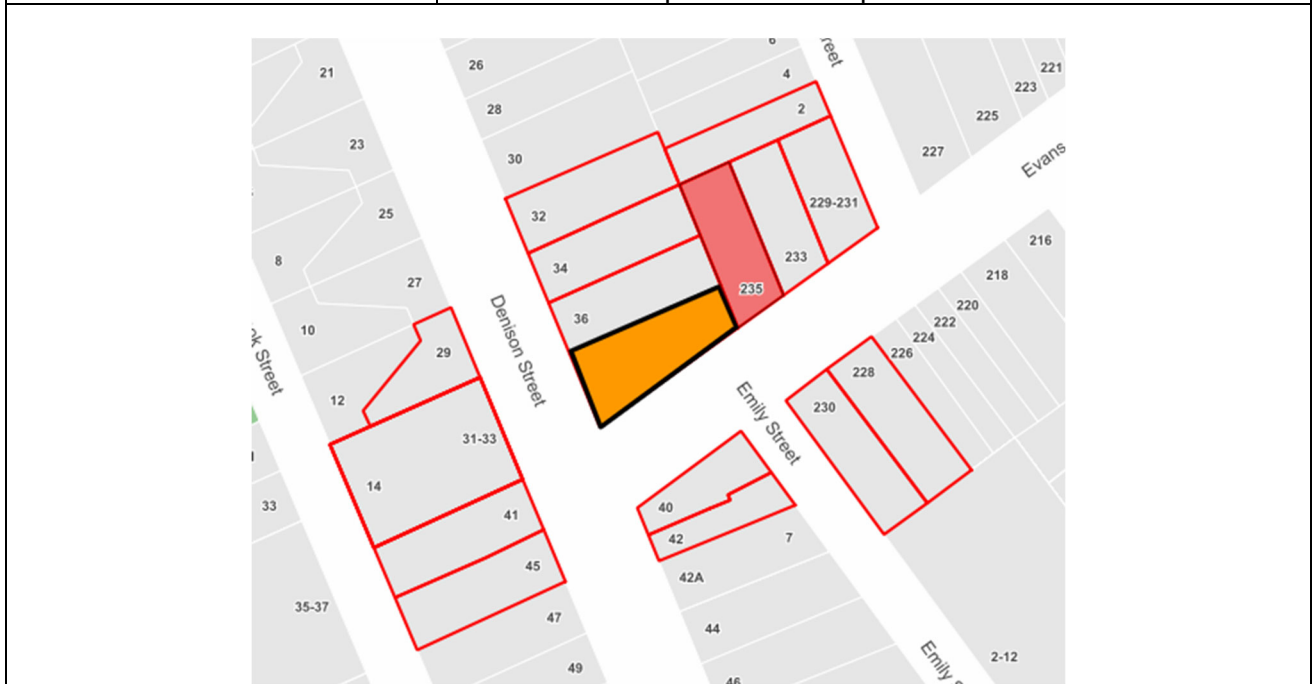






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2021/0014
Address	38 Denison Street ROZELLE NSW 2039
Proposal	Demolition of existing dwelling, construction of two storey dwelling house above basement garage and pool.
Date of Lodgement	13 January 2021
Applicant	Hussein Chalich
Owner	Estate of the Late Carl Nielsen Estate of the Late Ellen Nielsen
Number of Submissions	Initial: 1 After Renotification: 2
Value of works	\$600,178
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	<ul style="list-style-type: none"> • Streetscape Character compatibility • Bulk & Scale • Amenity • Loss of on-street parking
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP			
Subject Site		Objectors	
Notified Area		Supporters	



1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the existing dwelling on the site and construction of a new two-storey dwelling house above a basement garage, and a pool in the rear of the site at 38 Denison Street Rozelle.

The original application was notified to surrounding properties and 2 submissions were received in response to the initial notification.

Three (3) submissions were received in response to renotification of the amended application. The main issues that have arisen from the application include:

- Streetscape Character compatibility
- Bulk & Scale
- Amenity
- Loss of on-street parking

The non-compliances are not acceptable given the significance of the proposed breaches of development standards and the proposed form and bulk of the new dwelling being contrary to the desired future character of the area and therefore the application is recommended for refusal.

2. Proposal

The application as originally submitted to Council involved essentially the same dwelling as represented in the current amended plans with a proposed rear garage accessed from the Evans Street frontage and a second off-street parking space accessed from Denison Street.

By letter dated 17 February 2021 Council advised the applicant that the proposed form of the development was substantially divergent from the relevant suite of Council's planning controls, including significant breaches of the development standards for Landscaped Area, Site Cover and Floor Space Ratio. Council also provided advice that in the circumstances the application be withdrawn.

On 10 March 2021 the applicant submitted amended plans and information. The amended drawings delete the proposed rear garage. However, a basement level has is now proposed beneath the two-storey dwelling house accessed from Denison Street. The form of the dwelling house in the amended drawings remains essentially unchanged to that originally proposed. The applicant also proposes to have the restricted parking area on Denison Street extended toward the intersection of Evans Street to facilitate retention of on-street parking that would otherwise be removed by the installation of a new vehicular cross over on that frontage.

The amended plans for the basis of this report.

3. Site Description

The subject site is located on the eastern side of Denison Street at the corner of Evans Street. The site consists of one allotment and is generally rectangular with a total area of 255sqm and is legally described as Lot 16 Section 1 DP975049, 38 Denison Street Rozelle.

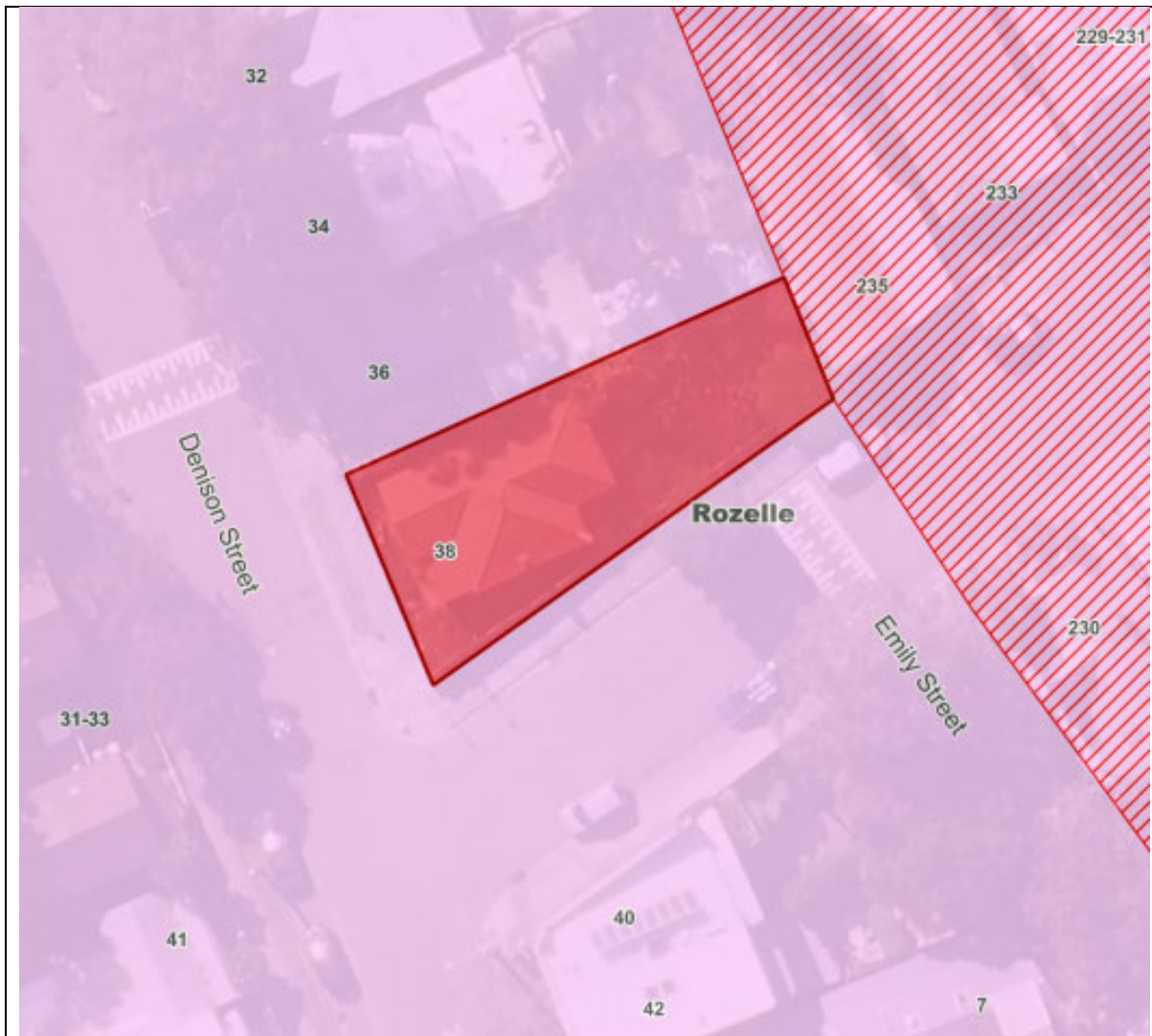
The site has a frontage to Denison Street of 12.54 metres and a secondary frontage of 28.13 metres to Evans Street.

The site supports a single storey detached dwelling house of brick and tile construction. The adjoining properties support a two-storey detached dwelling house at 36 Denison Street and a single storey weatherboard detached dwelling at 235 Evans Street.

The property is not located within a conservation area. However, it adjoins the conservation area which includes the adjoining property 235 Evans Street.

The following trees are located on the site and within the vicinity.

- Cyathea - tree fern in the south-eastern corner of the of the subject site. This plant is an exempt species.



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

Nil relevant development history.

Surrounding properties**46 Denison Street**

Application	Proposal	Decision & Date
CDCP/2020/0189	Complying Development Certificate - Private Certifier. - Construction of new two storey dwelling with single garage space and associated landscape works	Issued

46A Denison Street

Application	Proposal	Decision & Date
CDCP/2016/120	Complying Development Certificate – Private Certifier - Construction of two storey dwelling.	Issued
D/2017/533	Construction of a swimming pool, garage and fence at rear of site. Construction of front fence. New landscaping and associated works.	Approved

56 Denison Street

Application	Proposal	Decision & Date
D/2014/355	Demolition of existing single storey residence and construction of a new two storey residence.	Approved 14/10/2014
M/2016/275	S96 Modification to D/2014/355. Modification involves construction of basement.	Approved 9/6/2017
M/2018/132	Modification of Development Consent D/2014/355 to carry out various internal and external changes as detailed in the application including: internal reconfiguration; delete lightwell to Denison Street; eastern wall to ground level moved 750mm eastward; new / deleted openings; terrace off ensuite enclosed / ensuite enlarged; enlarge spa to a small pool; plus rectify administrative error Condition 14.	Approved 4/3/2019
D/2019/524	Demolition of existing single storey house and constructing a new two storey house with landscaping	Approved 28/4/2020
MOD/2020/0375	Section 4.55(2) Modification of Development Consent D/2019/524 which approved demolition of existing dwelling-house and construction of a new two storey dwelling-house and associated works, seeking various internal and external changes	Approved 17/12/2020

235 Evans Street

Application	Proposal	Decision & Date
D/2018/569	Removal of two trees at rear of site.	Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
17/2/2021	Council sent a letter to applicant identifying significant breaches of the suite of Council planning controls and suggesting withdrawal of the application. Breaches included to development standards for Floor Space Ratio, Landscaped Area & Site Cover.
10/3/2021	Applicant provided submission with amended plans.
11/3/2021	Applicant submitted a revised QS report stating the proposed cost of work associated with amended application to be reduced from the cost of work specified in the originally submitted QS report. It is noted that the cost of work specified on the development application form is significantly higher than both QS reports.
25/5/2021	Email advice to Applicant that Councils previous advice had not been followed in the submitted amended plans and that the application should be withdrawn.
27/5/2021	Council forwarded diagrams demonstrating areas used in calculation in accordance with development standards.
7/6/2021	Meeting with Applicant & Owner.
8/6/2021	Applicant submitted additional information regarding retention of on-street parking.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

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

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

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

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

The site is zoned LR1 under the LLEP 2011. The LLEP 2013 defines the development as a 'Dwelling House'.

The development is permitted with consent within the land use table. The development is not consistent with the objectives of the LR1 zone.

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.8:1 or 204sqm	1.35:1 or 343.7sqm	139.7sqm or 68.5%	No
Landscape Area Minimum permissible: 20% or 51 sqm	11.7% or 29.8sqm	21.2sqm or 41.6%	No
Site Coverage Maximum permissible: 60% or 153sqm	68.5% or 174.7sqm	21.7sqm or 14.8%	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) - Landscaped areas for residential accommodation in Zone R1.

- Clause 4.3A(3)(b) - Site Coverage.
- Clause 4.4 - Floor Space Ratio.

[Planner's Note: The applicant contends that the application complies with Clause 4.3A(3)(a) - Landscaped areas for residential accommodation in Zone R1. No clause 4.6 exception case has been submitted. However, the application has been assessed as breaching the development standard as noted elsewhere in this report]

Site Coverage

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A(3)(b) of the applicable local environmental plan by 8.17%, or 12.5sqm. However, assessment of the application confirms that the breach is greater, at 14.8%, or 21.7sqm.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan seeking to justify the proposed contravention of the development standard, summarised as follows:

- The breach arises due to the inclusion of the pool as Site Coverage. However, contends that the pool is not Site Coverage as defined.
- Despite the Site Cover standard breach, the development complies with the Landscaped Area standard.
- The proposed private outdoor open space area is easily accessible from the primary living spaces of the dwelling and is of high quality and is orientated in way to ensure it receives maximum solar access for all year around useability.
- The proposed dwelling is contained within a building envelope that is compatible with the established built form of the surrounding area.
- The proposed development does not represent an overdevelopment of the site, or a development that is not compatible with the context in which it is located. The proposal would be compatible with the context of the surrounding built environment. Visual and bulk impacts have been minimised by designing the development to be well articulated.
- The proposal complies with the objectives of the development standard and the R1 General Density Residential Zone
- The proposal provides appropriate setbacks from all boundaries, a building height appropriate for the site, sufficient landscaped area and private open space area, complies with the car parking and access controls, and maintains a high level of amenity for the future occupants and also for the neighbouring properties.
- The bulk and scale of the development is compatible with the desired future character of the locality.
- The numerical non-compliance with the site coverage development standard does not generate any additional impacts.
- The proposal has adequate visual and acoustic privacy
- The proposal has considered the location of the works on the site, the internal layout and the building materials used.

- The subject site and adjoining properties will continue to receive more solar access than required by the DCP.
- View sharing for adjoining properties is not unreasonably impacted.

The applicant's written rational fails to demonstrate that compliance with the development standard is unreasonable / unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is not in the public interest because it is inconsistent with the objectives of both this development standard, and the following specific objectives of the LR1 zone, which are:

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

The proposal is inconsistent with the zone objectives as:

- The bulk, scale, style, character, of the proposal is inconsistent with the pattern of development in the neighbourhood.
- Insufficient Landscaped area is provided.

It is considered that the development is not in the public interest because it is inconsistent with the following objectives of the Site Coverage development standard:

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

The proposal is inconsistent with the development standard objectives for the following reasons:

- The proposal does not provide compliant Landscaped Area
- The proposal is in breach of the Floor Space Ratio development standard resulting in an excessive bulk and scale in the streetscape.
- The style and form of the development is not in character with the area.
- The development is contrary to the Desired Future Character for the area, as contained in LDCP 2013.

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

The proposal does not accord with the objective in Clause 4.6(1)(b) or the requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are insufficient planning grounds to justify the departure from Site Cover development standard and it is recommended the Clause 4.6 exception **not** be granted.

Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the applicable local environmental plan by 68.5%, or 139.7sqm. It is noted that excluding the gross floor area within the basement level, the two-storey dwelling would have a Floor Space Ratio of 0.86:1, a breach of 7.6% or 15.4sqm.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan seeking to justify the proposed contravention of the development standard, summarised as follows:

- The non-compliance is due to the single garage being included within the FSR calculations. Should the garage be excluded from the calculations then the development is below the maximum FSR permitted for the site.

[Planner's Note: The garage at the rear of the property has been removed from the proposal in the amended plans the subject of this report. Despite same, the FSR remains in breach of the control as identified elsewhere in this report]

- The proposed development does not represent an overdevelopment of the site.
- The proposal is compatible with the context in which it is located. The proposal has been designed to be compatible with the desired future character of the locality. The architectural design of the dwelling is similar to what is immediately to the north of the subject site.
- The proposed development promotes good design, having a positive influence on the future amenity of the dwelling occupants, with an architectural form, height and land use intensity, compatible with both the established and emerging development and housing typology.
- A high level of internal amenity is afforded for future residents and the adjoining residents, due to the setbacks, height, landscaped open space, private open space, solar access, and car parking arrangements.
- The building envelope is compatible with the built form of the surrounding area.
- The proposed development does not represent an overdevelopment of the site.
- Visual and bulk impacts have been minimised.
- The subject site and adjoining properties will receive more than the required hours of solar access required by the DCP
- View sharing for adjoining properties is not unreasonably impacted by the proposed development.
- The proposal will facilitate an ecologically sustainable development.
- The development would serve to offer ongoing sustainment of the economic health of the area.

- The proposed development will promote the orderly and economic use of the land.
- The proposed development will not impact threatened species or ecological communities.

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

It is considered the development is not in the public interest because it is inconsistent with the following relevant objectives of the LR1 zone:

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

for the following reasons:

- The bulk, scale, style, character, of the proposal is inconsistent with the pattern of development in the neighbourhood.
- Insufficient Landscaped Area is provided.
- The proposal involves excessive and non-compliant Site Coverage.

It is considered the development is not in the public interest because it is inconsistent with the relevant objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan, 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, and*
 - (ii) *provides a suitable balance between landscaped areas and the built form, and*
 - (ii) *minimises the impact of the bulk and scale of buildings,*

for the following reasons:

- The proposal does not provide compliant Landscaped Area.
- The proposal results in excessive Site Coverage.
- The proposal would result in excessive bulk and scale in the streetscape.
- The style and form of the development is not in character with the area.
- The development is contrary to the Desired Future Character for the area as specified in LDCP 2013.
- The development represents an unsatisfactory departure from the suite of applicable planning controls.
- The form of the dwelling constitutes an unacceptable precedent for future development in the neighbourhood.

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

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

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

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

5(d) Development Control Plans

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

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

Part C: Place – Section 2 Urban Character	
C2.2.5.2 Easton Park Distinctive Neighbourhood	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	No – see discussion
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	N/A
C4.2 Site Layout and Building Design	N/A
C4.3 Ecologically Sustainable Development	N/A
C4.4 Elevation and Materials	N/A
C4.5 Interface Amenity	N/A
C4.6 Shopfronts	N/A
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	N/A
C4.11 Licensed Premises and Small Bars	N/A
C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	N/A
C4.16 Recreational Facility	N/A
C4.17 Sex Services Premises	N/A
C4.18 Vehicle Sales or Hire Premises And Service Stations	N/A
C4.19 Vehicle Repair Station	N/A
C4.20 Outdoor Dining Areas	N/A
C4.21 Creative Industries	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	

E1.1 Approvals Process and Reports Required With Development Applications	No – see discussion
E1.1.1 Water Management Statement	No – see discussion
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	No – see discussion
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	No – see discussion
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	No – see discussion
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	N/A
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	
Insert specific control if relevant	N/A

The following provides discussion of the relevant issues:

C1.0 General Provisions

The proposal is contrary to Objective O6 which states:

O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.

C1.1 Site and Context Analysis

The proposal is contrary to Objective O6 which states:

O1 To encourage property owners to ensure that the planning and design of their development takes into account:

- a. existing site conditions on the site and adjacent and nearby properties;*
- b. the development potential of adjoining and nearby sites and the likely impacts on the site itself and its neighbours if those properties are developed to their maximum potential;*
- c. known future development proposals and development trends in the vicinity of the site;*
- d. the potential for amenity impacts such as overshadowing, loss of privacy, views or solar access;*
- e. the need to minimise energy consumption during the construction and operation of the building;*
- f. the special qualities of the site and its context including urban design, streetscape and heritage considerations; and*
- g. approved development on adjoining properties which have not yet been constructed.*

h. existing and potential active travel networks and connections, including links to, from and through proposed developments.

C1.5 Corner Sites

The proposal is contrary to the following controls relating to the form and design of development located on corner sites:

C2 Development extending to two distinct streetscapes shall vary the scale and form between each frontage to complement the predominant character and scale of that streetscape.

C3 Where a variation in scale from surrounding buildings is proposed, a transitional elements to be provided, in order to blend the two scales.

C4 Building elements including wall height, roof form and front setback and architectural features including balconies, awnings, verandahs, parapets and dormers are to be compatible in scale with the streetscape.

C5 The development does not have an adverse impact on surrounding properties, the streetscape or public domain by way of:

- a. amenity;*
- b. solar access;*
- c. ...;*
- d. ...;*
- e. urban design;*
- f. being inconsistent with desired future character; and*

C1.11 Parking

It is noted that no geotechnical information has been submitted in relation to the basement excavation and potential impact on the existing retaining wall/s on the Evans Street boundary of the site which retain Council's road reserve.

The proposal provides for a basement level containing two parking spaces. The provision of aces to the Denison Street frontage will result in the loss of one on-street parking space. In this regard, the applicant has suggested relocating the existing 'No Stopping' sign outside the Denison Street frontage of the site.

The relocation of the proposed 'No Stopping' sign is not supported and the loss of one on-street parking space from the Denison Street frontage is contrary to the provisions of the DCP.

- A revised stormwater plan for the amended proposal which includes the basement has not been submitted. In this regard, it appears that the drainage system could surcharge into the basement.

- No geotechnical assessment, including ground-water management relating to the proposed basement has been submitted.

- The vehicular access and parking is not supported in its current form as it does not comply with AS2890.1:2004. The following specific issues are identified:

- Headroom of minimum 2.2m must be provided with compliant ground clearances and ramp gradients.

- The driveway must be widened to be no less than 3m.
- Vehicle swept paths must be provided demonstrating vehicles can enter and exit the site in a forward direction.

The proposed basement and on-site parking design is contrary to the following controls relating to parking:

C1 Approval for any new off-street parking space will be subject to meeting the requirements of Australian Standard AS 2890.1 Parking facilities and any relevant clauses outlined within this Development Control Plan.

C5 In any instance where Council permits a new vehicle cross over, only one (1) single width vehicle crossover will be permitted for individual dwellings. In some circumstances, with regard to the desired future character, or heritage significance of an area, vehicle crossings will not be supported.

C7 The vehicular access and structures above must be Australian Standard AS 2890.1 Parking Facilities and be designed to practical clearance over the vehicles using the parking facilities. compliant with achieve safe and practical clearance over the vehicles using the parking facilities.

C34 The design (including materials, locations, scale and relationship to built and landscape elements) of car park access and egress is to:

- c. Address all relevant requirements of Australian Standard AS 2890.1 Parking facilities - off-street car parking relating to location, width, gradient, headroom and sight distance to vehicular traffic and pedestrians.*

C35 Basements within close vicinity to the road reserve or adjoining properties must be designed in accordance with the following criteria:

- b. the existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;*
- c. the basement walls must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment; and*
- d. include recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.*

C45 Development is to be consistent with the suburb profiles and desired future character statements within the Distinctive Neighbourhood controls within Part C Section 2: Urban Character of this Development Control Plan.

C47 Swept path diagrams indicating vehicle manoeuvring in and out of the off-street parking area under the existing on-street parking arrangements (on public road) must be provided.

C49 Vehicle crossovers do not significantly adversely impact street trees, or on-street parking capacity of the street/lane.

C53 The design of the vehicle access must provide for clear sight-lines to vehicular traffic and pedestrians when entering and exiting the site.

C1.12 Landscaping

The proposal is contrary to the following controls relating to the Landscaping controls applicable to the site. In this regard, the information submitted with the application fails to adequately identify the landscaping and planting schedule for the site or the provision of any significant vegetation as is required. Further, the proposal has insufficient Landscaped Area as defined, and includes areas that could not reasonably be capable of deep soil planting due to the provision of the basement structure which is above existing ground levels.

C1 A landscape plan prepared by a suitably qualified and experienced professional is submitted for:

a. all new dwelling house, semi-attached, attached houses, multi-unit and Residential Flat Buildings; or...

C10 New dwellings, single or multi-unit, shall be planted with tree(s) capable of achieving a mature height and form appropriate to the setting of the site and the proposed development.

C14 Landscaping shall be provided between a swimming pool and the property boundary, where the landscape area is capable of contributing to the landscape amenity of the subject and adjoining properties.

C 17 Where landscaping over the roof of underground parking areas is proposed, it must support soil of sufficient depth, contain appropriate irrigation devices and have drainage connected to the stormwater system that supports the growth of medium sized plants species (up to 2m) with details shown on the landscaping plan.

Urban Character - C2.2.5.2 Easton Park Distinctive Neighbourhood

The architectural design of the proposed dwelling does not conform to the desired future character for this neighbourhood. In this regard, the application seeks to use the development on the adjoining site 36 Denison Street as representing the existing and future character of the area. It is noted that the dwelling at 36 Denison Street was approved as Complying Development under the provisions of SEPP (Exempt & Complying Development Codes) 2008. Consequently, it was not subject to the suite of Council's planning controls applicable to the subject site. Therefore, that development should not constitute the basis of existing or desired streetscape character. In particular, the proposal fails to satisfy the following controls:

C1 Preserve the existing varied styles of housing with special regard to the modest scale and simple, unadorned nature of the architecture.

C2 Preserve view lines to the south and east by stepping buildings with the prevailing topography.

C3 Preserve the rhythm of the neighbourhood by maintaining the lot sizes, housing style and prevalence of hipped and pitched roofs. Preserve the established setbacks for each street.

C4 Preserve the consistency and simplicity in built form, style and materials of the neighbourhood.

C5 Maintain the existing roof forms, setbacks and fencing styles prevalent in each street.

C7 Maintain the established open low timber and iron picket front fences.

C9 A maximum building wall height of 3.6m applies to the neighbourhood.

C11 Front building setbacks within the neighbourhood should be a minimum of 1m. However, where the prevailing setbacks in the immediate area of the development site (i.e. the adjoining three (3) sites on either side of the development site) are different, the setback for new development should be compatible with the prevailing setbacks.

C12 Maintain roof forms with pitched, gable or hipped roofs.

C13 The use of traditional timber, stone or masonry finishes, iron roofing and timber windows is encouraged.

C3.1 Residential General Provisions

The proposed development does not conform to the following Objective of the residential provisions:

04 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.

05 To ensure that all residential development is consistent with the density of the local area as established by the Leichhardt Local Environmental Plan 2013.

C3.2 Site Layout and Building Design

The proposal results in breaches of the following controls:

3.6m Building Envelope –

Rear BLZ –

Side Setbacks –

C3.3 Elevation and Materials

The proposal does not conform to the following controls:

C1 Building façades are:

- a. divided into vertical bays consistent with the dimensions established by elements on adjoining development such as party walls and windows; and*
- b. divided into horizontal bandings that clearly delineate each storey and align with elements on adjoining development such as eaves, balconies, verandahs and roofs.*

C3.6 Fences

The front fence is proposed to be 1.5m high of rendered masonry construction. The proposal does not conform to the following controls:

C1 The architectural style, height and materials of front fencing are consistent with the style of the building and streetscape.

C3 Fences are not painted in dominant, bright colours.

C3.9 Solar Access

The submitted shadow diagrams do not indicate the full shadows cast by the development. Consequently, any impact on properties on the opposite side of Evans and Denison Streets

cannot be quantitatively assessed. However, given the separation distances between the proposed development and dwellings on the opposite side of the two adjoining streets, it is considered unlikely that those properties would be significantly affected.

The proposal complies with the controls in respect to the directly adjoining properties.

Further, the diagrams do not confirm that the proposed dwelling provides sufficient solar access to the main living room in accordance with control C9 to Part C3.9 of LDCP2013 which reads:

C9 New residential dwellings are to obtain a minimum of three (3) hours of direct sunlight to the main living room between 9am and 3pm during the winter solstice.

The proposal does not provide any solar access to the rear private open space of the site at mid-winter, and therefore, does not comply with the requirements of control C4 to Part C3.9 of LDCP2013, as follows:

C4 Private open space is to receive a minimum three hours of direct sunlight over 50% of the required private open space between 9am and 3pm at the winter solstice.

E1.1.1 Water Management Statement

A water management Statement has not been submitted with the application.

E1.1.3 Stormwater Drainage Concept Plan

A revised stormwater plan for the amended proposal, which introduced a basement level, has not been submitted. In this regard, it appears that the drainage system could surcharge into the basement.

E1.2.2 Managing Stormwater within the Site

The design of the proposal does not establish that stormwater will not enter the basement.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

Streetscape & Desired Future Character

The proposed development represents a bulk and built form which is out of character with the predominant form of existing development in the street and neighbourhood. The design represents a development which is inconsistent with the desired future character and controls for the Easton Park Distinctive Neighbourhood contained in Leichhardt DCP 2013. The proposal represents an overdevelopment of the site.

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

It is considered that the proposal will have an adverse impact on the streetscape, adjoining properties and neighbourhood character. Therefore, it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The original application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. The amended plans the subject of this report were also notified for a period of 14 days.

One (1) submission was received in response to the initial notification.

Two (2) submissions were received in response to notification of the amended application.

