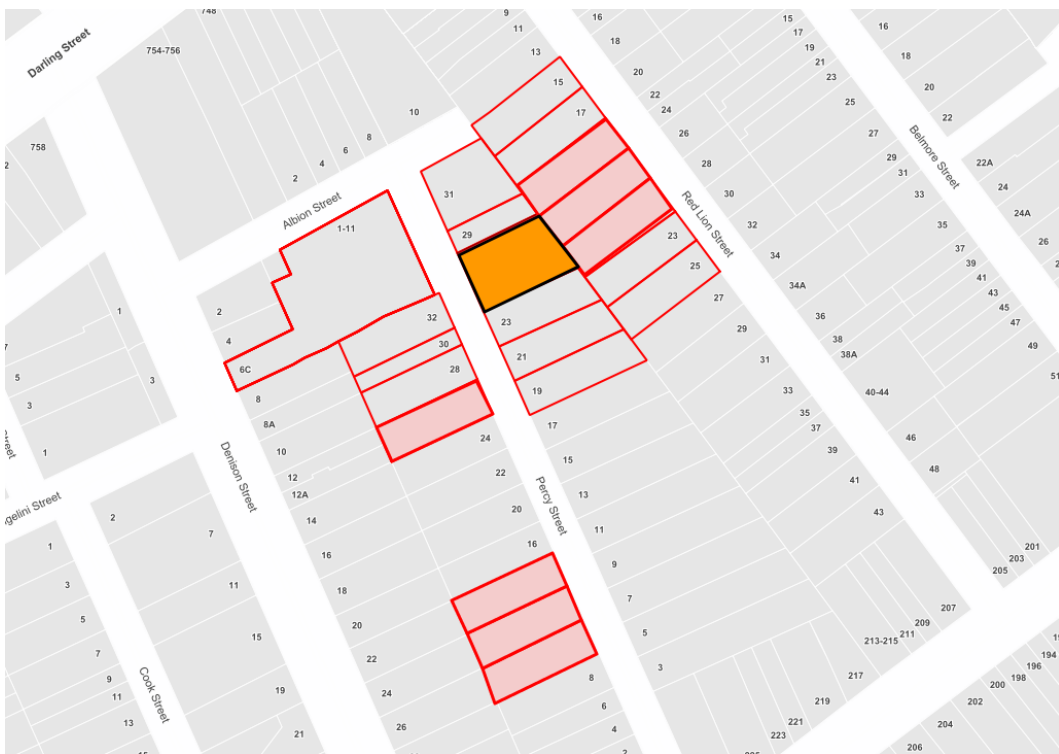


	
DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2021/0175
Address	27 Percy Street ROZELLE NSW 2039
Proposal	Torrens title subdivision into two lots
Date of Lodgement	01 April 2021
Applicant	Borak Enterprises Pty Ltd
Owner	
Number of Submissions	Initial: 7
Value of works	Nil
Reason for determination at Planning Panel	Clause 4.6 variation – Minimum Lot Size variation exceeds 10%
Main Issues	Non-compliance with Minimum Subdivision Lot Size and Site Coverage development standards
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Approved Plans – Alterations and Additions at Nos. 27 and 29 Percy Street
Attachments D & E	Clause 4.6 Exception to Development Standards
	
LOCALITY MAP	
Subject Site	  
Notified Area	

1. Executive Summary

This report is an assessment of the application submitted to Council for the Torrens title subdivision of the site into two lots at 27 Percy Street ROZELLE NSW 2039.

The application was notified to surrounding properties and 7 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Non-compliance with Minimum Subdivision Lot Size and Site Coverage development standards

The non-compliances are acceptable given that the proposal is only for the subdivision of the site and will not result in any undue adverse impacts on the amenity of the subject site and surrounding properties, and therefore, the application is recommended for approval.

2. Proposal

The application proposes Torrens title subdivision into two lots.

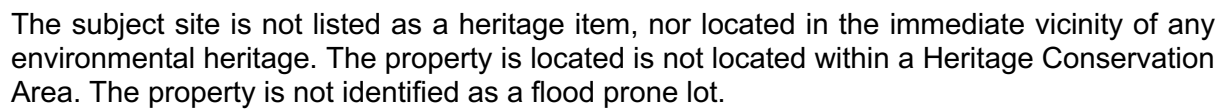
The proposal seeks to subdivide the site into two Torrens title lots:

- The lot to the north (No. 27 Percy Street) will have a frontage of 6.124m to Percy Street and will be 135.04sqm in area.
- The lot to the south (No. 25 Percy Street) will have a frontage of 9.083m to Percy Street and will be 220.30sqm.

3. Site Description

The subject site is located on the eastern side of Percy Street, between Albion & Evans Streets. The site consists of one consolidated allotment and is generally rectangular-shaped with a total area of 355.4sqm and is legally described Lot 1 DP 1119812 - 27 Percy Street ROZELLE NSW 2039.

The site currently has a frontage to Percy Street of 15.207 metres and supports an existing single storey semi-detached dwelling house paired with No. 29 Percy Street and has a largely vacant parcel of land (previously No. 25/110544) to the south of the existing semi-detached dwelling currently occupied by a shed and carport associated with the existing dwelling at No. 27 Percy Street. Surrounding land uses are predominantly single and two storey dwelling houses.



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

Application	Proposal	Decision & Date
27 Percy Street		
DA/2021/0225	Ground and first floor alterations and additions to existing semi-detached dwelling-house and associated works, including new swimming pool to rear of site	Approved 06/09/2021

Surrounding properties

Application	Proposal	Decision & Date
29 Percy Street		
DA/2021/0221	Ground and first floor alterations and additions to existing semi-detached dwelling-house and associated works, including new swimming pool at rear of site	Approved 06/09/2021
31 Percy Street		
T/2019/168	Removal of 2 Trees	Refused 17/12/2019
CDC/2005/14	Small extension to family room and a wc compartment	Approved 30/05/2005
D/2002/99	Demolition of front porch and replace with new deck and pergola covered.	Approved 16/04/2002
23 Percy Street		
CDCPMO/2019/144	Alterations and additions to existing dwelling house	Accepted 31/10/2019
CDCP/2019/70	Alterations and additions to existing dwelling house	Accepted 07/05/2019
D/2000/427	Alterations and additions to existing single storey dwelling, demolition of existing carport and creation of second carpark space	Determined 12/09/2005

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. *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

The subject site is not located within the foreshores and waterways area, nor will have any impact on the scenic qualities of Sydney Harbour

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 2.5 - Additional permitted uses for land
- Clause 2.6 - Subdivision
- Clause 4.1 - Minimum Subdivision Lot Size
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- 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 6.4 - Stormwater management

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

The site is zoned R1 under the *LLEP 2013*. The *LLEP 2013* defines the development as a semi-detached dwelling house where:

"means a dwelling that is on its own lot of land and is attached to only one other dwelling"

The development is permitted with consent within the land use table. The development is consistent with the objectives of the LR1 zone.

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

Site 1 – Existing Development at No. 27 Percy Street Post Subdivision

Standard	Proposal	non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200sqm	135.04sqm	64.96sqm or 32%	No
Floor Space Ratio Maximum permissible: 0.9:1 or 121.53sqm	0.54:1 or 73.55sqm	-	Yes
Landscape Area Minimum permissible: 15% or 20.25sqm	23.99% or 32.4sqm	-	Yes
Site Coverage Maximum permissible: 60% or 81.024sqm	62.54% or 84.45sqm	3.4sqm or 4.23%	No

Site 1 – Approved Development under DA/2021/0225 at No. 27 Percy Street Post Subdivision

Standard	Proposal	non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200sqm	135.04sqm	64.96sqm or 32%	No
Floor Space Ratio Maximum permissible: 0.9:1 or 121.53sqm	0.89:1 or 120.6 sqm	-	Yes
Landscape Area Minimum permissible: 15% or 20.25sqm	18.46% or 24.93sqm	-	Yes
Site Coverage Maximum permissible: 60% or 81.024sqm	65% or 88.25sqm	7.2sqm or 8.9%	No

Site 2: No. 25 Percy Street Post Subdivision

Standard	Proposal	non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200sqm	220.30sqm	-	Yes
Floor Space Ratio Maximum permissible: 0.8:1 or 176.24sqm	0.04:1 or 9.04sqm	-	Yes
Landscape Area Minimum permissible: 15% or 33.04sqm	28.58% or 62.96sqm	-	Yes
Site Coverage Maximum permissible: 60% or 132.18sqm	11.49% or 25.31sqm	-	Yes

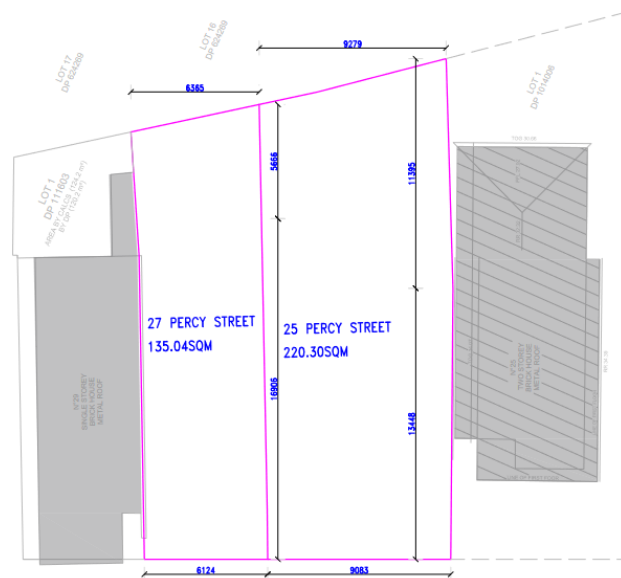
Clause 4.6 Exceptions to Development Standards

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

- Clause 4.1 - Minimum Subdivision Lot Size
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

Clause 4.1 – Minimum subdivision lot size

The applicant seeks a variation to the development standard under Clause 4.1 – Minimum Subdivision Lot Size of the *LLEP 2013* by 32% (64.96sqm) with respect to the proposed northern lot which will accommodate the existing dwelling on the site at No. 27 Percy Street.



PROPOSED PLAN OF SUBDIVISION

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 *LLEP 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *LLEP 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- The proposed development is commensurate with the density of surrounding lot sizes. Bulk and scale are preserved by following existing street patterns and frontages;
- The proposed development will not make any difference to the environmental impacts of the proposed development on the locality; and
- Proposed lot 1 (semi) is greater in size than the existing Torrens title subdivision found at 29 Percy street (pigeon pair semi). It is further noted that the site at 27 Percy street was previously a two lot Torrens title subdivision, consolidated in 2008. Due to the consolidation, the street address of 25 Percy Street is obsolete.

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

The relevant objectives of the R1 – General Residential zone as set out in the *LLEP 2013*, are outlined below:

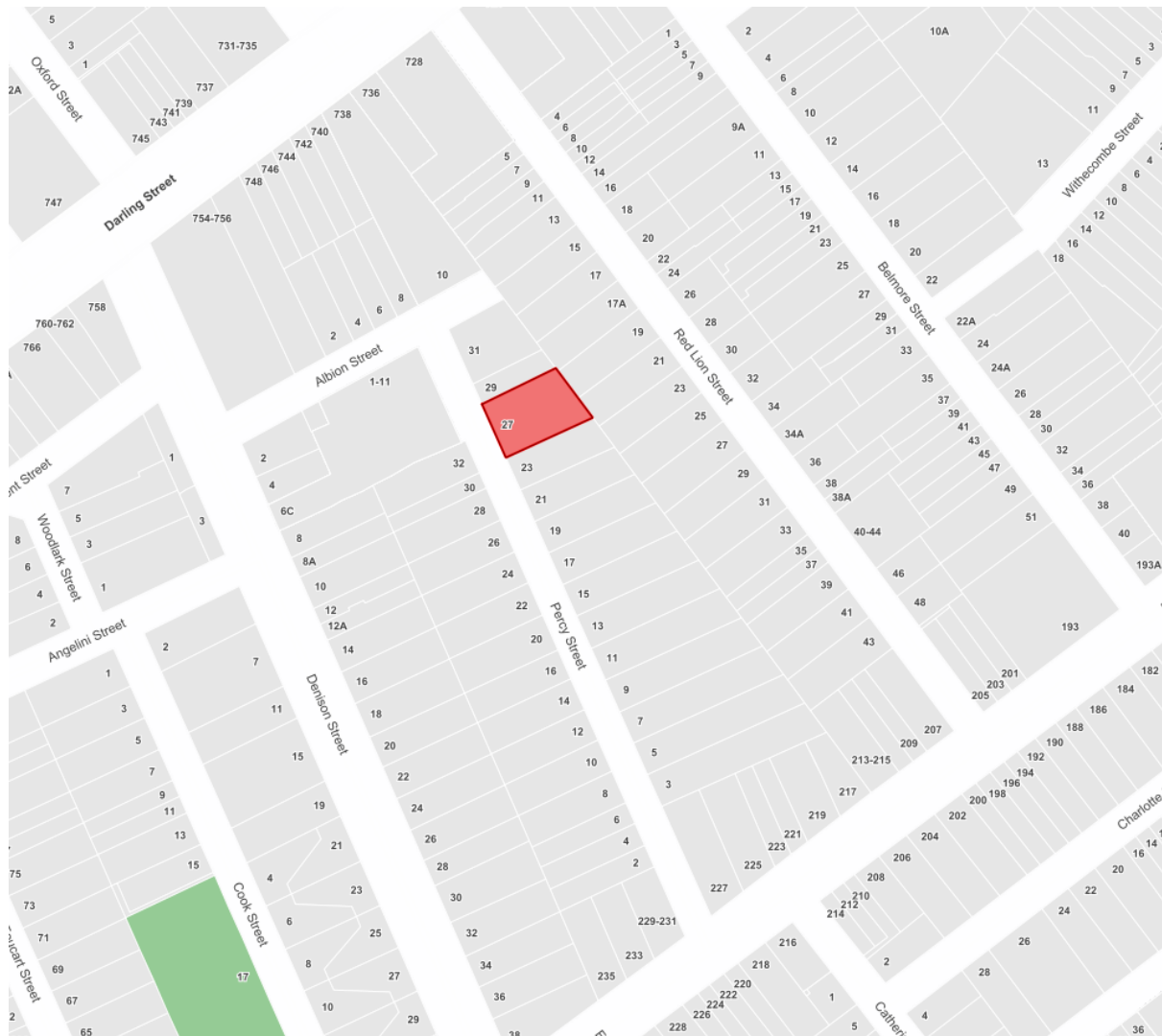
- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is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

