
CHECKED: KO	DGN: 320457	

Attachment C- Clause 4.6 Exception to Development Standards



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The General Manager
 Inner West Council
 PO Box 14,
 Petersham NSW 2049

18 October 2018

21 Darvall Street, Balmain
Clause 4.6 Exceptions to Development Standards
Clause 4.1 Minimum Subdivision Lot Size — Leichhardt Local Environmental Plan 2013
Subdivision of existing lot into two Torrens Title lots

1. Introduction

This Clause 4.6 variation request has been prepared in support of a development application at 21 Darvall Street, Balmain. The proposal is for subdivision of the existing lot into two Torrens title lots.

The site is legally described as Lot A in Deposited Plan 311420. The site is a rectangular in shape with a total area of 312.5 square metres by title, with a 12.19 metre street frontage to Darvall Street and a rear frontage of 11.85 metres to Bradford Lane. The western side boundary measures 25.95 metres and the eastern side boundary measures 26.645 metres.

This Clause 4.6 Exceptions to Development Standards relates to Clause 4.1 Minimum Subdivision Lot Size of Leichhardt Local Environmental Plan 2013 (LLEP 2013). The site is subject to a Minimum Subdivision Lot Size control of 200 square metres under Clause 4.1 of LLEP 2013.

The existing site area is 312.5m². The proposal seeks to provide two allotments of 159.1m² (and Lot 101) and 153.4m² (Lot 102). This represents a variation of the development standard by 20.45% and 23.3%.

Numerical overview

Component	Lot 101	Lot 102
Existing site area: 312.5m²		
Lot size	159.1m ²	153.4m ²
Frontage width	6.145m	5.77m
Rear frontage width	5.94m	5.945m

It has been demonstrated below that these proposed lot sizes are appropriate to accommodate the approved dual occupancy development of Development Application No. D/2018/332, which was granted operational consent on 16 October 2018. The objectives of the control are met and the proposal results in a better planning outcome for the site.

2. Clause 4.6

An application to vary a development standard can be made under Clause 4.6 of CBLEP 2013.

The objectives of Clause 4.6 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.

Clause 4.6(3) specifies that:

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.

These matters are considered below.

3. Justification of proposed variance

Samadi v Council of the City of Sydney [2014] NSWLEC 1199 provides jurisdictional guidance on the assessment of variations under Clause 4.6.

Paragraph 27 of the judgement states:

'Clause 4.6 of LEP 2013 imposes four preconditions on the Court in exercising the power to grant consent to the proposed development. The first precondition (and not necessarily in the order in cl 4.6) requires the Court to be satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(i)). The second precondition requires the Court to be satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(ii)). The third precondition requires the Court to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)). The fourth precondition requires the Court to consider a written request that

demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).'

4. Precondition 1 – Consistency with zone objectives

The land is located in the R1 General Residential zone under Leichhardt Local Environmental Plan 2013.

The objectives of the R1 zone are:

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

The proposed development is compatible with the zone objectives as it:

- Appropriately correlates to the fence line, built form and orientation of the approved dual occupancy
- Is consistent with the historic subdivision pattern of the street, proposing two rectilinear lots of areas commensurate with existing lot sizes in Darvall Street.
- Does not impact the character, outward appearance or use of the site as a dual occupancy
- Does not impact the amenity of the site, neighbouring properties or the street.

Predominant subdivision pattern

The proposal is consistent with the predominant subdivision pattern of the street and the area. A comparison of the current and the original subdivision reveals that the original Lots 11, 8, 7 & 3 in Deposited Plan 48 were subdivided into two lots. Furthermore, lots on Bradford Street, to the rear of Darvall Lane, have been extensively subdivided.



Figure 5 – Existing subdivision pattern

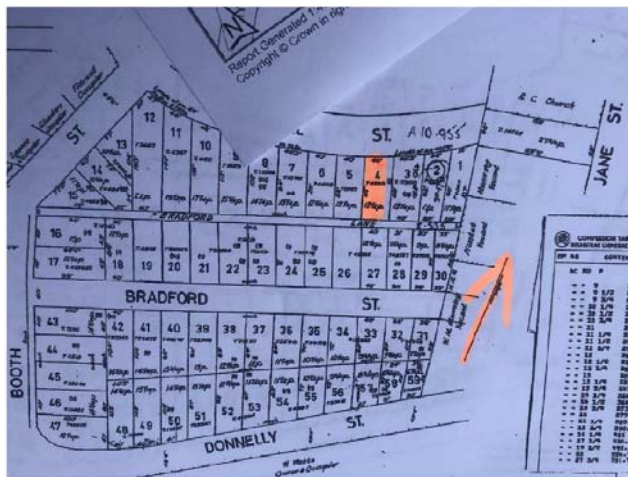


Figure 6 – Original subdivision pattern – Deposited Plan 48.

The below table outlines the lot areas present in Darvall Street. The table demonstrates that the prevailing lot size in the vicinity of the subject site is less than 200m². Nos. 23 & 25 are located to the immediate east of the site, with site areas of 183m² and 158m² respectively. No. 23 is located on two lots with areas of 80m² and 103m². Nos. 15, 13, 11 & 9 are located to east of the site with lot sizes markedly less than 200m². The below table also indicates that the proposed frontage widths are consistent with the prevailing frontage widths in the street.

Lot sizes on Darvall Street

Site	Site Area	Frontage Width
------	-----------	----------------

4
21 Darvall Street, Balmain
Clause 4.6 – Minimum Lot Size

	(approximate)	(approximate)
29 Darvall Street	285m ²	11m
27 Darvall Street	278m ²	11m
25 Darvall Street	158m ²	6m
23 Darvall Street (two lots)		
B/DP311420	10m ²	0.365m
1/-/DP524791	173m ²	6m
21 Darvall Street (subject site)		
Proposed Lot 102	153.4m ²	5.77m
Proposed Lot 101	159.1m ²	6.145m
19 Darvall Street	316m ²	12m
17 Darvall Street	330m ²	12m
15 Darvall Street	164m ²	6m
13 Darvall Street	164m ²	6m
11 Darvall Street	171m ²	6m
9 Darvall Street	190m ²	6m
7 Darvall Street	404m ²	12m
5 Darvall Street	440m ²	13m
3 Darvall Street	243m ²	6m
1 Darvall Street	262m ²	7m

Source: CoreLogic & SIX Maps



Figure 7 – Map of Darvall Street – 21 Darvall Street marked by flag. Lot sizes under 200m² marked by orange rectangles.

5. Precondition 2 – Consistency with the objectives of the standard

The objectives of the minimum subdivision lot size development standard as specified in Clause 4.1 are:

- (a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,
- (b) to ensure that lot sizes are capable of supporting a range of development types.

The variation is supportable in relation to the aforementioned objectives.

- Objective (a)
The lot area and dimensions are designed to correlate with the approved built form of the dual occupancy development. The subdivision configuration will therefore not impact the visual presentation of the development. The proposal represents an administrative arrangement to promote the orderly and efficient use of the site.
- Objective (b)
The streetscape and locality are characterised by dwelling houses and dual occupancy development. The proposed site areas and dimensions have the capacity to support these development types in a form consistent with the established residential character of the street, with adherence to relevant development controls. Nos. 25, 15 & 13 are sites with similar site areas and dimensions that accommodate dwelling houses commensurate with the streetscape character.