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

- Intensity of proposed development. Covered space/paving Lack of nature on site – see Section 5(a)(ii)
- Proposal violates the floor space ratio control – see Section 5(a)(ii)
- Proposed design, seems rather aggressive, does is out of keeping with/ does not respect/lacks sympathy with/ the appearance, bulk, scale, character of houses in the area and the streetscape. Corner block visual dominance – see Section 5(d)
- Significant excavation of the land to accommodate a 3-level building with significant excavation for a basement and swimming pool. Absence of explanation of the impact of a swimming pool that is planned to reach the boundary of 235 Evans Street. – see Section 5(d)
- Visual dominance of a corner block design that stands out from neighbourhood instead of being consistent with the appearance of the two streets it fronts. Lack of sympathy of the bulk and scale of the buildings with the character of the streetscape. – see Section 5(d)
- Overshadowing– see Section 5(d)

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

Privacy & Overlooking

Comment: The proposed dwelling has a rear balcony serving a bedroom located approximately 9m from the windows in the side wall of the dwelling at 235 Evans Street. The separation distance complies with the LDCP2013 controls.

Noise from pool and entertainment area

Comment: The noise emanating from a rear yard, private open space and pool is considered reasonable in this setting. Any approval would be subject to conditions with regard to minimising pool equipment noise.

Excavation for pool

Comment: No engineering report has been submitted with the application addressing excavation on the site and any potential for impacts on adjoining properties from same.

Plans do not depict development on submitter's property

Comment: The submitted drawings do not depict dwellings on the adjoining sites with respect to the proposed new dwelling. Consequently, a quantitative assessment of impacts to these dwellings and streetscape cannot be undertaken. Assessment of the proposal in this regard has been based on the information submitted with the application and site inspections.

Evans Street driveway will exacerbate traffic and footpath congestion at corner of Evans & Denison Streets.

Comment: The amended plans have deleted the garage on the Evans Street frontage

It would be much better not built right up to the fence line.

Comment: The proposed dwelling is not constructed to the fence line/boundary. However, the proposed pool would be constructed to the rear boundary. In this regard, the application does not identify any existing retaining wall at the rear boundary with 235 Evans Street located immediately adjacent the proposed pool excavation nor has a geotechnical report been provided assessing the impact of pool excavation on the adjoining properties.

It is noted that retaining walls currently exist in these locations and are not detailed on the submitted drawings.

Impact on neighbours in Rozelle heritage area with a house that dominates the intersection of 2 main neighbourhood streets.

Comment: The site is not located within a Conservation Area. However, the site immediately abuts a Conservation Area to the east, which includes the adjoining property 235 Evans Street.

5(h) The Public Interest

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

The proposal is 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.

- Development Engineer

Originally Lodged Plans –

The proposed garage/off street parking spaces in Denison Street and Evans Street must be deleted from the plans as any future application for the construction of a driveway/vehicular crossing will be rejected to preserve on-street parking.

The proposal would set an undesirable precedent, particularly in this section of Denison Street and Evans Street with high demand of on-street parking.

Amended Plans with new basement -

The proposed basement garage and vehicular access in Denison Street must be deleted from the plans as any future application for the construction of a driveway/vehicular crossing in Denison Street and Evans Street will be rejected to preserve on street parking.

The proposal would set an undesirable precedent, particularly in this section of Denison Street and Evans Street with high demand of on-street parking.

Furthermore, it is noted that:

- the development is for a single dwelling that does not require off-street parking
 - a revised stormwater plan for the amended proposal with basement has not been submitted.
- It appears the drainage system could surcharge into the basement.

- geotechnical assessment, including ground water management relating to the proposed basement has not been submitted.
- The applicant's proposal to relocate the 'no stopping' parking restriction to retain on-street parking requires referral to the Local Traffic Committee and is within 10m of the intersection, would further compromise sight lines to the existing pram ramp at the intersection, and therefore is not supported.
- The vehicular access and parking is not supported as it does not comply with AS2890.1:2004. The following specific issues are identified:
 - Headroom of minimum 2.2m must be provided with compliant ground clearances and ramp gradients.
 - The driveway must be widened to be no less than 3m.
 - Vehicle swept paths must be provided demonstrating vehicles can enter and exit the site in a forward direction.

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal based on the cost of works.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

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

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

The applicant has made a written requests pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is **not** satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will **not** be in the public interest because the exceedance is **inconsistent** with the objectives of the standards and of the zone in which the development is to be carried out.

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*, refuse Development Application No. DA/2021/0014 for Demolition of existing dwelling, construction of two storey dwelling house above basement garage and pool at 38 Denison Street ROZELLE NSW 2039 for the following reasons.

1. The proposed new dwelling is contrary to the following aims of Clause 1.2 of the *Leichardt Local Environmental Plan 2013*:
 - (a) to ensure that development applies the principles of ecologically sustainable development,

- (b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,
 - (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,
 - (d) to promote a high standard of urban design in the public and private domains,
 - (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,
 - (f) to maintain and enhance Leichhardt's urban environment,
 - (i) to provide for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases the use of active transport through walking, cycling and the use of public transport,
 - (l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area.
 - (m) to ensure that development provides high quality landscaped areas in residential developments,
 - (n) to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scientific and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, and of surface rock, remnant bushland, ridgelines and skylines,
 - (u) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design,
 - (v) to ensure that existing landforms and natural drainage systems are protected.
2. The proposed development is inconsistent with the following objectives of the R1 zone contained in the Leichardt Local Environmental Plan 2013:
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
 - *To provide landscaped areas for the use and enjoyment of existing and future residents.*
 - *To protect and enhance the amenity of existing and future residents and the neighbourhood.*
3. The proposed development is contrary to the following provisions of Leichardt Development Control Plan 2013:
- C1.0 General Provisions
 - C1.1 Site and Context Analysis
 - C1.5 Corner Sites
 - C1.11 Parking
 - C1.12 Landscaping
 - C2.2.5.2 Easton Park Distinctive Neighbourhood
 - C3.1 Residential General Provisions
 - C3.2 Site Layout and Building Design
 - C3.3 Elevation and Materials
 - C3.6 Fences
 - C3.9 Solar Access
 - E1.1.3 Stormwater Drainage Concept Plan
4. The proposed vehicular access does not meet the requirements of Australian Standard AS/NZS2890.1-2004 Parking Facilities.

Attachment A – Draft Conditions in the event of approval by the Panel

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA02.40/2	Demolition Plan	10/3/2021	Pinnacle
DA04.00/2	Basement Plan	10/3/2021	Pinnacle
DA04.10/2	Ground Floor Plan	10/3/2021	Pinnacle
DA04.20/2	First Floor Plan	10/3/2021	Pinnacle
DA04.40/2	Roof Plan	10/3/2021	Pinnacle
DA05.00/2	Sections	10/3/2021	Pinnacle
DA05.10/2	Denison Street Driveway Sections	10/3/2021	Pinnacle
DA05.20/2	Pool Section	10/3/2021	Pinnacle
DA06.00/2	Front & Rear Elevations	10/3/2021	Pinnacle
DA06.10/2	North & South Elevations	10/3/2021	Pinnacle
DA08.10/2	External Materials & Finishes	10/3/2021	Pinnacle
DA10.00/2	Sediment Control Plan	10/3/2021	Pinnacle
DA10.10/2	Waste Management Plan	10/3/2021	Pinnacle
210110	Existing Catchment Plan	10/1/2021	PAZ Engineering

210111	Proposed Catchment Plan	10/1/2021	PAZ Engineering
210112	Proposed Catchment Plan	10/1/2021	PAZ Engineering
210113	1st Floor Drainage Plan	10/1/2021	PAZ Engineering
210114	Ground Floor Drainage Plan	10/1/2021	PAZ Engineering
1161813S	BASIX Certificate	9/12/2020	Thermperform

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

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

Security Deposit:	\$8,266.00
Inspection Fee:	\$236.70

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not

completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

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

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

Note:

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

Payment amount*:

\$6,001.78

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions); cash**

(to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

4. Long Service Levy

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

GENERAL CONDITIONS

5. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

6. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

7. Noise Levels and Enclosure of Pool/spa Pumping Units

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

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

8. Waste Management Plan

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

9. Erosion and Sediment Control

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

10. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

11. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

12. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**13. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

14. Dilapidation Report

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

15. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE**17. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath, structural condition of existing retaining walls and roadway adjacent to the site.

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

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

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary;

- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- e. Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the OSD/OSR. The over flow from the storage tank must be connected under gravity to the kerb and gutter of a public road.
- f. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- g. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- h. An overland flow path must be provided within the setback to the northern and southern side boundaries between the rear of the dwelling and the Denison Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flow path;
- i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- j. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- k. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 - 1. Comply with all relevant Australian Standards;
 - 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
 - 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
 - 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average

Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 10-year ARI storm event;

5. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank

- l. No nuisance or concentration of flows to other properties;
- m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. No impact to street tree(s).

19. Changes to Levels

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

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

20. Amended Architectural Plans

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

- a. The driveway and ramp shall be increased to 3m;
- b. Minimum headroom of 2.2m shall be provided along the ramp and basement carpark;
- c. Vehicle swept paths must be provided demonstrating vehicles (B85) can enter and exit the site in a forward direction; and
- d. No changes to the No Stopping signage shall be permitted.

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

21. Parking Facilities – (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities:

- a. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- b. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
- c. The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B85 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps;
- d. At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
- e. The width of the ramp shall be a minimum of 3m with ramp grades and changes in grade complying with AS2890.1:2004;
- f. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles; and
- g. Swept paths shall be provided to ensure all vehicles (B85) are able to access the parking spaces and enter & leave in a forward direction.

22. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council with the submission of the public domain plans before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

23. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with

Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of light/heavy/industrial duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - b. The repair of any damaged footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
 - c. Long sections must be provided at both sides of the vehicular crossing; and
 - d. Installation of a stormwater outlet to the kerb and gutter.
- All works must be completed prior to the issue of an Occupation Certificate.

24. Structural and Geotechnical Report

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

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. Construction methods and measures to be undertaken to ensure the integrity of any existing retaining walls are maintained during the works;
- e. All components of the basement, including footings, must be located entirely within the property boundary;
- f. No adverse impact on surrounding properties including Council's footpath and road;
- g. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- h. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- i. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

25. Sydney Water – Tap In

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

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

26. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

27. Fibre-ready Facilities

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

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

DURING DEMOLITION AND CONSTRUCTION**28. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

29. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE**30. No Encroachments**

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

31. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

32. Works as Executed – Site Stormwater Drainage System

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

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

33. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site

detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

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

34. Light Duty Vehicle Crossing

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

35. Public Domain Works

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

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. Repair of any damaged footpath across the frontage of the site; and
- c. Other works subject to the *Roads Act 1993* approval.

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

36. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

37. Basement/Retaining Wall Signoff

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in

accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

38. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey and structural condition of the existing retaining walls. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

39. Aircraft Noise –Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

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

ON-GOING

40. Operation and Management Plan

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

ADVISORY NOTES

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Public Domain and Vehicular Crossings

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

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

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

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services

including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Swimming Pools

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

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to

collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.

- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

Permits from Council under Other Acts

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

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

Amenity Impacts General

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

Construction of Vehicular Crossing

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

Dial before you dig

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

Useful Contacts

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

			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro www.diysafe.nsw.gov.au
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	www.environment.nsw.gov.au
Sydney Water		13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)			www.waterrating.gov.au
WorkCover Authority of NSW		13 10 50	www.workcover.nsw.gov.au
			Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Attachment B – Plans of proposed development



01.DA Drawing List

Drawing #	Drawing Name	Rev.
COVERS		
DA-0001	LOCATION MAP	2
DA-0020	NOTIFICATION PLAN	2
DA-0026	BASIS COMMITMENTS	2
DEMOLITION WORKS		
DA-0244	PLAN	2
SITE CONTENT		
DA-0300	SITE ANALYSIS PLAN	2
DA-0310	SITE PLAN	2
GENERAL ARRANGEMENT		
DA-0400	BASIS	2
DA-0401	FIRST FLOOR	2
DA-0420	FIRST FLOOR	2
DA-0440	ROOF	2
GA SECTIONS		
DA-0500	SECTION	2
DA-0510	DENISON STREET DRIVEWAY	2
DA-0520	POOL	2
GAL ELEVATIONS		
DA-0600	FRONT & REAR ELEVATIONS	2
DA-0610	NORTH & SOUTH ELEVATIONS	2
AREA ANALYSES		
DA-0700	BUILDING & AREA CALCULATIONS	2
DESIGNMENT		
DA-0800	DESIGNMENT	2
DA-0810	EXTERNAL FINISHES + MATERIALS	2
SOLAR ANALYSES		
DA-0905	21 JUNE 9 AM - EXISTING	2
DA-0910	21 JUNE 9 AM - PROPOSED	2
DA-0920	21 JUNE 10 AM - EXISTING	2
DA-0925	21 JUNE 10 AM - PROPOSED	2
DA-0930	21 JUNE 11 AM - EXISTING	2
DA-0935	21 JUNE 11 AM - PROPOSED	2
DA-0940	21 JUNE 12 PM - EXISTING	2
DA-0945	21 JUNE 12 PM - PROPOSED	2
DA-0950	21 JUNE 1 PM - EXISTING	2
DA-0955	21 JUNE 1 PM - PROPOSED	2
DA-0960	21 JUNE 2 PM - EXISTING	2
DA-0965	21 JUNE 2 PM - PROPOSED	2
DA-0970	21 JUNE 3 PM - EXISTING	2
DA-0975	21 JUNE 3 PM - PROPOSED	2
DA-0980	21 JUNE 4 PM ELEVATION	1
DA-0981	21 JUNE 5 PM ELEVATION	2
DA-0982	21 JUNE 10 AM ELEVATION	2
DA-0983	21 JUNE 11 AM ELEVATION	2
DA-0984	21 JUNE 12 PM ELEVATION	2
DA-0985	21 JUNE 1 PM ELEVATION	2
DA-0986	21 JUNE 2 PM ELEVATION	2
SITE WORKS		
DA-1000	SEEDING CONTROL PLAN	2
DA-1010	WASTE MANAGEMENT PLAN	2

38 Denison Street, Rozelle
 DEVELOPMENT APPLICATION
 MARCH 2021



DEVELOPMENT APPLICATION



REVISION	DRAWING NUMBER
2	DA - 00.10

DRAWN BY:	SCALE IN A3
AWD	

DATE	BY
14/01/2019	AWD
15/01/2019	AWD
15/01/2019	AWD
15/01/2019	AWD

COVERS LOCALITY MAP

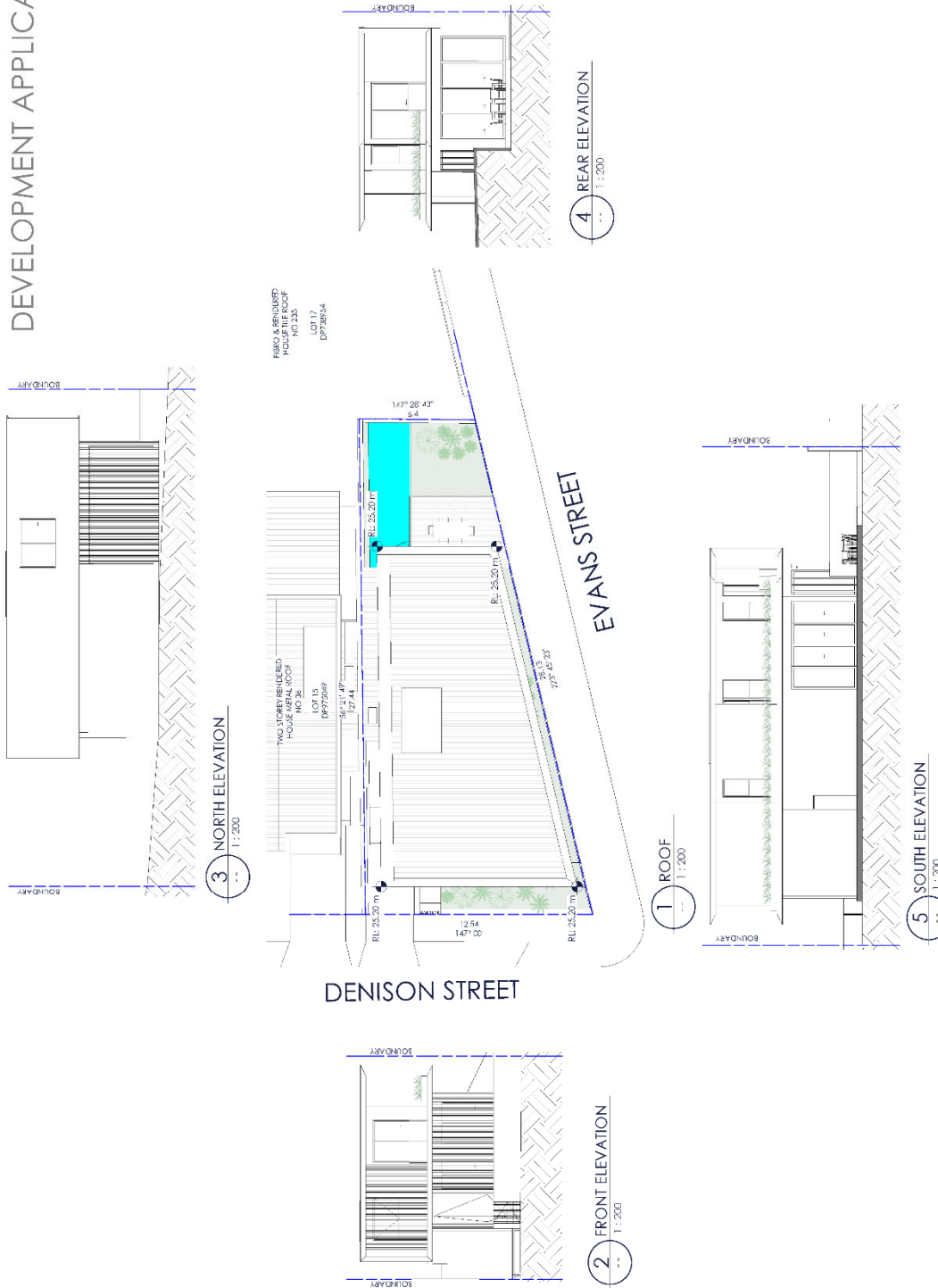
CLIENT NAME: CHARLETTAD PANE
 PROJECT NUMBER: 2029
 PROJECT TYPE: NEW DWELLING
 PROJECT ADDRESS: 32 DENISON STREET, DOUBLE 2029

REGULATED BY: NSW DPWS
 111 WINGFIELD STREET, SYDNEY NSW 1570
 PHONE: 02 9515 6222
 WWW.PINNACLE.COM.AU

PINNACLE
 PINNACLE.COM.AU
 111 WINGFIELD STREET, SYDNEY NSW 1570
 PHONE: 02 9515 6222



DEVELOPMENT APPLICATION



REVISION	NO.	DESCRIPTION

REVISION 2

DA - 00.20

DRAWING NUMBER

DRYAN BY: JMO SCALE: 1:200

NOTIFICATION PLAN

COVERS

CLIENT NAME: CHARLETTAD BANE

PROJECT NUMBER: 2029

PROJECT TYPE: NEW DWELLING

PROJECT ADDRESS: 35 DENISON STREET, DOBBLE 2039

PINNACLE ARCHITECTURE

PINNACLE ARCHITECTURE

130 WILSON AVENUE, DOBBLE NSW 2039

TEL: 02 9509 1111

FAX: 02 9509 1112

WWW.PINNACLEARCHITECTURE.COM.AU

DEVELOPMENT APPLICATION

MNU/ANNUITIES PROJECT COMMITMENTS
Proposed: Double Storey with Pool
18/20/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

Table with columns: Item, Specification, and Notes. Includes sections for Water, Drains, Thermal Comfort, and Glazing.

Table with columns: Item, Specification, and Notes. Includes sections for Glazing, Windows, and Doors.

Table with columns: Item, Specification, and Notes. Includes sections for Energy, Ventilation, and Lighting.

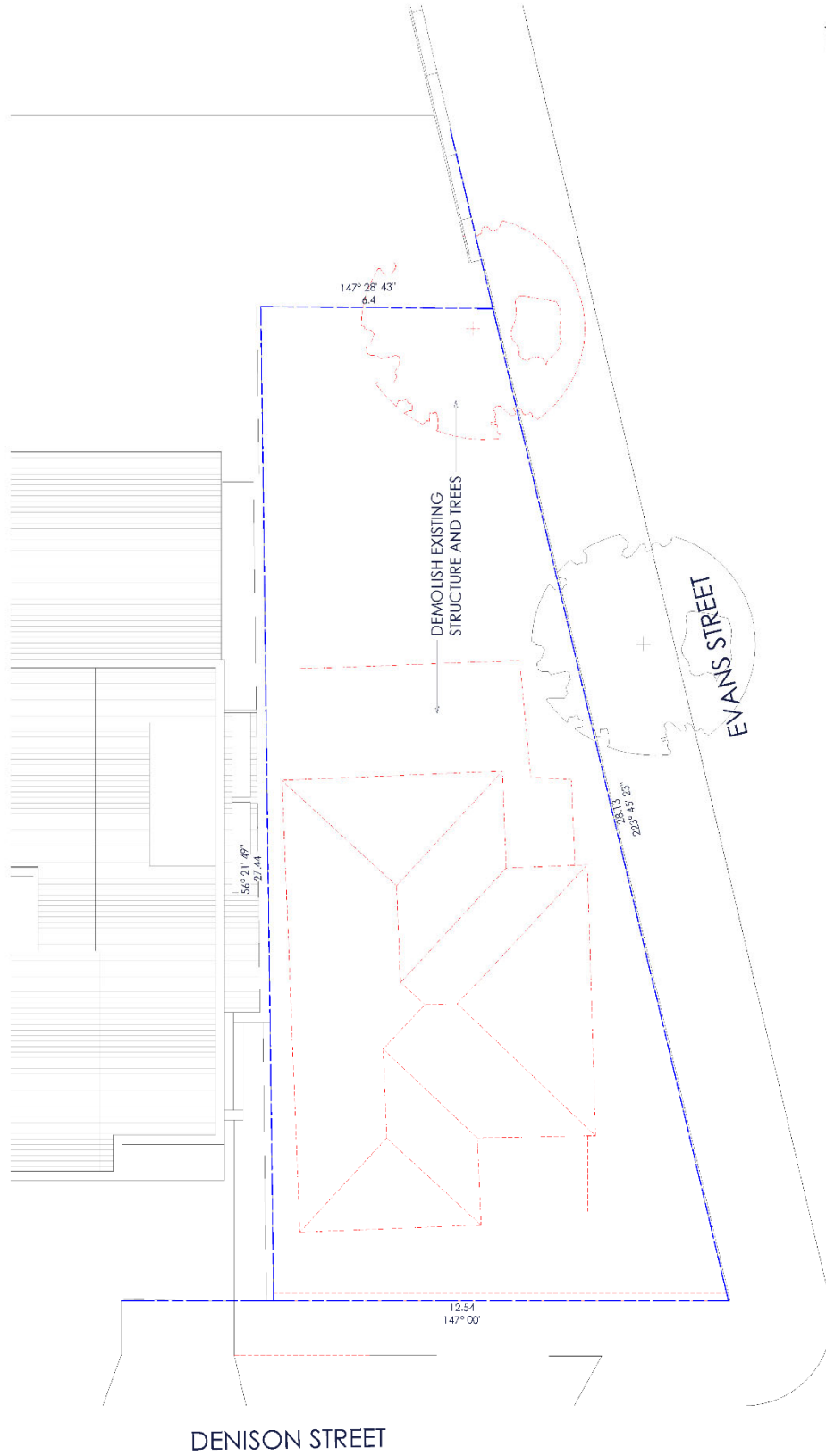
PINNACLE CONSULTING GROUP
Pinnacle Consulting Group Pty Ltd
1300 999 111
Pinnacle Consulting Group Pty Ltd
1300 999 111
Pinnacle Consulting Group Pty Ltd
1300 999 111

REVISION
DRAWING NUMBER: DA - 00.30
REVISION: 2

COVERS
BASIX COMMITMENTS

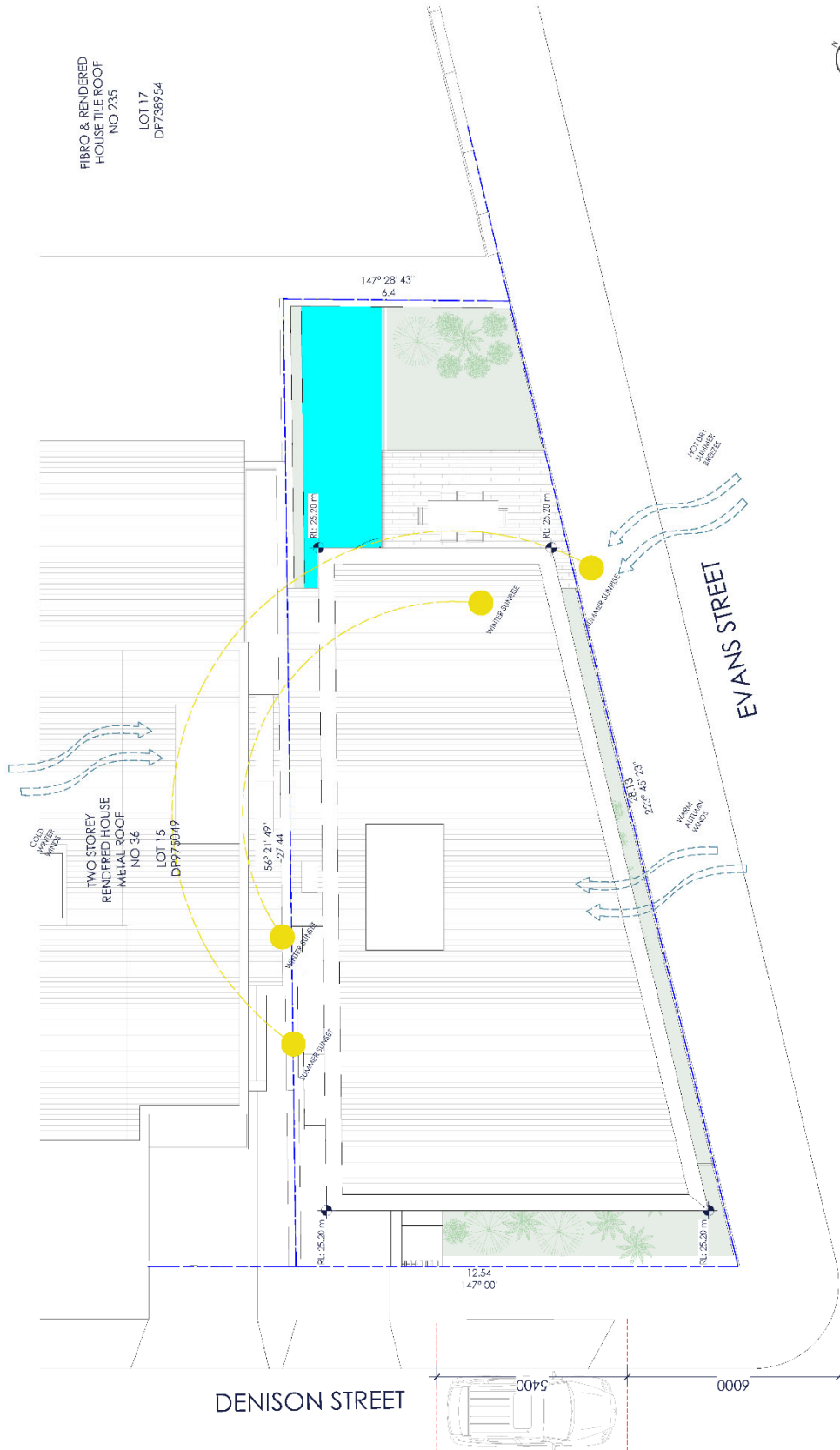
CLIENT NAME: CHARRIS LAD FRAME
PROJECT NUMBER: 2029
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 DENISON STREET, ROSALE 2039

DEVELOPMENT APPLICATION



 PINNACLE PINNACLE CONSULTANTS 11/111 WILSON ROAD, WILSON PH: 1 300 999 111	CLIENT NAME: CHARLES ADPANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, DOUBLE 2029	DEMOLITION NOTES PLAN	DRAWING NUMBER DA - 02.40	REVISION 2
	ARCHITECT: DATE:	DRAWN BY: AND SCALE: A3 1:100	PROJECT NUMBER: PROJECT TYPE: PROJECT ADDRESS:	DRAWING NUMBER DA - 02.40

DEVELOPMENT APPLICATION



FIBRO & RENDERED
HOUSE TILE ROOF
NO 235
LOT 17
DP738954

TWO STOREY
RENDERED HOUSE
METAL ROOF
NO 36
LOT 15
DP9719049

PINNACLE PINNACLE CONSULTANTS 11/111 WILSON AVENUE, SYDNEY NSW 1588 PH: 1300 999 111 WWW.PINNACLECONSULTANTS.COM.AU	CLIENT NAME: CHARLES AD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, DOBBLE 2039	SITE CONTEXT SITE ANALYSIS PLAN	DRAWN BY: JMO SCALE: 1:43	REVISION DRAWING NUMBER: DA - 03.00 REVISION: 2
	SURVEY POINTS: 1. 10.11.14 2. 10.11.14 3. 10.11.14 4. 10.11.14	NORTH ARROW	SCALE: 1:43	REVISION: 2