The objectives of the Minimum Subdivision Lot Size development standard, as set out in the *LLEP 2013*, are outlined below:

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

It is considered the development is in the public interest because it is consistent with the objectives of the LR1 and the minimum lot size development standard, in accordance with Clause 4.6(4)(a)(ii) of the *LLEP 2013* for the following reasons:

- The site contains one dwelling to be retained and which is to be altered and added to under a previous consent (DA/2021/0225) with resultant improved amenity outcomes for this residence, and a largely vacant parcel of land to the south of the existing dwelling and this will not be altered by this proposal.
- The proposed subdivision will result in a development that is consistent with the housing needs of the community, and a new southern lot that will be greater than 9m in width and more than 200sqm in size, and as such, is of sufficient size and dimension to accommodate residential development / a residential dwelling that is compatible with, or capable of being compatible with, the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas;
- The new lot will be capable of supporting a range of development types that are compatible with the relevant development controls;
- The proposed subdivision will not result in any undue adverse impacts on the amenity of the subject dwelling on the site or any undue adverse amenity impacts on adjoining properties; and
- The proposed subdivision will result in lots at No. 27 Percy Street that are considered to be consistent with the widths, sizes and shapes and pattern of neighbouring lots along Percy Street and nearby Albion, Denison and Red Lion Street, which include a number of lots between approximately 6-9 metres in width and under 200sqm in area, and that are rectangular and generally rectangular in shape as proposed under this application – also see *Subdivision* assessment later in this report.



Subdivision Pattern of Percy Street and surrounds

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

Pertaining to the new northern lot that accommodates the existing dwelling-house, the applicant also seeks a variation to the Site Coverage development standard under Clause 4.3A (3)(b) of the *LLEP 2013* by or 3.4sqm or 4.23% (existing) and 7.2sqm or 8.9% (approved).

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *LLEP 2013* justifying the proposed contravention of the Site Coverage development standard which is summarised as follows:

- The proposed development is commensurate with the density of surrounding developments, including developments with a Site Coverage that exceeds the Site Coverage development standard;
- The proposal does not cause unacceptable streetscape or amenity related impacts and the proposal is consistent with the objectives of the Clause 4.3A provisions; and
- The proposed development may therefore be approved notwithstanding the proposed non-compliance.

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

The relevant objectives of the R1 – General Residential zone are outlined in the section above assessing the proposed breach of the minimum lot size development standard.

The objectives of the Site Coverage development standard, as set out in the *LLEP 2013*, are outlined below:

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 General Residential Zone in accordance with Clause 4.6(4)(a)(ii) of the *LLEP 2013* as noted in the Table above.

It is also considered the development is in the public interest because it is consistent with the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the *LLEP 2013* for the following reasons:

- The proposed Site Coverage non-compliance only pertains to the existing dwelling-house on the new northern lot, and the level of Site Coverage and will still allow for substantial tree planting, landscaped corridors between adjoining properties and adequate private open space provision on each newly created lot, including post construction of the alterations and additions to the existing dwelling-house on the northern lot under DA/2021/0225, and hence, will provide a suitable balance between Landscaped Areas / open space and the built form having regard to the existing provision of the standards;
- The level of Site Coverage non-compliances pre and post construction of the alterations and additions to the existing dwelling-house on the northern lot will be compatible with other development in the street and immediate neighbouring streets;
- Both lots comply with the Landscaped Area development standard, including pre and post construction of the alterations and additions to the existing dwelling-house on the northern lot, and will / will be capable of encouraging 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 approved and proposed development will be compatible with surrounding development and the desired future character; and
- The non-compliance does not result in any undue adverse amenity impacts to the surrounding properties.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Leichhardt Local Environment Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Minimum Subdivision

Lot Size and Site Coverage development standards and it is recommended the Clause 4.6 exceptions be granted in this instance.

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 proposal raises no issues that will be contrary to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013 (LDCP2013).

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.6 Subdivision	Yes – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes – see discussion
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
C2.2.5.1 Easton Park Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes

Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes – see discussion
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes

The following provides discussion of the relevant issues:

C1.6 Subdivision

This section of the LDCP2013 outlines the objectives and controls for the subdivision of any parcel of land.

The proposed subdivision of the site results in two lots with site areas of 135.04sqm for Lot 1 No. 27 Percy Street and 220.30sqm for Lot 2 25 Percy Street. As such, proposed Lot 1 will not comply with the minimum lot size requirements which states that the minimum lot size for dwellings is 200sqm.

The following highlights lots under 200sqm on Percy Street and surrounding streets:

Address	Lot Size (approx.)	Address	Lot Size (approx.)
Percy Street		Albion Street	
2 Percy Street	174sqm	4 Albion Street	164sqm
4 Percy Street	174sqm	6 Albion Street	171sqm
6 Percy Street	163sqm	8 Albion Street	164sqm
29 Percy Street	125sqm		
30 Percy Street	118sqm		
Denison Street		Red Lion Street	
2 Denison	188sqm	4 Red Lion	94sqm
4 Denison	142sqm	5 Red Lion	119sqm
8a Denison	155sqm	6 Red Lion	75sqm
12 Denison	121sqm	7 Red Lion	125sqm
12a Denison	130sqm	8 Red Lion	79sqm
21 Denison	177sqm	9 Red Lion	121sqm
23 Denison	173sqm	10 Red Lion	74sqm
25 Denison	166sqm	11 Red Lion	140sqm
27 Denison	171sqm	12 Red Lion	80sqm
29 Denison	168sqm	18 Red Lion	132sqm

40 Denison	154sqm	20 Red Lion	134sqm
42 Denison	126sqm	22 Red Lion	112sqm
		24 Red Lion	114sqm
		26 Red Lion	131sqm
		28 Red Lion	124sqm
		30 Red Lion	129sqm
		32 Red Lion	130sqm
		34 Red Lion	178sqm
		35 Red Lion	125sqm
		36 Red Lion	136sqm
		37 Red Lion	123sqm
		38 Red Lion	100sqm
		38a Red Lion	103sqm
		46 Red Lion	134sqm
		48 Red Lion	142sqm

Given the unique circumstance where there is already an existing dwelling at Lot 1 (No. 27 Percy Street) and a largely vacant lot at proposed Lot 2 (No. 25 Percy Street), and this lot was previously subdivided and later consolidated, it is considered that the proposed subdivision when compared with other lots on the subject and neighbouring streets will not result in adverse impacts on the streetscape or surrounding properties and that the proposal generally complies with the objectives of this part due to the following reasons:

- In this instance, for the purposes of any determination, the sites will remain as existing or approved, including the semi-detached dwelling house located and adjacent largely vacant land on this site, the creation of the proposed subdivision lots will not result in a development that is incompatible with the surrounding area and any future development on the largely vacant lot (No. 25 Percy Street) will be required to be assessed against the relevant planning instruments that apply to the site, whether that be as a Development Application or Complying Development Certificate.
- Despite the non-compliance of the minimal lot size requirement, the proposal will comply with the Floor Space Ratio and Landscaped area development standards and allows for a residential development that is consistent with the applicable objectives and controls within Leichhardt DCP 2013. It is noted that both the existing dwelling and approved dwellings at No. 27 Percy Street will result in minor non-compliances to the Site Coverage Development Standard and the approved non-compliance have been justified through the submission of relevant Clause 4.6 as detailed above.
- As demonstrated above the proposed lot sizes of No. 27 Percy Street (135sqm) and No. 25 Percy Street (220.30sqm) are consistent with the surrounding prevailing subdivision pattern and pattern of development;
- The proposed subdivision will provide adequate amenity to the associated with the existing and approved dwelling house at No. 27 Percy Street.
- The newly created southern lot to be known as No. 25 Percy Street will be greater than 200sqm, and as such, is of sufficient size and dimension to accommodate a future residential development that complies with Council controls

Control C11 states that:

Where the subdivision will result in either a vacant site or demolition of an existing building, the application must also include a development application for a new dwelling/s.

The site supports an existing single storey semi-detached dwelling house and has a largely vacant parcel of land (previously No. 25/110544) to the south of the existing semi-detached dwelling.

The proposal is purely for subdivision, and therefore, the proposal does not result in the demolition of an existing building, and as previously established, the new created lot is considered to be of an adequate width, size and shape to accommodate a new dwelling that will be compatible with surrounding development of adequate amenity and that can meet Council's development controls, and as such, a Development Application for a new dwelling is not deemed to be required in this instance.

C1.11 Parking

This section of the LDCP2013 outlines the objectives and controls having regard to parking to help effectively manage the parking demands on the locality.

It is noted that a number of submissions have been received regarding concerns over parking and the potential impacts to the provision of on-street and off-street parking that subject subdivision application and a potential future development on the vacant site will have on Percy Street.

Control C1.11.1 of LDCP2013 provides the General Vehicle Parking Rates for a Single dwelling house as follows:

Parking Rates				
Land Use	Residents		Visitors	
	Minimum	Maximum	Minimum	Maximum
Residential				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil

The following specifies the proposed parking provision for each lot:

Lot 1 (27 Percy Street)	Lot 2 (25 Percy Street)
Nil Spaces	2 spaces (hardstand)

As shown above, No. 27 Percy Street will comply with the minimum parking requirements.

The newly created southern lot to be known as No. 25 Percy Street will retain 2 parking spaces on site which are will no longer be associated with the existing dwelling house. Notwithstanding the above, it is anticipated that a future application will be lodged at the newly created southern lot. It should be acknowledged that a Development Application or a Complying Development Certificate could be lodged.

Any future Development Application will be assessed against the relevant planning instruments, including inter-alia with respect to the Landscaping controls of the *LLEP 2013* and the Car Parking and Front Gardens and Dwelling Entries controls of the Leichhardt DCP 2013. It is noted however that the newly created southern lot is of adequate width to accommodate a dwelling with car parking that can meet the relevant development controls of the *LLEP2013* and LDCP 2013.

Under a Complying Development Certificate (CDC), at least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided associated with a new dwelling-house. It is noted that under a CDC, all off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking.

Residential Parking Scheme

The Leichhardt Council Resident Parking Scheme stipulates criteria for consideration of an area for a Residential Parking Scheme.

Point i) states that:

i) Dual occupancies, multi dwelling housing and residential flat buildings, subdivisions into two or more lots and the strata subdivision of residential flat buildings, approved after January 2001 are not allowed to participate in a RPS as off-street parking should be provided in accordance with Council's DCP - Parking.

As such, if approved, both lots will not be able to seek new on-street parking permits from Council in accordance with the Residential Parking Scheme, and as such, would not place additional parking stress on Percy Street. It is noted that any future dwelling would likely retain an on-street parking space if proposed via the Development Application process, or would need to provide parking if proposed as part of a CDC. The foremost option would result in the same amount of on-street parking availability and the latter would provide an additional on-street space in lieu of the driveway crossover.

Given the above, the proposed subdivision is considered satisfactory having regard to parking.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

7 submissions were received in response to the initial notification.

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

- Parking – see Section 5(d)

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

Potential Development on the vacant site – Privacy and views to skyline

"I object to this proposal for submission based upon concern for future loss of privacy (my top floor and main living space balconies), and density impacts as a result of a potential 3rd property being approved"

Comment

The submitted application does not involve the construction of a development on the newly created southern lot. Any future development will be required to be assessed against the relevant planning instruments and applicable development standards, objectives and controls. If lodged as a Development Application, surrounding neighbours will be given an opportunity to make a submission on any proposed development occurring on the site in accordance with Councils Community Engagement Framework. If a future development is pursued as a CDC, the proposal will be required to meet and satisfy the relevant development standards and setback criteria of a CDC.

Potential Development on the vacant site – Views to skyline

“the skyline from the back of my house and my neighbours will be affected by the plans for 27 and 29 Percy Street already and having ever more density in dwellings will have an immediate impact on views and privacy.”

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals**6(a) Internal**

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

- Engineers

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,000.00 would be required for the development under Leichhardt Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.1 - Minimum Lot Size under *Leichhardt Local Environmental Plan*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. The applicant has made a written request pursuant to Clause 4.3A(3)(b) - Site Coverage under *Leichhardt Local Environmental Plan*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- C. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0175 for Torrens title subdivision into two lots at 27 Percy Street ROZELLE subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Issue 2	Plan of Subdivision	04/03/21	Design by Anastasia & Nikolina
Issue 2	Plan of Services	04/03/21	Design by Anastasia & Nikolina
263-20SP Revision B	Detailed Survey	18/02/2021	D & C Surveying P/L

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

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

3. Long Service Levy

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

4. Section 7.11 (Former Section 94) Contribution

Prior to commencing works or issue of a Subdivision Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution of \$20,000.00 in accordance with the Leichhardt Developer Contributions Plan.