6. Precondition 3 – To consider a written request that demonstrates that compliance with the development standards is unreasonable or unnecessary in the circumstance of the case.

Wehbe vs Pittwater Council [2007] NSWLEC 827 establishes the five part test for determining whether strict compliance with the development standard is deemed unnecessary or unreasonable. These five ways have recently been re-emphasised in the *Four2Give Pty Ltd v Ashfield Council [2015]* NSELEC 1009 cases, by Commissioner Morris in *Mecone Pty Limited v Waverley Council [2015]* NSWLEC 1312 and by Commissioner Tuor in *Moskovich v Waverley Council [2016]* NSWLEC 1015. This approach has recently been upheld in the case of *Micaul Holdings Pty Limited v Randwick City Council [2015]* NSWLEC 1386. An appeal on a point of law against this decision by Randwick Council was dismissed Commissioner Morris on 19 February 2016: *Randwick City Council v Micaul Holdings Pty Ltd [2016]* NSWLEC 7.

In the decision of *Wehbe vs Pittwater Council*, Preston CJ established the five ways in which an objection has been well founded and that approval of the objection may be consistent with the aims of the policy:

- ‘the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
- the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
- the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- the zoning of particular land was unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.’

It is noted that each ‘test’ offers a potential way of demonstrating that compliance is unnecessary or unreasonable in each case. Therefore not all tests need to be met.

Test	Comment
1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard	As demonstrated in part 5 of this document, the development meets the objectives of the development standard
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary	Not applicable
3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable	The proposed allotment sizes would result in a better planning outcome for this site as it provides an efficient and orderly administrative arrangement for the approved dual occupancy, within a consistent subdivision pattern. The

	<p>proposal will reinforce and reflect the predominant subdivision pattern of the area.</p> <p>As the built form has been approved, the proposed subdivision will not give rise to any adverse amenity impacts on adjoining properties in terms of overshadowing, view loss, acoustic and visual privacy.</p> <p>As such this underlying objective or purpose would be thwarted if compliance was required in this case with the consequence that compliance is unreasonable in the circumstances of this case.</p>
<p>4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable</p>	<p>Not applicable; the development standard of minimum subdivision lot size covers a wide area and whilst it is not appropriate to this site, it is appropriate to other sites elsewhere in the locality. There are numerous instances where consents departing from the standard have been approved and others where the standards have been upheld. This is more an indication of the inappropriateness of particular standards to some sites rather than a comment on Council's actions.</p>
<p>5. The zoning of particular land was unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.'</p>	<p>The zoning of the site is not considered to be inappropriate. The minimum lot size development standard applicable to this particular site in its approved dual occupancy configuration is however not considered to be relevant.</p>

Application of the above tests thus demonstrate that strict numerical compliance is unreasonable and unnecessary for this proposal.

Strict compliance with the standard would hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and coordinate orderly and economic use and development of land.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that should outweigh the positive outcomes of the development and therefore a better planning outcome overall, given the proposed lots would be consistent with adjoining lots in terms of area and dimensions.

The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide an efficient administrative arrangement for the two approved dwellings which meets the objectives of applicable controls.

9. Conclusion

The proposal seeks a variation to the minimum lot size development standard prescribed in Clause 4.1 of Leichhardt Local Environmental Plan 2013.

This submission is considered to adequately address the matters required by Clause 4.6. The proposal meets the assessment criteria set out in Clause 4.6 (3) (a) and (b) and (4) (a). As demonstrated, strict compliance with the prescribed minimum lot size development standard is unreasonable and unnecessary in the circumstances of the case. The proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the objectives of the minimum lot size development standard. There is thus sufficient environmental planning grounds to justify the non-compliance.

Eunice Huang
Town Planner
Master of Urbanism (Urban & Regional Planning)

Attachment D – Statement of Heritage Significance

Godden Mackay Logan

Area 12 The Valley (Rozelle and Balmain)

Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.

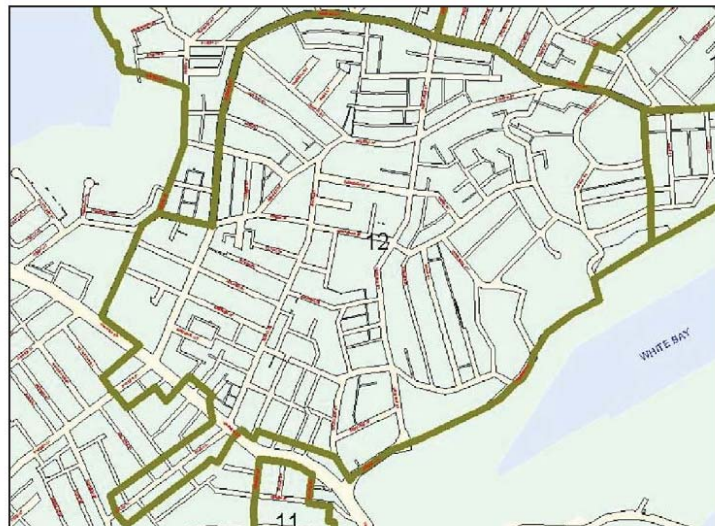


Figure 12.1 The Valley Conservation Area Map.

History

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

The largest of the estates put together from Langley's subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid

Godden Mackay Logan

pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for renters or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archiveⁱ suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

Sources

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

Further information provided by Max Solling.

Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.

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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871-1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).
- Retains evidence of all its layers of growth within that period from the late-1870s.
- Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.
- Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.
- Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.
- Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