DEVELOPMENT APPLICATION



REGION
DRAWING NUMBER
DA - 03.10 2

DRAWN BY:
AWO
SCALE IN A3
1:200

NO.	REVISION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT

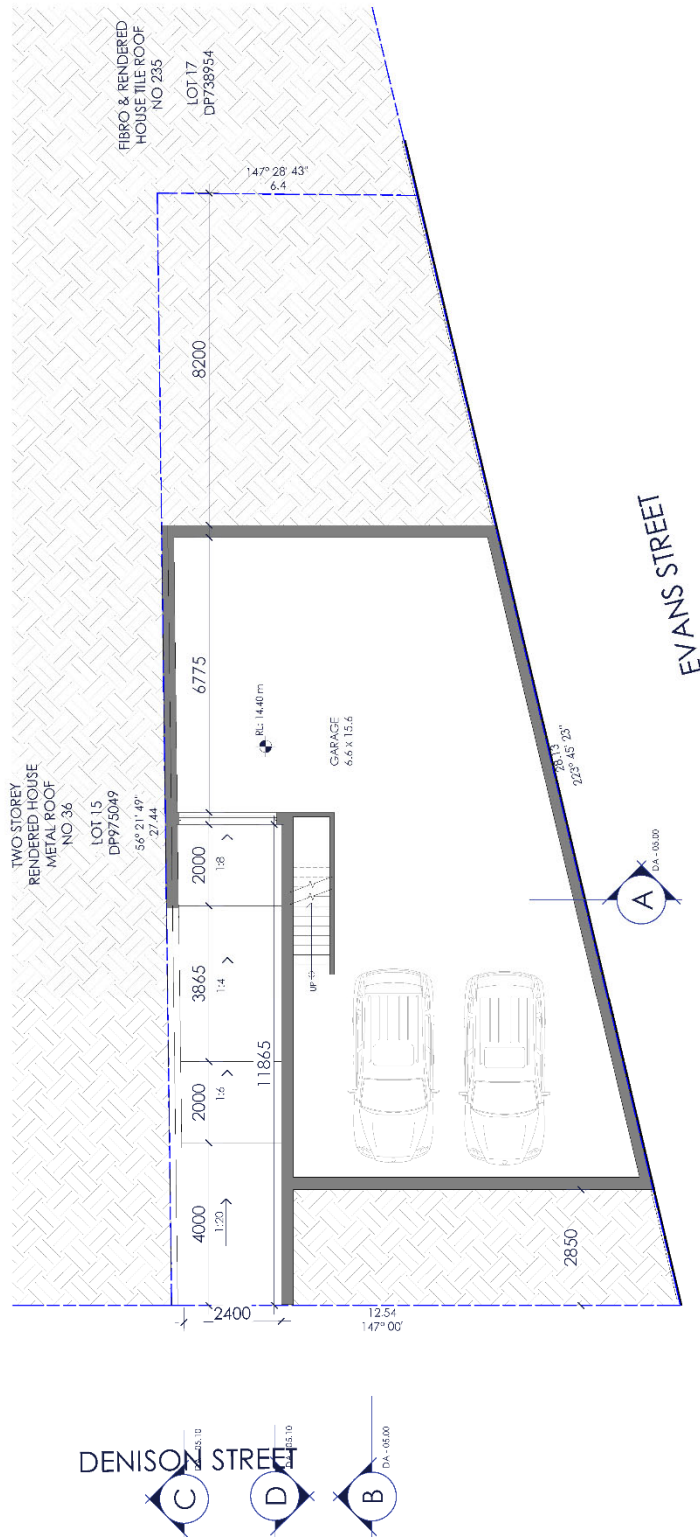
SITE CONVERT
SITE PLAN

CLIENT NAME: CHARLES LAD PANE
PROJECT NUMBER: 2029
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 DENISON STREET, DOUBLE 2029

PREPARED BY: Pinnacle
DRAWN BY: Pinnacle
CHECKED BY: Pinnacle
DATE: 10/10/2023

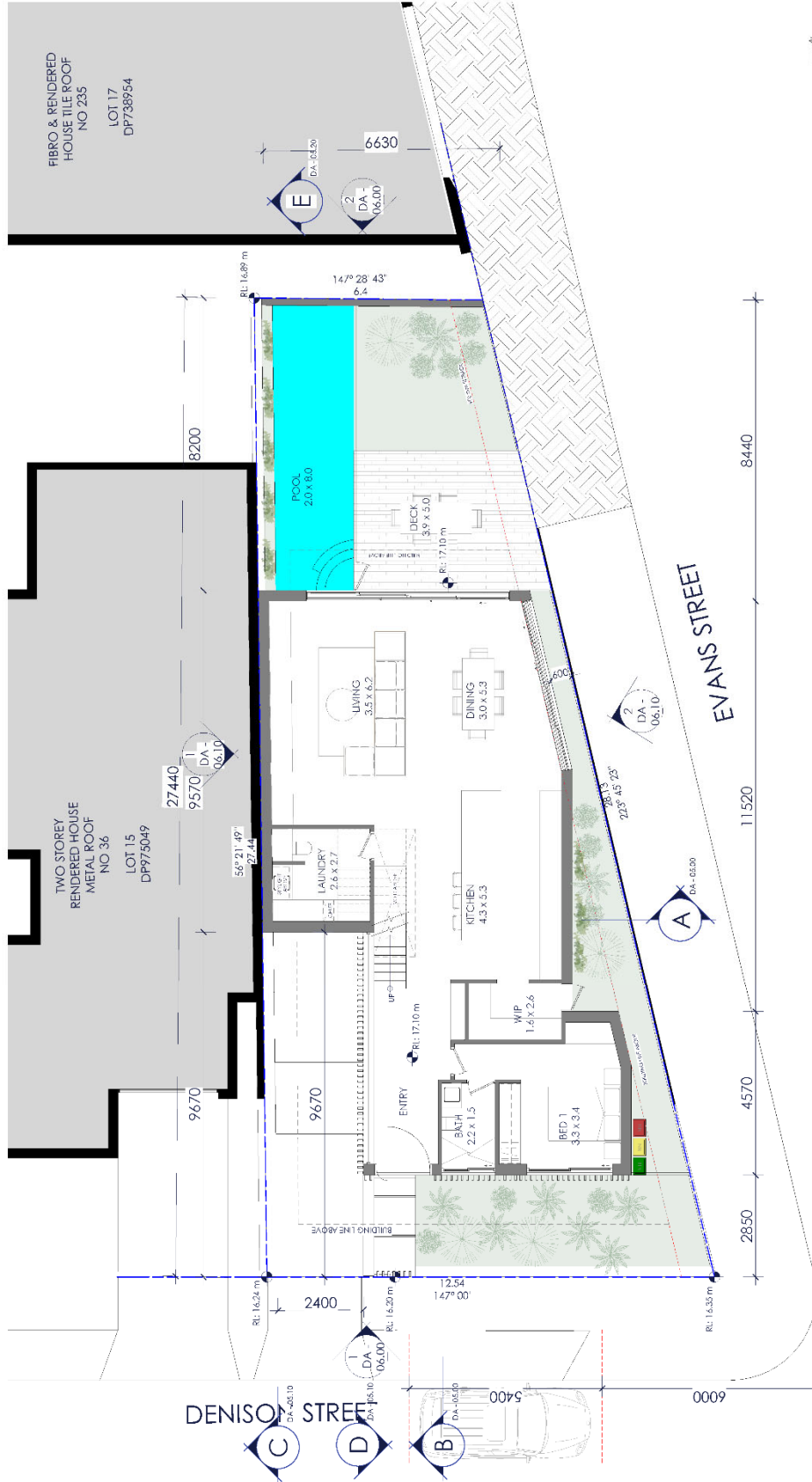
Pinnacle
PINNACLE CONSULTANTS
111 WILSON AVENUE, SUITE 101
PARRAMATTA NSW 2150
PH: 1 800 999 111

DEVELOPMENT APPLICATION



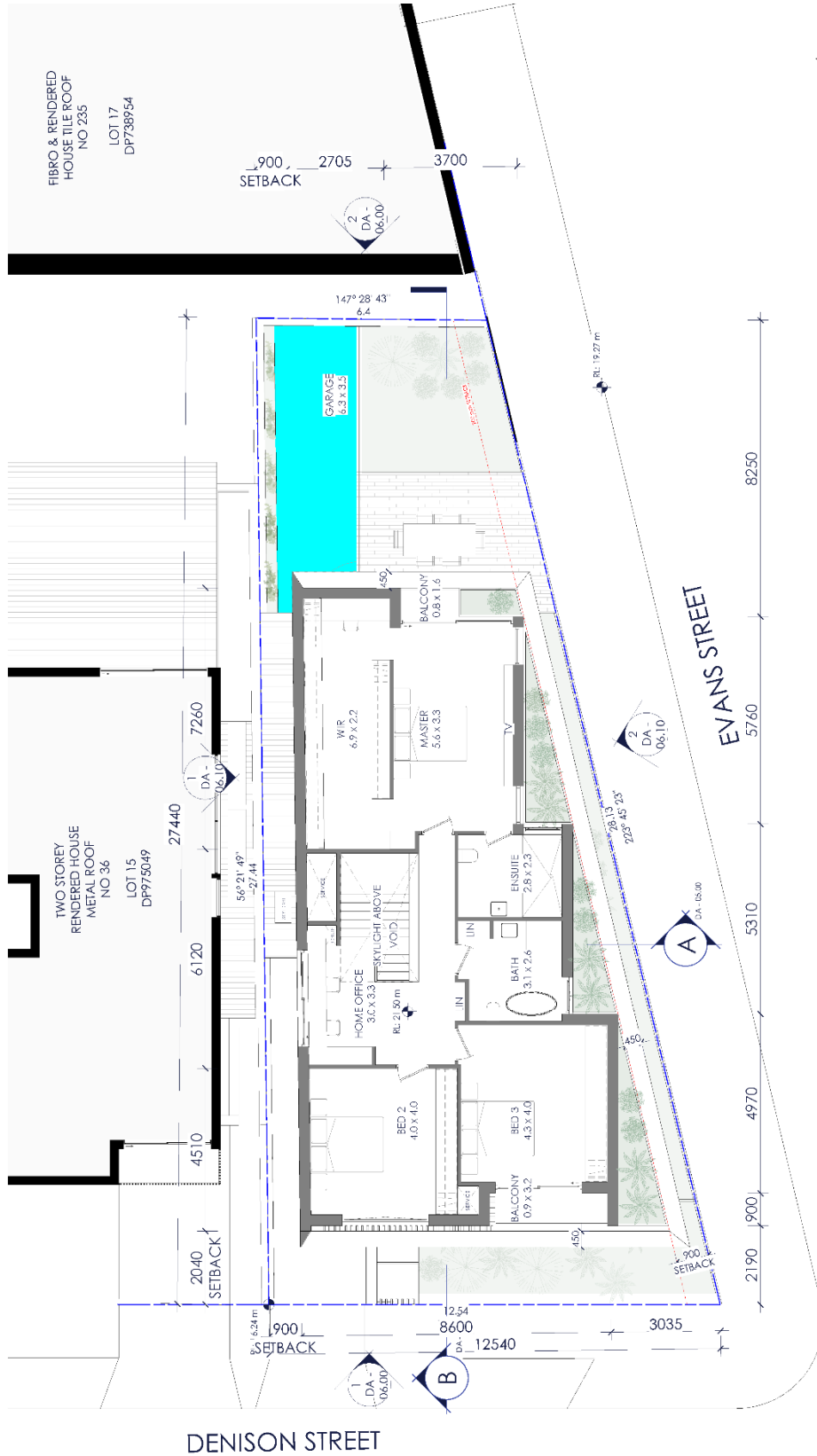
PINNACLE Pinnacle Group Pty Ltd 11/11-11/13 Denison Street, Sydney NSW 1585 PH: 1300 999 111	CLIENT NAME: CHARLEAD BANE PROJECT NUMBER: 2025 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, SYDNEY NSW 2009	DRAWN BY: AMO SCALE: 1:100	REVISION: 2 DRAWING NUMBER: DA - 04.00
	CENTRAL APPRAISER'S: BASEMENT	ARCHITECT: Pinnacle Group Pty Ltd 11/11-11/13 Denison Street, Sydney NSW 1585 PH: 1300 999 111	DATE: 2025-03-10

DEVELOPMENT APPLICATION



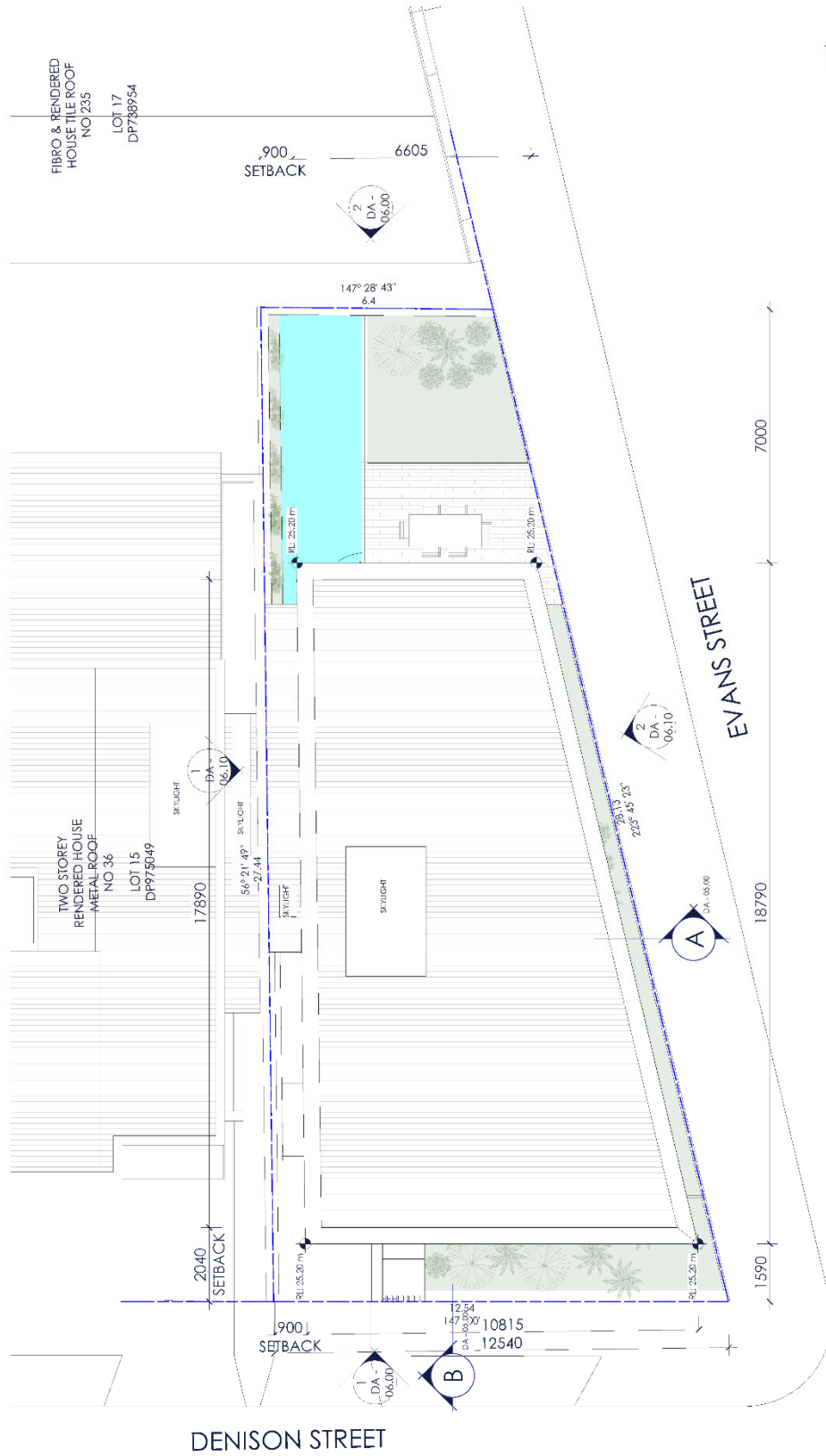
PINNACLE Pinnacle Group Pty Ltd 111 Macquarie Street, Suite 111 Sydney, NSW 2000 PH: 1300 999 111 www.pinnacle.com.au	CLIENT NAME: CHARLEAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSALE 2039	GENERAL ARCHITECT: GROUND FLOOR
	DRAWN BY: JMO SCALE: A3 1:100	DRAWING NUMBER: DA - 04.10

DEVELOPMENT APPLICATION



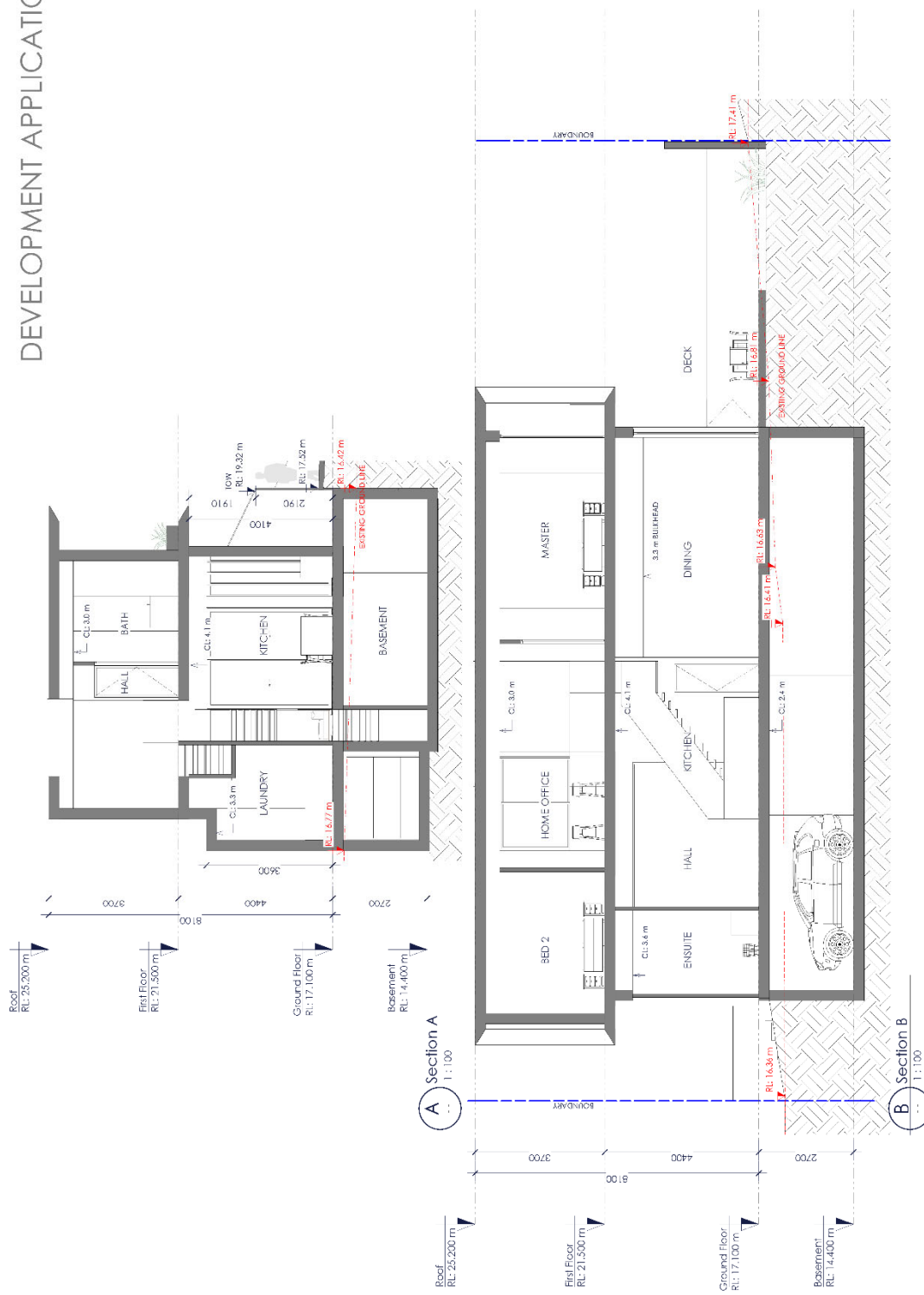
PINNACLE CONSULTANTS 11/11 WILSON AVENUE, SUITE 101, WILSON PROMENADE, WILSON PROMENADE, WILSON PROMENADE, WILSON PROMENADE PH: 1 300 999 111	CLIENT NAME: CHARLEAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, DOUBLE 2039	DRAWN BY: JMO SCALE: A3 SCALE IN A3: 1:100	REGION: 2 DRAWING NUMBER: DA - 04.20
	CENTRAL APPRAISER'S: FIRST FLOOR	ARCHITECT: PINNACLE CONSULTANTS	DATE: 11/11/2024

DEVELOPMENT APPLICATION



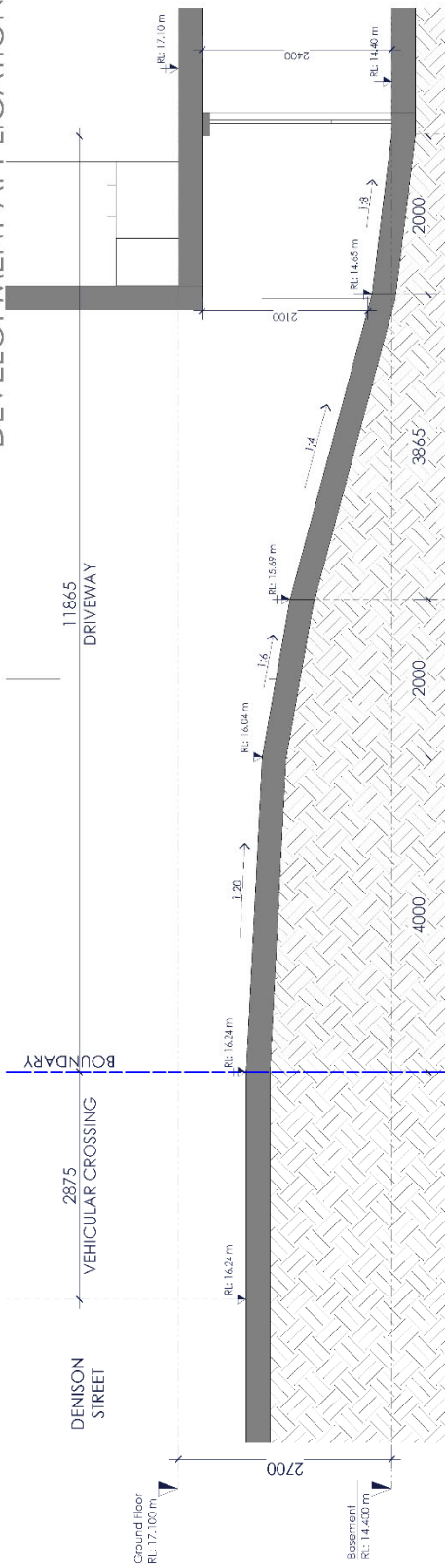
PINNACLE	PINNACLE CONSULTANTS Pinnacle Consultants Pty Ltd 125/100-102 Denison Street, Parramatta NSW 2150 PH: 300 999 111	CLIENT NAME: CHARLES ADRIAN PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, TOOLEB 2039	CENTRAL APPRAISER'S ROOF	DRAWN BY: AWO SCALE: 1:100	DRAWING NUMBER: DA - 04.40	REVISION: 2
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DEVELOPMENT APPLICATION

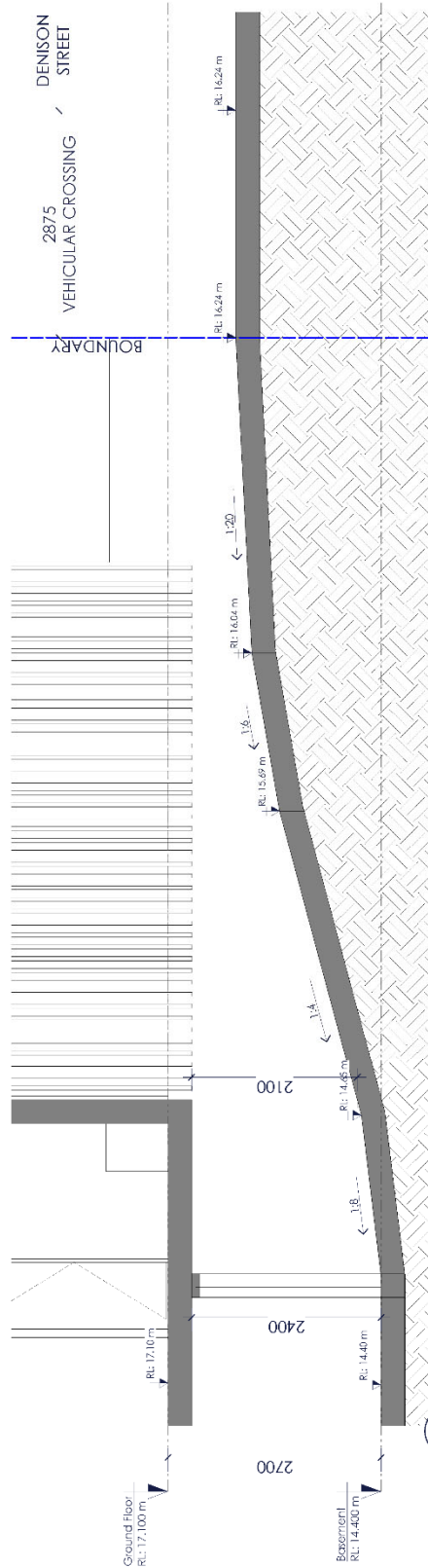


PINNACLE Pinnacle Group Pty Ltd 11/11-11/13 Market Street, Sydney NSW 2000 PH: 1300 999 111 WWW.PINNACLE.COM.AU	CLIENT NAME: CHARLETTAD RANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DRIMON STREET, DOBBLE 2029	GA SECTIONS SECTIONS	REGION DRAWING NUMBER DA - 05.00 SCALE IN A3 1:100
	ARCHITECT: Pinnacle Group Pty Ltd PROJECT NO: 2029	DRAWN BY: AMO SCALE: 1:100	

DEVELOPMENT APPLICATION



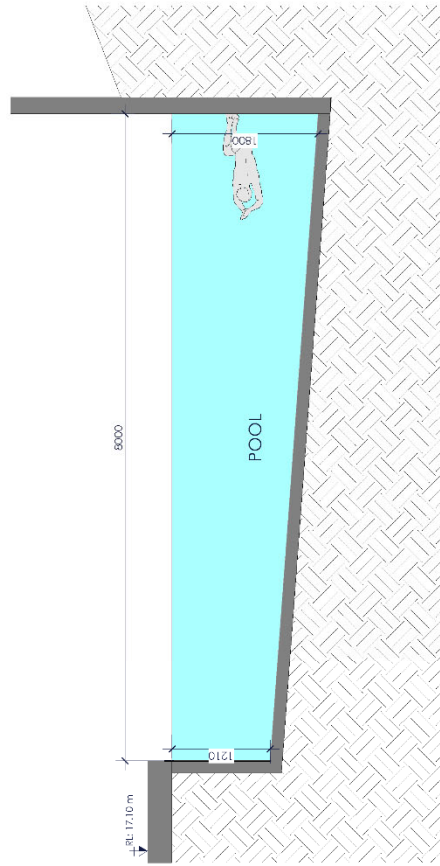
Section C
1:50



Section D
1:50

PINNACLE Pinnacle Group Ltd 111 Market Street, Suite 1001 Sydney NSW 2000 PH: 1300 999 111	CLIENT NAME: CHARLETTAD BANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, TOOLEB 2039	GA SECTIONS DENISON ST DRIVEWAY	DRAWN BY: JMO SCALE: 1:50	REGION DRAWING NUMBER DA - 05.10 2
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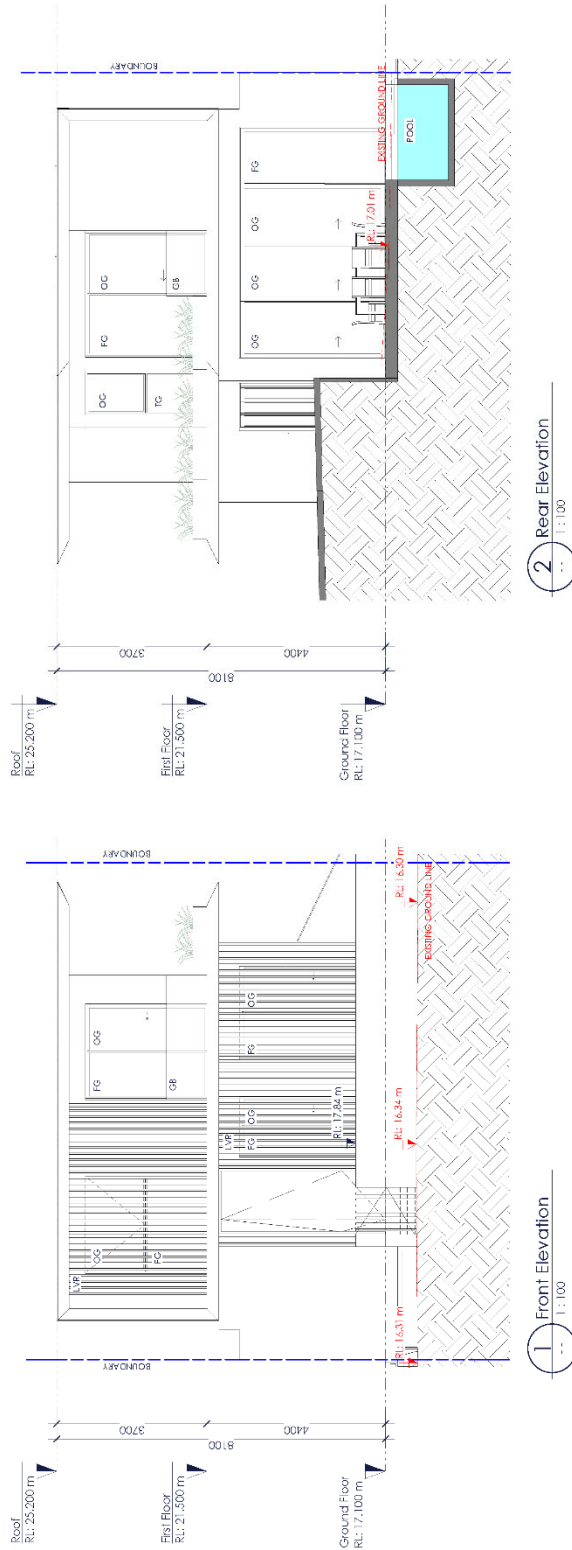
DEVELOPMENT APPLICATION