The above contribution is the contribution applicable as at 09/11/2021.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$17,328.87
Community Facilities and Services	\$2,648.35
Bicycle Works	\$22.78
TOTAL	\$20,000.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

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.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

GENERAL CONDITIONS

5. Works Outside the Property Boundary

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

6. Standard Street Tree Protection

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

7. Erosion and Sediment Control

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

8. Waste Management Plan

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

9. Stormwater Drainage System – Simple

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.

10. 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.

11. Construction Fencing

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

12. Advising Neighbours Prior to Excavation

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

13. Dilapidation Report – Pre-Development – Minor

Prior to commencement of any work, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

14. 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.

DURING DEMOLITION AND CONSTRUCTION**15. 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.

PRIOR TO SUBDIVISION CERTIFICATE**16. Separate Drainage Systems**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

17. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

18. Separate Stormwater

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

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.

Prescribed Conditions

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

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.

Useful Contacts

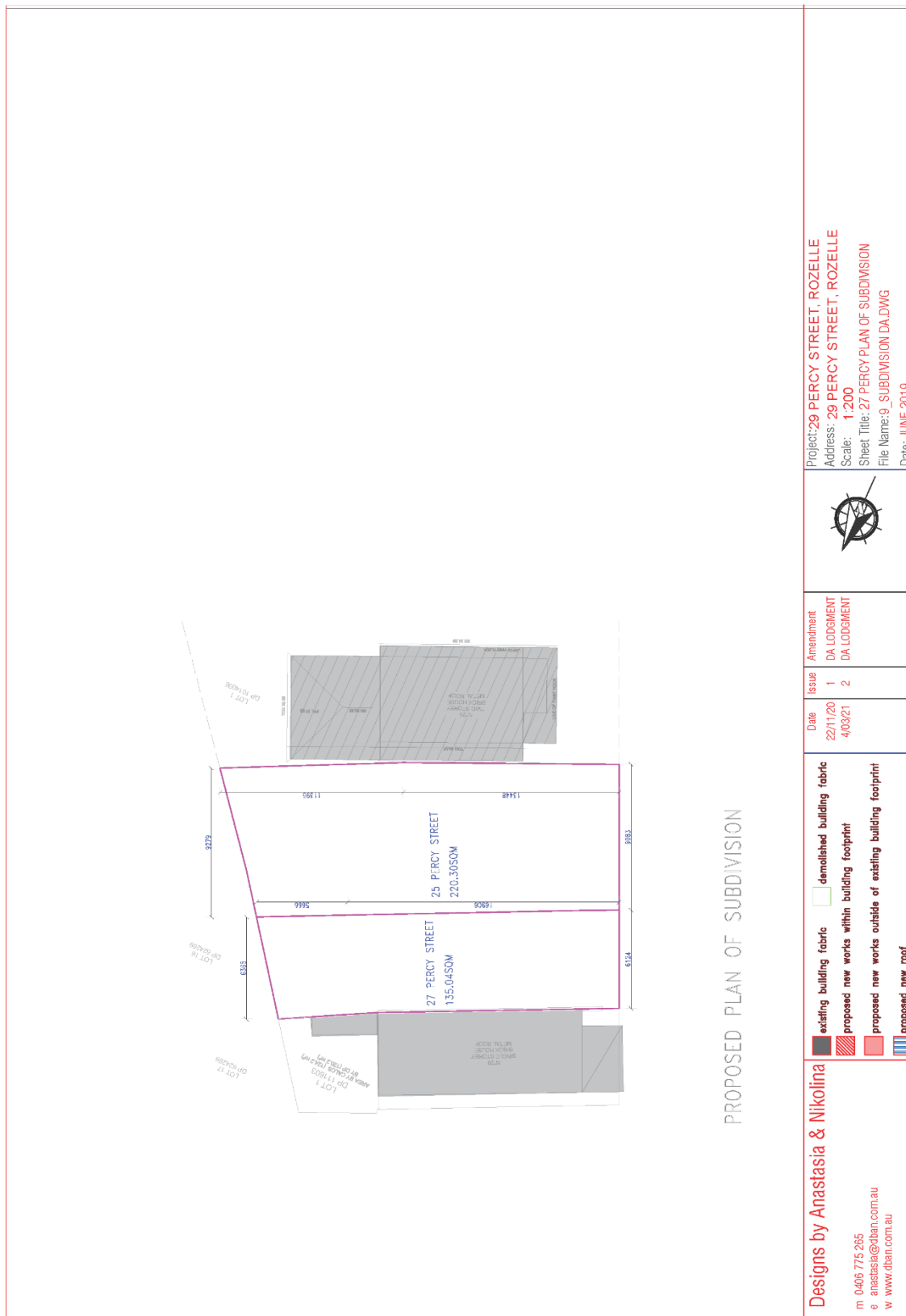
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au

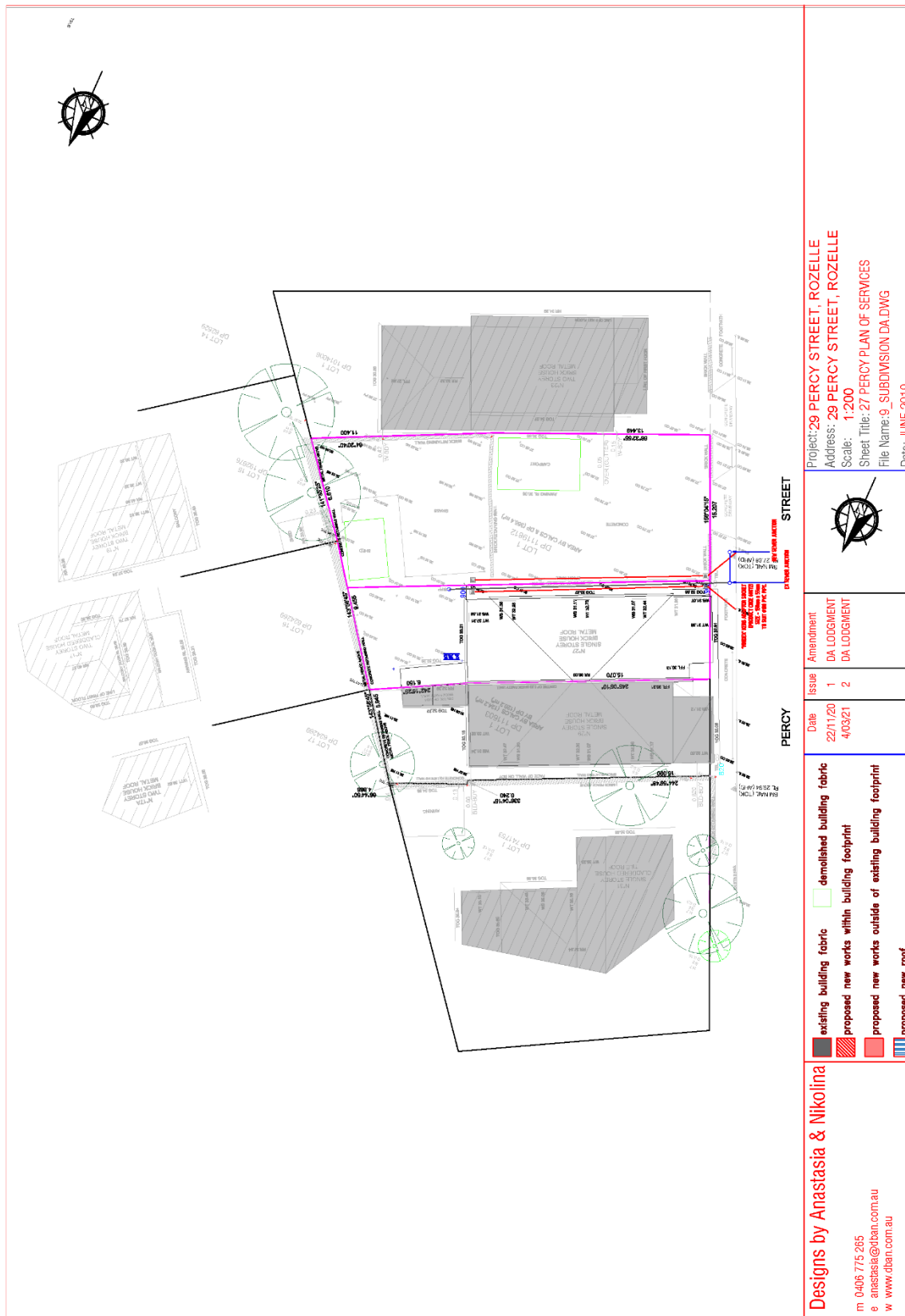
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	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.

Street Numbering

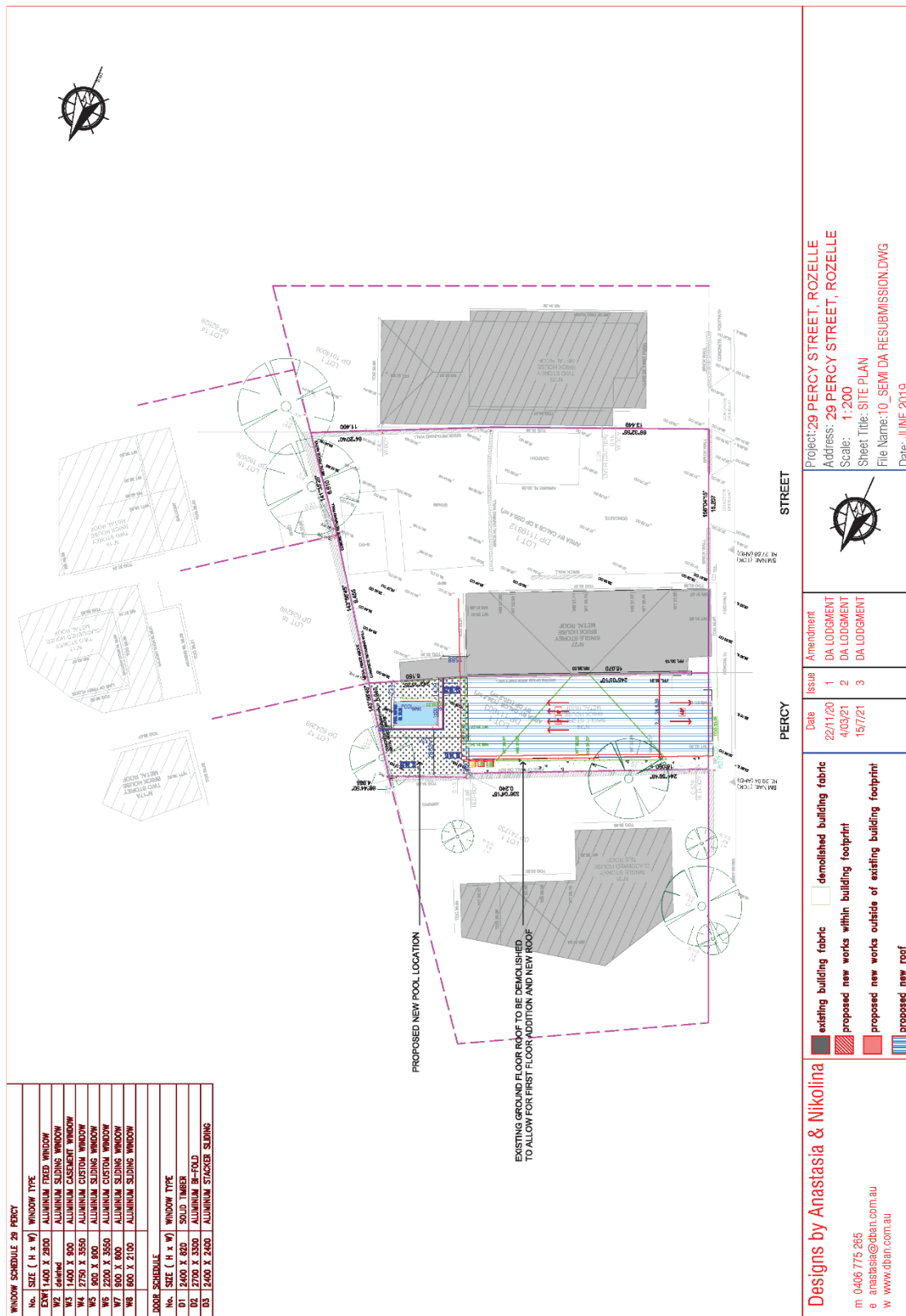
If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Attachment B – Plans of proposed development