Maintenance of Heritage Values

Generally

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

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

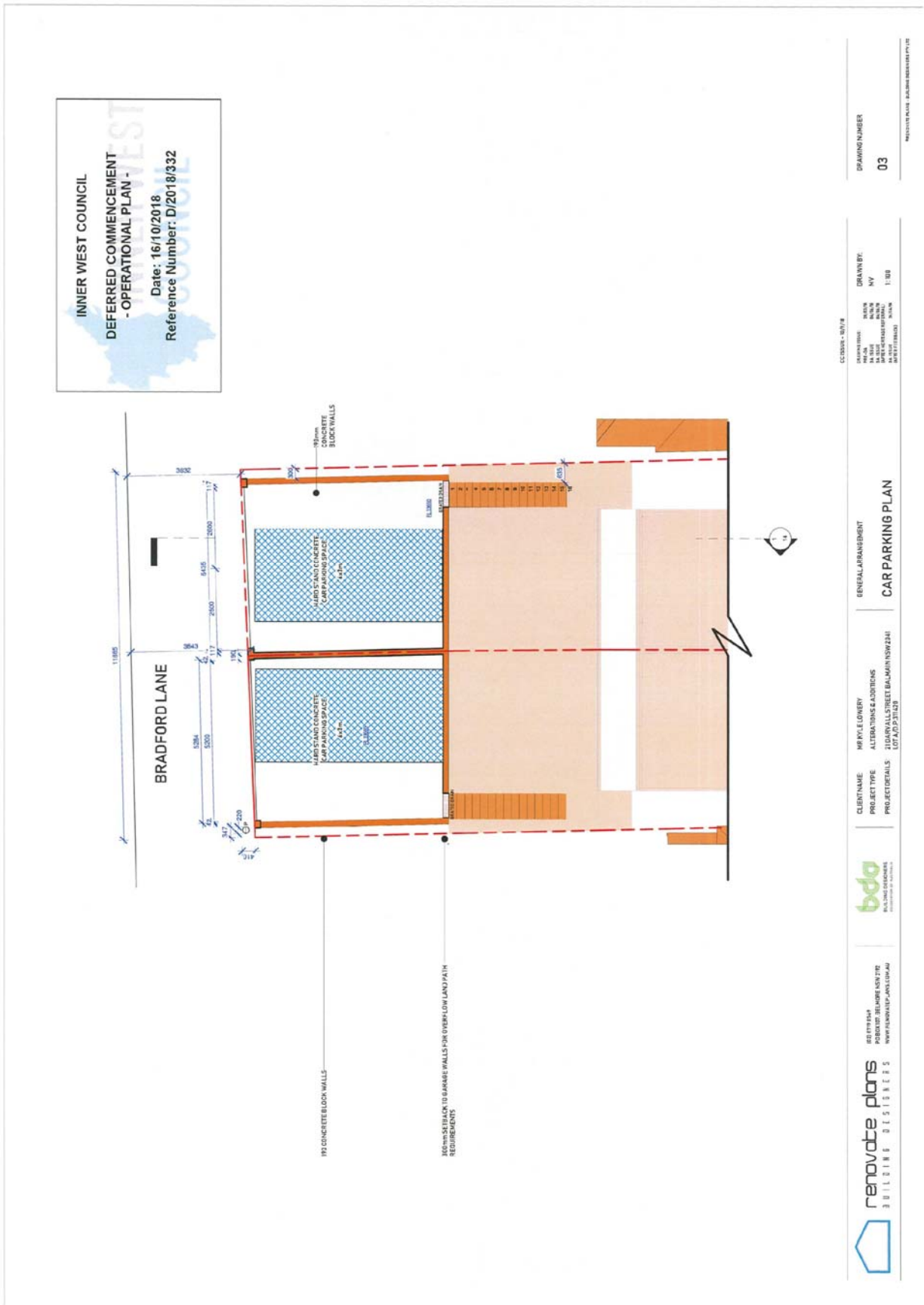
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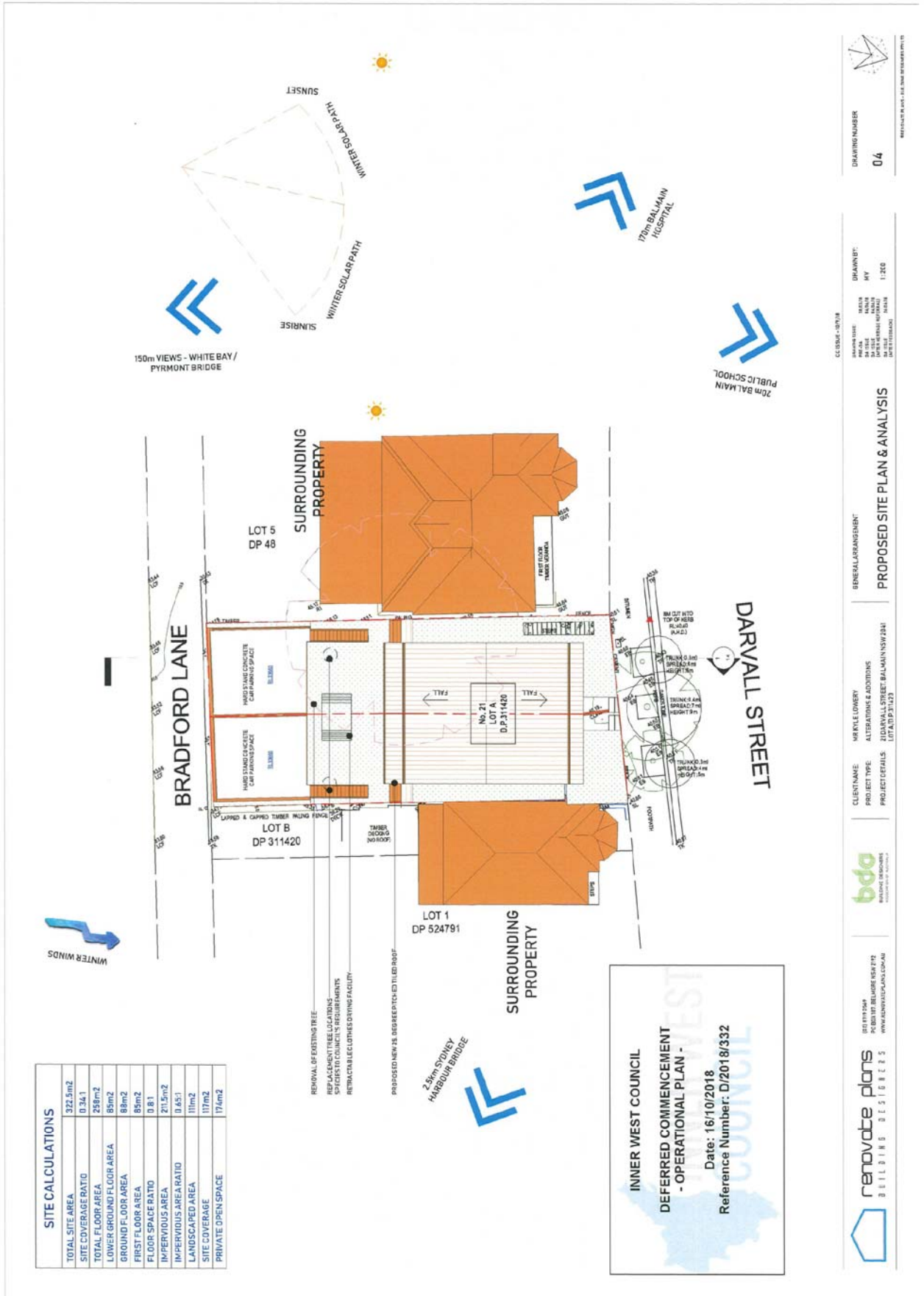
- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

- ¹ Solling & Reynolds, p 81.
-

Attachment E – Approved plans D/2018/332





SITE CALCULATIONS	
TOTAL SITE AREA	322.5m ²
SITE COVERAGE RATIO	0.24:1
TOTAL FLOOR AREA	258m ²
LOWER GROUND FLOOR AREA	85m ²
GROUND FLOOR AREA	88m ²
FIRST FLOOR AREA	85m ²
FLOOR SPACE RATIO	0.81
IMPERVIOUS AREA	211.5m ²
IMPERVIOUS AREA RATIO	0.65:1
LANDSCAPED AREA	111m ²
SITE COVERAGE	117m ²
PRIVATE OPEN SPACE	174m ²

INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 16/10/2018
 Reference Number: D/2018/332



DRAWING NUMBER
 04

CLIENT NAME: INNER WEST COUNCIL
 PROJECT TYPE: DEFERRED COMMENCEMENT - OPERATIONAL PLAN
 PROJECT DETAILS: 20 DARVALL STREET BALMAIN NSW 2034
 LOT A DP 311420