E Section G
1:50

 PINNACLE <small>PINNACLE CONSULTANTS</small> <small>11/11 WILSON STREET, SYDNEY NSW 1570</small> <small>PH: 1300 999 111</small>	<small>CLIENT NAME:</small> CHARLES ADRIANE <small>PROJECT NUMBER:</small> 2029 <small>PROJECT TYPE:</small> NEW DWELLING <small>PROJECT ADDRESS:</small> 35 DENISON STREET, ROSBIE, 2059	<small>DATE:</small> 20/04/2024 <small>BY:</small> J. K. [Signature] <small>CHECKED:</small> M. [Signature]	<small>DRAWN BY:</small> JMO <small>SCALE:</small> 1/32	<small>REVISION:</small> DRAWING NUMBER: DA - 05.20 REVISION: 2
	<small>PROJECT ADDRESS:</small> 35 DENISON STREET, ROSBIE, 2059	<small>CLIENT NAME:</small> CHARLES ADRIANE <small>PROJECT NUMBER:</small> 2029 <small>PROJECT TYPE:</small> NEW DWELLING <small>PROJECT ADDRESS:</small> 35 DENISON STREET, ROSBIE, 2059	<small>DATE:</small> 20/04/2024 <small>BY:</small> J. K. [Signature] <small>CHECKED:</small> M. [Signature]	<small>DRAWN BY:</small> JMO <small>SCALE:</small> 1/32

DEVELOPMENT APPLICATION



- WINDOWS & DOORS
- OC - OPERABLE WINDOW
- CG - CLOSED WINDOW
- TC - TYPICAL CURTAINING
- GA - GLASS ANNOTATE
- LVS - LEAVES

REVISION	DATE	DESCRIPTION
2	DA - 06.00	

DRAWN BY: AMO
SCALE: A3
1:100

NO.	DATE	REVISION
1	2023/05/15	ISSUED FOR PERMIT
2	2023/05/15	ISSUED FOR PERMIT
3	2023/05/15	ISSUED FOR PERMIT

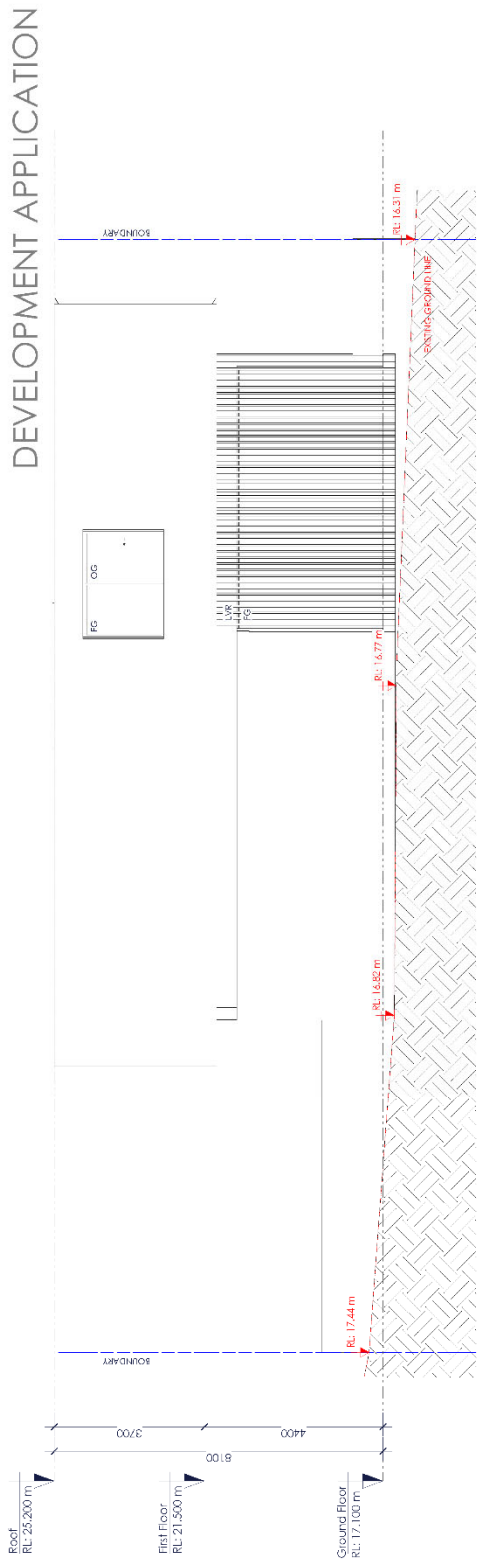
GENERATIONS FRONT & REAR ELEVATIONS

CLIENT NAME: CHARLES ADRIANE
PROJECT NUMBER: 2023
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 DRIMON STREET, DOUBLE 2009

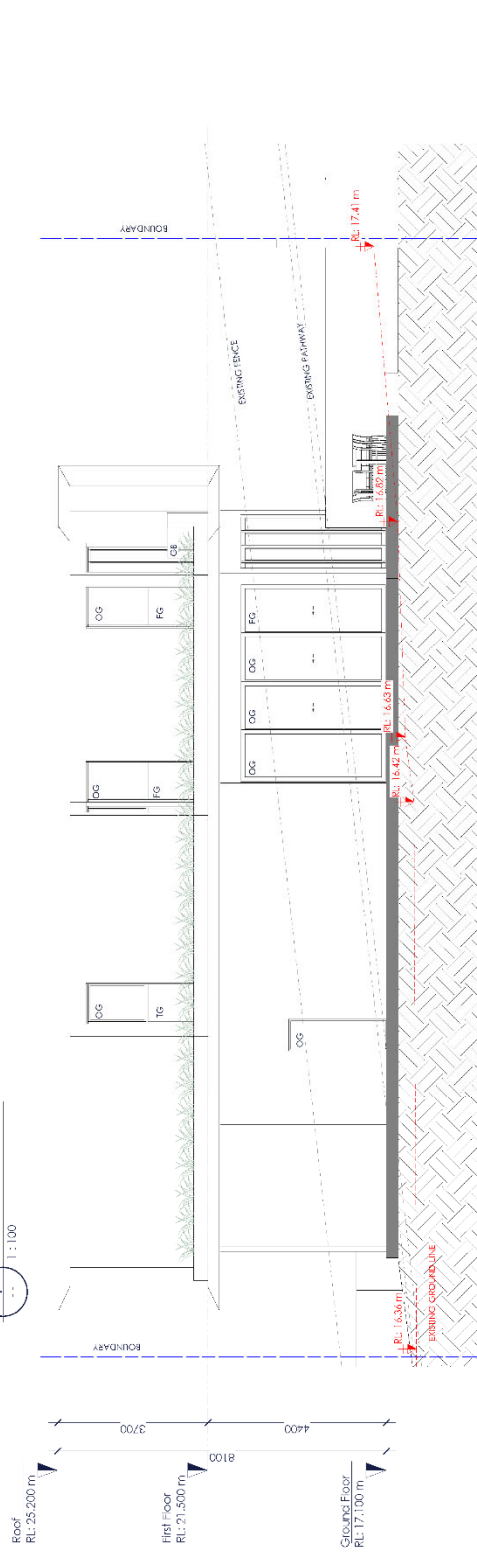
PROJECT ADDRESS: 35 DRIMON STREET, DOUBLE 2009

PINNACLE
Pinnacle Group Pty Ltd
11/11-13/15 Market Street, Sydney NSW 1590
PH: 1300 699 111

DEVELOPMENT APPLICATION



1 North Elevation
1:100



2 South Elevation
1:100

WINDOWS & DOORS
OG: Original Opening
FG: Proposed Opening
TG: Transomed Opening
GB: Glazed Balustrade

DRAWN BY: JMO
SCALE: 1:100
REGION: DA - 06.10 2

DATE: 11/01/2019
PROJECT: 2019
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 BRIMON STREET, TOOLEB 2039

CLIENT NAME: CHARLEAD RANE
PROJECT NUMBER: 2019
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 BRIMON STREET, TOOLEB 2039

CLIENT NAME: CHARLEAD RANE
PROJECT NUMBER: 2019
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 BRIMON STREET, TOOLEB 2039

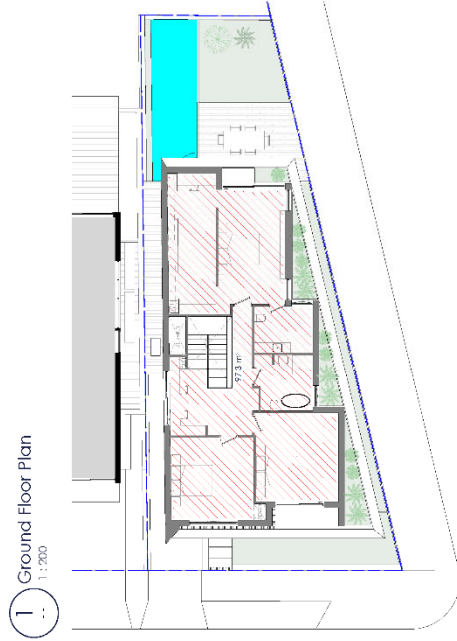
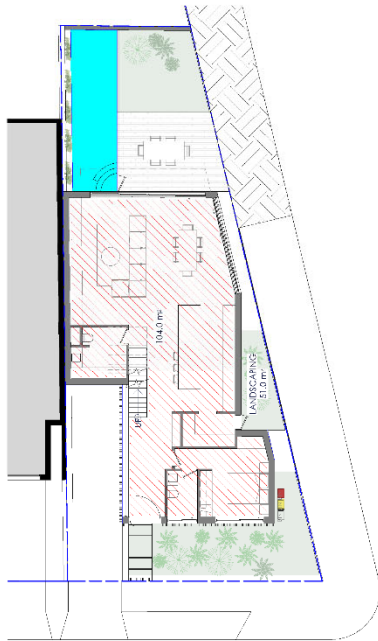
PINNACLE
Pinnacle Group Pty Ltd
11/11 Macquarie Street, Sydney NSW 2000
Tel: (02) 9550 6600
Fax: (02) 9550 6601
www.pinnacle.com.au

DEVELOPMENT APPLICATION

COMPLIANCE TABLE

LOT 14, SEC 1 DP 97504/9
38 DENISON STREET, ROSELLE
ZONING: R2

	CONTROL	PROPOSED
SITE AREA: 245 m ²	< 40,000 m ² (CPA: 204 m ²)	0.29-1 8,038m ²
HEIGHT	1.80M	8.038m
SITE COVERAGE	< 15% m ² (1-25%)	14.57 m ² (5.9%)
LANDSCAPING	> 5.0m ² (1-20%)	51.0 m ² (20.8%)
P.O.S.	> 1.8 m	COMPLIES



REVISION
DRAWING NUMBER
DA - 07.00 2

DRAWN BY:
AWD
SCALE IN A3
1:200

DATE REVISION

NO.	DATE	DESCRIPTION
1	20/01/2019	ISSUED FOR TENDERS
2	20/01/2019	ISSUED FOR TENDERS
3	20/01/2019	ISSUED FOR TENDERS

AREA ANALYSIS
BUILDING & AREA CALCULATIONS

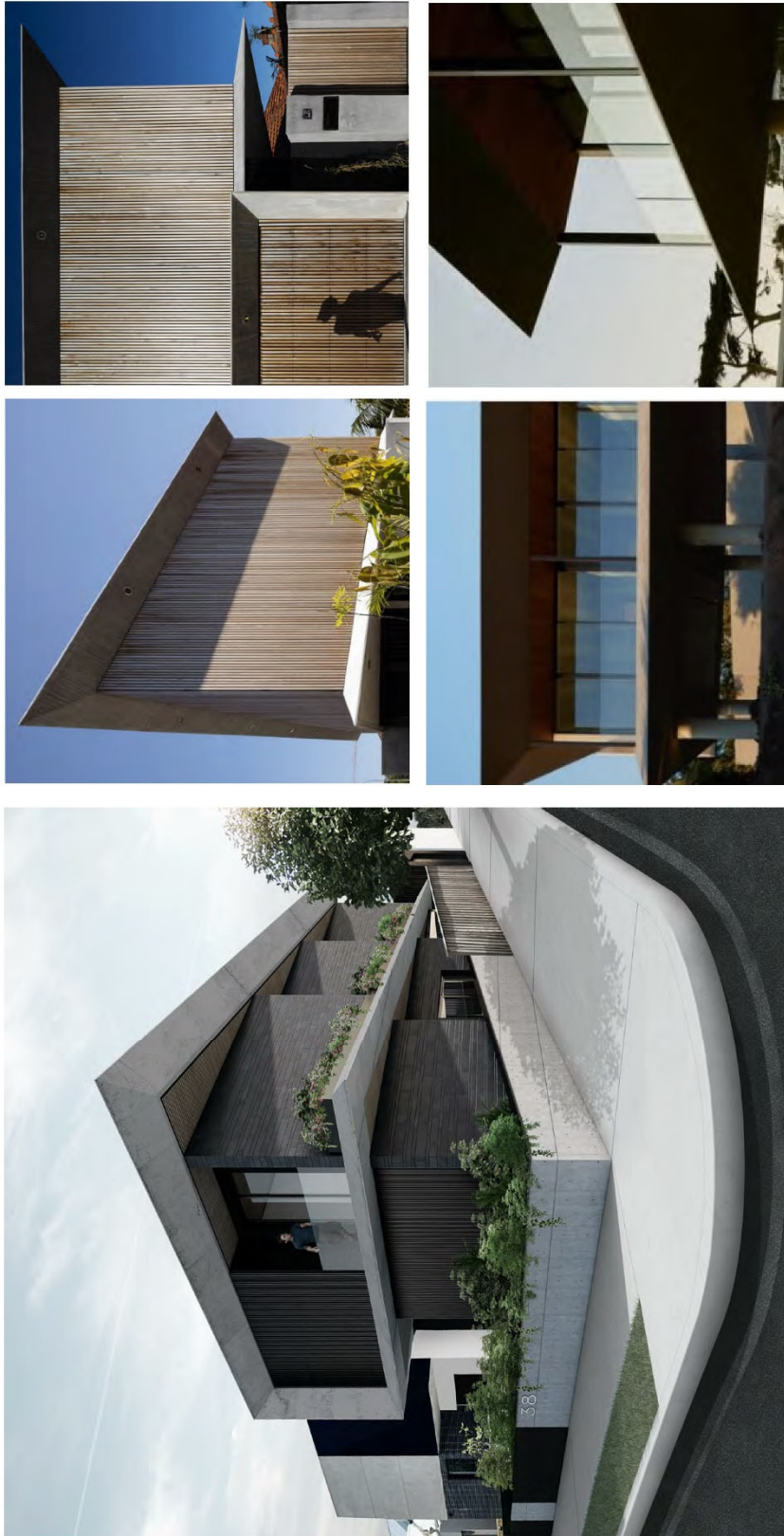
CLIENT NAME: CHARLES ADRIANE
PROJECT NUMBER: 2029
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 38 DENISON STREET, ROSELLE 2029

PREPARED BY: Pinnacle
DRAWN BY: Pinnacle
CHECKED BY: Pinnacle
DATE: 20/01/2019

PINNACLE CONSULTING
Pinnacle Consulting
PH: 1300 699 111



DEVELOPMENT APPLICATION

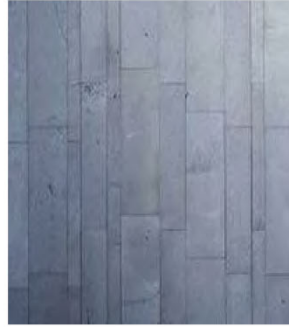


 PINNACLE PINNACLE CONSULTANTS 11/11 WILSON STREET, SYDNEY NSW 1588 TEL: 02 9550 2200 FAX: 02 9550 2201 WWW.PINNACLECONSULTANTS.COM.AU	CLIENT NAME: CHARLETTAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, COBLE 2039	DESIGN INTENT DESIGN INTENT	DRAWN BY: JMO SCALE: 1:43	REVISION DRAWING NUMBER DA - 08.00 2
	ARCHITECT: J. L. L. ARCHITECTS 1/100 WILSON STREET, SYDNEY NSW 1588 TEL: 02 9550 2200 FAX: 02 9550 2201 WWW.JLLARCHITECTS.COM.AU	NOTIFICATION NUMBER: 2029	REVISIONS: NO. DATE BY DESCRIPTION	SCALE: 1:43

DEVELOPMENT APPLICATION



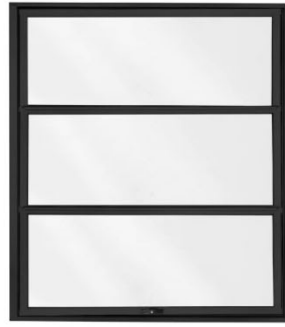
LVR - BLACK LOUVRES



ST - BLACKSTONE



OFC - OFF FORM CONCRETE



BW - BLACK FRAME WINDOWS



PINNACLE
 Pinnacle Group Pty Ltd
 11/115 Pitt Street, Sydney NSW 2000
 PH: 1300 999 111

CLIENT NAME: CHARLES LAD PANE
PROJECT NUMBER: 2029
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 30 PRINCE STREET, ROSALE, 2029

DESIGN SHEET:

EXTERNAL FINISHES + MATERIALS

NO.	REVISION	DATE	BY
1	ISSUE FOR PERMIT	2024.07.15	AVD
2	ISSUE FOR PERMIT	2024.07.15	AVD

DESIGN BY:
 AVD
SCALE: 1:100

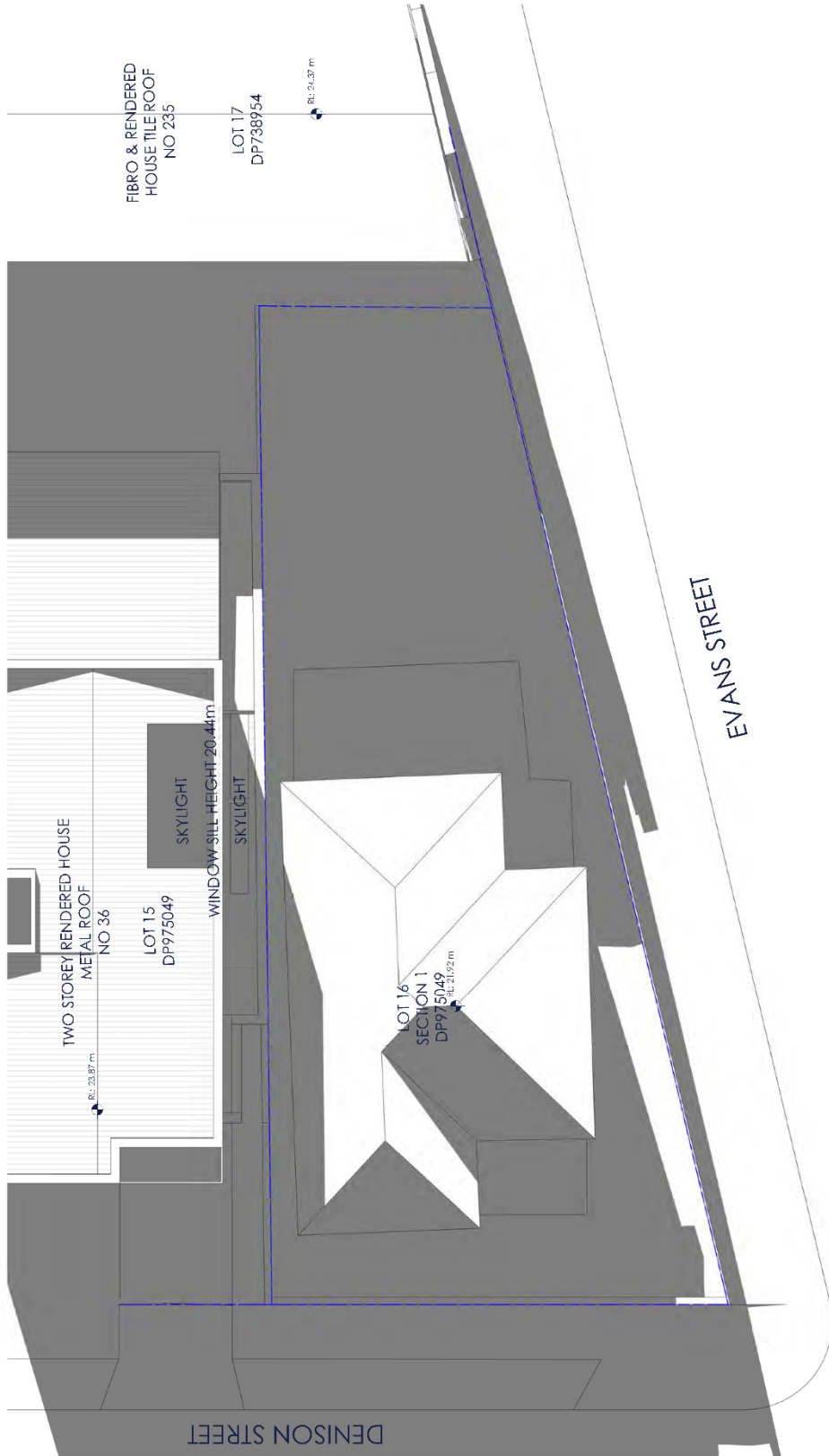
DRAWING NUMBER:

DA - 08.10

REVISION:

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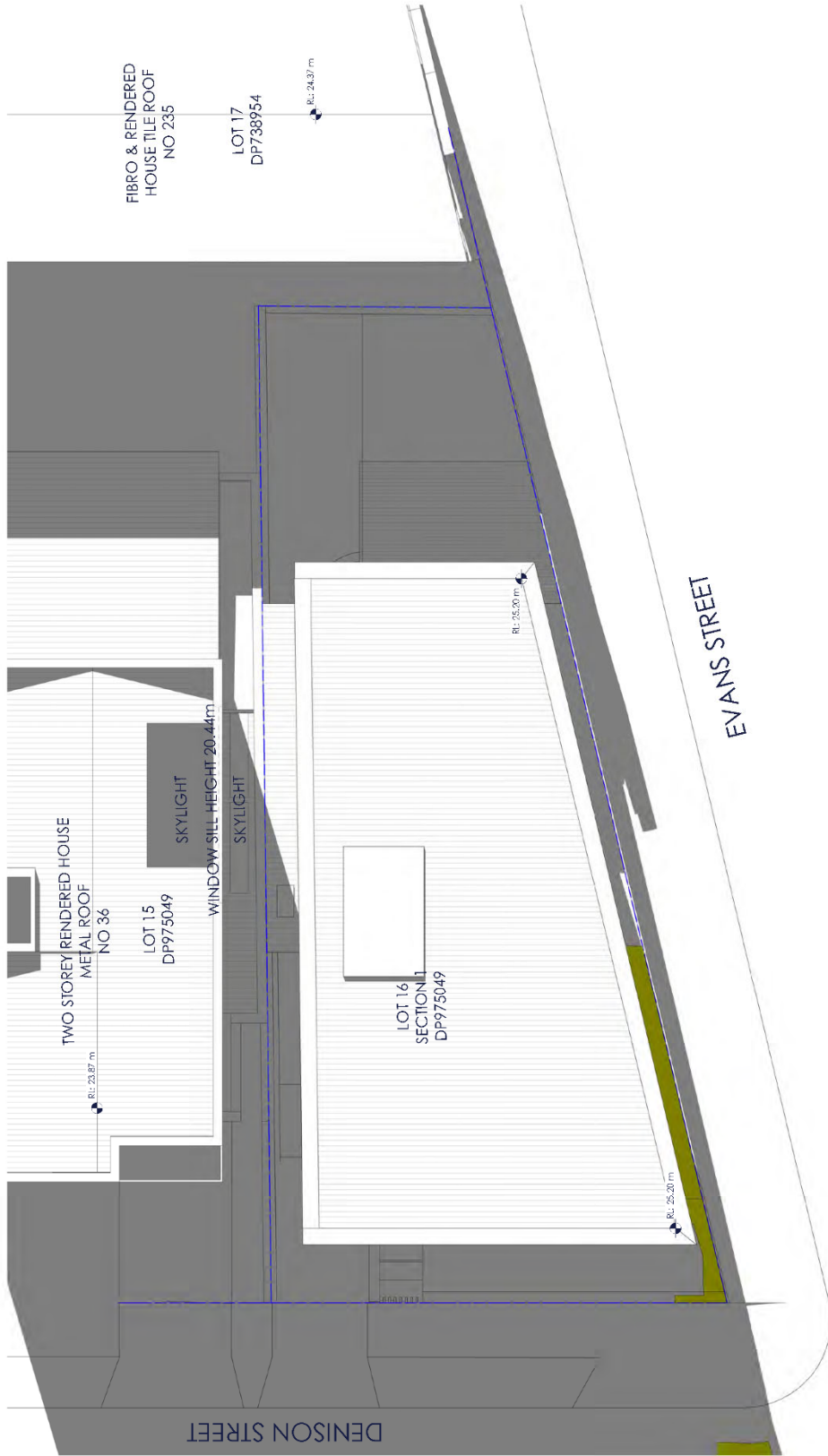
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE Pinnacle Group Pty Ltd 111 Macquarie Street, Suite 2000 Sydney, NSW 2000 PH: 300 999 111	CLIENT NAME: CHARLES ADPANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 30 DENISON STREET, ROUBLE 2039	DATE: 21 JUNE 2019 TIME: 9 AM SCALE: AS SHOWN DRAWN BY: JMO CHECKED BY: JMO APPROVED BY: JMO	REVISION DRAWING NUMBER: DA - 09.00 SCALE: As indicated
	SOAR ANALYSIS 21 JUNE 9 AM - EXISTING		

DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

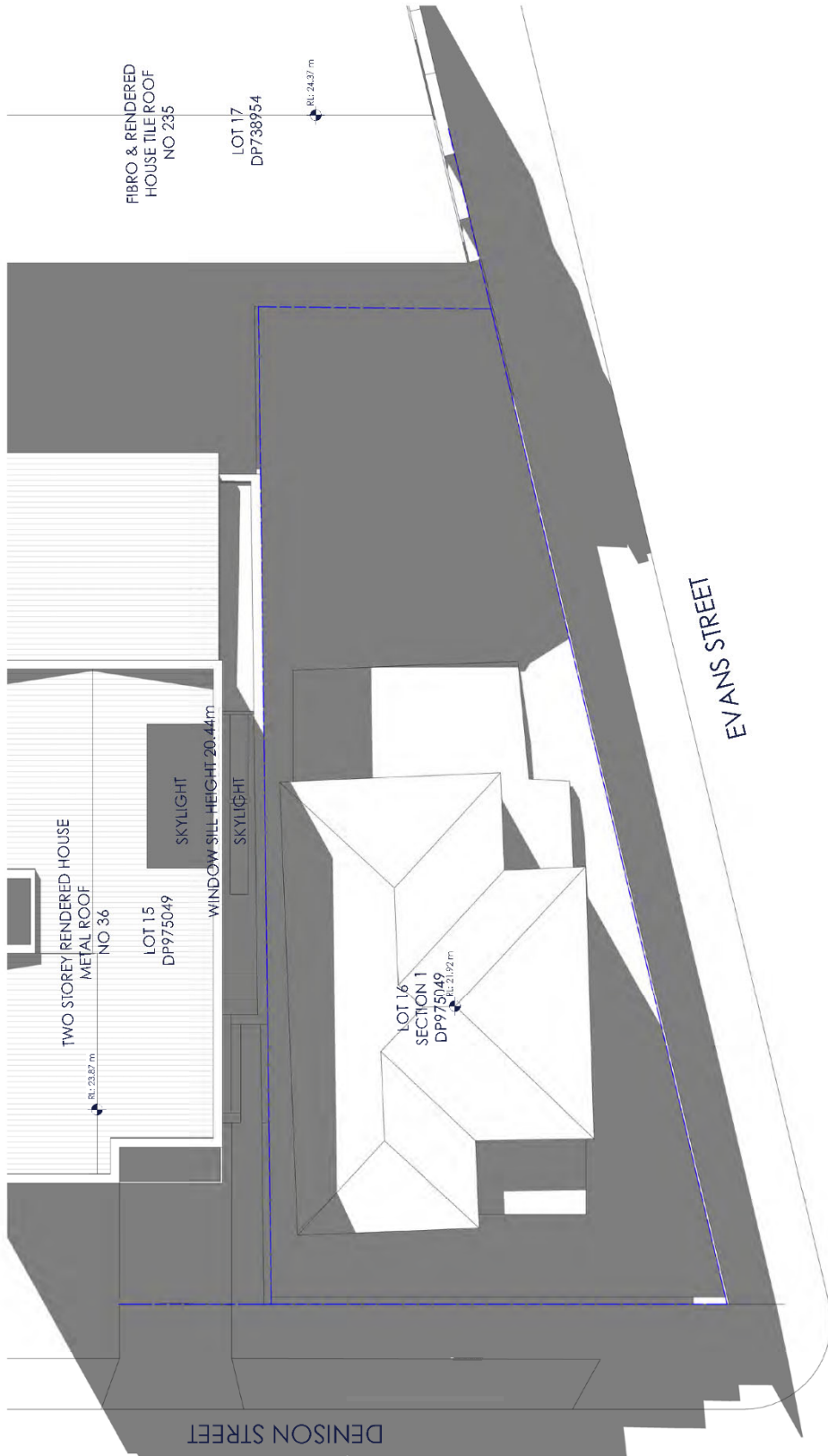
NO. OF SHEETS	1
DATE	20/06/2019
DRAWN BY	AW
SCALE	As indicated
DRAWING NUMBER	DA - 09.05
REVISION	2