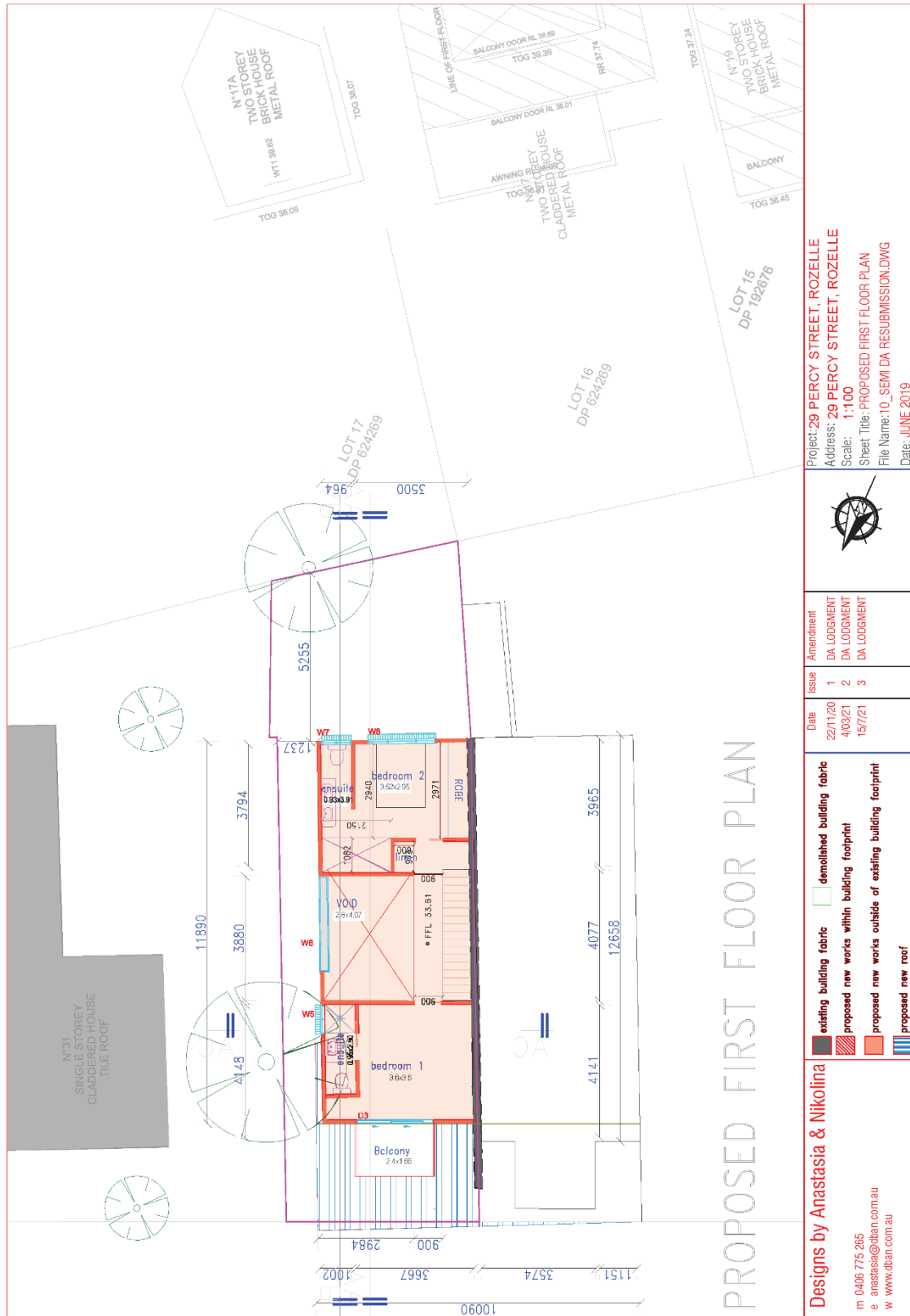




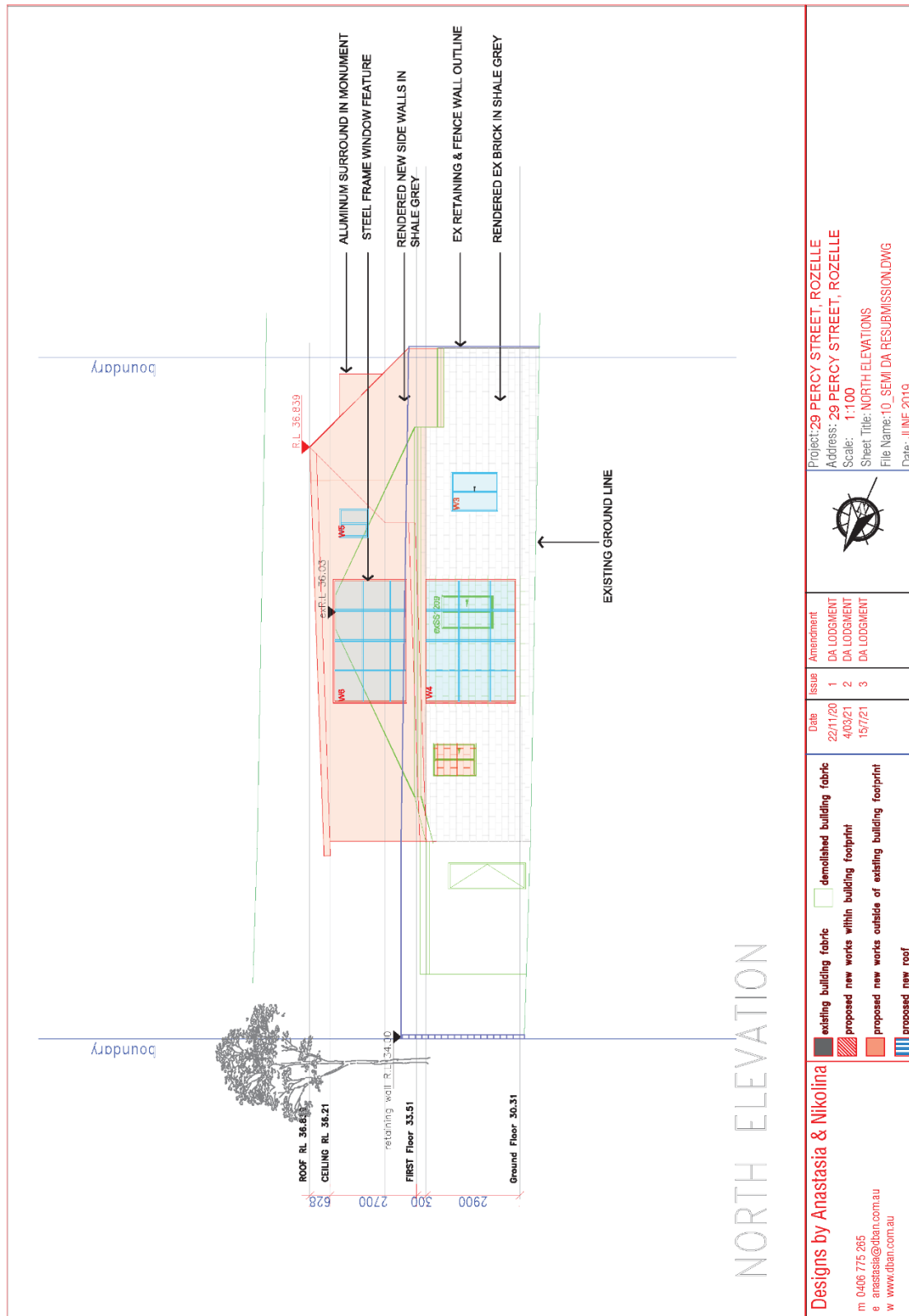
Attachment C – Approved Plans – Alterations and Additions at Nos. 27 and 29 Percy Street Rozelle