GENERAL ARRANGEMENT
 PROPOSED SITE PLAN & ANALYSIS

CLIENT NAME: INNER WEST COUNCIL
 PROJECT TYPE: DEFERRED COMMENCEMENT - OPERATIONAL PLAN
 PROJECT DETAILS: 20 DARVALL STREET BALMAIN NSW 2034
 LOT A DP 311420



ISSUED 2018
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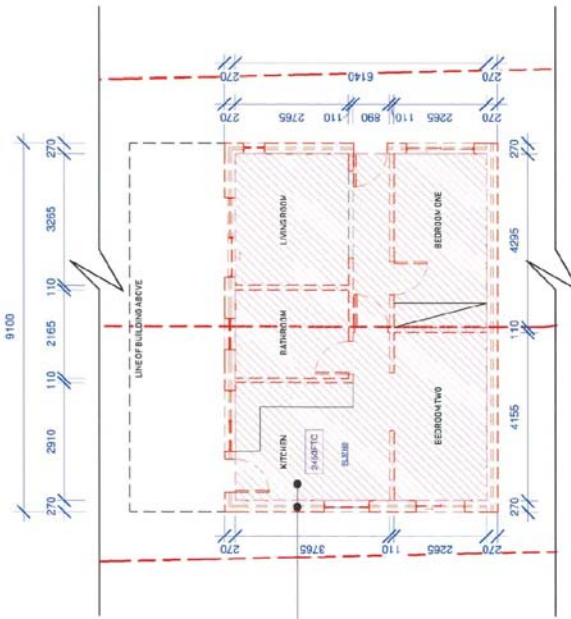
renovate plans
 BUILDING CONSULTANTS



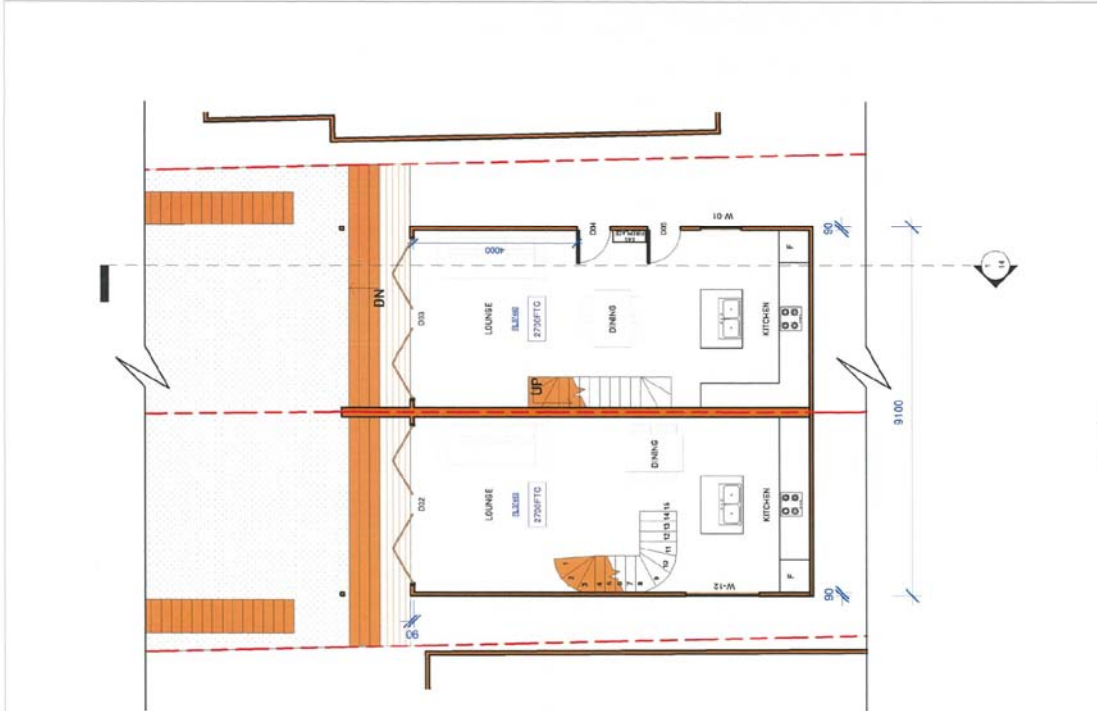
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INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 16/10/2018
 Reference Number: D/2018/332

NOTE
 INTERNAL WALLS TO BE FINISHED WITH PLASTERBOARD AS SELECTED
 EXTERNAL WALLS TO BE FINISHED AS PER FINISHES AND FINISHES
 SCHEDULE AND SET OUT BY A REGISTERED SURVEYOR
 CONTRACTOR TO ENSURE WALLS ARE SET BACK FOR PROVISION OF CLADDING
 AND TO BE PROVIDED DURING WALL SET OUT.
 CLADDING THICKNESS HAS NOT BEEN SHOWN ON THIS DRAWING FOR THE
 PURPOSES OF CLADDING. ALL EXTERIOR WALLS TO BE SET BACK AS PER THESE
 DIMENSIONS. CLADDING THICKNESS TO BE
 COMPRISED PRIOR TO SET OUT OF WALLS.
 AND TO BE PROVIDED DURING WALL SET OUT.



WALL SCHEDULE	
PROPOSED TIMBER FRAME WALL - 90mm THICKNESS (STANDARD 2"x4" TIMBER STUD)	
EXISTING TIMBER FRAME WALL - 90mm THICKNESS (STANDARD 2"x4" TIMBER STUD)	
TIMBER FRAME WALL - TO BE DEMOLISHED	
SINGLE BRICK WALL - TO BE DEMOLISHED	
DOUBLE BRICK WALL - TO BE DEMOLISHED	