CLIENT NAME	CHARLES HADRIANE
PROJECT NUMBER	2029
PROJECT TYPE	NEW DWELLING
PROJECT ADDRESS	35 DENISON STREET, ROSBIE, 2059

DATE	21 JUNE 9 AM - PROPOSED
SCALE ANALYSIS	

<p>PINNACLE Pinnacle Group 111 Market Street, Level 27, Sydney NSW 2000 PH: 1300 999 111</p>	<p>SYDNEY 111 MARKET STREET, LEVEL 27, SYDNEY NSW 2000 PH: 1300 999 111</p>
-----------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

DATE:		REGION:	
DRAWN BY:		DRAWING NUMBER:	
SCALE:		SCALE IN A3:	
DATE:		DATE:	
DATE:		DATE:	
DATE:		DATE:	
DATE:		DATE:	

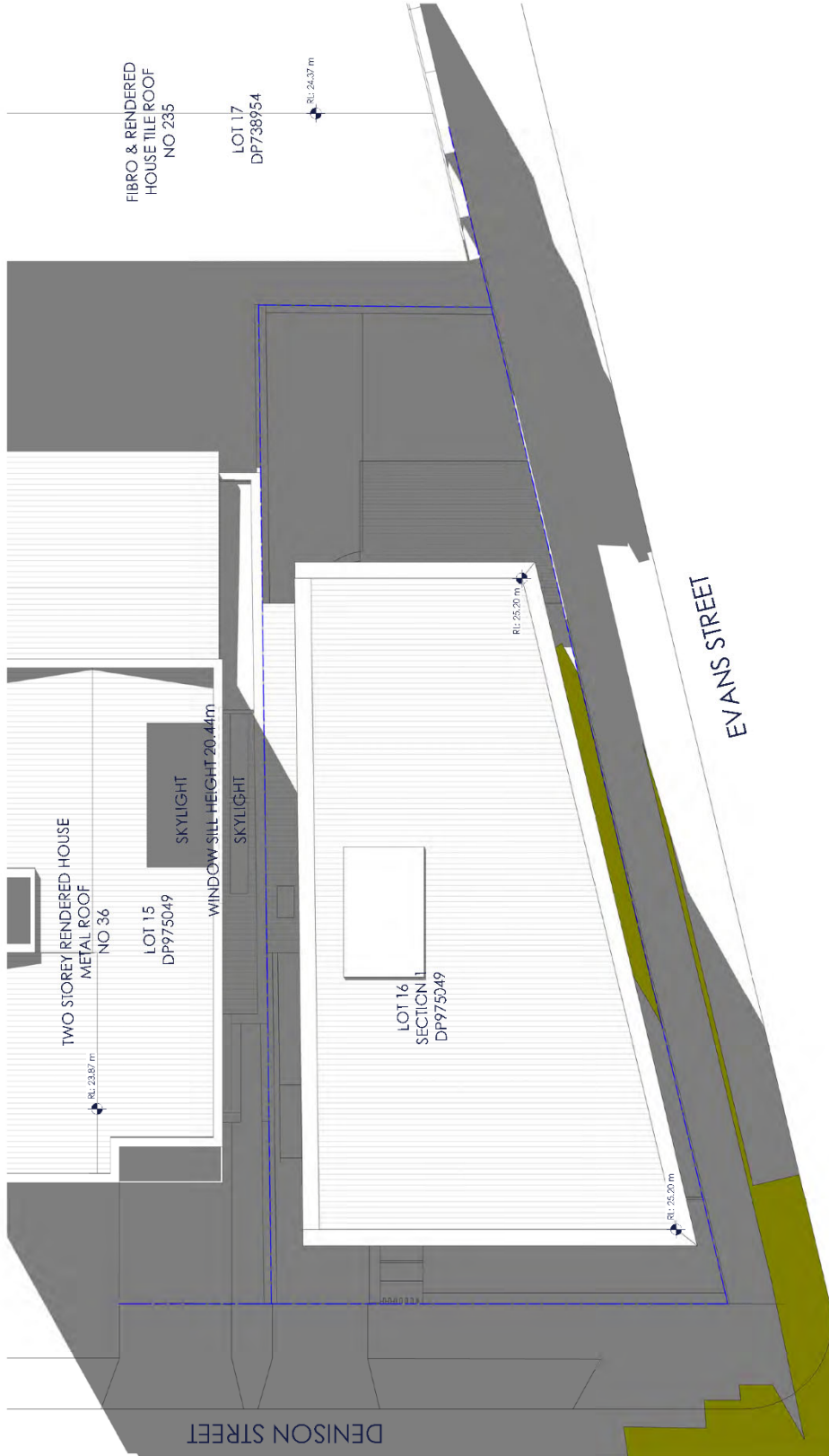
CLIENT NAME:	CHARLES LAD PANE
PROJECT NUMBER:	2029
PROJECT TYPE:	NEW DWELLING
PROJECT ADDRESS:	30 DENISON STREET, ROSBIE 2059

PROJECT NUMBER:	2029
PROJECT TYPE:	NEW DWELLING
PROJECT ADDRESS:	30 DENISON STREET, ROSBIE 2059

PINNACLE
 PINNACLE CONSULTANTS
 10/115 WILSON ROAD, WILSON
 NSW 2160
 PHONE: 02 9337 1111
 FAX: 02 9337 1112
 WWW.PINNACLECONSULTANTS.COM.AU

21 JUNE 10 AM - EXISTING

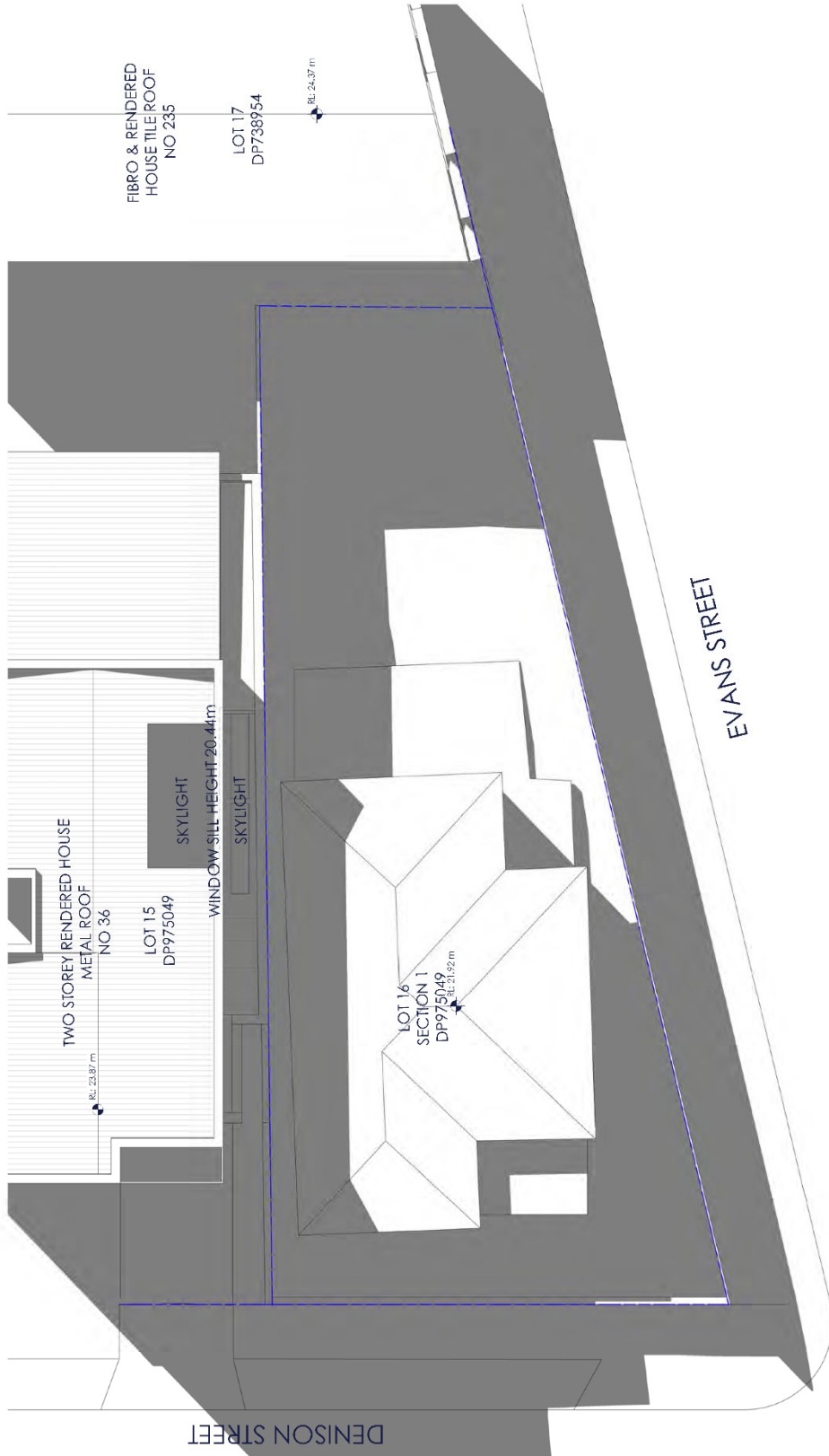
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTANTS 11/11 WILSON STREET, SYDNEY NSW 1588 PH: 1300 999 111	CLIENT NAME: CHARLETTAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSBIE, 2059	SOLE AGENT/ANALYST: 21 JUNE 10 AM - PROPOSED	REVISION: DRAWING NUMBER: DA - 09.20 REGION: 2
	DRAWN BY: JMO SCALE: AS SHOWN DATE: 21/06/2019	APPROVED BY: [Signature] DATE: 21/06/2019	APPROVED BY: [Signature] DATE: 21/06/2019

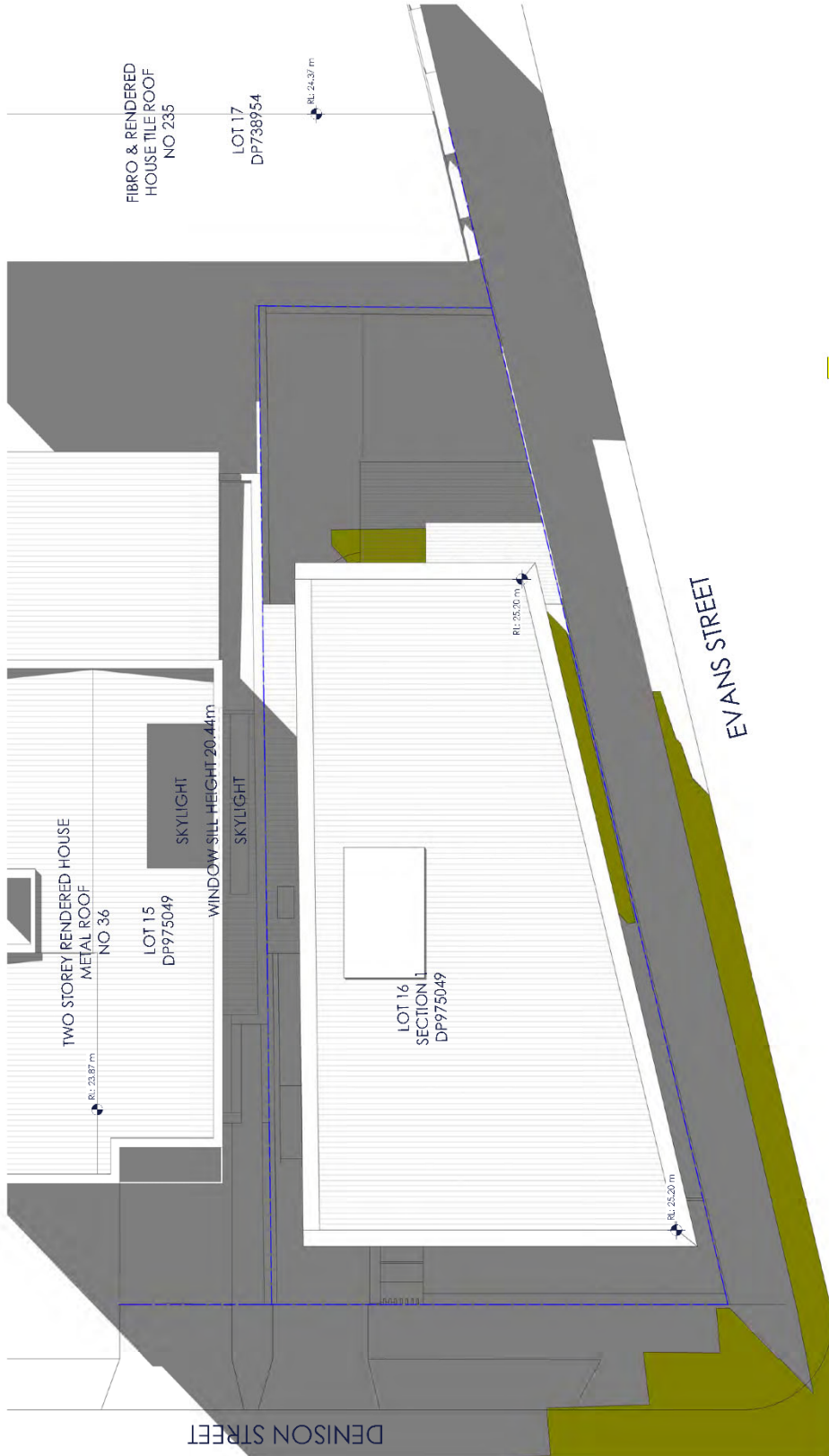
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTANTS 11/11-13/11-15/11-17/11-19/11-21/11-23/11-25/11-27/11-29/11-31/11 PH: 1300 999 111	CLIENT NAME: CHARLES LAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSBIE, 2039	DATE: 21 JUNE 11 AM - EXISTING SCALE: AS SHOWN DRAWING NUMBER: DA - 09.30	REGION: 2 REVISION: 2
	ARCHITECT: Pinnacle Consultants ARCHITECT: Pinnacle Consultants ARCHITECT: Pinnacle Consultants ARCHITECT: Pinnacle Consultants ARCHITECT: Pinnacle Consultants	DRAWN BY: JMO SCALE: As indicated	ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

DEVELOPMENT APPLICATION

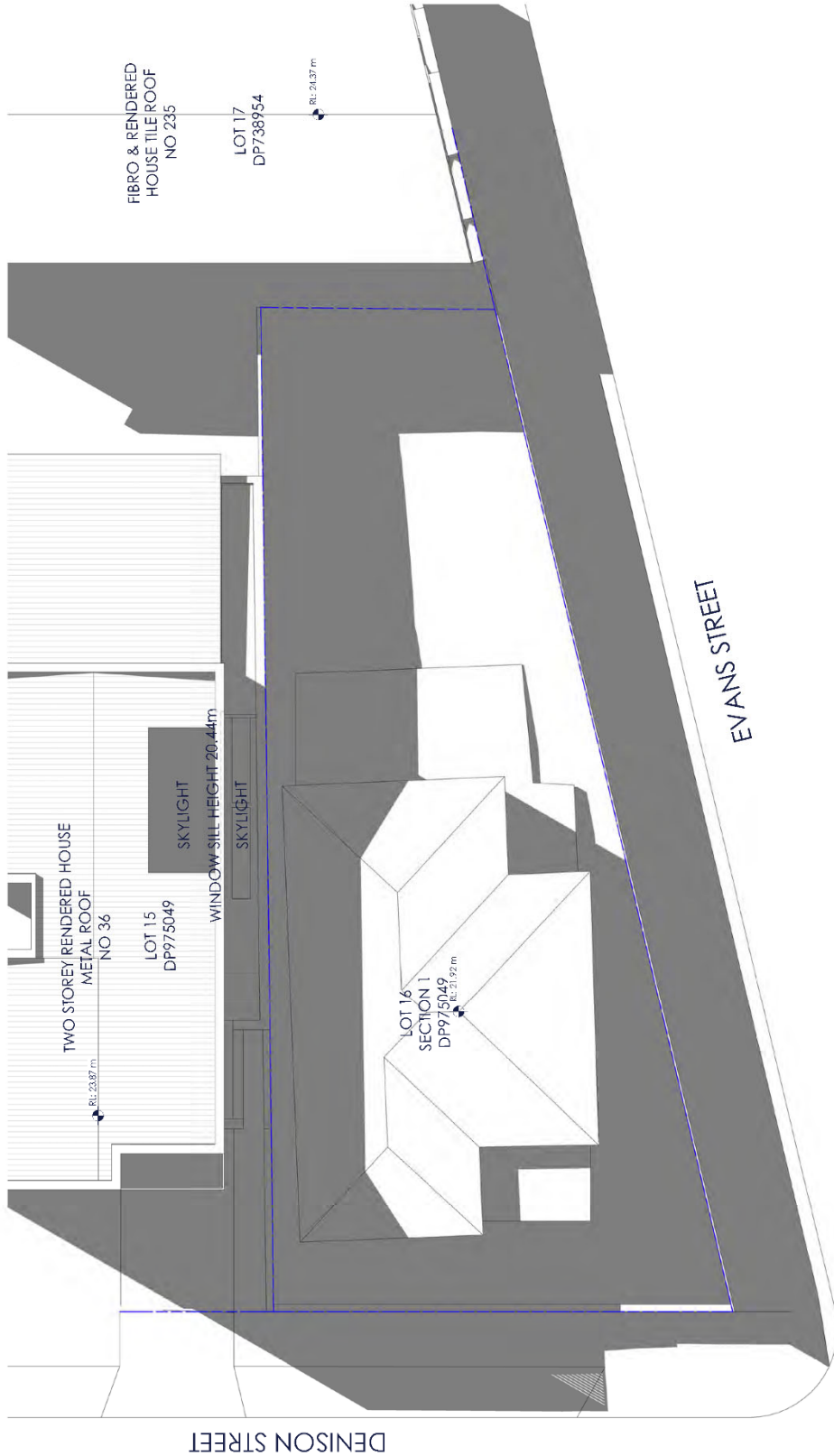


ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT



 PINNACLE PINNACLE CONSULTANTS 11/11 WILSON STREET, SYDNEY NSW 1588 TEL: 02 9550 9911 FAX: 02 9550 9912 WWW.PINNACLECONSULTANTS.COM.AU PH: 1 800 999 111	CLIENT NAME: CHARLEAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSALE 2039	SO/AF ANALYSIS 21 JUNE 11 AM - PROPOSED	DRAWN BY: JMO SCALE: A3 As indicated	REVISION DRAWING NUMBER: DA - 09.35 2
	SURVEY POINTS: 1. 10/11 WILSON ST, SYDNEY NSW 2. 10/11 WILSON ST, SYDNEY NSW 3. 10/11 WILSON ST, SYDNEY NSW			

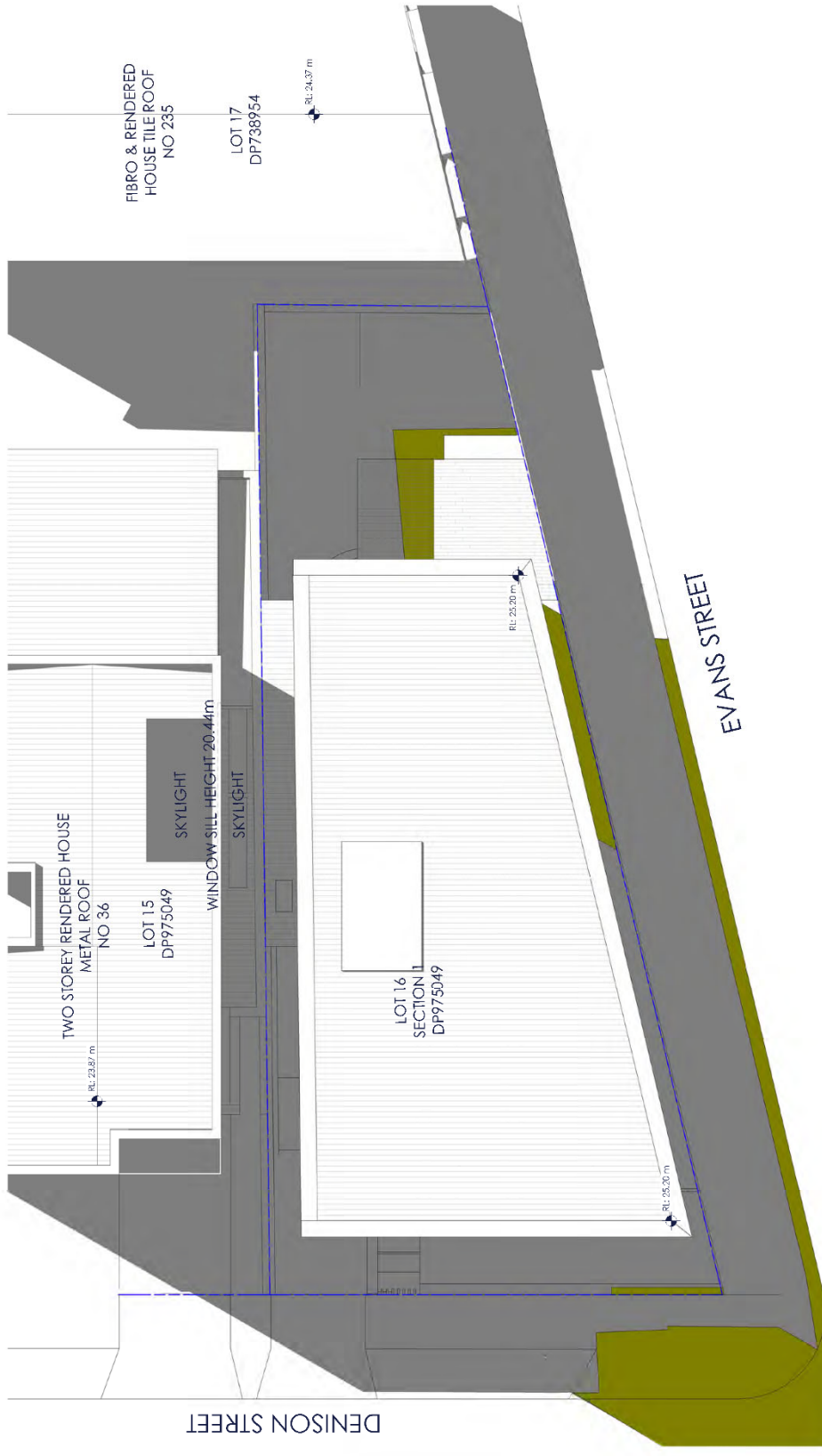
DEVELOPMENT APPLICATION



ADDITIONAL \$-ADJUV CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTANTS 11/111 WILSON AVENUE, SYDNEY NSW 1588 TEL: 02 9550 9911 FAX: 02 9550 9912 WWW.PINNACLECONSULTANTS.COM.AU PH: 1 800 999 111	CLIENT NAME: CHARLESTAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSBIE, 2059	SOI/AF ANALYSIS 21 JUNE 12 PM - EXISTING	REGION: DRAWING NUMBER: DA - 09.40 SCALE: A3 As Per Colloid
	DATE: 21/06/2019 TIME: 12:00:00 PM USER: JAMES.MCCARTHY PROJECT: 2029	REVISION: NO. DATE BY 1 21/06/2019 J.M. 2 21/06/2019 J.M. 3 21/06/2019 J.M.	2

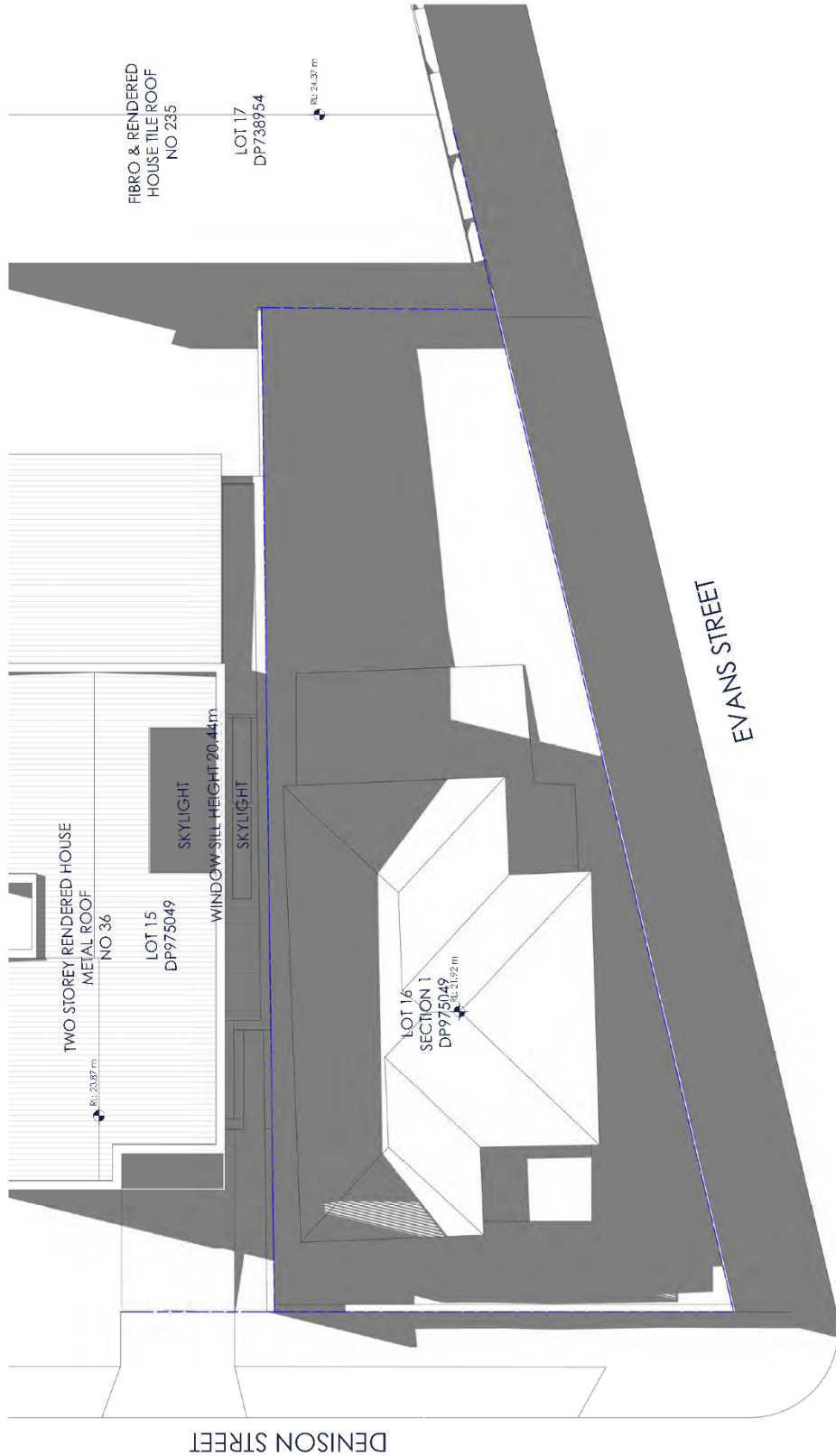
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

<p>PINNACLE PINNACLE CONSULTING SUITE 101/156-158 HERRING ROAD, BRIDGEVIEW, NSW PH: 1300 999 111</p>	<p>CLIENT NAME: CHARLES LAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 32 DENISON STREET, ROSALE 2059</p>	<p>DATE: 21 JUNE 2019 SCALE: A3 AS INCORPORATED:</p>
<p>SCALE ANALYSIS 21 JUNE 12 PM - PROPOSED</p>	<p>REVISION DRAWING NUMBER DA - 09.45</p>	