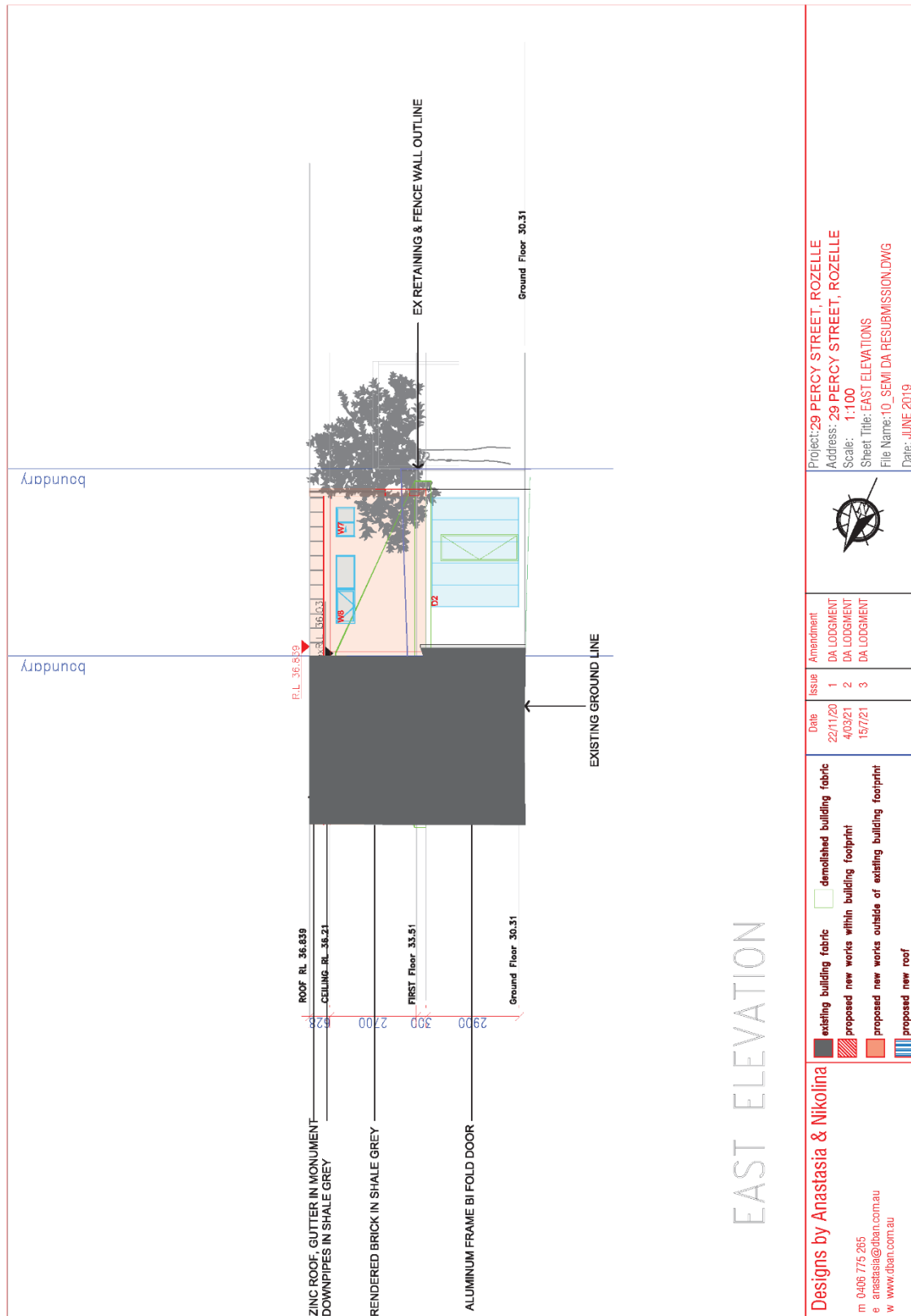


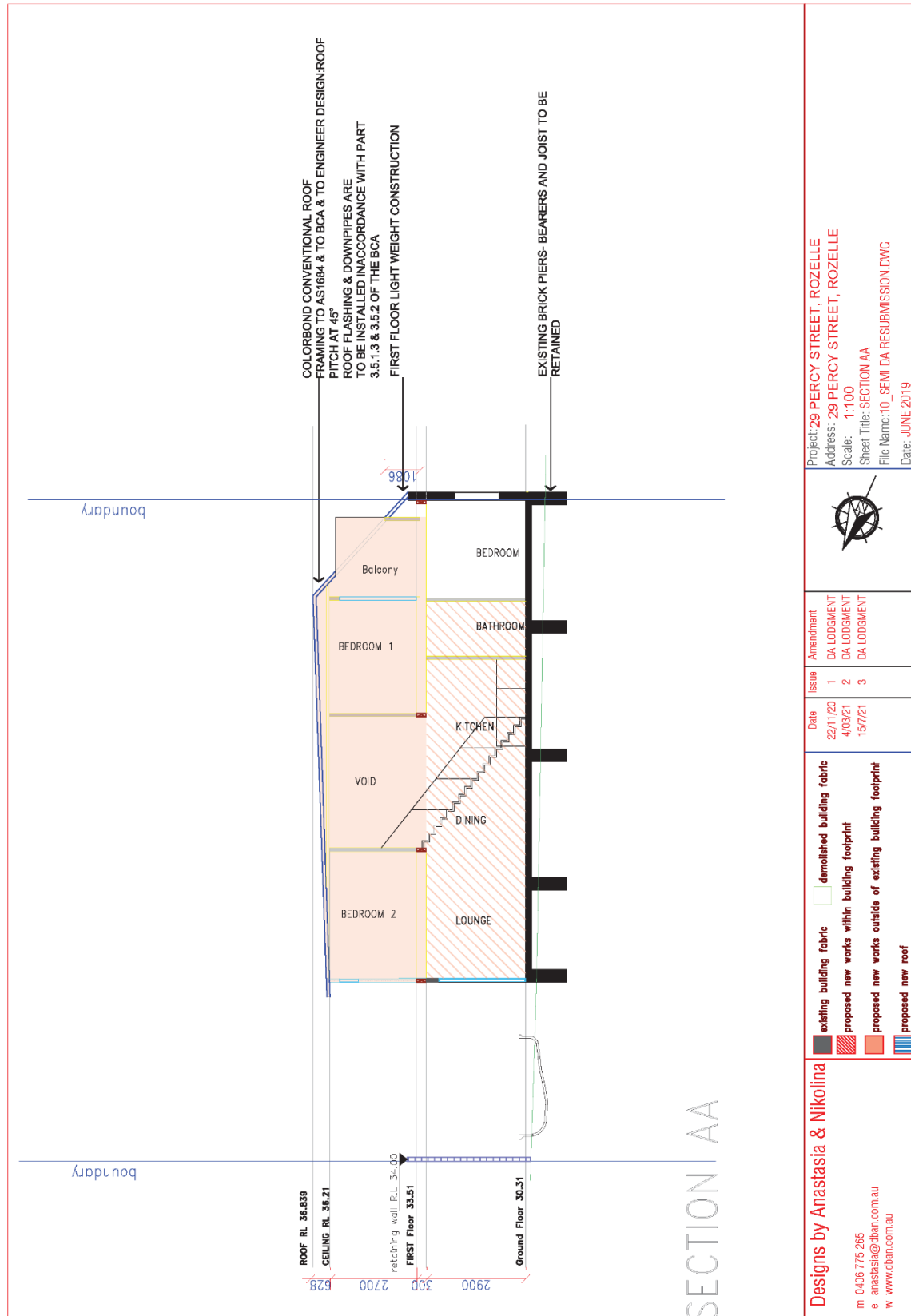


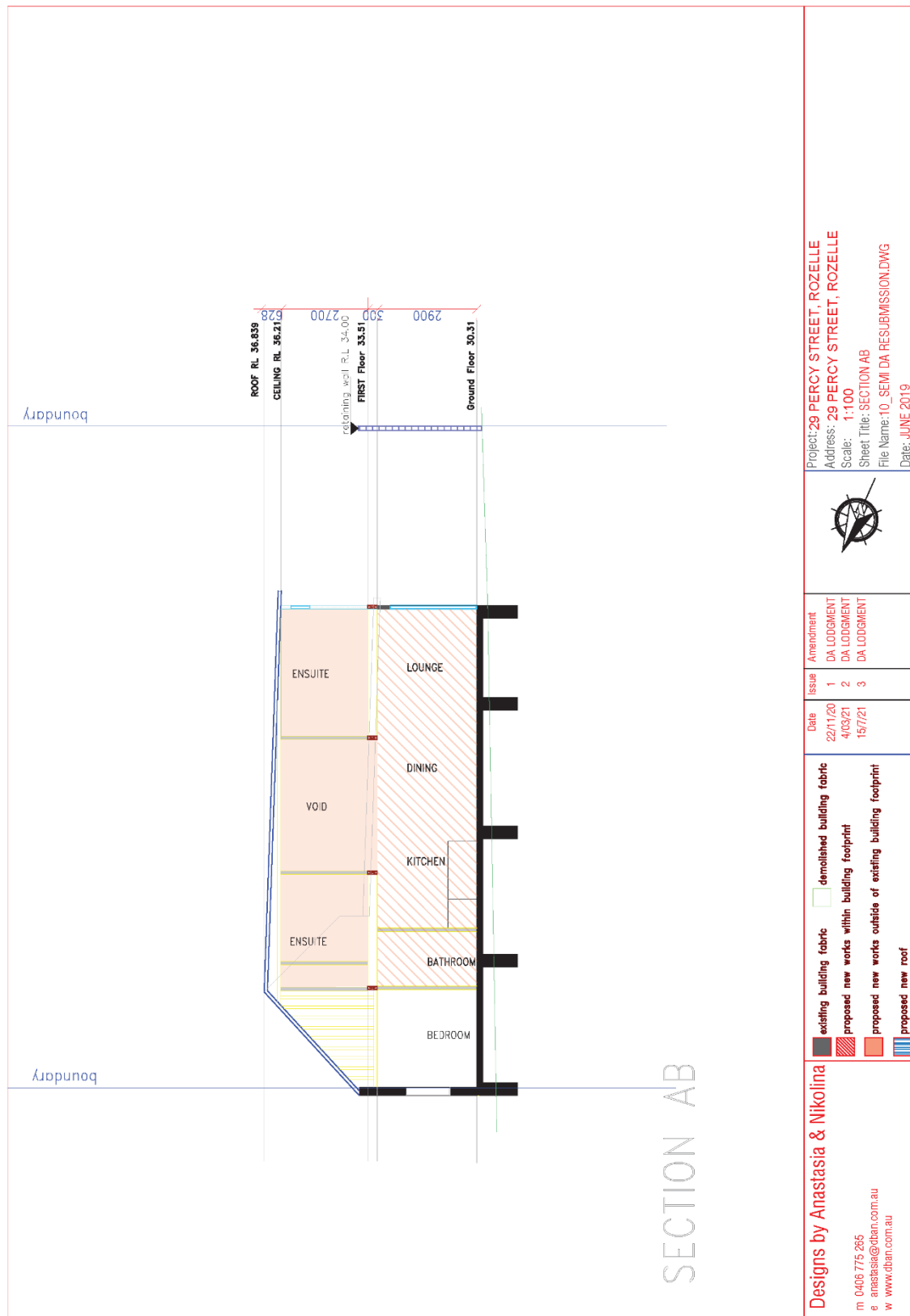


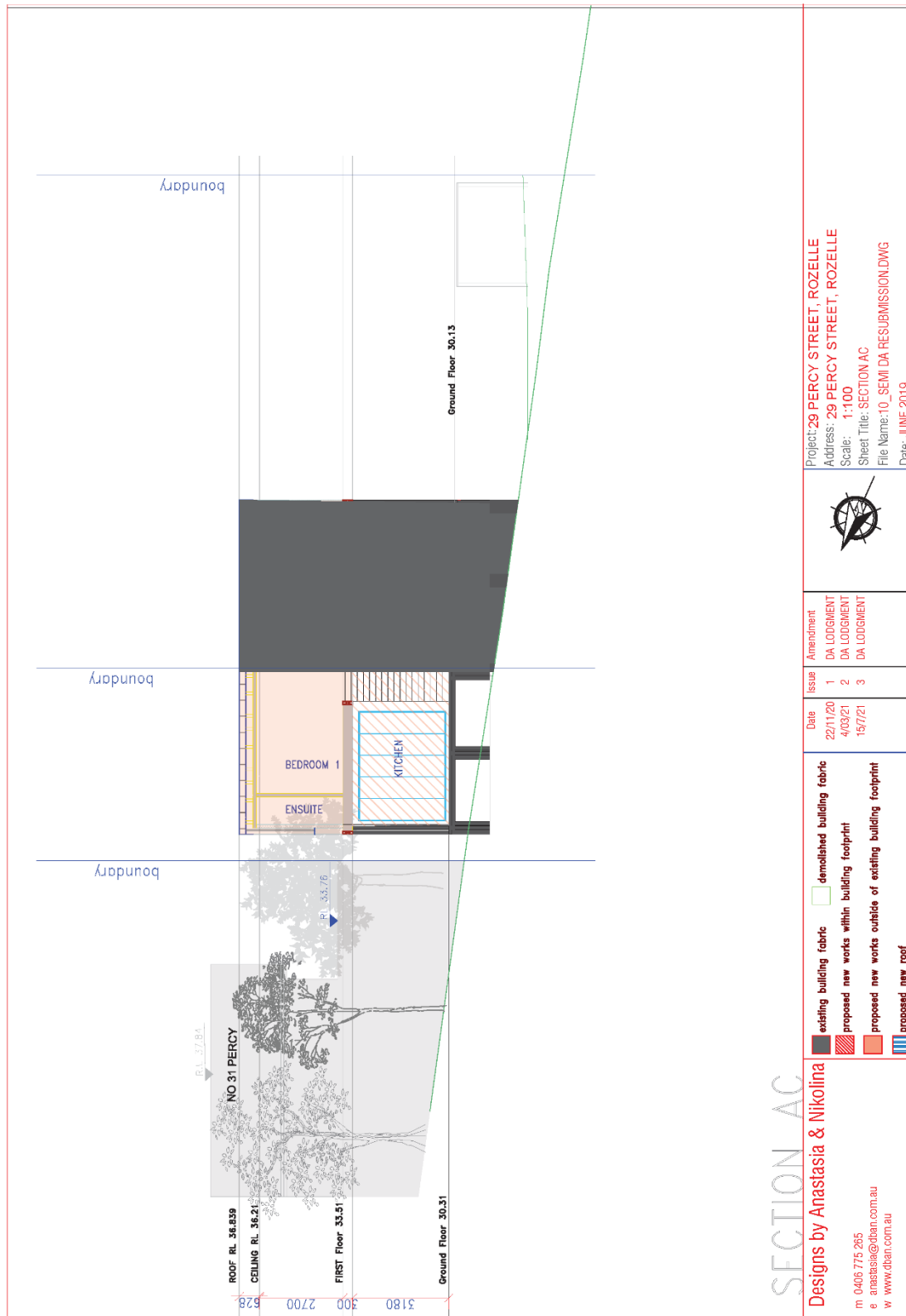