GENERAL ARRANGEMENT
 EXISTING & PROPOSED LOWER
 GROUND FLOOR PLANS

CLIENT NAME: MAY FOLEY
PROJECT TYPE: EXISTING & PROPOSED LOWER GROUND FLOOR PLANS

DATE: 16/10/2018

PROJECT DETAILS: 10/10/2018

DRAWING NUMBER: 05

DRAWN BY: MV

CHECKED BY: MV

SCALE: 1:100

DATE: 16/10/2018

renovate plans
 BUILDING DESIGNERS

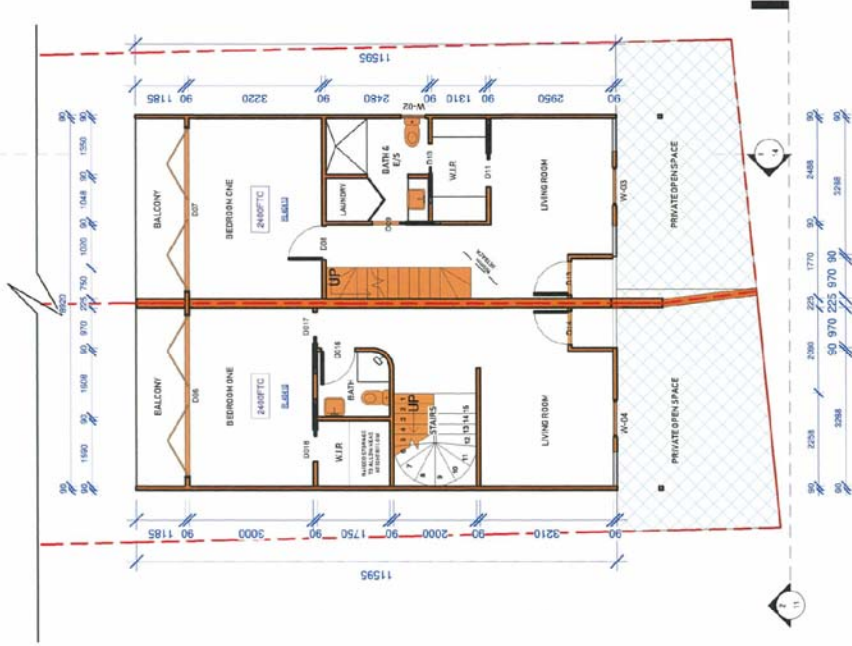
8/11 PITT ST
 PARRAMATTA NSW 2150
 WWW.RENOVATEPLANS.COM.AU

bda
 BUILDING DESIGN ASSOCIATION OF AUSTRALIA

10/10/2018

INNER WEST COUNCIL
DEFERRED COMMENCEMENT
- OPERATIONAL PLAN -
 Date: 16/10/2018
 Reference Number: D/2018/332

NOTE
 INTERNAL WALLS TO BE FINISHED WITH PLASTERBOARD AS SELECTED
 EXTERNAL WALLS TO BE FINISHED AS PER ELEVATIONS AND FINISHES
 SCHEDULE AND SET OUT BY A REGISTERED SURVEYOR
 CONTRACTOR TO ENSURE WALLS ARE SET BACK FOR PROVISION OF CLADDING
 WITH THE APPROPRIATE CLADDING THICKNESS TO BE CONFIRMED
 PRIOR TO SET OUT OF WALLS
 CLADDING THICKNESS HAS NOT BEEN SHOWN ON THIS DRAWING FOR THE
 PURPOSES OF CLARITY ALL EXTERIOR WALLS TO BE SET BACK AS PER THESE
 DIMENSIONS TO BE SET BACK SHOWN DRAWINGS AND
 TO BE PROVIDED TO DURING WALL SET OUT.



WALL SCHEDULE	
	PROPOSED TIMBER FRAME WALL - 90mm THICKNESS (STANDARD 7x2 TIMBER STUD)
	EXISTING TIMBER FRAME WALL - 90mm THICKNESS (STANDARD 7x2 TIMBER STUD)
	TIMBER FRAME WALL - TO BE DEMOLISHED
	SINGLE BRICK WALL - TO BE DEMOLISHED
	DOUBLE BRICK WALL - TO BE DEMOLISHED

CLIENT NAME MR RYLE E GILVERBY
PROJECT TYPE ALTERATIONS & ADDITIONS
PROJECT DETAILS 110VALLEY STREET BALMAIN NSW 2041
 LOT 100 P 31123

DRAWN BY: RYAN HALL
 NICKY HALL
 JESSICA HALL
 JESSICA HALL
 JESSICA HALL
 JESSICA HALL

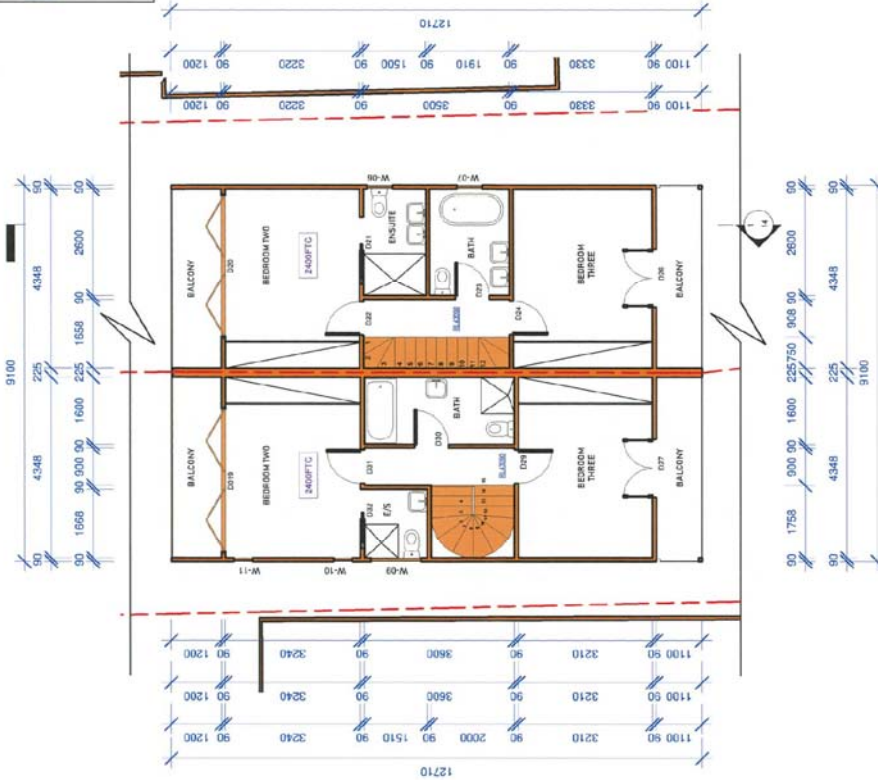
GENERAL ARRANGEMENT
EXISTING & PROPOSED GROUND
FLOOR PLANS

DRAWING NUMBER
 06

renovate plans
 BUILDERS DESIGNERS
 110 VALLEY STREET BALMAIN NSW 2041
 PH: 02 9550 0000
 WWW.RENOVATEPLANS.COM.AU

bda
 BUILDING DESIGN ASSOCIATION
 110 VALLEY STREET BALMAIN NSW 2041
 PH: 02 9550 0000
 WWW.BDA.COM.AU

INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 16/10/2018
 Reference Number: D/2018/332



NOTE
 INTERNAL WALLS TO BE FINISHED WITH PLASTERBOARD AS SELECTED
 EXTERNAL WALLS TO BE FINISHED AS PER ELEVATIONS AND FINISHES
 SCHEDULE AND SET OUT BY A REGISTERED SURVEYOR
 CONTRACTOR TO ENSURE WALLS ARE SET BACK FOR PROVISION OF CLADDING
 THICKNESS. ALL MEASUREMENTS OF CLADDING THICKNESS TO BE
 CONFIRMED PRIOR TO SETTING OUT WALLS
 CLADDING THICKNESS HAS NOT BEEN SHOWN ON THIS DRAWING FOR THE
 PURPOSES OF CLARITY. ALL EXTERIOR WALLS TO BE SET BACK AS PER THESE
 PLANS. ANY CLADDING TO BE IN LINE WITH SETBACK SHOWN IN DRAWINGS
 AND TO BE PROVIDED DURING WALL SET OUT.