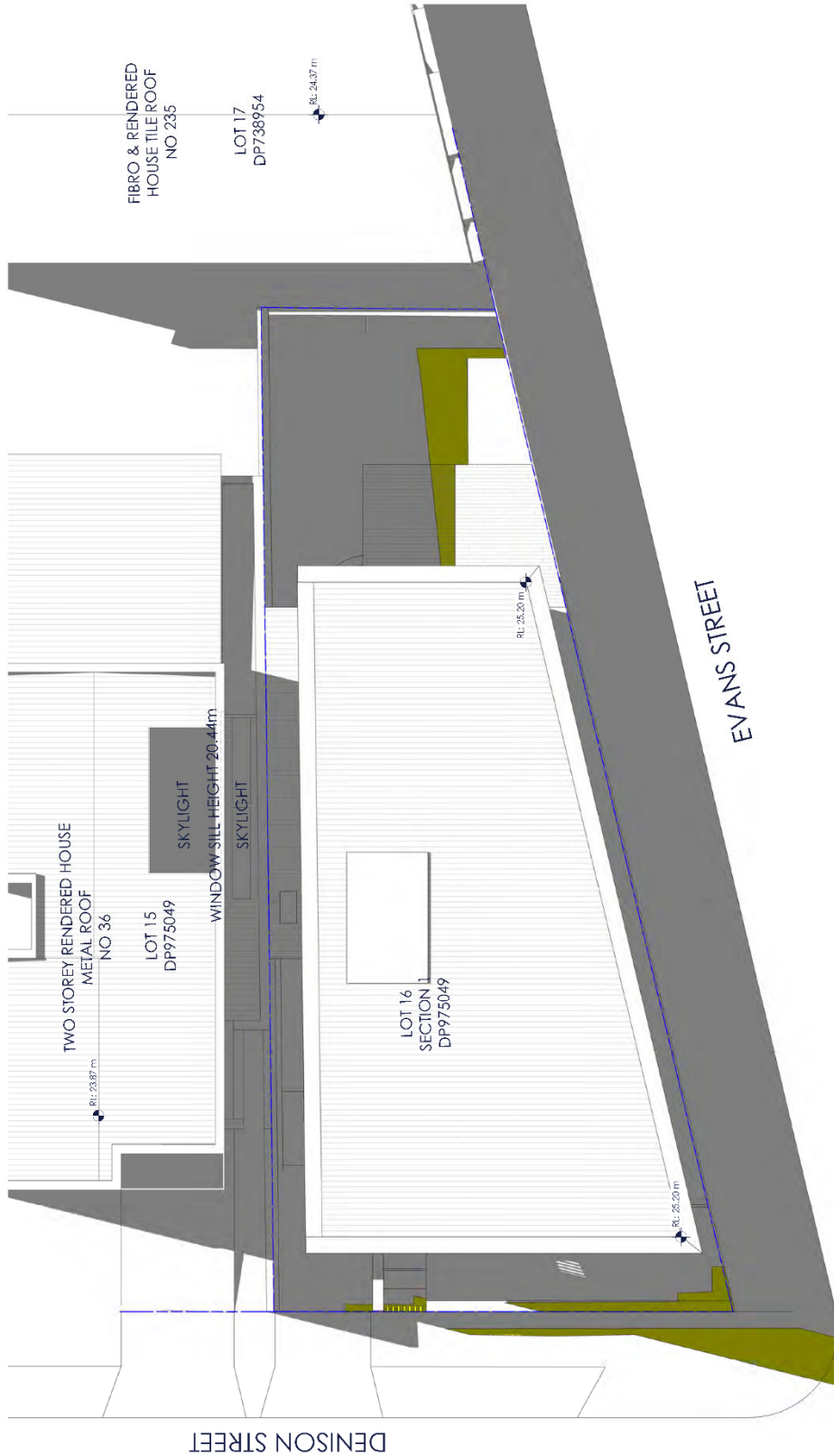
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTANTS 11/11 WILSON STREET, SYDNEY NSW 1588 PH: 1 300 999 111	CLIENT NAME: CHARLES AD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSBIE, 2059	SOLE AGENT/ANALYST: 21 JUNE 1 PM - EXISTING	REGION: DRAWING NUMBER: DA - 09.50 SCALE: A3 As indicated
	SURVEYOR: DATE: 21/06/2019 DRAWN BY: JMO CHECKED BY: JMO SCALE: A3 As indicated	REVISION: NO. 1 DATE: 21/06/2019 BY: JMO REASON: AS INDICATED	REVISION: NO. 1 DATE: 21/06/2019 BY: JMO REASON: AS INDICATED

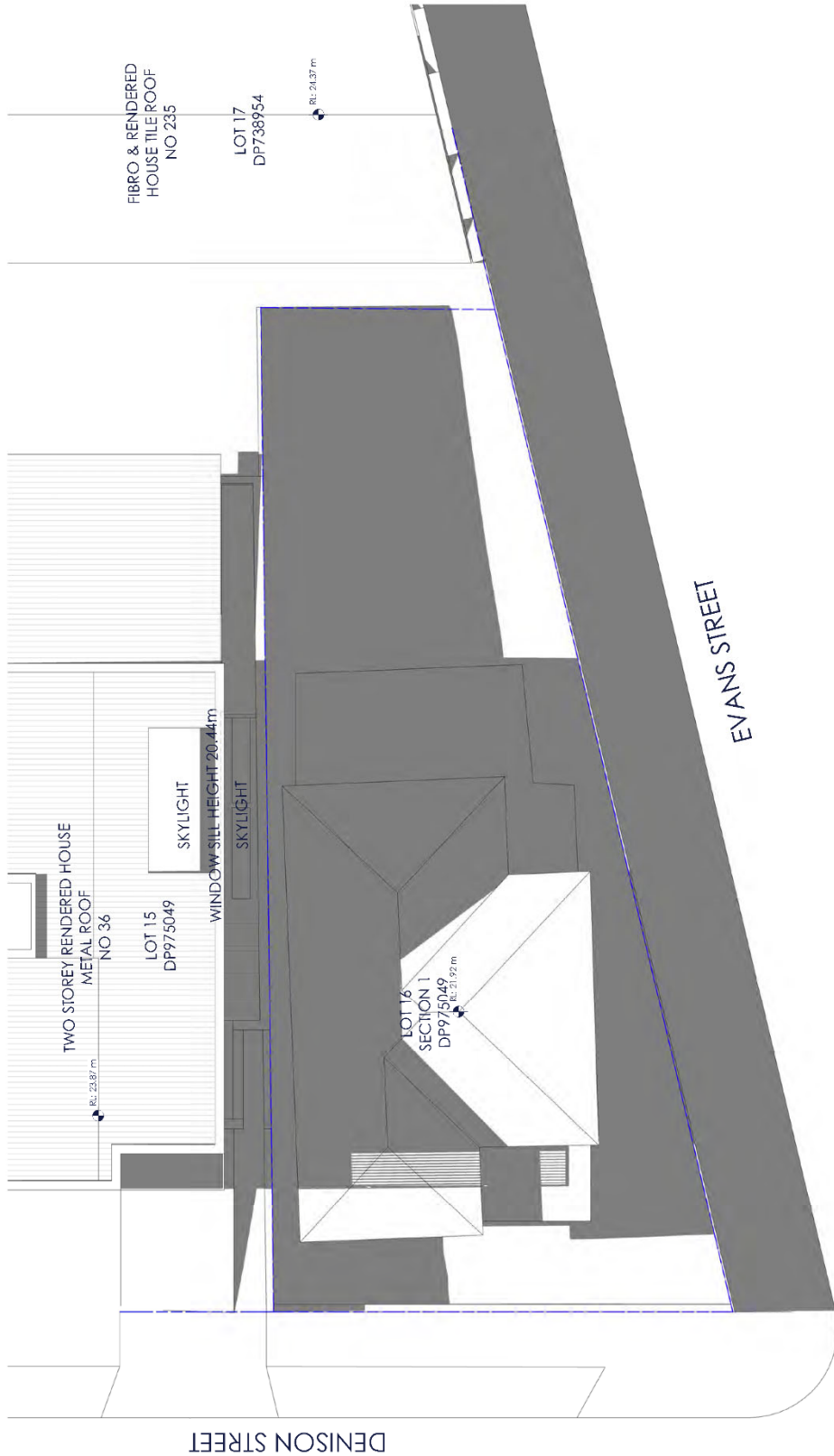
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTING 11/11 WILSON STREET, SYDNEY NSW 1588 PH: 1300 999 111	CLIENT NAME: CHARLES LAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSALE 2039	SOIL ANALYSIS 21 JUNE 1 PM - PROPOSED	REGION DRAWING NUMBER: DA - 09.55 SCALE: A3 As Per Colloid
	DRAWN BY: JMO CHECKED BY: JMO DATE: 21 JUN 2019 11:14 SCALE: A3 As Per Colloid	ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT	REVISION 2

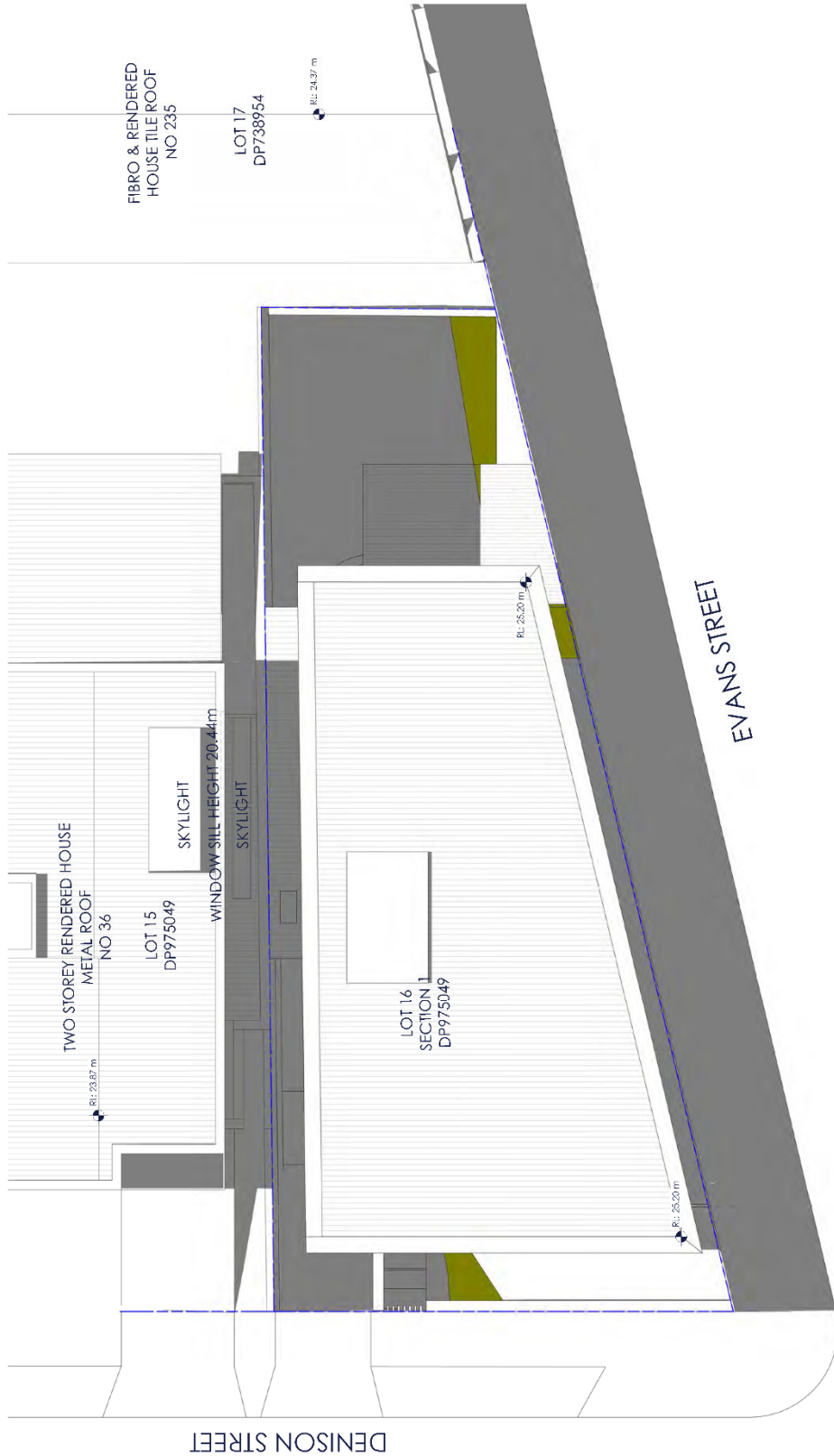
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTING 11/11 WILSON STREET, SYDNEY NSW 1588 PH: 300 999 111	CLIENT NAME: CHARLEAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSALE 2039	DATE: 21 JUNE 2019 TIME: 2 PM - EXISTING	REGION: DRAWING NUMBER: DA - 09.60 SCALE: A3 As indicated
	SURVEYOR: DATE: 21 JUNE 2019 TIME: 2 PM - EXISTING	SOFAR ANALYSIS	REVISION:

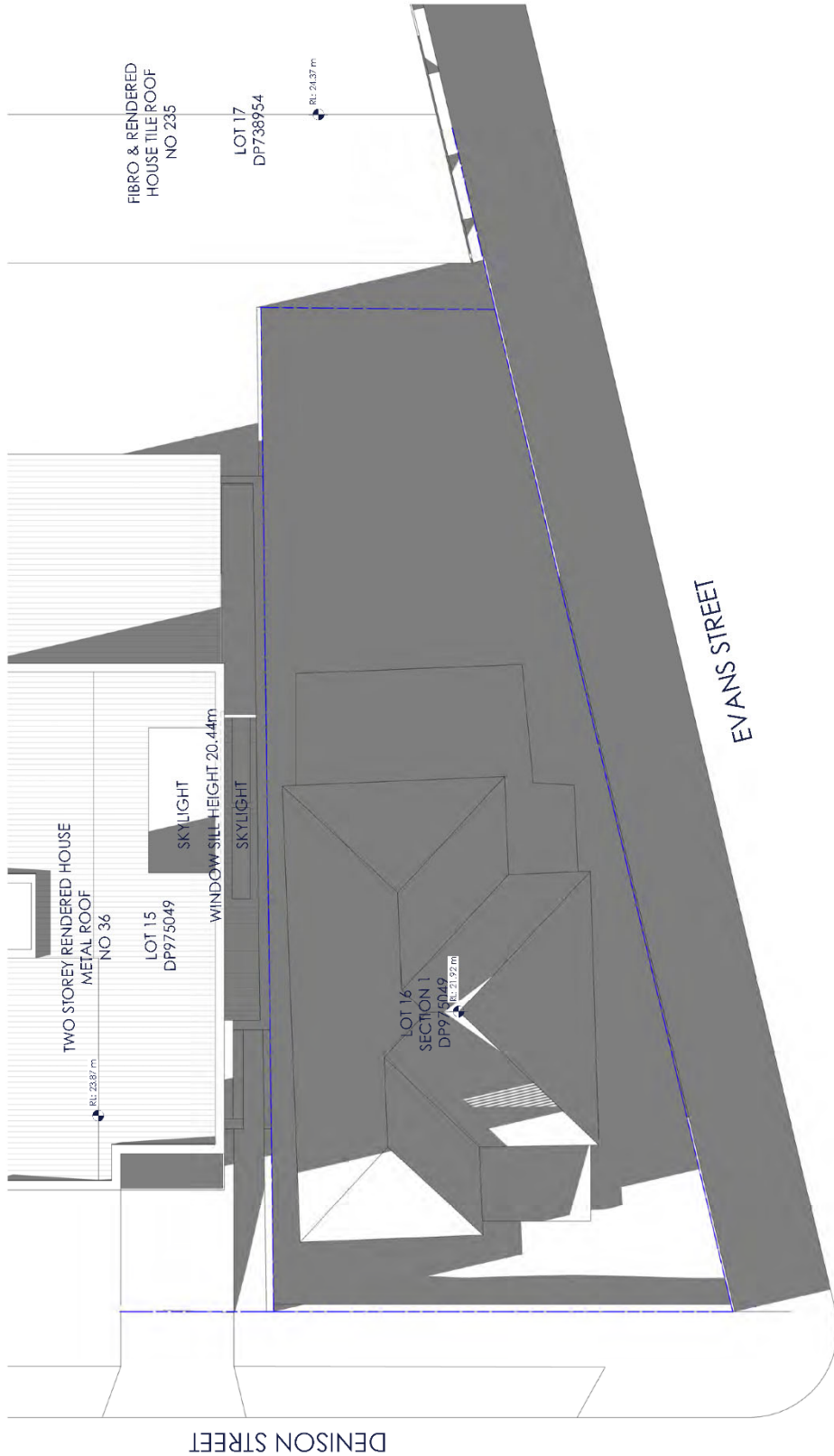
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTANTS 11/11-13/11-15/11-17/11-19/11-21/11-23/11-25/11-27/11-29/11-31/11 PH: 1300 999 111	CLIENT NAME: CHARLES LAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSBIE, 2039	SQUARE METRES 1. 1.11 2. 1.11 3. 1.11 4. 1.11 5. 1.11 6. 1.11 7. 1.11 8. 1.11 9. 1.11 10. 1.11 11. 1.11 12. 1.11 13. 1.11 14. 1.11 15. 1.11 16. 1.11 17. 1.11 18. 1.11 19. 1.11 20. 1.11 21. 1.11 22. 1.11 23. 1.11 24. 1.11 25. 1.11 26. 1.11 27. 1.11 28. 1.11 29. 1.11 30. 1.11 31. 1.11 32. 1.11 33. 1.11 34. 1.11 35. 1.11 36. 1.11 37. 1.11 38. 1.11 39. 1.11 40. 1.11 41. 1.11 42. 1.11 43. 1.11 44. 1.11 45. 1.11 46. 1.11 47. 1.11 48. 1.11 49. 1.11 50. 1.11 51. 1.11 52. 1.11 53. 1.11 54. 1.11 55. 1.11 56. 1.11 57. 1.11 58. 1.11 59. 1.11 60. 1.11 61. 1.11 62. 1.11 63. 1.11 64. 1.11 65. 1.11 66. 1.11 67. 1.11 68. 1.11 69. 1.11 70. 1.11 71. 1.11 72. 1.11 73. 1.11 74. 1.11 75. 1.11 76. 1.11 77. 1.11 78. 1.11 79. 1.11 80. 1.11 81. 1.11 82. 1.11 83. 1.11 84. 1.11 85. 1.11 86. 1.11 87. 1.11 88. 1.11 89. 1.11 90. 1.11 91. 1.11 92. 1.11 93. 1.11 94. 1.11 95. 1.11 96. 1.11 97. 1.11 98. 1.11 99. 1.11 100. 1.11	REGION DRAWING NUMBER DA - 09.65 SCALE IN A3 As indicated
	DATE: 21 JUNE 2019 TIME: 2 PM STATUS: PROPOSED	REVISION 2	

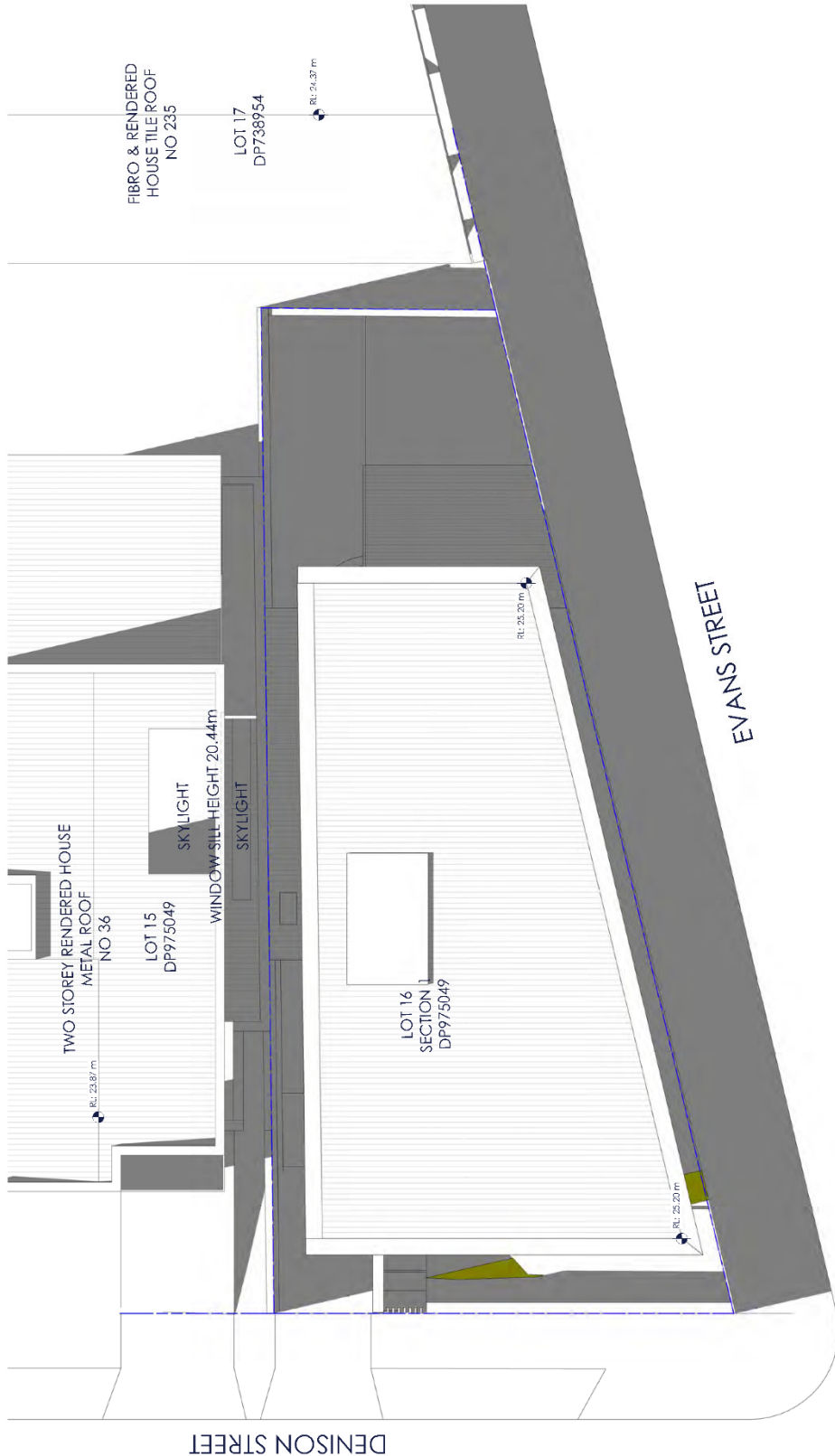
DEVELOPMENT APPLICATION



ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

PINNACLE PINNACLE CONSULTANTS 11/11 WILSON STREET, SYDNEY NSW 1588 PH: 1300 999 111 WWW.PINNACLECONSULTANTS.COM.AU	CLIENT NAME: CHARLESTAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 35 DENISON STREET, ROSALE, 2059	DATE: 21 JUNE 2019 TIME: 3 PM STATUS: EXISTING	DRAWN BY: JMO CHECKED BY: JMO SCALE: A3 As per called	REGION: DA - 09.70
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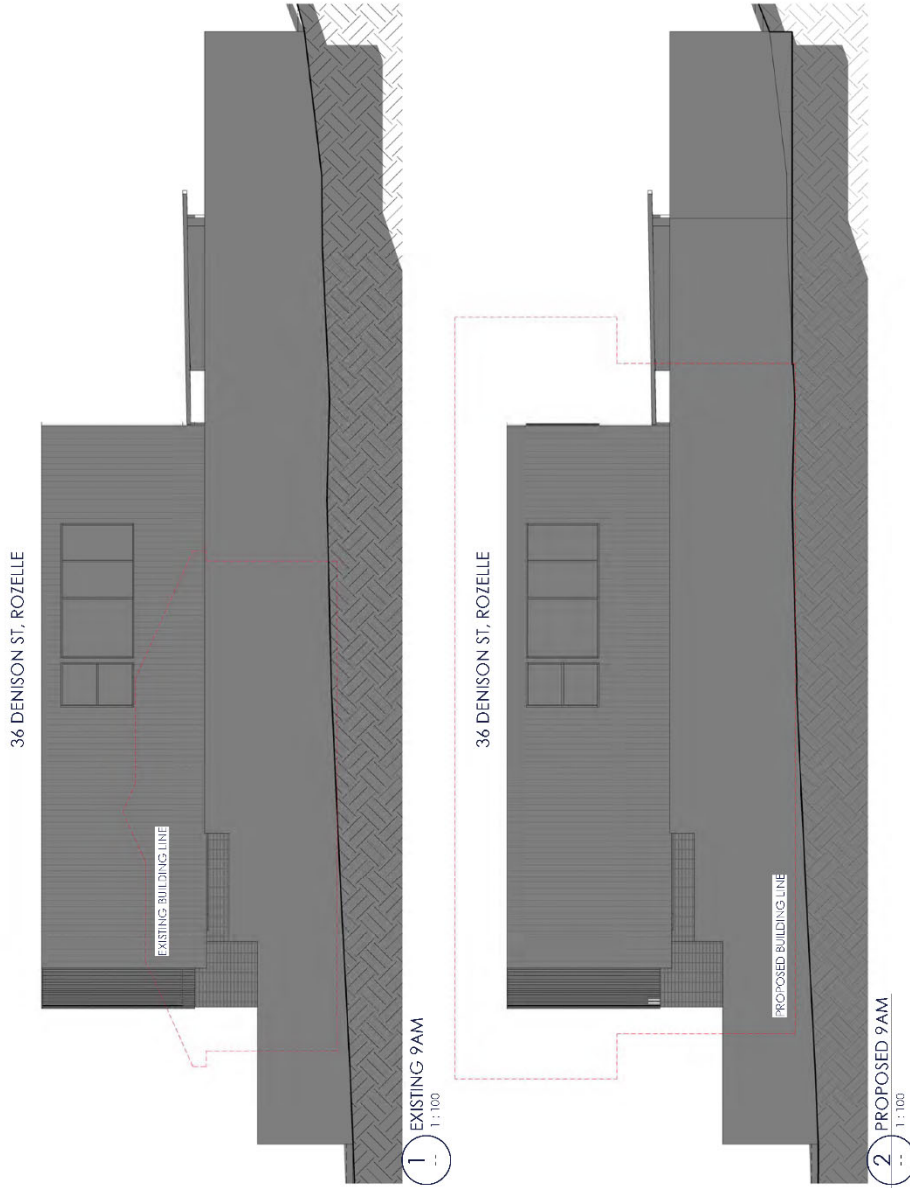
DEVELOPMENT APPLICATION



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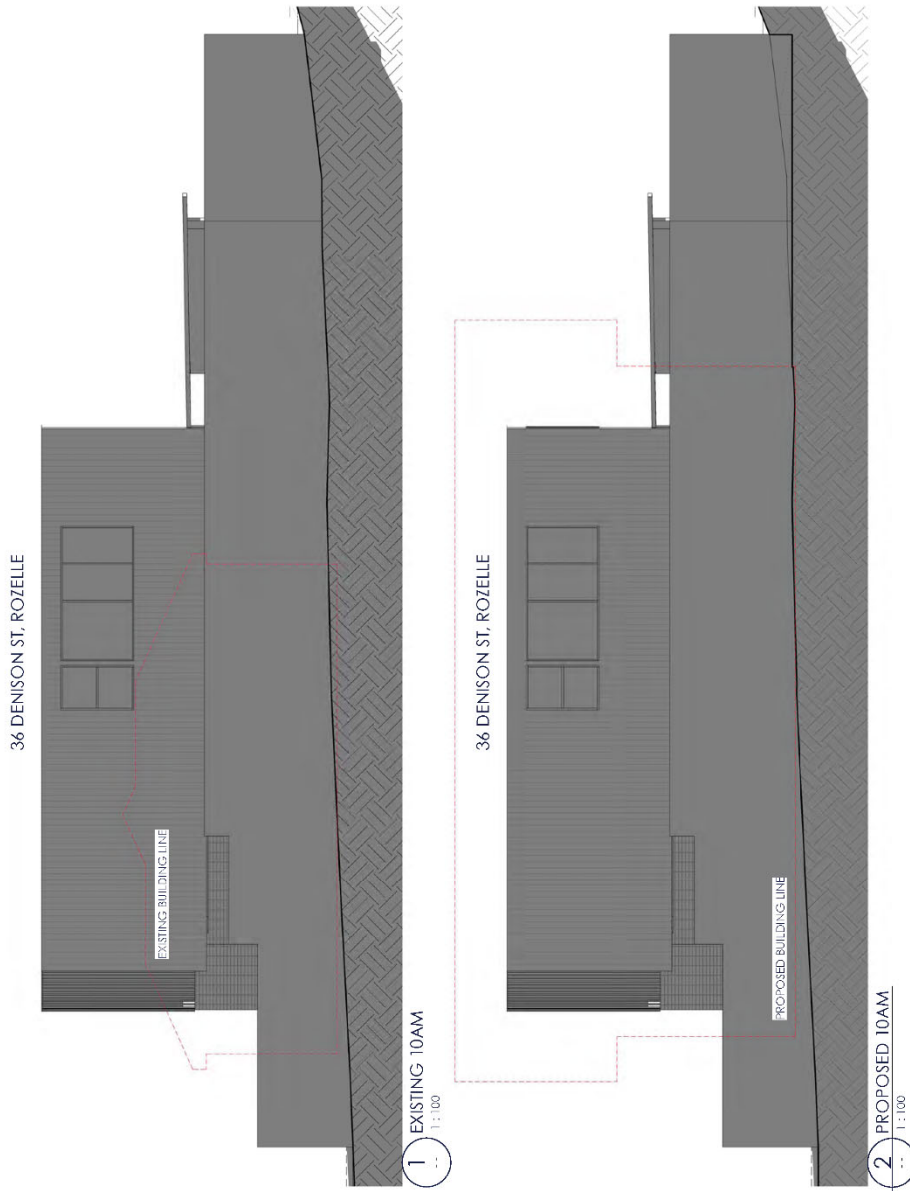
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DEVELOPMENT APPLICATION