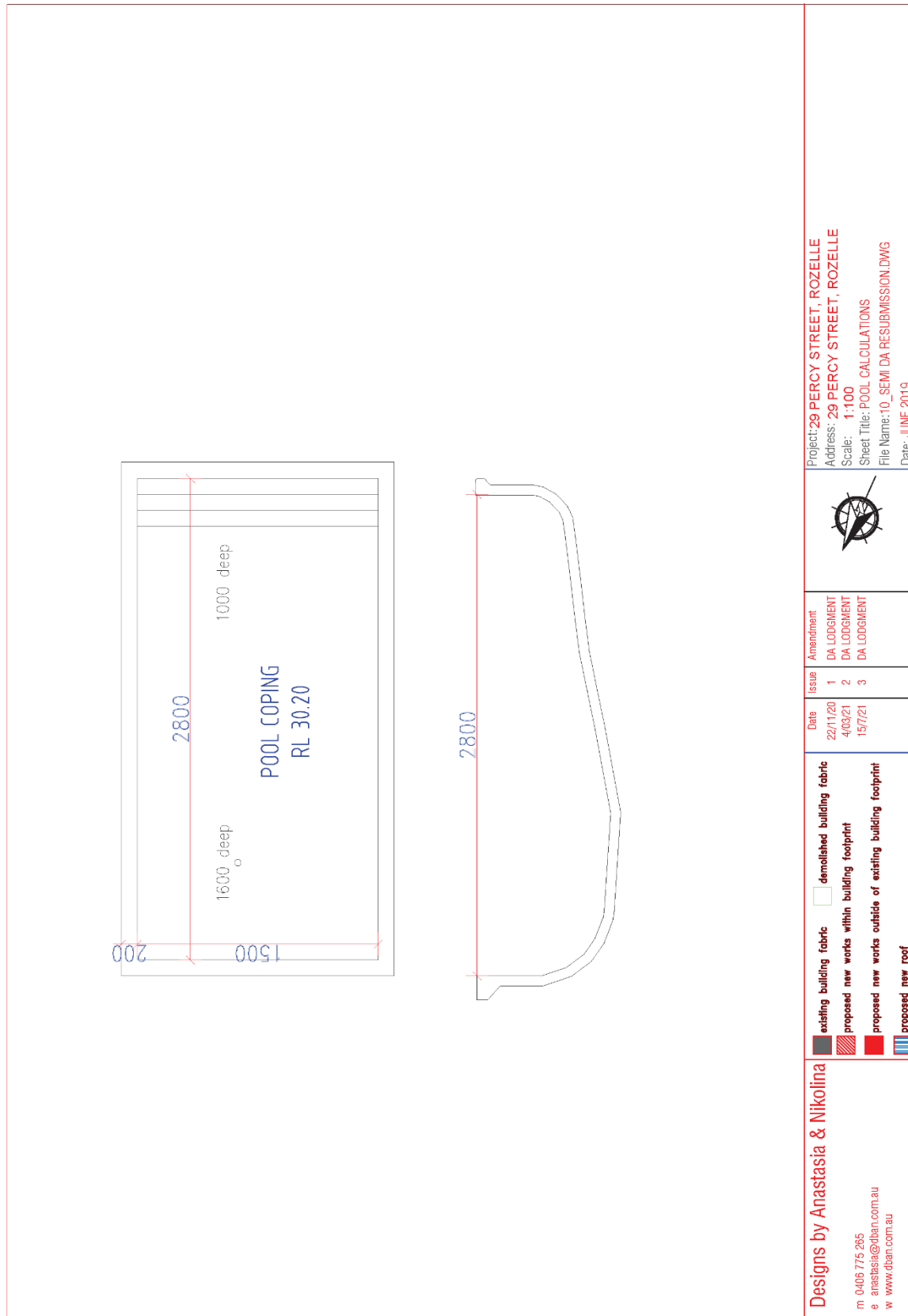


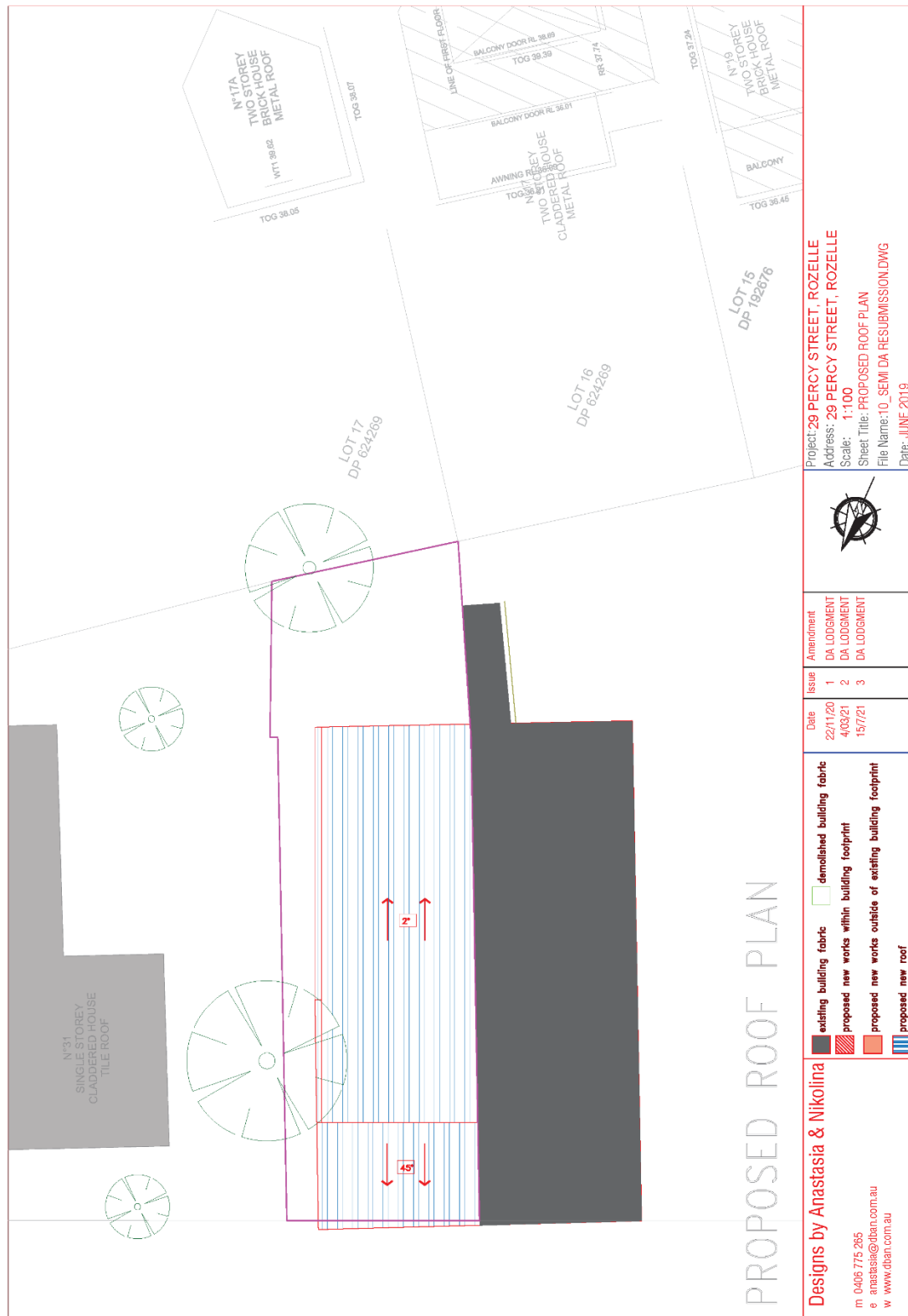


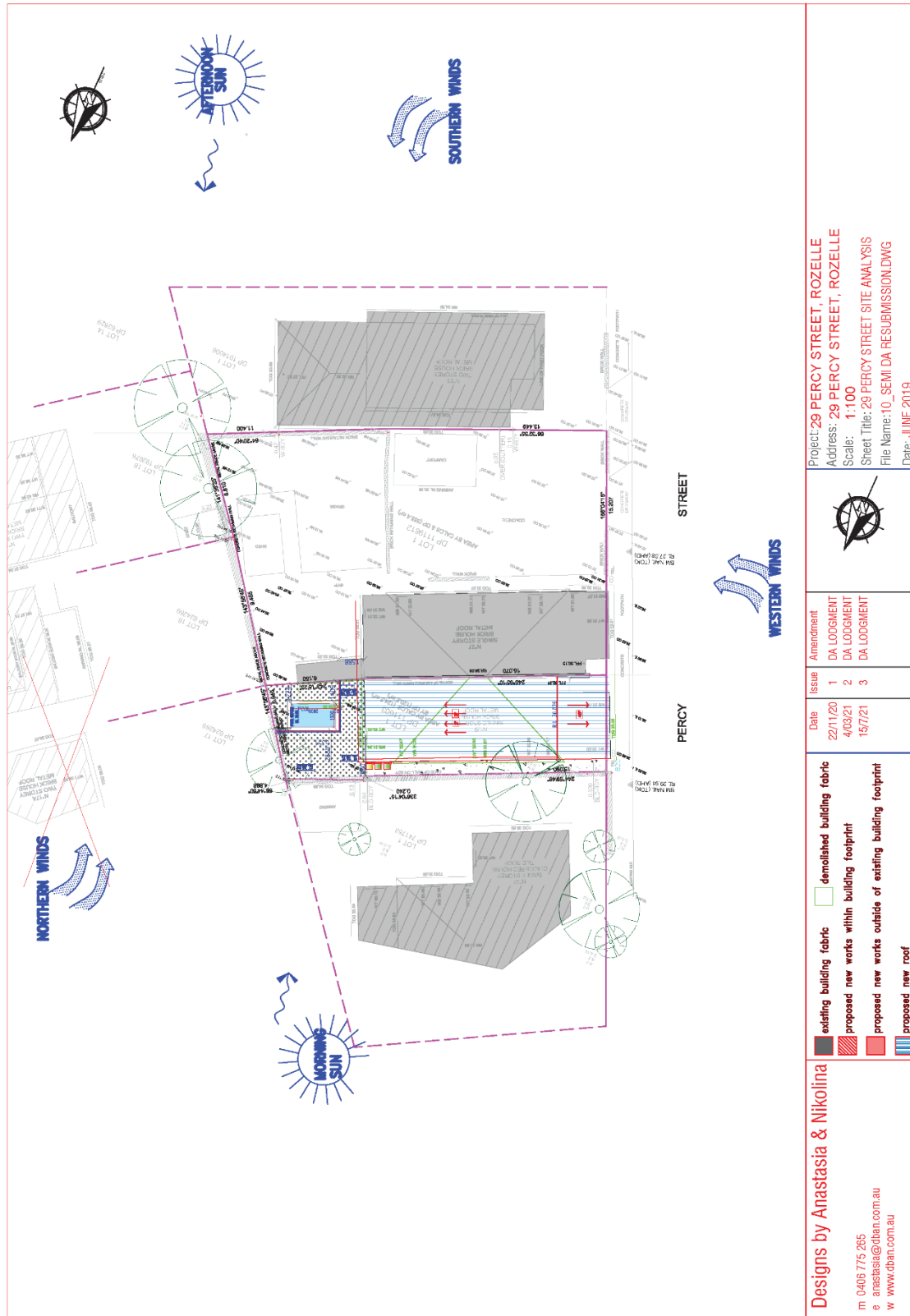


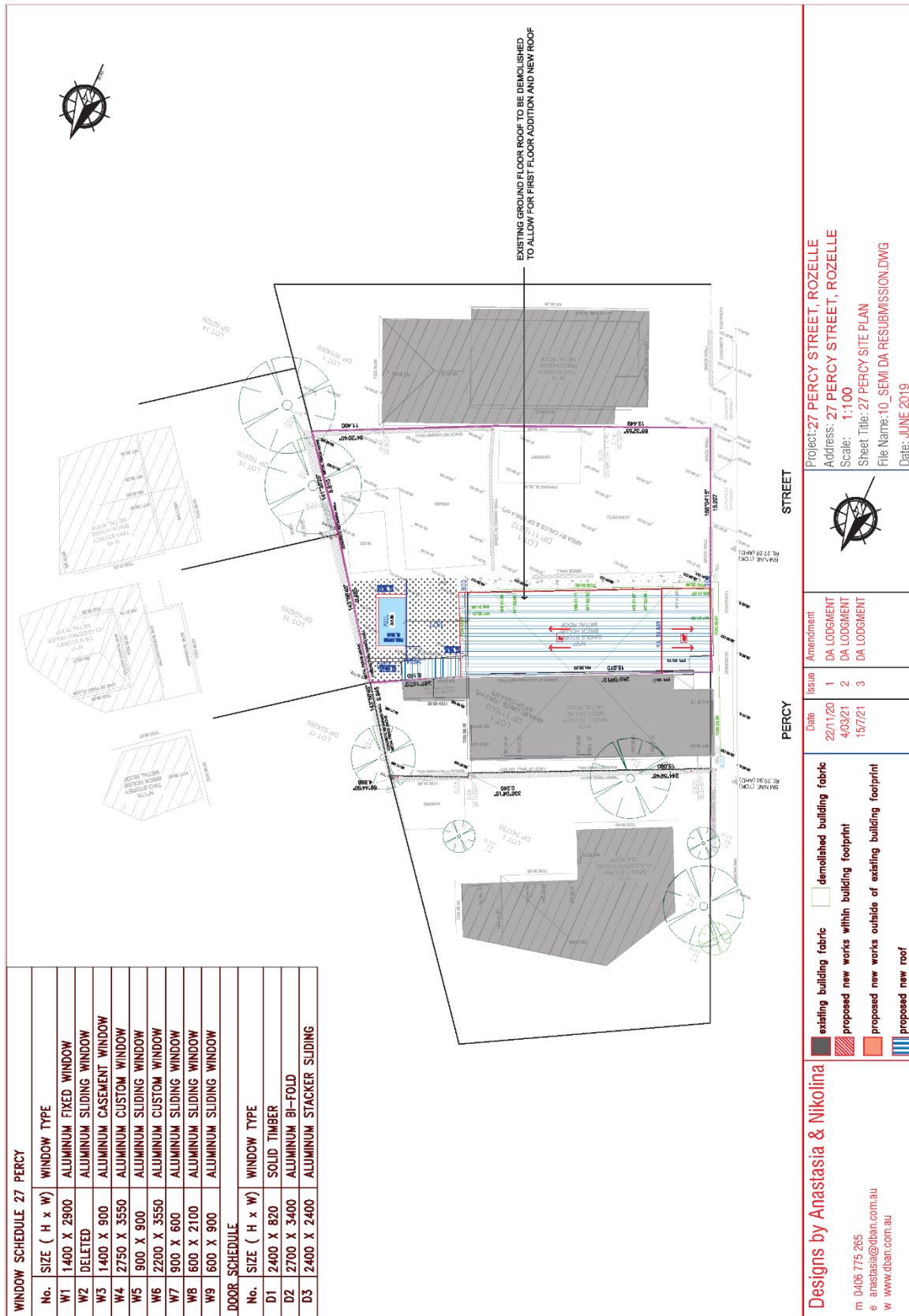