WALL SCHEDULE	
	PROPOSED TIMBER FRAME WALL - 90mm THICKNESS (STANDARD 2x4" TIMBER STUD)
	EXISTING TIMBER FRAME WALL - 90mm THICKNESS (STANDARD 2x4" TIMBER STUD)
	TIMBER FRAME WALL - TO BE DEMOLISHED
	SINGLE BRICK WALL - TO BE DEMOLISHED
	DOUBLE BRICK WALL - TO BE DEMOLISHED

CLIENT NAME: MARYLE LOWERY
 PROJECT TYPE: ALTERATIONS & ADDITIONS
 PROJECT DETAILS: 210 DAVALL STREET, BALMAIN NSW 2041
 LOT 7A DP 31132

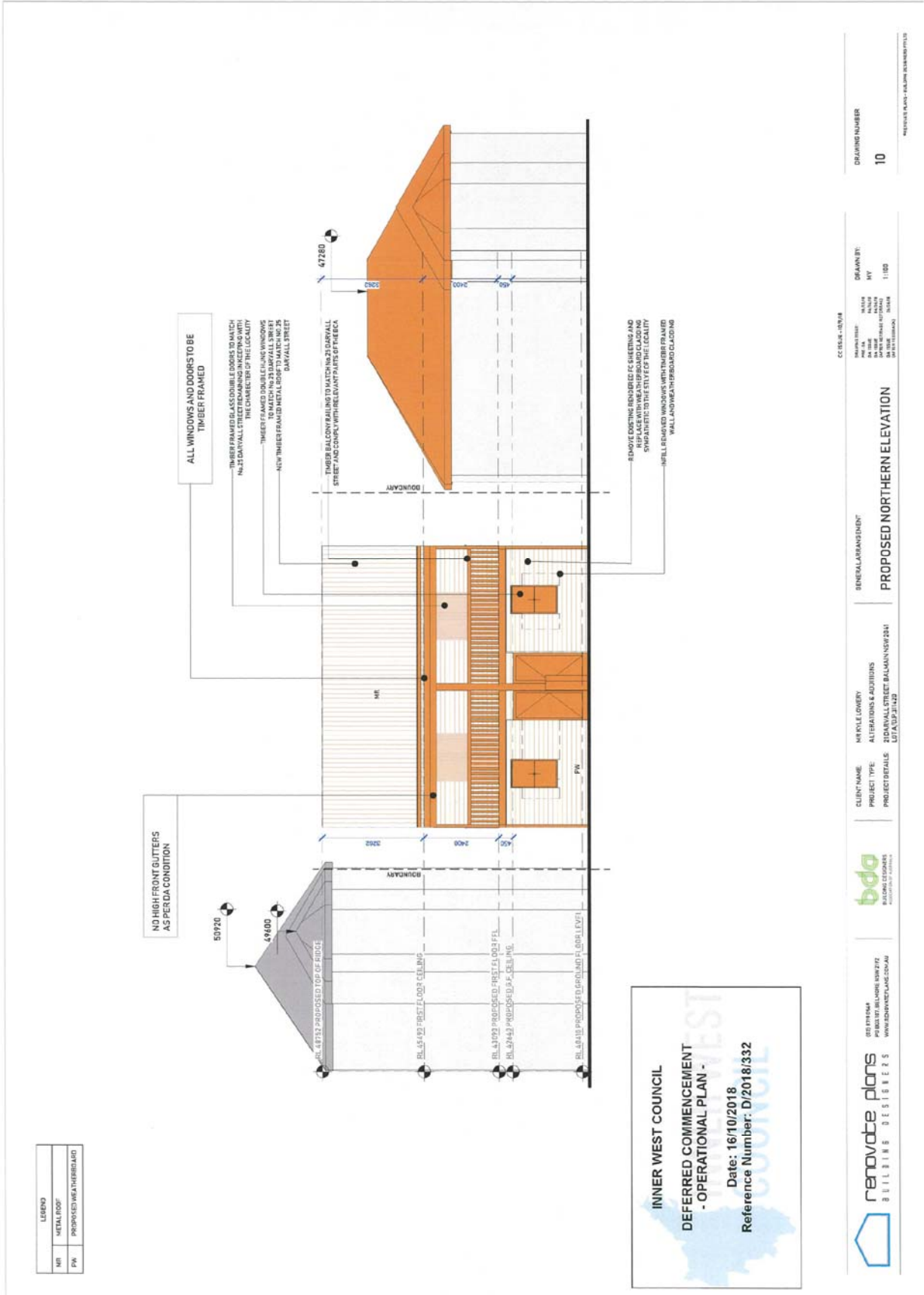
GENERAL ARRANGEMENT
PROPOSED FIRST FLOOR PLAN

DATE: 16/10/2018
 DRAWING NUMBER: 07

SCALE: 1:100
 DRAWN BY: HV
 CHECKED BY: HV
 DATE: 16/10/2018

renovate plans
 BUILDING DESIGNERS
 807 SYDNEY ROAD
 BALMAIN NSW 2041
 WWW.RENOVATEPLANS.COM.AU

bda
 BUILDING DESIGNERS
 CONSULTANTS & ARCHITECTS



LEGEND	
MR	METAL ROOF
PW	PROPOSED WEATHERBOARD

INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 16/10/2018
 Reference Number: D/2018/332