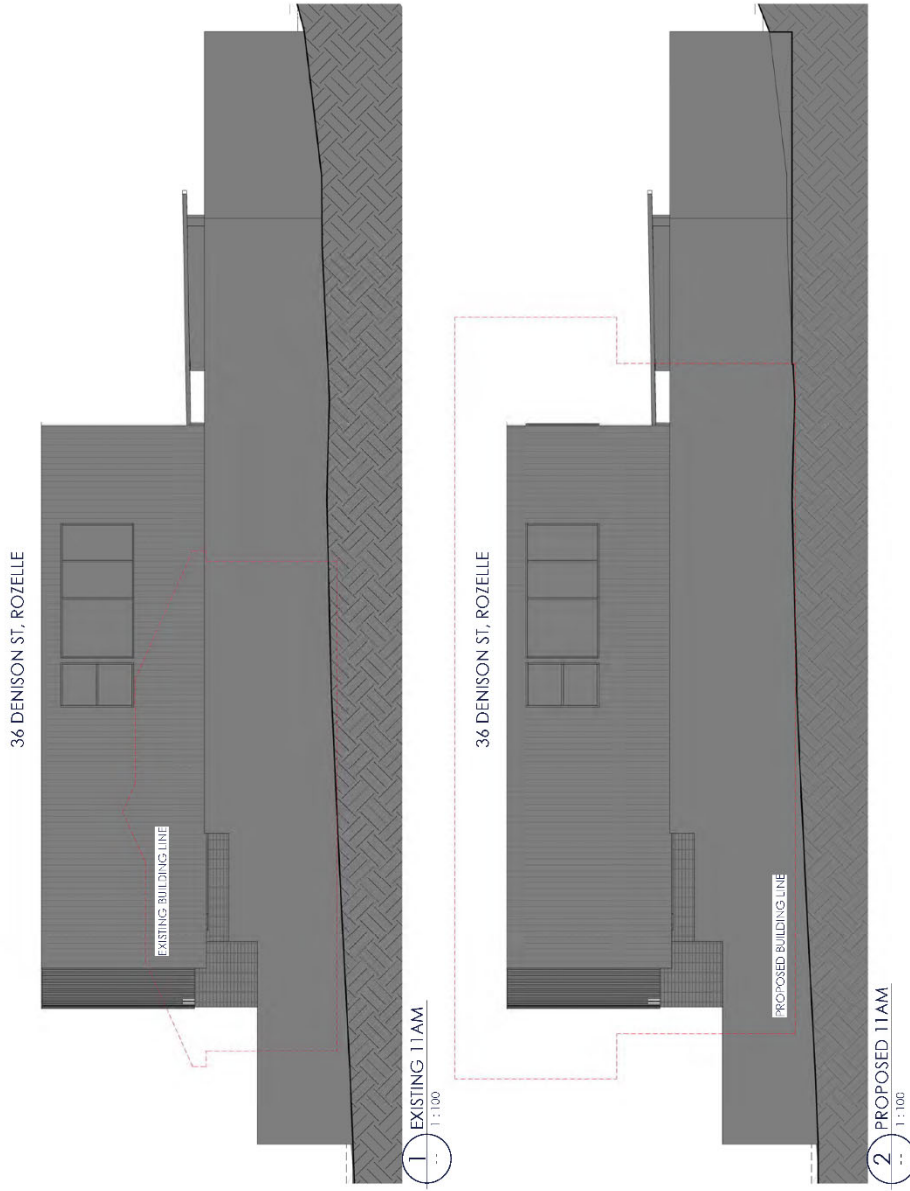
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	DATE: 21 JUNE 2019 TIME: 10:00 AM PROJECT: 21 JUNE 9AM ELEVATION SCALE: A3 1:100	SO/AF ANALYSIS	DATE: 21 JUNE 2019 TIME: 10:00 AM PROJECT: 21 JUNE 9AM ELEVATION SCALE: A3 1:100

DEVELOPMENT APPLICATION



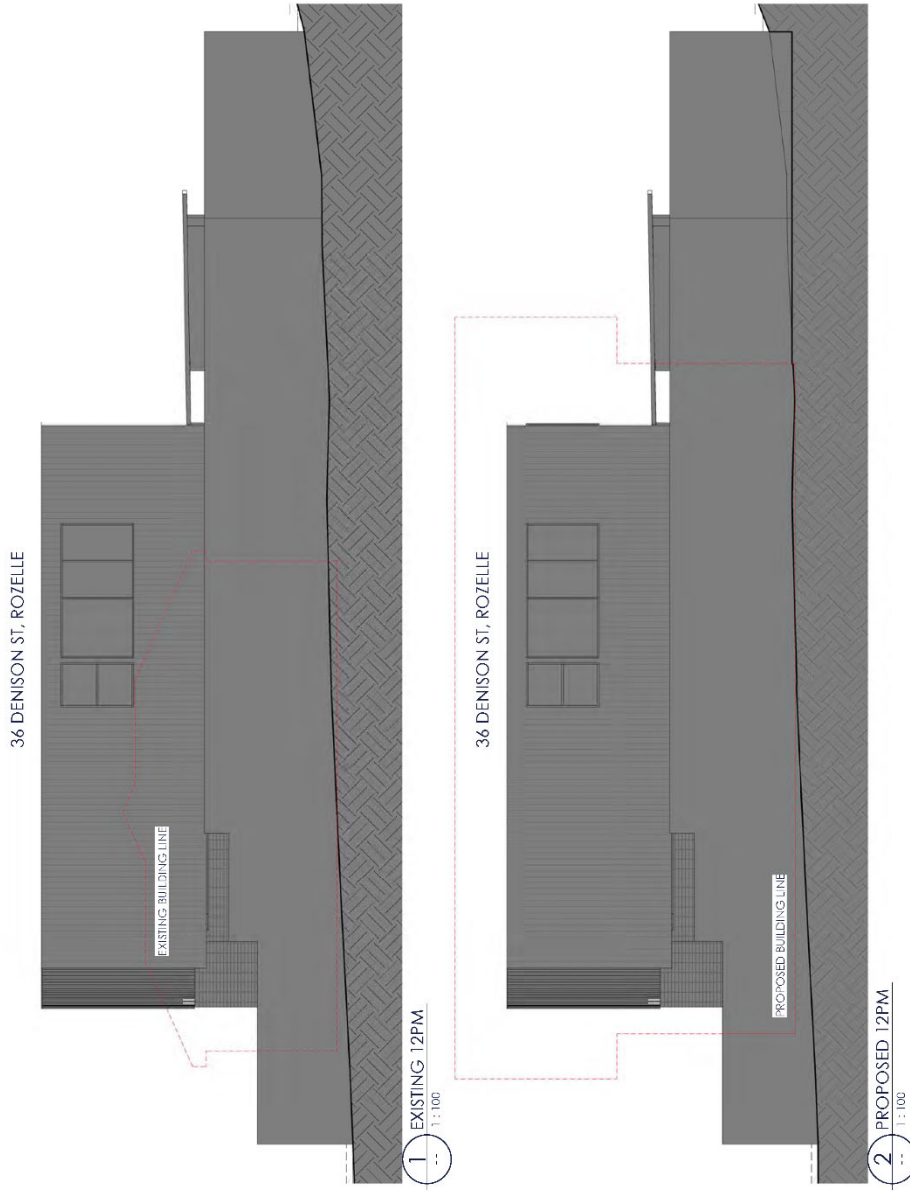
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DEVELOPMENT APPLICATION



 PINNACLE Pinnacle Group Pty Ltd 111 Macquarie Street, Sydney NSW 2000 PH: 1300 999 111	CLIENT NAME: CHARLES LAD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 36 DENISON STREET, ROZELLE, 2029	DATE: 21 JUNE 2019 DRAWN BY: JMO SCALE: 1:100	REGION: 2 DRAWING NUMBER: DA - 09.82
	SOLE AGENT: 21 JUNE 11AM ELEVATION	ARCHITECT: Pinnacle Group Pty Ltd 111 Macquarie Street, Sydney NSW 2000 PH: 1300 999 111	SCALE: 1:100

DEVELOPMENT APPLICATION



PINNACLE
 PINNACLE CONSULTANTS
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 PH: 1 800 999 111

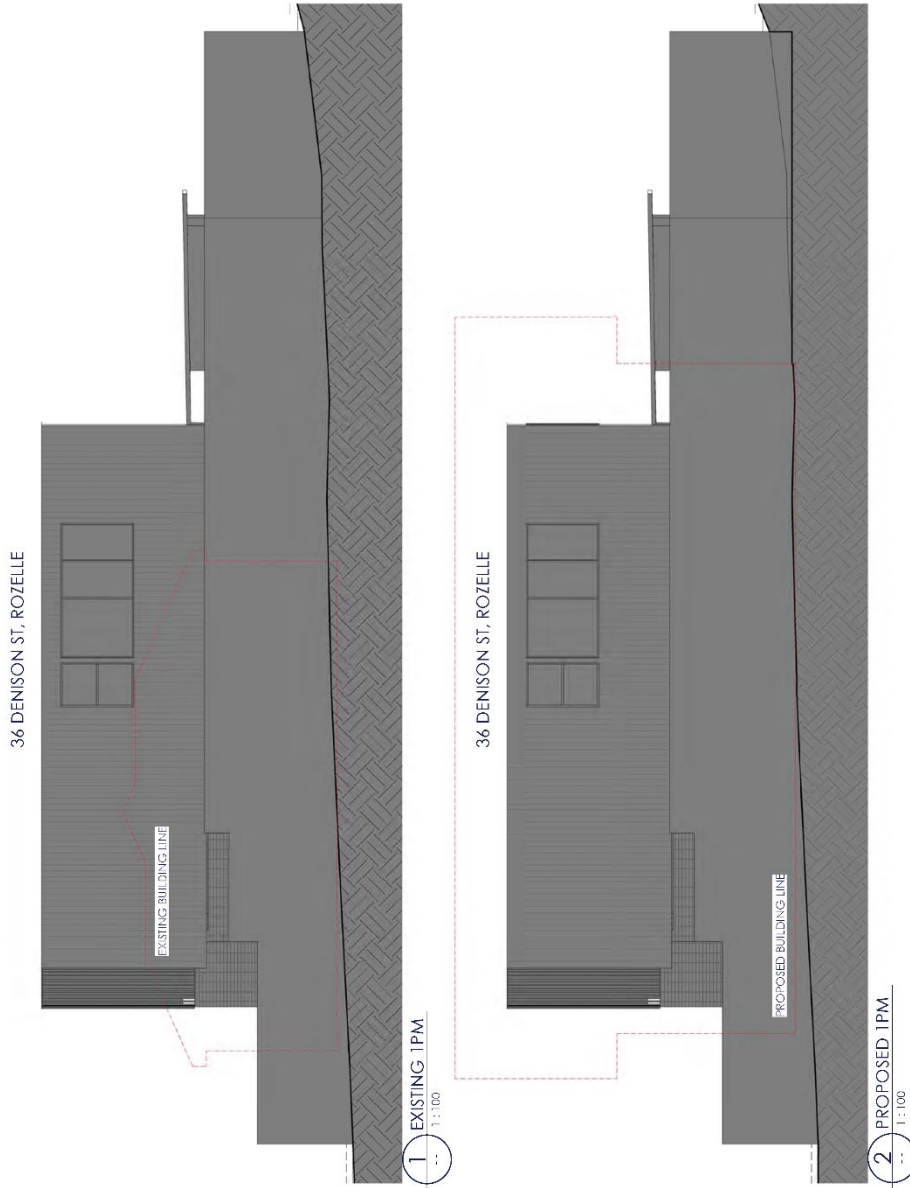
CLIENT NAME: CHARLES LAD PANE
 PROJECT NUMBER: 2029
 PROJECT TYPE: NEW DWELLING
 PROJECT ADDRESS: 36 DENISON STREET, ROZELLE, 2029

DATE: 21 JUNE 2019
 SCALE: AS SHOWN
 DRAWN BY: JMO
 CHECKED BY: JMO
 DATE: 21 JUN 2019

SCALE: 1:100

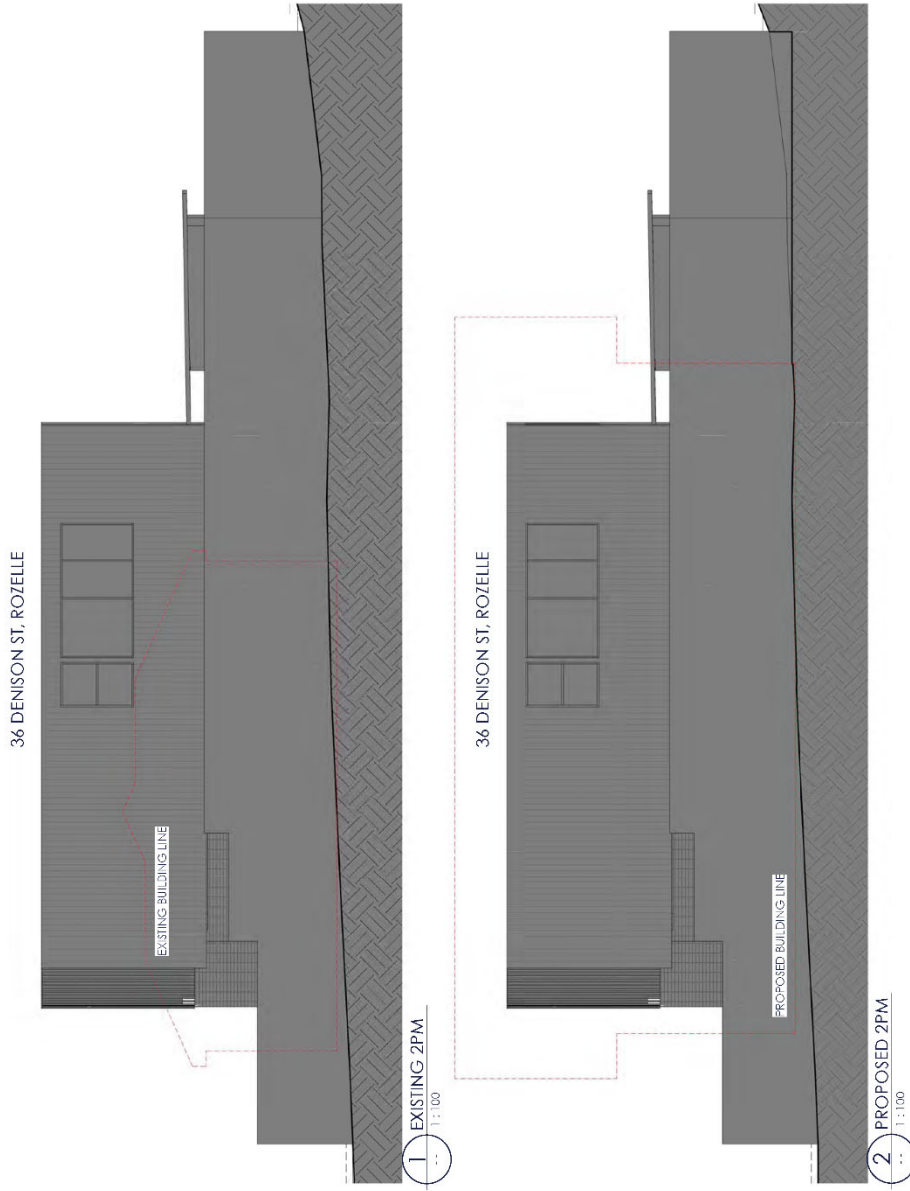
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 REVISION: 2

DEVELOPMENT APPLICATION



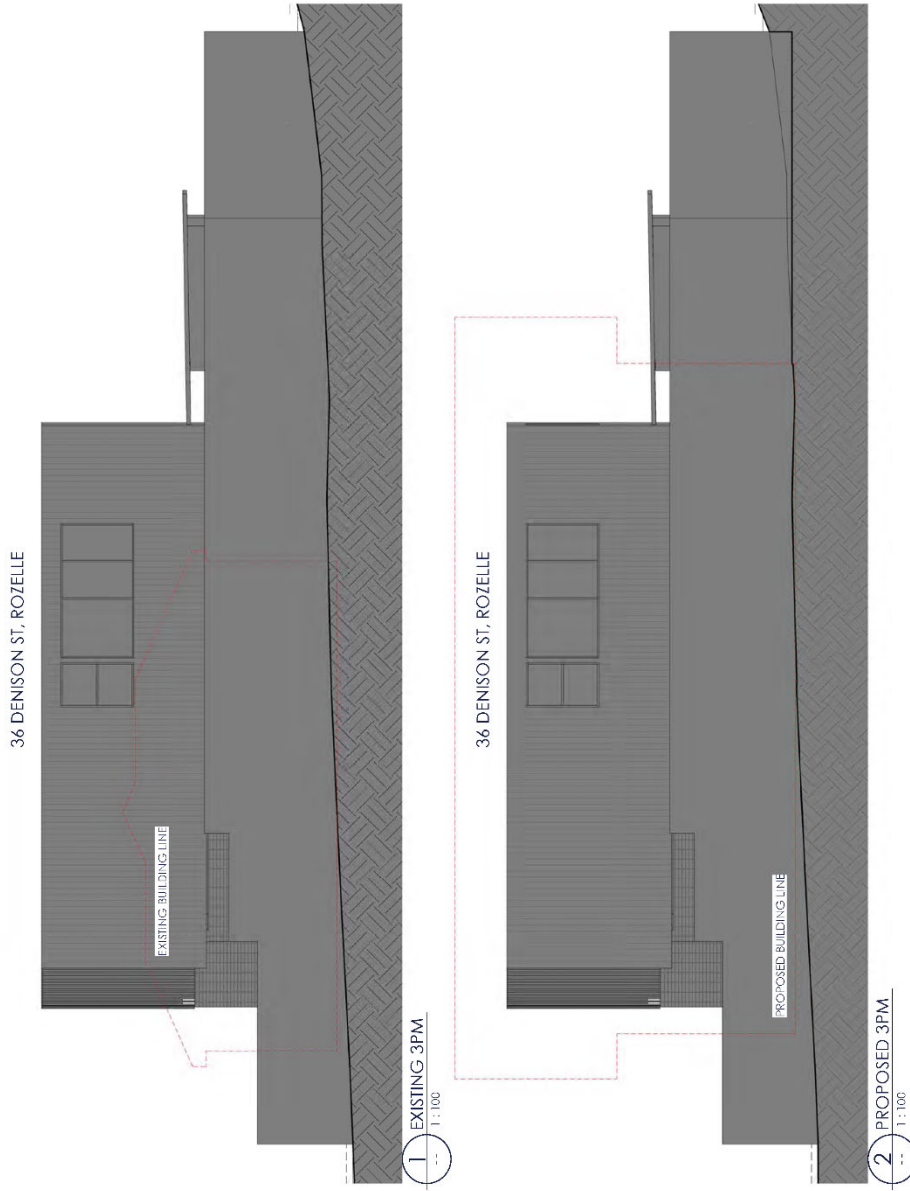
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	<p>30.04% ANALYSIS</p>	<p>21 JUNE IPM ELEVATION</p>	<p>DRAWN BY: JMO SCALE: 1:100</p>

DEVELOPMENT APPLICATION



 PINNACLE Pinnacle Group Pty Ltd 111 Macquarie Street, Sydney NSW 2000 PH: 300 999 111	CLIENT NAME: CHARLES AD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 36 DENISON STREET, ROZELLE, 2029	DATE: 21 JUNE 2018 SCALE: 1:100	REVISION: 2
	CLIENT NAME: CHARLES AD PANE PROJECT NUMBER: 2029 PROJECT TYPE: NEW DWELLING PROJECT ADDRESS: 36 DENISON STREET, ROZELLE, 2029	DATE: 21 JUNE 2018 SCALE: 1:100	DRAWING NUMBER: DA - 09.85

DEVELOPMENT APPLICATION



PINNACLE
 PINNACLE CONSULTANTS
 11/11 WILSON STREET, SUITE 101
 WILSON PROMENADE, WILSON PROMENADE
 WILSON PROMENADE, WILSON PROMENADE
 PH: 300 999 111

CLIENT NAME: CHARLES LAD PANE
 PROJECT NUMBER: 2029
 PROJECT TYPE: NEW DWELLING
 PROJECT ADDRESS: 36 DENISON STREET, ROZELLE 2029

DATE: 21 JUNE 2019

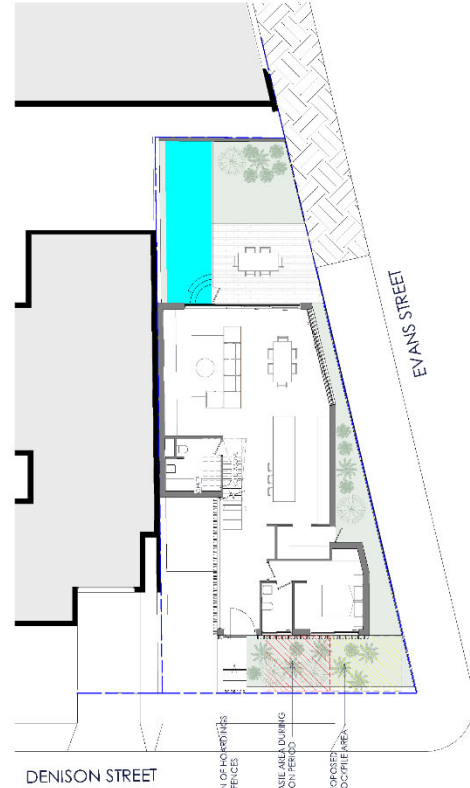
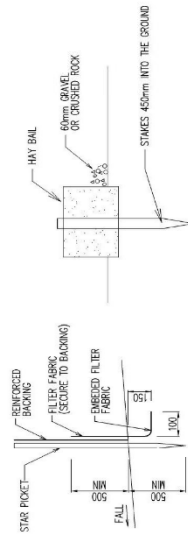
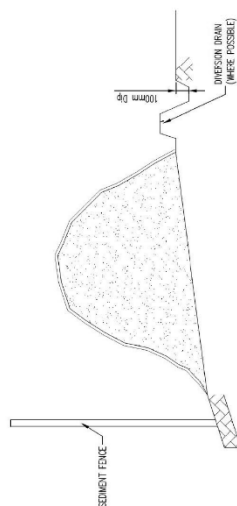
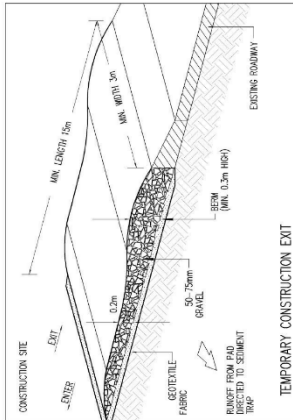
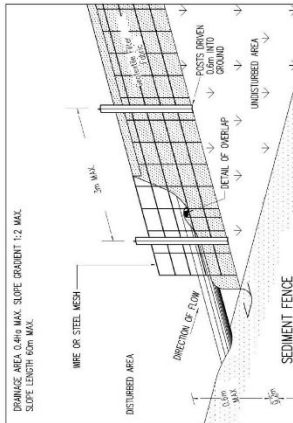
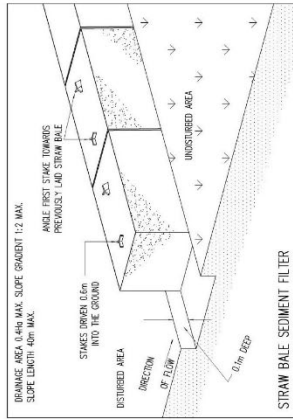
SCALE ANALYSIS
 21 JUNE 3PM ELEVATION

DATE: 21 JUNE 2019
 SCALE: 1:100

DRAWN BY: JMO
 SCALE: 1:100

DRAWING NUMBER: DA - 09.86
 REGION: 2

DEVELOPMENT APPLICATION



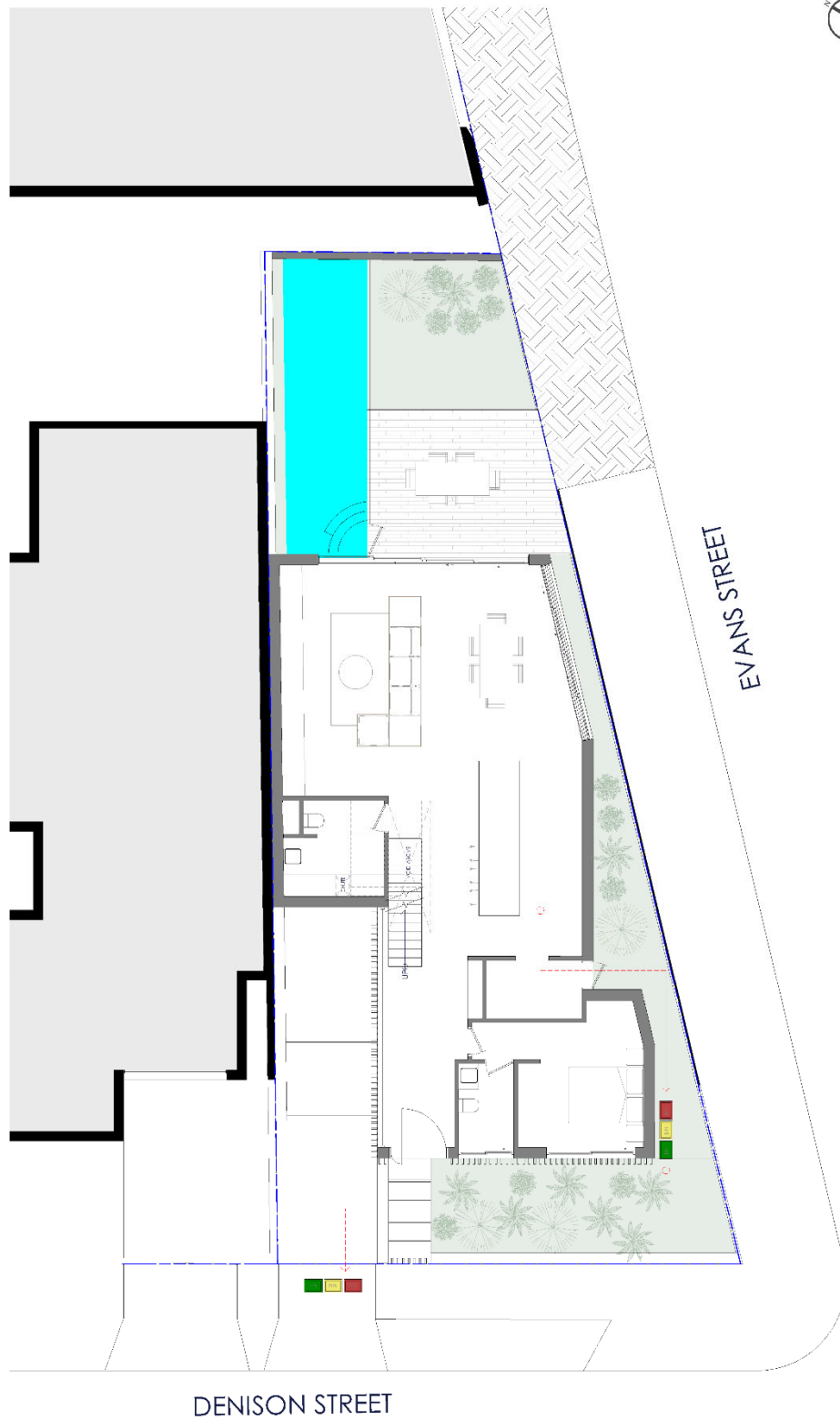
SILT FENCE DETAIL
HAY BAIL DETAIL
TO BE USED AS REQUIRED

PINNACLE
Pinnacle Civil & Environmental
111 Macaulay Street, Sydney NSW 1585
PH: 1300 699 111

CLIENT NAME: CHARELAD RANG
PROJECT NUMBER: 2029
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 DENISON STREET, DOBSON
DRAWN BY: JMO
SCALE: 1:200
DRAWING NUMBER: DA - 10.00
REVISION: 2

SEDIMENT CONTROL PLAN

DEVELOPMENT APPLICATION



REVISION
DRAWING NUMBER
DA - 10.10 2

DESIGN BY
AND
SCALE IN A3
1:100

NO.	DATE	DESCRIPTION
1	10/10/2019	ISSUED FOR PERMIT
2	10/10/2019	ISSUED FOR PERMIT
3	10/10/2019	ISSUED FOR PERMIT

SITE WORKS
WASTE MANAGEMENT PLAN

CLIENT NAME: CHARLES ADRIANE
PROJECT NUMBER: 2019
PROJECT TYPE: NEW DWELLING
PROJECT ADDRESS: 35 DENISON STREET, DOUBLE 2019

PREPARED BY: Pinnacle Group Pty Ltd
111 WILSON AVENUE, SYDNEY NSW 1570
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Attachment C- Clause 4.6 Exception to Development Standards – Site Coverage

Clause 4.6 Variation Statement
38 Denison Street, Rozelle

January 2021

CLAUSE 4.6 VARIATION STATEMENT

Variation to Clause 4.3A (3B) Landscaped Areas for Residential Accommodation
in Zone R1 under the provisions of the Leichhardt Local Environmental Plan 2013

Proposed Development: Demolition of the existing structures and construction of a two storey dwelling house with an in ground swimming pool and detached garage to the rear

At 38 Denison Street, Rozelle

January 2021

Prepared by Pinnacle Plus
(Bachelor of Urban and Regional Planning)

Clause 4.6 Variation Statement
38 Denison Street, Rozelle

January 2021

This Clause 4.6 variation request has been prepared to accompany the development application for the demolition of the existing structures and construction of a two storey dwelling house with an in-ground swimming pool and detached garage to the rear at 38 Denison Street, Rozelle.