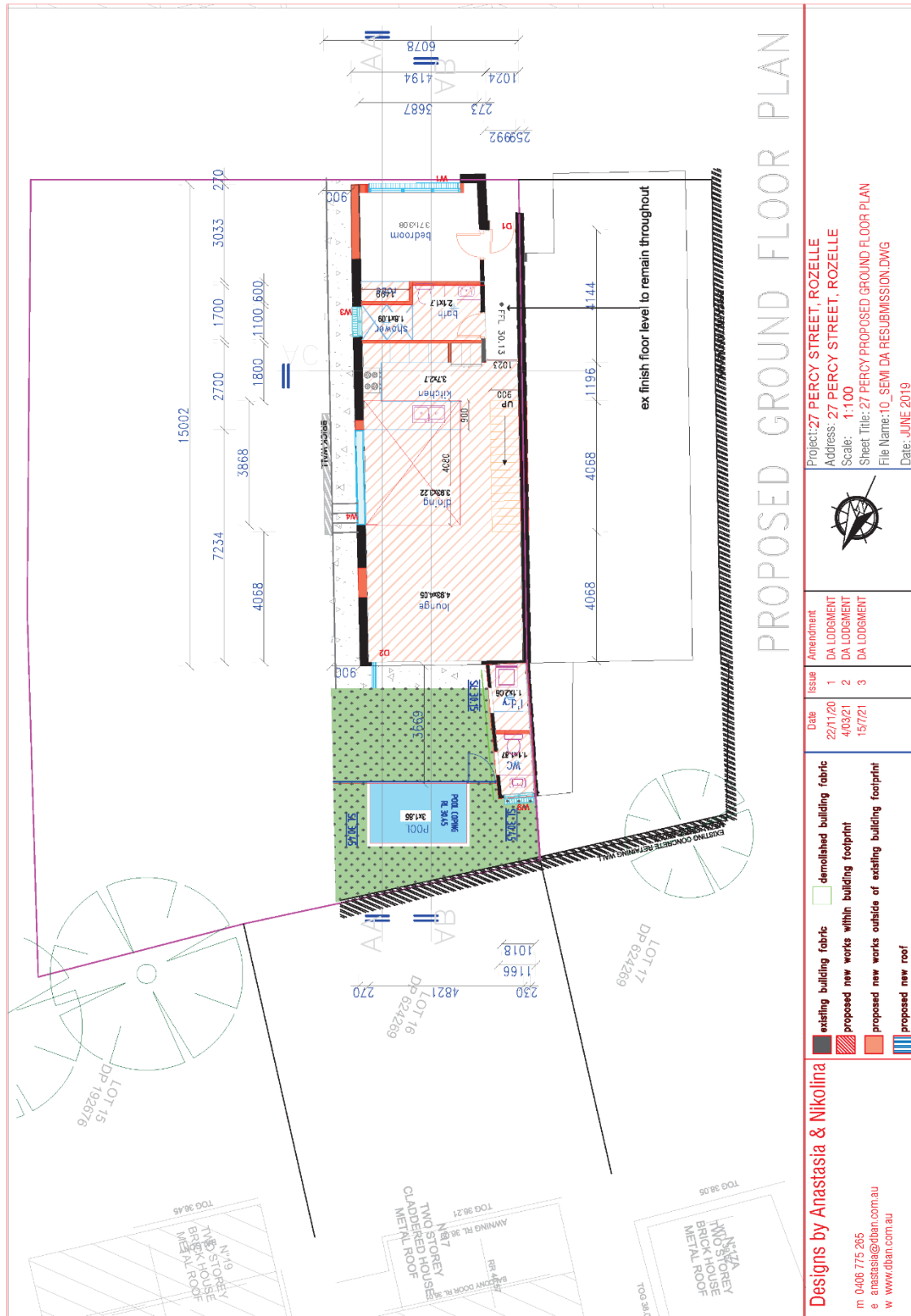


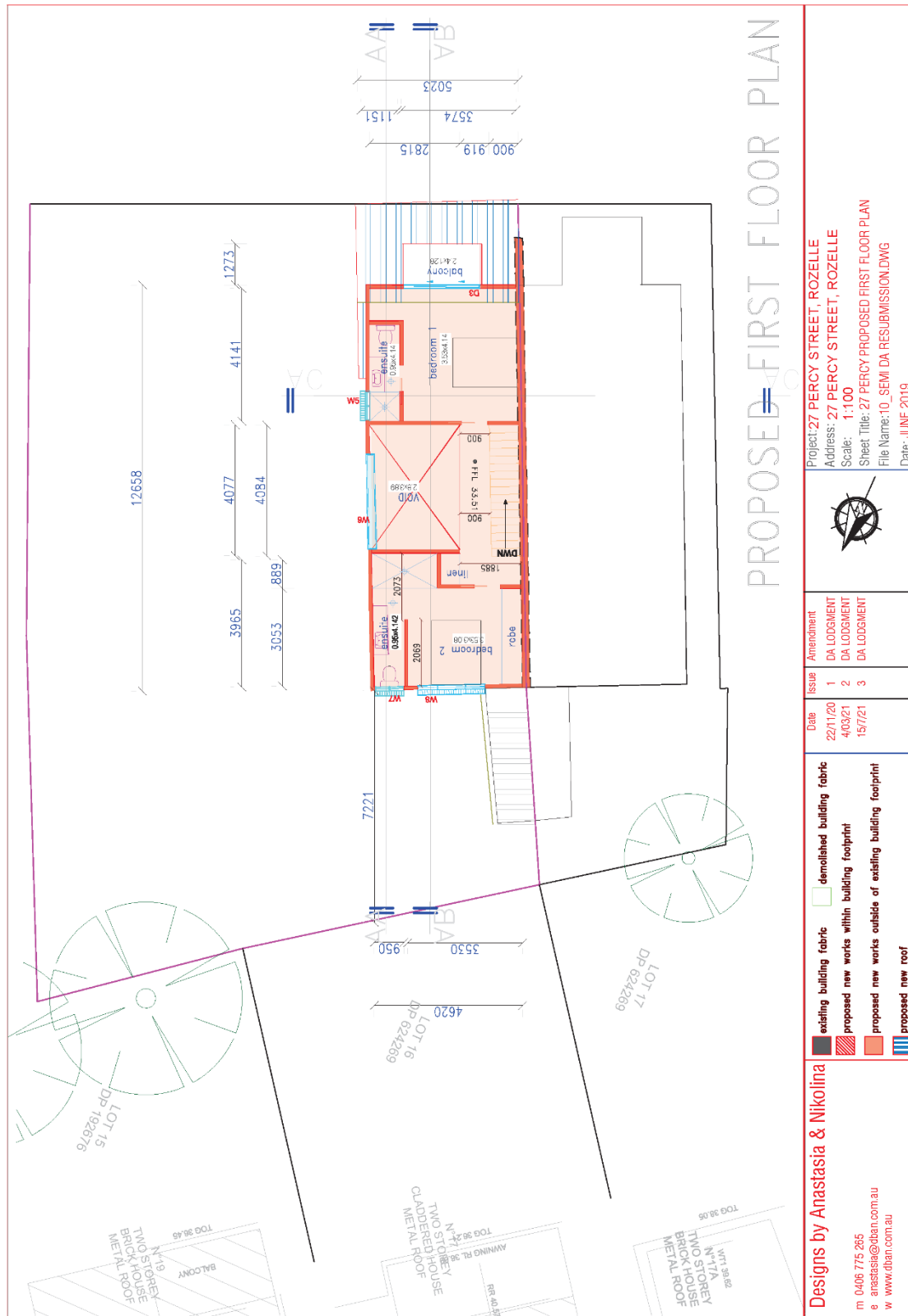




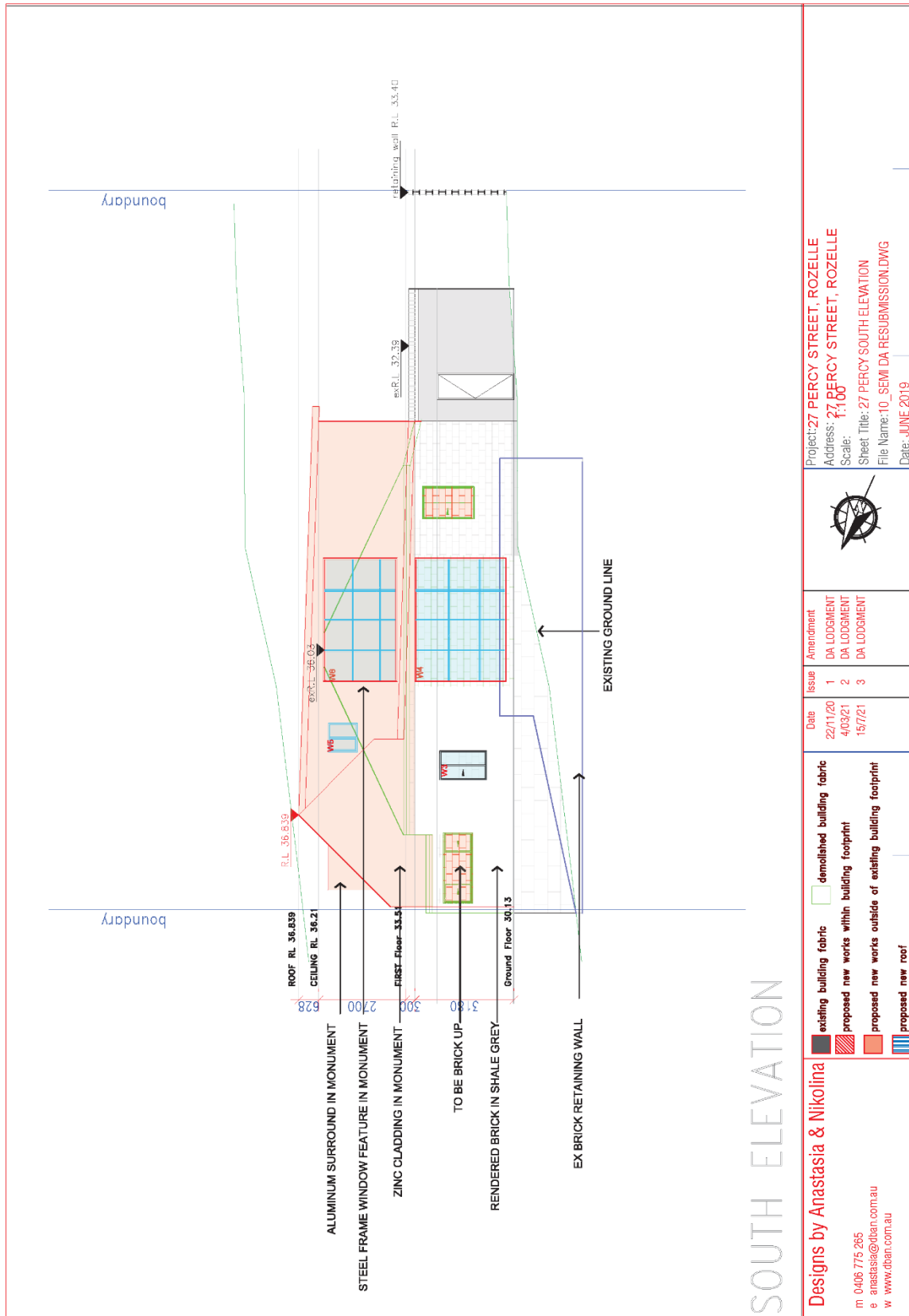


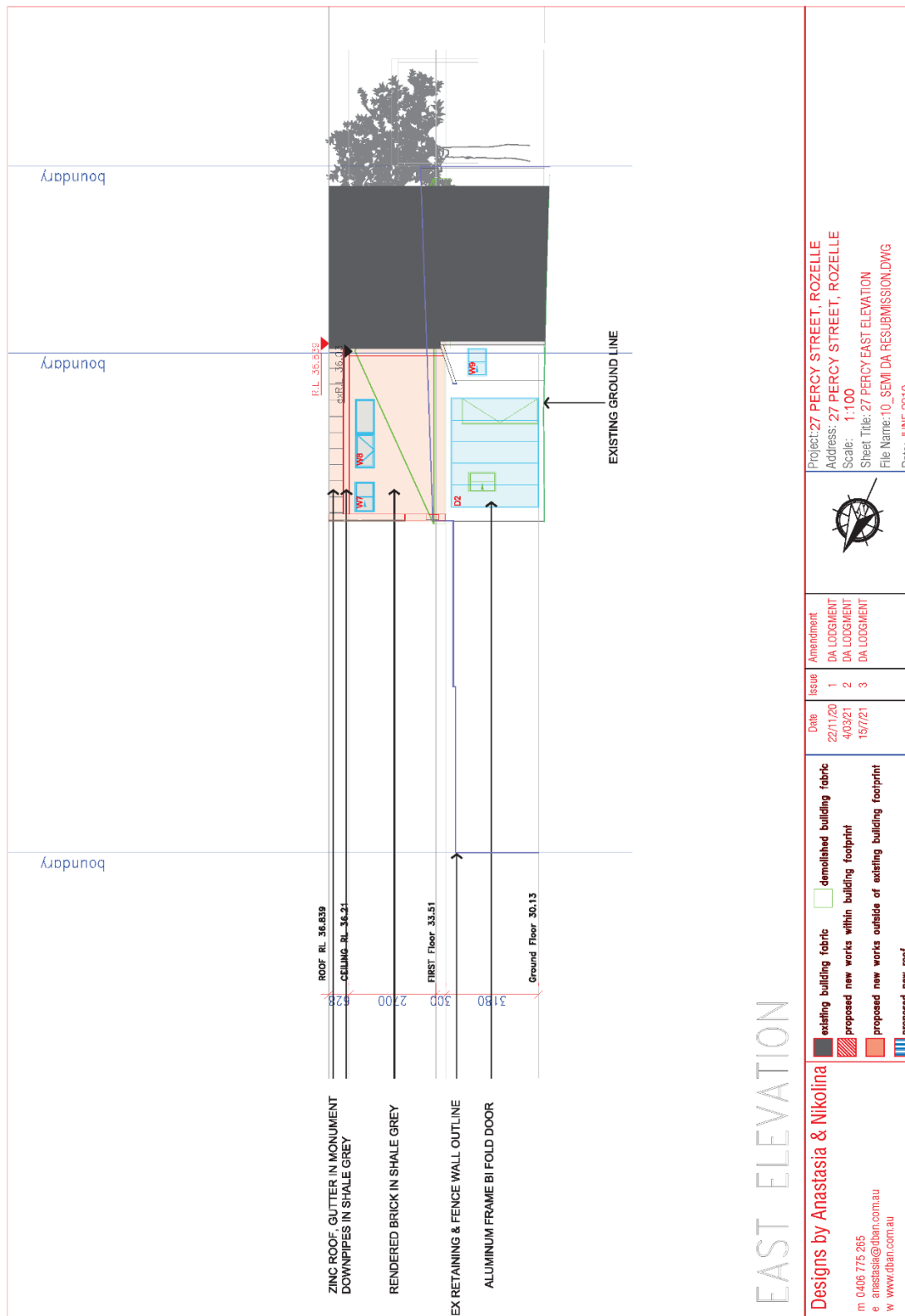