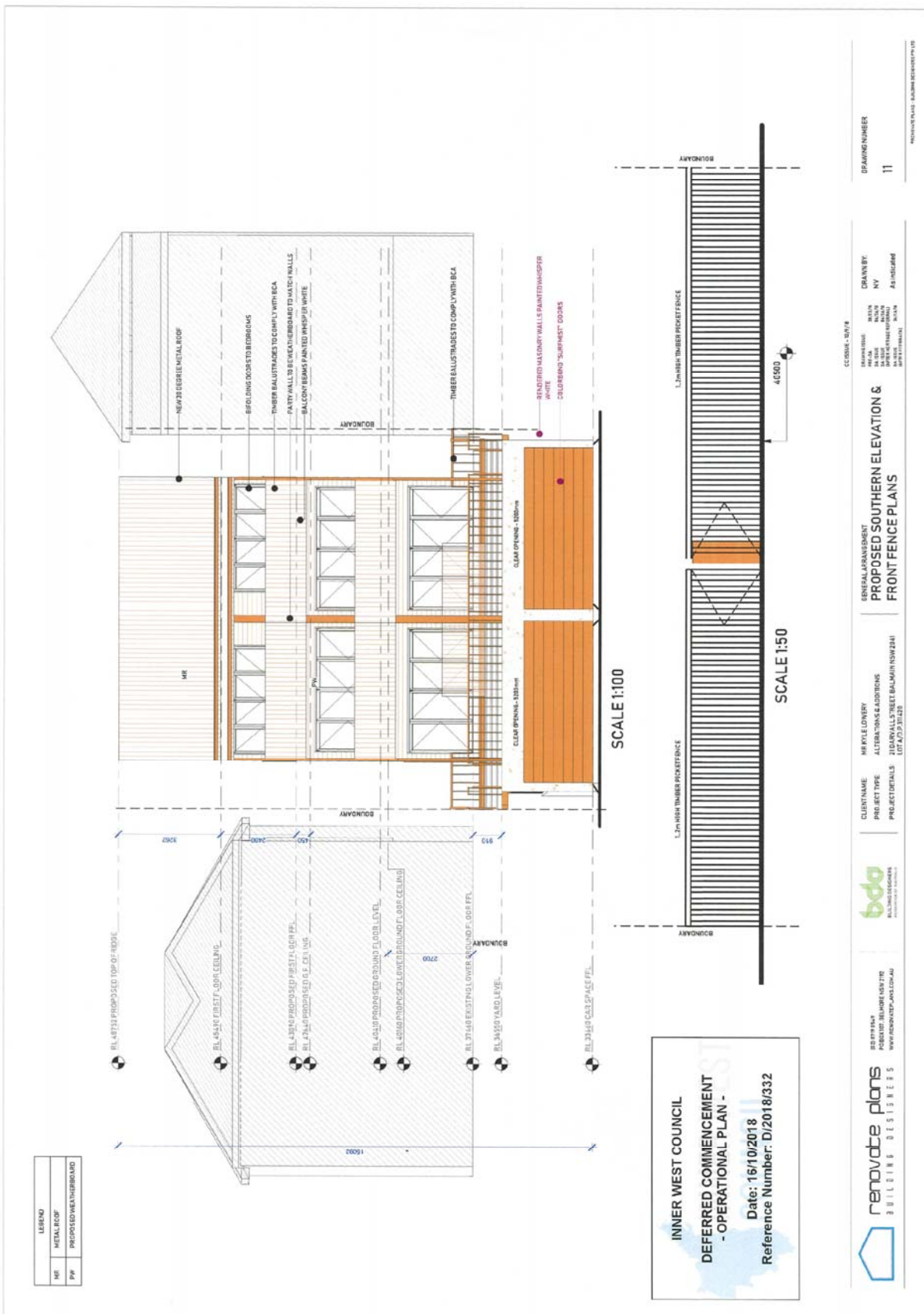

620 FIVE STAR
 PROJECT DELIVERY
 WWW.RENOVATEPLANS.COM.AU

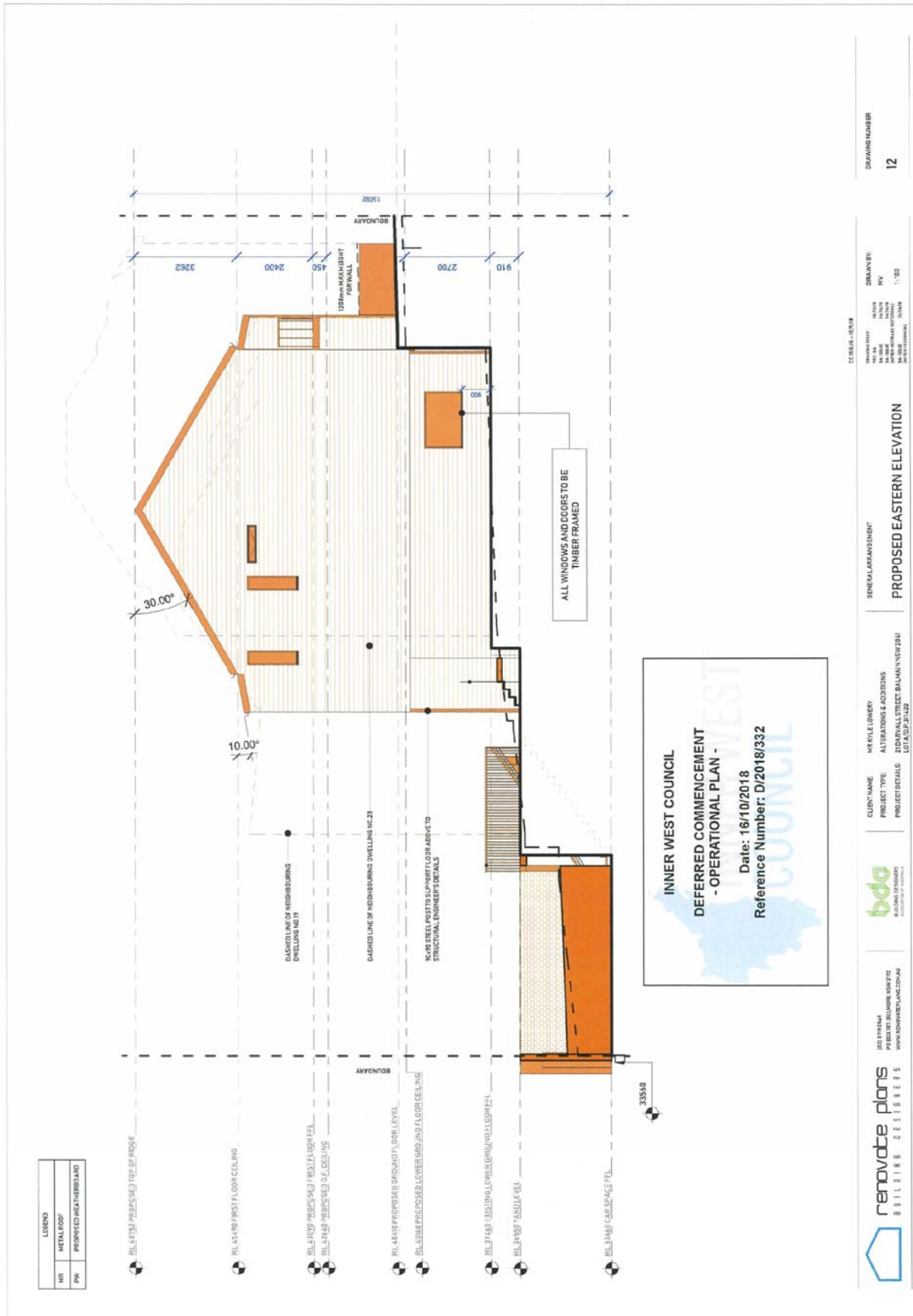
CLIENT NAME: INNOVATION
 PROJECT TYPE: ALTERATIONS & ADDITIONS
 PROJECT DETAILS: 123 BALMAIN STREET BALMAIN NSW 2041
 UT/ACT/CP/31/20