Clause 4.6 of the Leichhardt Local *Environmental Plan 2013 (LLEP2013)* allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement from *Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734*, as revised by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 of the Leichhardt LEP states the following:

Clause 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 Planning Secretary before granting concurrence.*

Clause 4.6 Variation Statement
38 Denison Street, Rozelle

January 2021

The proposal seeks a variation to the development standard contained within Clause 4.3A (3B) of the LLEP2013. LLEP2013 stipulates a maximum site coverage of 60% for dwellings. The proposed dwelling achieves a site coverage of 64.9%, which represents a variation of 8.17%.

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

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

Assessment: Upon an assessment of the proposed design having been carried out, and taking into consideration the negligible impact on the built form, natural environment, and neighbouring properties, it is considered that strict compliance with the development standard for site coverage on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- The non-compliance with the site coverage development standard is a result of the proposed in-ground swimming pool being included within the calculations. There is no related Council planning documents which specify that a swimming pool is to be included within the site coverage for the site. Upon discussions with Council staff it became evident that Council is relying on the site coverage calculation method being used for Complying Development (under the provisions of the state legislation Exempt & Complying Development Codes (2008)). It should be noted that this particular state legislation, upon which Council relies on to calculate site coverage, is not applicable to the assessment of this application as it is neither exempt nor complying development. It should also be noted that a swimming pool is a recreation facility ancillary to a dwelling house and not a traditional above ground structure, therefore does not generate the same level of impacts an above ground structure would.
- The proposed swimming pool is wholly below ground and therefore does not have any contribution to the overall bulk and scale of the development on the site. The swimming pool also complies with all other relevant controls and standards and therefore will not generate any negative impacts on the amenity of the neighbouring properties.
- The proposed garage to the rear is elevated and has sufficient head clearance to allow for the area below the garage to be used for landscaping and recreation purposes. The garage is also single storey and of modest size and height, and will not have any negative impacts on the streetscape or the amenity of the neighbouring properties.
- The overall development, with the proposed FSR and site coverage, still remains compliant with the minimum landscaping and private open space requirements for the site. The proposed private outdoor open space area is easily accessible from the primary living spaces of the dwelling and is of high quality. The private outdoor open space area consists of a combination of decked and deep soil

area and is orientated in way to ensure it receives maximum solar access for all year around useability.

- The proposed dwelling is contained within a building envelope that is compatible with the established built form of the surrounding area. The numerical non-compliance is due to the swimming pool being included within the site coverage calculations. Most Council's do not consider swimming pools to be part of the site coverage calculations as these development types are not considered to contribute to bulk and scale.
- Should the swimming pool be excluded from the calculations then the development is below the maximum site coverage permitted for the site. It is therefore considered that the proposed development does not represent an overdevelopment of the site, or a development that is not compatible with the context in which it is located. In this regard, it is considered that the proposal would be compatible with the context of the surrounding built environment. Visual and bulk impacts have been minimised by designing the development to be well-articulated.
- The proposal complies with the objectives of the development standard and the R1 General Density Residential Zone, and therefore is considered to be in the public interest.
- The proposal provides appropriate setbacks from all boundaries, a building height appropriate for the site, provides sufficient landscaped area and private open space area, complies with the car parking and access controls, and maintains a high level of amenity for the future occupants and also for the neighbouring properties.
- The bulk and scale of the development is compatible with the desired future character of the locality.
- The proposal provides setbacks which are appropriate for the site and which are consistent with the setbacks generally found within the area, ensuring that the proposed dwelling provides a good level of building separation, access, landscaping, privacy, plus natural lighting and ventilation for both the new development and adjoining properties.
- The numerical non-compliance with the site coverage development standard does not generate any additional impacts. The proposal has been designed and sited to ensure adequate visual and acoustic privacy is maintained between the subject development and the adjoining properties. The proposal has considered the location of the works on the site, the internal layout and the building materials used. The proposed works will have appropriate setbacks thereby providing adequate separation from the adjoining properties. Windows have been appropriately sited and designed to minimise any potential overlooking. Opaque glazing has also been incorporated where appropriate. The ground floor private open space areas will be screened by fencing and landscaping to minimise potential acoustic privacy concerns. The orientation of the ground floor living and deck areas to the rear of the site ensures that there are no adverse or unreasonable visual or acoustic privacy impacts to neighbouring properties.

- As demonstrated on the accompanying shadow diagrams the subject site and adjoining properties will continue to receive more than the required hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.
- View sharing for adjoining properties is not unreasonably impacted by the proposed development, given the proposed appropriate height, and setbacks which provide adequate separation distance between the proposed development and neighbouring dwellings.

Therefore, as it has been demonstrated above, the numerical non-compliance with the site coverage development standard will not comprise on the quality of landscaping on the site or the enjoyment of the private open space area. It has been also demonstrated that the site coverage non-compliance is due to the in-ground swimming pool being included within the calculations and therefore the site density is not considered to be excessive.

Notwithstanding the numerical noncompliance with the development standard, the proposal meets the objectives of Clause 4.3A (3B) as demonstrated below:

- *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*

The development remains compliant with the minimum landscaping and private open space requirements for the site. Sufficient space is available on the site for deep soil tree planting. The proposed private outdoor open space area is easily accessible from the primary living spaces of the dwelling and is of high quality. The private outdoor open space area consists of a combination of decked and deep soil area and is orientated in way to ensure it receives maximum solar access so it can be used and enjoyed all year round.

- *to maintain and encourage a landscaped corridor between adjoining properties,*

The proposed non-compliance with the site coverage will have no negative impacts on the provision of a landscaped corridor between the adjoining properties. The dwelling is setback a reasonable distance from the rear boundary similarly to that of adjoining sites. The landscape corridor along the rear will be maintained and enhanced.

- *to ensure that development promotes the desired future character of the neighbourhood,*

The proposal has been designed for the desired future character of the locality. The architectural design of the dwelling is similar to what is immediately to the north of the subject site.

The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with a height and land use intensity compatible with both the established and emerging

development and housing typology.

The underlying purpose of this objective is to ensure that any future development is designed in a manner whereby any resulting land use intensity will appropriately respond to the zone objectives, existing and future context in a controlled manner, and is sensitively designed taking into consideration the natural characteristics of the land and relationship with surrounding development.

The proposal presents to both street frontages and adds visual interest and character to an already varied streetscape. The immediate area comprises of buildings of various architectural styles, eras and forms.

The proposed built form is in keeping with the surrounding development and this reflects compliance with the desired future character of the locality. Furthermore, the proposed site coverage numerical non-compliance will in no way hinder the development ability to remain consistent with the zoning objections which primarily call for the provision of housing within a residential environment.

- *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,*

The proposed development provides a compliant amount of deep soil landscaped area on the site which will assist in the natural management and flow of stormwater. In addition, the stormwater management system for the development will be in accordance with the BASIX requirements, the relevant Australian Standards and the requirements of Council.

- *to control site density,*

The density for the site remains compatible and below what is currently within the local area and the zone. The proposal is for a dwelling house (low density residential accommodation) within a zone which allows development types which yield greater density. The local area is characterised by dwellings, semi-detached dwellings, terraces, multi-dwelling developments and low rise residential flat buildings. The proposed dwelling house comfortably fits within the existing density of sites within the area. It should also be noted that should the swimming pool not be included within the site coverage area (a recreation facility ancillary to a dwelling house and a development type which does not contribute to site density or bulk/scale) then the overall development on the site achieves numerical compliance. Therefore, it has been demonstrated that the site coverage non-compliance is due to the in-ground swimming pool being included within the calculations and therefore the site density is not considered to be excessive.

- *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

The proposed development proposed a site coverage of 64.9% and with the maximum permitted being 60%. This objective is purely a strategic objective to set a numerical figure for the site coverage permitted for the site. The aim of the objective is to establish a maximum intensity of land use and keep site density to an acceptable level. It should be noted that the site coverage non-compliance does not result in any other non-compliances with applicable planning controls, as it occurs due to the swimming pool being included. The proposed FSR variation would have no impact with the swimming pool. The dwelling provides appropriate setbacks and building height and provides sufficient landscaping/open space areas. This suggests that the proposal is of a density which does not exceed what would be deemed as inappropriate.

The proposed site coverage is consistent with the site coverage of other properties within the street and on surrounding streets. An aerial view analysis illustrates that a number of sites have constructed to site boundary and have minimal space for private open space and landscaping. The proposal may result in a numerical non-compliance however remains compliant with the landscaping and private open space requirements.

The proposed development has been designed in a manner where reciprocal privacy benefits will continue to be enjoyed, while solar access to both the subject and neighbouring dwellings will be maintained at acceptable levels. The proposal has incorporated various design features and elements which assist in the reduction and minimisation of any adverse or unacceptable impacts on the amenity of the neighbouring properties. This includes appropriate setbacks, privacy treatments to windows, and a building height which is well below what is permitted. As demonstrated on the accompanying shadow diagrams the subject site and adjoining properties will continue to receive more than the required hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.

View sharing for adjoining properties is not unreasonably impacted by the proposed development, given the proposed compliant height, and setbacks which provide adequate separation distance between the proposed development and neighbouring dwellings.

The proposal demonstrates that the non-compliance does not contribute to an inappropriate building envelope and therefore can be supported on the site and that strict compliance with the development standard is unreasonable or unnecessary.

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

Assessment: It is considered that there are sufficient environmental planning grounds to justify varying the site coverage development standard, and these include:

- The non-compliance with the site coverage development standard is a result of the proposed in-ground swimming pool being included within the calculations. There is no related Council planning documents which specify that a swimming pool is to be included within the site coverage for the site. Upon discussions with

Council staff it became evident that Council is relying on the site coverage calculation method being used for Complying Development (under the provisions of the state legislation Exempt & Complying Development Codes (2008)). It should be noted that this particular state legislation, upon which Council relies on to calculate site coverage, is not applicable to the assessment of this application as it is neither exempt nor complying development. It should also be noted that a swimming pool is a recreation facility ancillary to a dwelling house and not a traditional above ground structure, therefore does not generate the same level of impacts an above ground structure would.

- The proposal has been designed for the desired future character of the locality. The architectural design of the dwelling is similar to what is immediately to the north of the subject site.
- The proposed swimming pool is wholly below ground and therefore does not have any contribution to the overall bulk and scale of the development on the site. The swimming pool also complies with all other relevant controls and standards and therefore will not generate any negative impacts on the amenity of the neighbouring properties.
- The proposed garage to the rear is elevated and has sufficient head clearance to allow for the area below the garage to be used for landscaping and recreation purposes. The garage is also single storey and of modest size and height, and will not have any negative impacts on the streetscape or the amenity of the neighbouring properties.
- The overall development, with the proposed FSR and site coverage, still remains compliant with the minimum landscaping and private open space requirements for the site. The proposed private outdoor open space area is easily accessible from the primary living spaces of the dwelling and is of high quality. The private outdoor open space area consists of a combination of decked and deep soil area and is orientated in way to ensure it receives maximum solar access for all year around useability.
- The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with a height and land use intensity compatible with both the established and emerging development and housing typology.
- A high level of internal amenity is afforded for the future residents as well as the adjoining residents, due to the setbacks, a building height which is similar to the height of adjoining dwellings, compliant landscaped open space and private open space, sufficient solar access, and car parking arrangements.
- The bulk and scale of the development is compatible with the desired future character of the locality, which is lower than the dwelling to the south which comprises of two storeys with a basement level.
- The proposed dwelling is contained within a building envelope that is compatible with the established built form of the surrounding area. It is therefore considered that the proposed development does not represent an overdevelopment of the

site, or a development that is not compatible with the context in which it is located. In this regard, it is considered that the proposal would be compatible with the context of the surrounding built environment. Visual and bulk impacts have been minimised by designing the development to be well-articulated and comprising of a combination of materials and colours.

- As demonstrated on the accompanying shadow diagrams the subject site and adjoining properties will continue to receive more than the required hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.
- View sharing for adjoining properties is not unreasonably impacted by the proposed development, given the proposed compliant height, and setbacks which provide adequate separation distance between the proposed development and neighbouring dwellings.
- The proposal will facilitate an ecologically sustainable development given that no negative impact on environmental and social considerations will arise. This in turn will serve to offer the ongoing sustainment of the economic health of the area. The proposed development will promote the orderly and economic use of the land by way of providing a land use intensity which consistent with that envisaged by Council and in keeping with the desired future character of the locality.
- Given the nature and character of the urban setting the proposed development is located within, no impact on threatened species or ecological communities is likely to result.
- The proposal complies with the objectives of the development standard and the R1 General Density Residential Zone, and therefore is considered to be in the public interest.

Removal of the excess site coverage will result in a recreational facility being removed from the site and will have a direct impact on the enjoyment and useability of the private open space area of the dwelling. The development is currently compliant with the landscaping requirement and provides greater than require private open space area. The non-compliance with the FSR development standard is due to the garage being included in the calculation and has not relation to the swimming pool.

It is considered that an environmental benefit has been achieved from the replacement of an existing dwelling house with poor amenity, with a dwelling that achieves high internal and external amenity without compromising the amenity of neighbouring properties. The combination of the internal and external amenity factors demonstrates that there are sufficient environmental grounds to permit the variation in this instance.

The proposal complies with the objectives of the development standard and the zone as demonstrated below. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest given it is consistent with the objectives for the development within the zone.

Based on the above points, it is considered that there are sufficient environmental

planning grounds to permit the site coverage variation in this instance.

As it has been demonstrated within this statement and the submitted architectural plans, the numerical departure from the site coverage development standard does not result in any external impacts and the level of consistency with the scale of the built form in the surrounding area confirms that the intensity of development is appropriate for the site.

Other Matters for Consideration

4(a)(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

Above in this request, it was demonstrated that the proposal is consistent with the objectives of the development standard. The proposal, inclusive of the non-compliance, is also consistent with the objectives of the R1 General Residential Zone as detailed.

The proposed dwelling is permissible in the zone and provides for the housing needs of the community in a residential environment by demolishing a dilapidated dwelling house with a dwelling which is in keeping with the existing character and adds to the interesting housing mix found in the area. It has been demonstrated above that the proposed dwelling will not detract from the quality of the streetscape but instead add visual interest.

Appropriate landscaping has been provided on the site combined with generous private open space areas for the enjoyment of the residents.

Sensitive design ensures the low density residential character of the area and amenity of the streetscape is maintained.

Due to the nature of the development, a dwelling house replacing an existing dwelling house, there will be no negative impacts on traffic generation. In addition, off-street car parking has also been proposed which will make a positive contribution to the availability of on-street parking spaces.

Due to the improved internal and external amenity and provision of private outdoor spaces, the dwelling provides the opportunity to work from home which has a good balance of indoor and outdoor spaces.

The proposed variation is therefore not considered to generate any inconsistency with the zone objectives.

Based on the above assessment, it is considered that strict compliance with the LEP site coverage standard is unreasonable and unnecessary in this instance.

***(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***

Assessment: There is no identified outcome which would be prejudicial to planning matters of State or Regional significance that would result as a consequence of varying the development standard as proposed by this application.

(b) the public benefit of maintaining the development standard

Assessment: The variation in site coverage will not present any unreasonable impacts upon adjoining development or the public domain over what would generally be considered acceptable given the characteristics of the land, the arrangement of the built form and any future relationships both existing and envisaged. Accordingly, there is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to this standard.

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

Assessment: There are not considered to be any additional matters to consider beyond those discussed above.

Conclusion

For reasons discussed above in this variation statement, it is considered that the proposed development and the extent of variation proposed is of a low and acceptable level of impact. The extent of non-compliance is a result of the proposed in-ground swimming pool being included within the calculations. There is no related Council planning documents which specify that a swimming pool is to be included within the site coverage for the site. It should also be noted that a swimming pool is a recreation facility ancillary to a dwelling house and not a traditional above ground structure, therefore does not generate the same level of impacts an above ground structure would. Should the swimming pool be excluded, the dwelling would be less than the maximum site coverage permitted for the site.

The development complies with all other relevant standards (FSR justified in separate Clause 4.6 Statement) and controls and goes above and beyond in ensuring there is a high level of amenity for both the internal occupants and surrounding properties, whilst ensuring it remains compatible with the Rozelle area, particularly the Easton Park Distinctive Neighbourhood. Based on this it is requested that Council considers the merits of this application.

Attachment D- Clause 4.6 Exception to Development Standards – Floor Space Ratio

Clause 4.6 Variation Statement
38 Denison Street, Rozelle

January 2021

CLAUSE 4.6 VARIATION STATEMENT

Variation to Clause 4.4(2B) Maximum Floor Space Ratio under the provisions of
the Leichhardt Local Environmental Plan 2013

Proposed Development: Demolition of the existing structures and construction of a two storey dwelling house with an in ground swimming pool and detached garage to the rear

At 38 Denison Street, Rozelle

January 2021

Prepared by Pinnacle Plus
(Bachelor of Urban and Regional Planning)

Clause 4.6 Variation Statement
38 Denison Street, Rozelle

January 2021

This Clause 4.6 variation request has been prepared to accompany the development application for the demolition of the existing structures and construction of a two storey dwelling house with an in-ground swimming pool and detached garage to the rear at 38 Denison Street, Rozelle.

Clause 4.6 of the Leichhardt Local *Environmental Plan 2013 (LLEP2013)* allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement from *Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734*, as revised by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 of the Leichhardt LEP states the following:

Clause 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 Planning Secretary before granting concurrence.*

The proposal seeks a variation to the development standard contained within Clause 4.4(2B) of the LLEP2013. LLEP2013 stipulates a maximum FSR of 0.80:1 for dwellings. The proposed dwelling achieves an FSR of 0.88:1, which represents a variation of 10%.

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

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

Assessment: Upon an assessment of the proposed design having been carried out, and taking into consideration the negligible impact on the built form, natural environment, and neighbouring properties, it is considered that strict compliance with the development standard for FSR on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- The proposed dwelling is contained within a building envelope that is compatible with the established built form of the surrounding area. The numerical non-compliance is due to the single garage being included within the FSR calculations. Traditionally, Council's grant exemptions for car parking areas to be excluded from the FSR calculations. The proposed garage is detached and located to the rear of the site (access is via the secondary street). The garage is of single storey height and will have no additional impacts as to what a cabana, shed or partially enclosed carport would have. Should the garage be excluded from the calculations then the development is below the maximum FSR permitted for the site. It is therefore considered that the proposed development does not represent an overdevelopment of the site, or a development with an FSR expressed as bulk and scale that is not compatible with the context in which it is located. In this regard, it is considered that the proposed FSR would be compatible with the context of the surrounding built environment. Visual and bulk impacts have been minimised by designing the development to be well-articulated.
- The proposal complies with the objectives of the development standard and the R1 General Density Residential Zone, and therefore is considered to be in the public interest.
- The proposal provides very appropriate setbacks from all boundaries, a building height appropriate for the site, provides sufficient landscaped area and private open space area, complies with the car parking and access controls, and maintains a high level of amenity for the future occupants and also for the neighbouring properties.
- The bulk and scale of the development is compatible with the desired future character of the locality.
- The proposal provides setbacks which are appropriate for the site and which are

consistent with the setbacks generally found within the area, ensuring that the proposed dwelling provides a good level of building separation, access, landscaping, privacy, plus natural lighting and ventilation for both the new development and adjoining properties.

- The proposed additional FSR does not generate any additional impacts. As discussed above, traditionally exemptions are provided for car parking spaces and the level of impacts are no different to what a cabana, shed or carport would have. The proposal has been designed and sited to ensure adequate visual and acoustic privacy is maintained between the subject development and the adjoining properties. The proposal has considered the location of the works on the site, the internal layout and the building materials used. The proposed works will have appropriate setbacks thereby providing adequate separation from the adjoining properties. Windows have been appropriately sited and designed to minimise any potential overlooking. Opaque glazing has also been incorporated where appropriate. The ground floor private open space areas will be screened by fencing and landscaping to minimise potential acoustic privacy concerns. The orientation of the ground floor living and deck areas to the rear of the site ensures that there are no adverse or unreasonable visual or acoustic privacy impacts to neighbouring properties.
- As demonstrated on the accompanying shadow diagrams the subject site and adjoining properties will continue to receive more than the required hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.
- View sharing for adjoining properties is not unreasonably impacted by the proposed development, given the proposed appropriate height, and setbacks which provide adequate separation distance between the proposed development and neighbouring dwellings.
- Removal of the excess FSR would only serve to reduce the internal amenity of the dwelling and the extent of bedroom accommodation. There are no internal amenity grounds that would determine that the additional FSR should not be granted.

Notwithstanding the numerical noncompliance with the development standard, the proposal meets the objectives of Clause 4.4 as demonstrated below:

- *to ensure residential accommodation is compatible with the desired future character of the area in relation to building bulk, form and scale, and provides a suitable balance between landscaped areas and the built form, and minimises the impact of bulk and scale of buildings*

The proposed development seeks an FSR of 0.88:1 which represents a variation of 10%, as the maximum permitted under the LEP is 0.80:1. This objective is purely a strategic objective to set a numerical figure for the FSR permitted for the site. The aim of the objective is to establish a maximum intensity of land use. It should be noted that the FSR non-compliance does not result in any other non-compliances with applicable planning controls. The non-compliance with the site coverage development standard is justified within the separate Clause 4.6 Statement. The dwelling provides appropriate setbacks and building height and provides sufficient landscaping/open space areas. This suggests

that the proposal is of a density which does not exceed what would be deemed as inappropriate.

The proposed FSR is compatible with what has been approved within the immediate area of the subject site. No. 56 Denison Street was granted development consent for the dwelling house construction which has an FSR variation of 48%, with the proposed variation being significantly less at 10%. An aerial assessment of the surrounding sites also demonstrates that many of the sites have building footprints which extend to greater than what is permitted. The local area has also undergone change in the years and with many examples of medium density developments which would yield higher floor space coverage than what is currently being proposed.

It should also be noted that the historical pattern for corner sites within this area is to construct dwellings which are slightly larger than the surrounding dwellings. The proposed dwelling retains and respects this pattern and simultaneously results in a dwelling which is site responsive and respects the surrounding development.

The proposal presents to both street frontages and adds visual interest and character to an already varied streetscape. The immediate area comprises of buildings of various architectural styles, eras and forms.

The underlying purpose of this objective is to ensure that any future development is designed in a manner whereby any resulting land use intensity will appropriately respond to the zone objectives, existing and future context in a controlled manner, and is sensitively designed taking into consideration the natural characteristics of the land and relationship with surrounding development.

The proposed built form is in keeping with the surrounding development and this reflects compliance with the desired future character of the locality. Furthermore, the proposed FSR breach will in no way hinder the development ability to remain consistent with the zoning objections which primarily call for the provision of housing within a residential environment.

The proposed development has been designed in a manner where reciprocal privacy benefits will continue to be enjoyed, while solar access to both the subject and neighbouring dwellings will be maintained at acceptable levels. The proposal has incorporated various design features and elements which assist in the reduction and minimisation of any adverse or unacceptable impacts on the amenity of the neighbouring properties. This includes appropriate setbacks, privacy treatments to windows, and a building height which is well below what is permitted. As demonstrated on the accompanying shadow diagrams the subject site and adjoining properties will continue to receive more than the required hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.

View sharing for adjoining properties is not unreasonably impacted by the proposed development, given the proposed compliant height, and setbacks which provide adequate separation distance between the proposed development and neighbouring

dwelling.

The proposal demonstrates that the FSR noncompliance does not contribute to an inappropriate building envelope and therefore the FSR can be supported on the site and that strict compliance with the development standard is unreasonable or unnecessary.

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

Assessment: It is considered that there are sufficient environmental planning grounds to justify varying the FSR development standard, and these include:

- The numerical non-compliance is due to the single garage being included within the FSR calculations. Traditionally, Council's grant exemptions for car parking areas to be excluded from the FSR calculations. The proposed garage is detached and located to the rear of the site (access is via the secondary street). The garage is of single storey height and will have no additional impacts as to what a cabana, shed or partially enclosed carport would have. Should the garage be excluded from the calculations then the development is below the maximum FSR permitted for the site. It is therefore considered that the proposed development does not represent an overdevelopment of the site, or a development with an FSR expressed as bulk and scale that is not compatible with the context in which it is located.
- The proposal has been designed for the desired future character of the locality. The architectural design of the dwelling is similar to what is immediately to the north of the subject site.
- The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with a height and land use intensity compatible with both the established and emerging development and housing typology.
- A high level of internal amenity is afforded for the future residents as well as the adjoining residents, due to the setbacks, a building height which is similar to the height of adjoining dwellings, compliant landscaped open space and private open space, sufficient solar access, and car parking arrangements.
- The bulk and scale of the development is compatible with the desired future character of the locality, which is lower than the dwelling to the south which comprises of two storeys with a basement level.
- The proposed dwelling is contained within a building envelope that is compatible with the established built form of the surrounding area. It is therefore considered that the proposed development does not represent an overdevelopment of the site, or a development with an FSR expressed as bulk and scale that is not compatible with the context in which it is located. In this regard, it is considered that the proposed FSR would be compatible with the context of the surrounding built environment. Visual and bulk impacts have been minimised by designing the

development to be well-articulated and comprising of a combination of materials and colours.

- As demonstrated on the accompanying shadow diagrams the subject site and adjoining properties will continue to receive more than the required hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.
- View sharing for adjoining properties is not unreasonably impacted by the proposed development, given the proposed compliant height, and setbacks which provide adequate separation distance between the proposed development and neighbouring dwellings.
- The proposal will facilitate an ecologically sustainable development given that no negative impact on environmental and social considerations will arise. This in turn will serve to offer the ongoing sustainment of the economic health of the area. The proposed development will promote the orderly and economic use of the land by way of providing a land use intensity which consistent with that envisaged by Council and in keeping with the desired future character of the locality.
- Given the nature and character of the urban setting the proposed development is located within, no impact on threatened species or ecological communities is likely to result.

Removal of the excess FSR would only serve to reduce the internal amenity of the dwelling and the extent of bedroom accommodation. There are no internal amenity grounds that would determine that the additional FSR should not be granted. The internal performance of the dwelling is high, reiterating that the proposal meets all DCP requirements. It is considered that an environmental benefit has been achieved from the replacement of an existing dwelling house with poor amenity, with a dwelling that achieves high internal amenity without compromising the amenity of neighbouring properties. The combination of the internal and external amenity factors demonstrates that there are sufficient environmental grounds to permit the FSR variation in this instance.

The proposal complies with the objectives of the development standard and the zone as demonstrated below. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest given it is consistent with the objectives for the development within the zone.

Based on the above points, it is considered that there are sufficient environmental planning grounds to permit the FSR variation in this instance.

- As it has been demonstrated within this statement and the submitted architectural plans, the numerical departure from the FSR development standard does not result in any external impacts and the level of consistency with the scale of the built form in the surrounding area confirms that the intensity of development is appropriate for the site.

Other Matters for Consideration

4(a)(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

Above in this request, it was demonstrated that the proposal is consistent with the objectives of the development standard. The proposal, inclusive of the non-compliance, is also consistent with the objectives of the R1 General Residential Zone as detailed.

The proposed dwelling is permissible in the zone and provides for the housing needs of the community in a residential environment by demolishing a dilapidated dwelling house with a dwelling which is in keeping with the existing character and adds to the interesting housing mix found in the area. It has been demonstrated above that the proposed dwelling will not detract from the quality of the streetscape but instead add visual interest.

Appropriate landscaping has been provided on the site combined with generous private open space areas for the enjoyment of the residents.

Sensitive design ensures the low density residential character of the area and amenity of the streetscape is maintained.

Due to the nature of the development, a dwelling house replacing an existing dwelling house, there will be no negative impacts on traffic generation. In addition, off-street car parking has also been proposed which will make a positive contribution to the availability of on-street parking spaces.

Due to the improved internal amenity and provision of private outdoor spaces, the dwelling provides the opportunity to work from home which has a good balance of indoor and outdoor spaces.

The proposed FSR variation is therefore not considered to generate any inconsistency with the zone objectives.

Based on the above assessment, it is considered that strict compliance with the LEP FSR standard is unreasonable and unnecessary in this instance.

***(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***

Assessment: There is no identified outcome which would be prejudicial to planning matters of State or Regional significance that would result as a consequence of varying the development standard as proposed by this application.

(b) the public benefit of maintaining the development standard

Assessment: The variation in FSR will not present any unreasonable impacts upon adjoining development or the public domain over what would generally be considered acceptable given the characteristics of the land, the arrangement of the built form and any future relationships both existing and envisaged. Accordingly, there is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to this standard.

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

Assessment: There are not considered to be any additional matters to consider beyond those discussed above.

Conclusion

For reasons discussed above in this variation statement, it is considered that the proposed development and the extent of variation proposed is of a low and acceptable level of impact. The extent of non-compliance is a direct result of the car parking space being included within the FSR calculation. Traditionally Council's grant exemptions for car parking spaces however as this is not the case with Inner West Council, the non-compliance has occurred. Should the car parking space be excluded, the dwelling would be less than the maximum FSR permitted for the site.

The development complies with all other relevant standards (site coverage justified in separate Clause 4.6 Statement) and controls and goes above and beyond in ensuring there is a high level of amenity for both the internal occupants and surrounding properties, whilst ensuring it remains compatible with the Rozelle area, particularly the Easton Park Distinctive Neighbourhood. Based on this it is requested that Council considers the merits of this application.