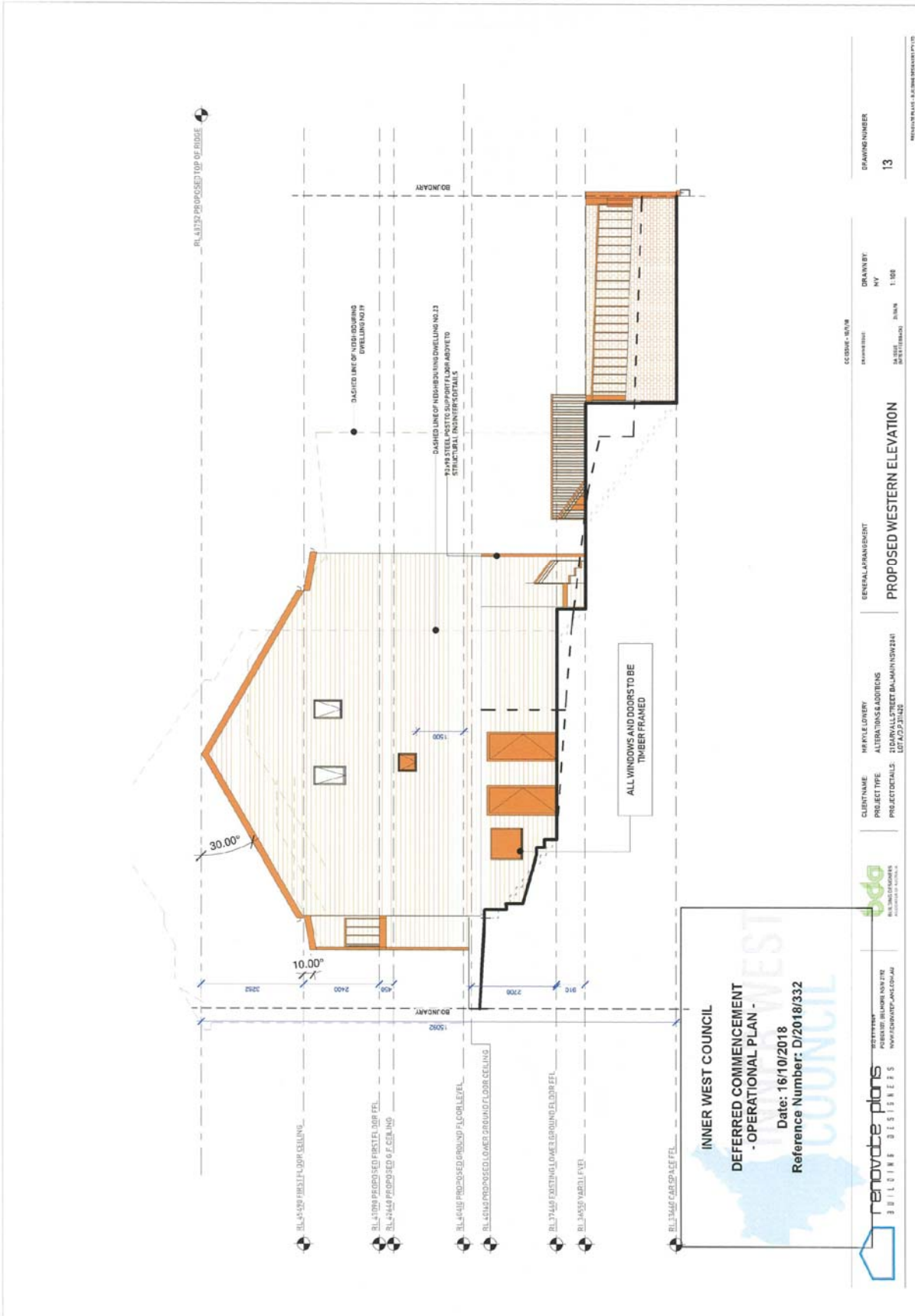
GENERAL ARRANGEMENT
PROPOSED NORTHERN ELEVATION

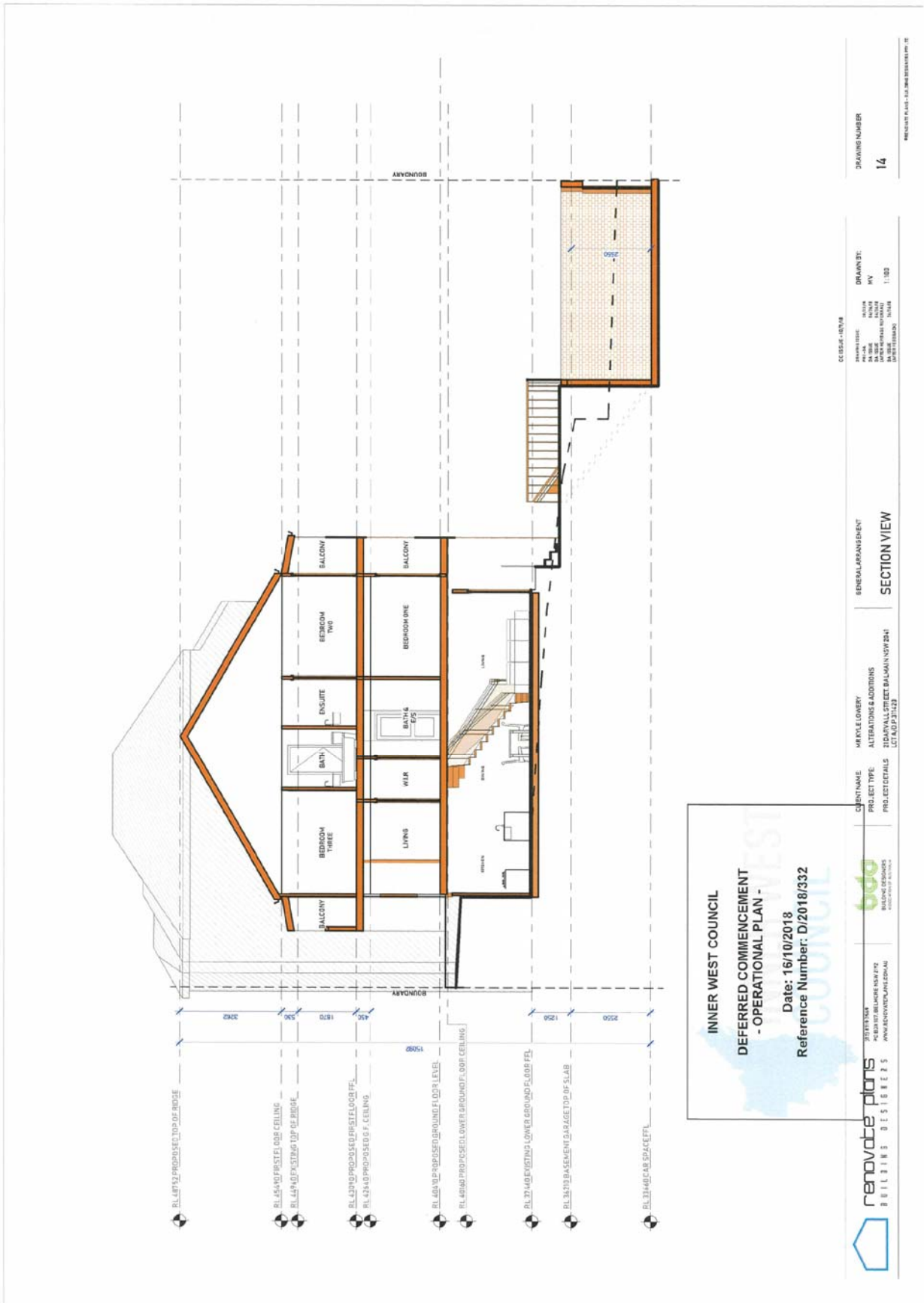
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 SCALE: 1:100
 DATE: 16/10/2018

DRAWING NUMBER: 10









INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 16/10/2018
 Reference Number: D/2018/332

 BUILDING BUSINESS 3/117/15/100 PROJECT BELMORE NSW/PT2 WWW.RENOVATEPLANS.COM.AU	 BDO BDO AUSTRALIA 100 COLLEGE STREET SYDNEY NSW 2000	CLIENT NAME INNER WEST COUNCIL	PROJECT TYPE DEFERRED COMMENCEMENT	ARCHITECTURE ARCHITECTS & ARCHITECTS 100 WALL STREET BALMAIN NSW 2104 CONTACT: 02 9550 3122	GENERAL ARRANGEMENT SECTION VIEW	DRAWING NUMBER 14
		PROJECT NO. 15/100	DRAWN BY RV	CHECKED BY NAME	SCALE 1:50	DATE 16/10/2018