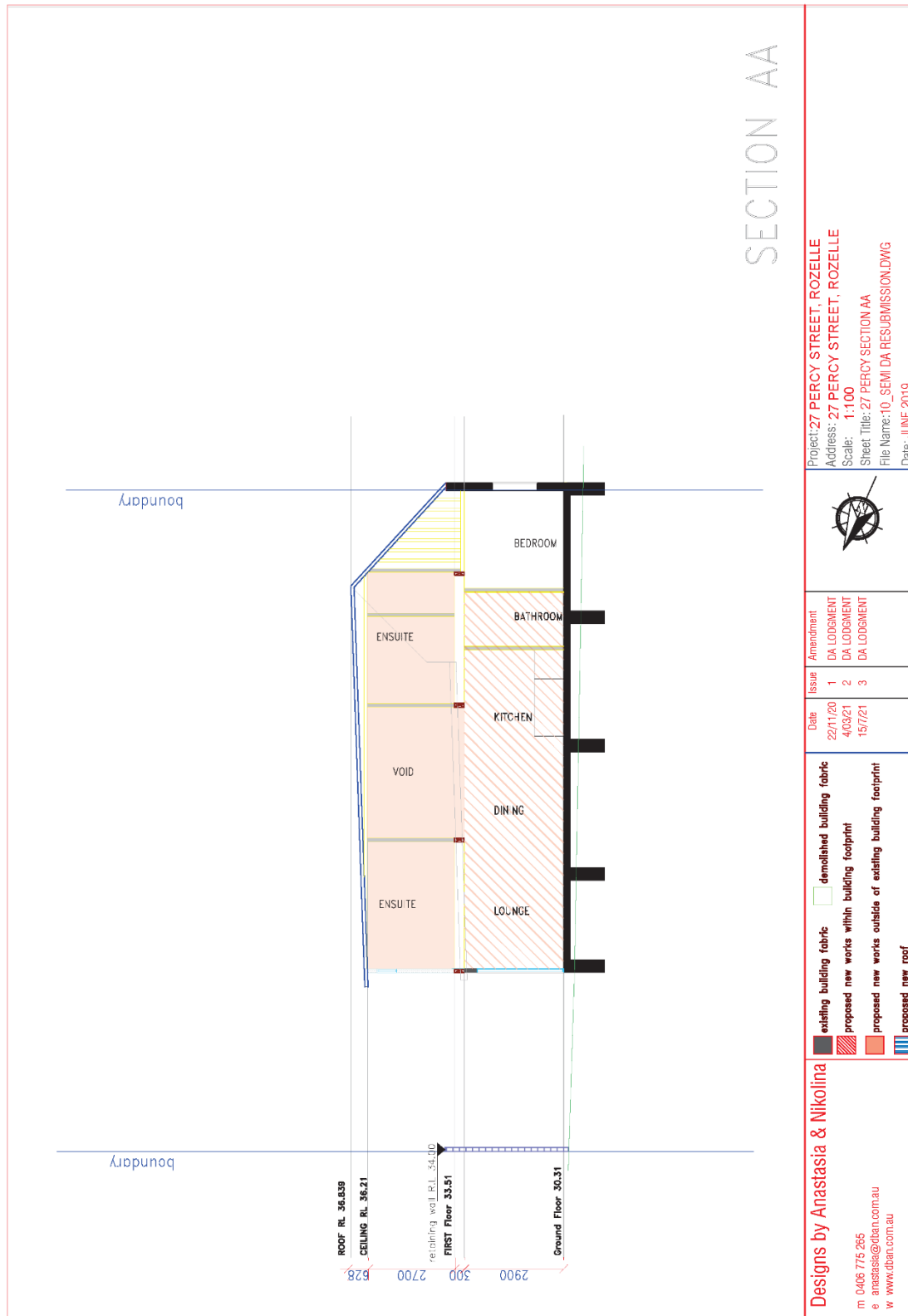


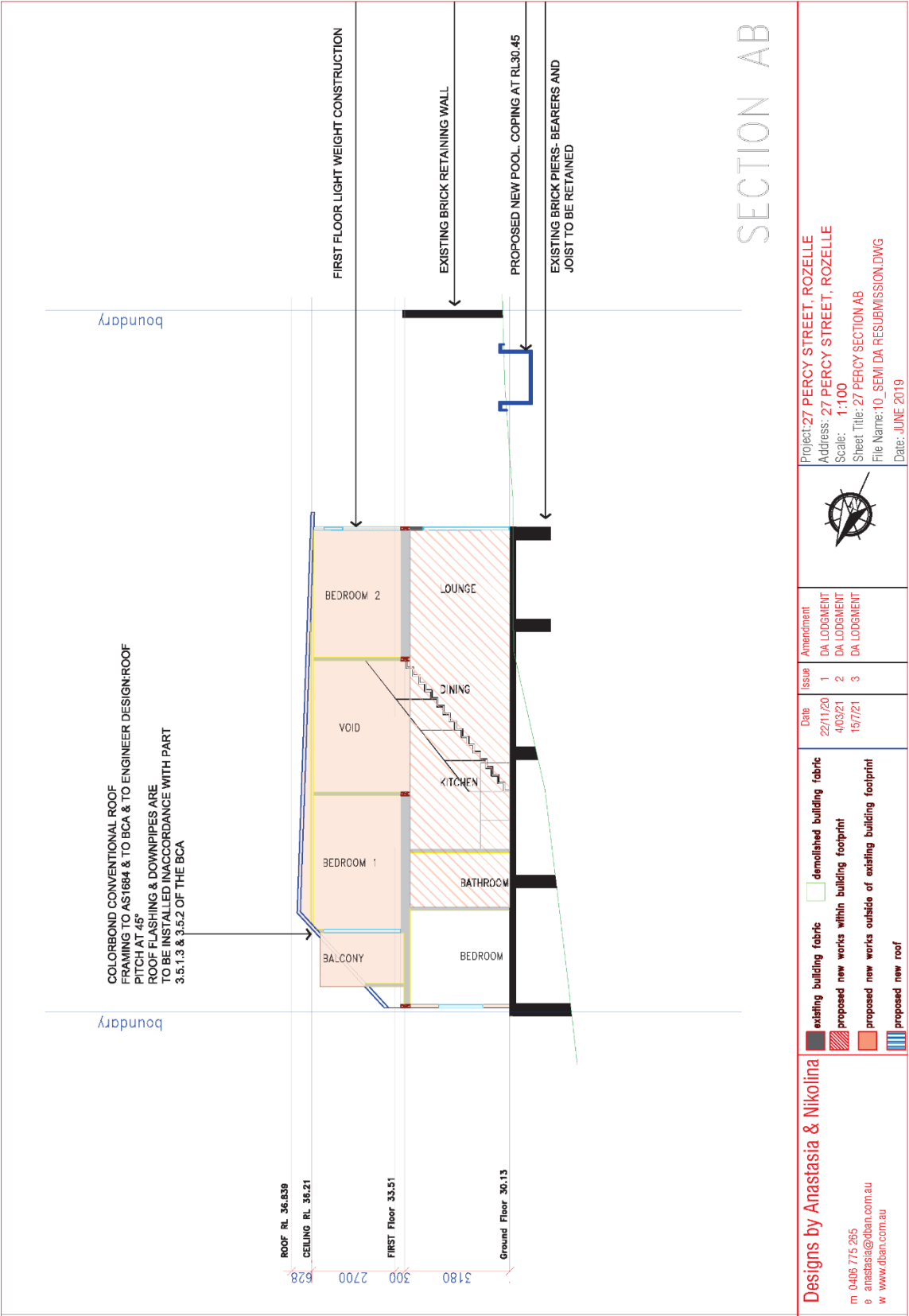




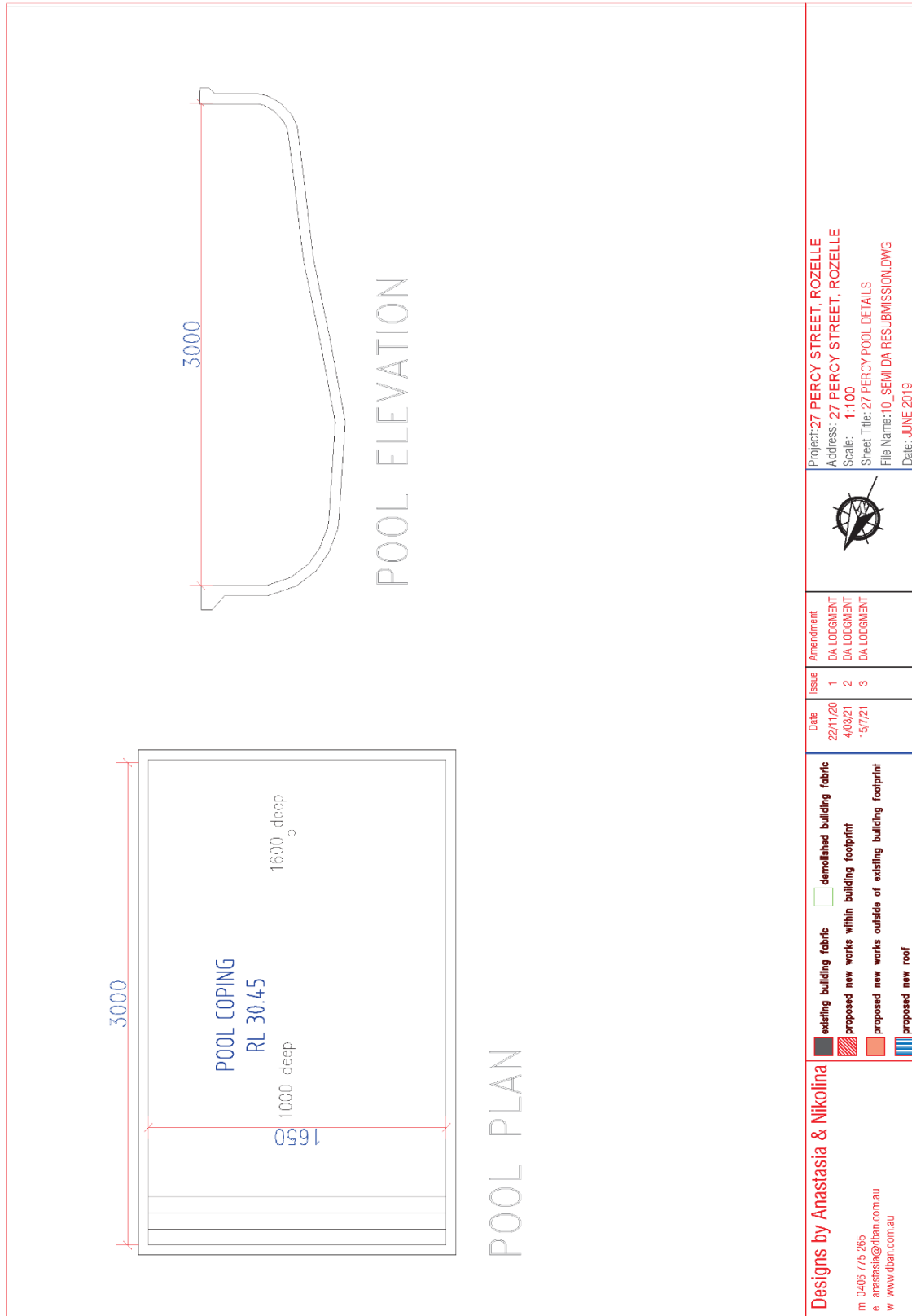


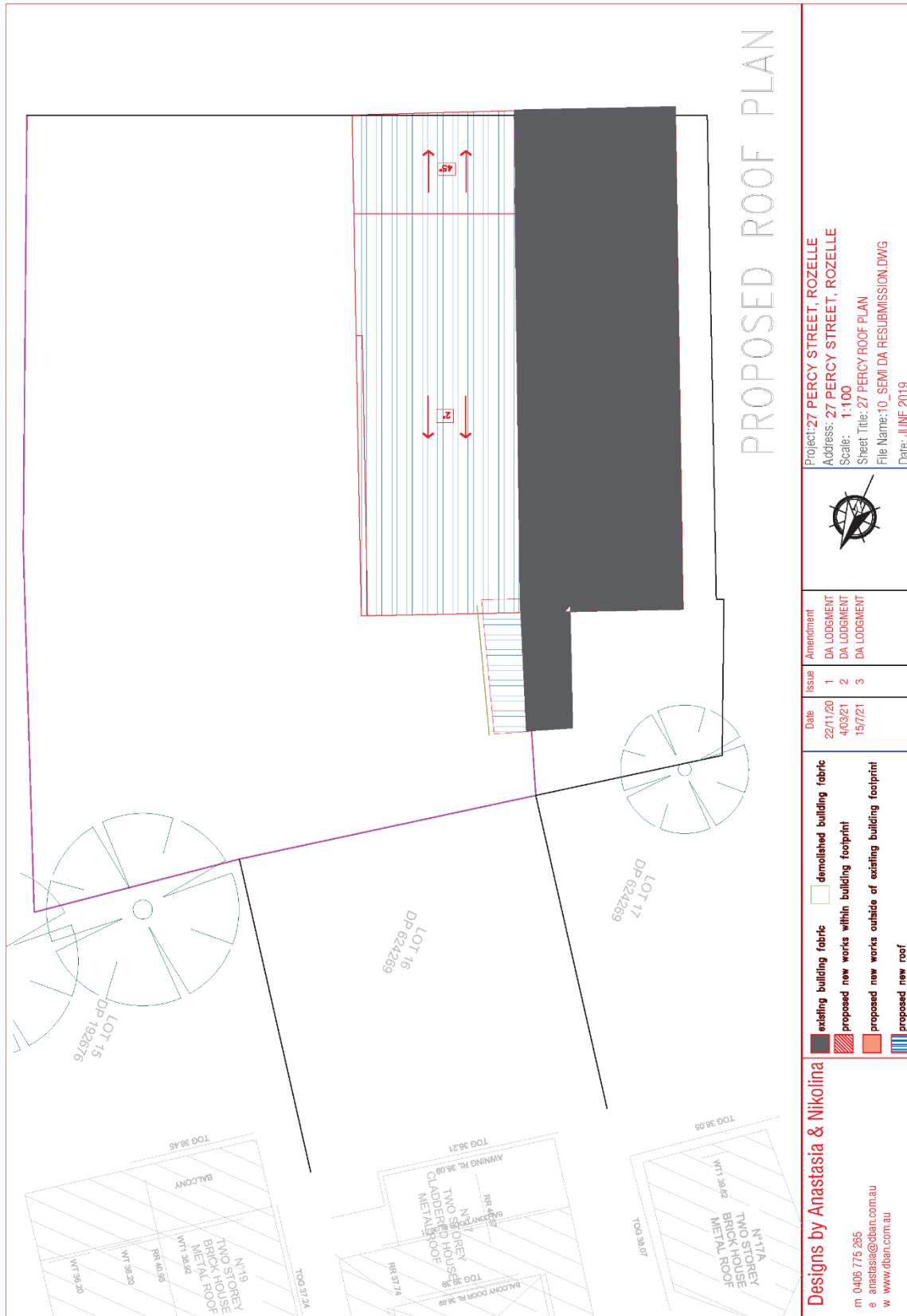


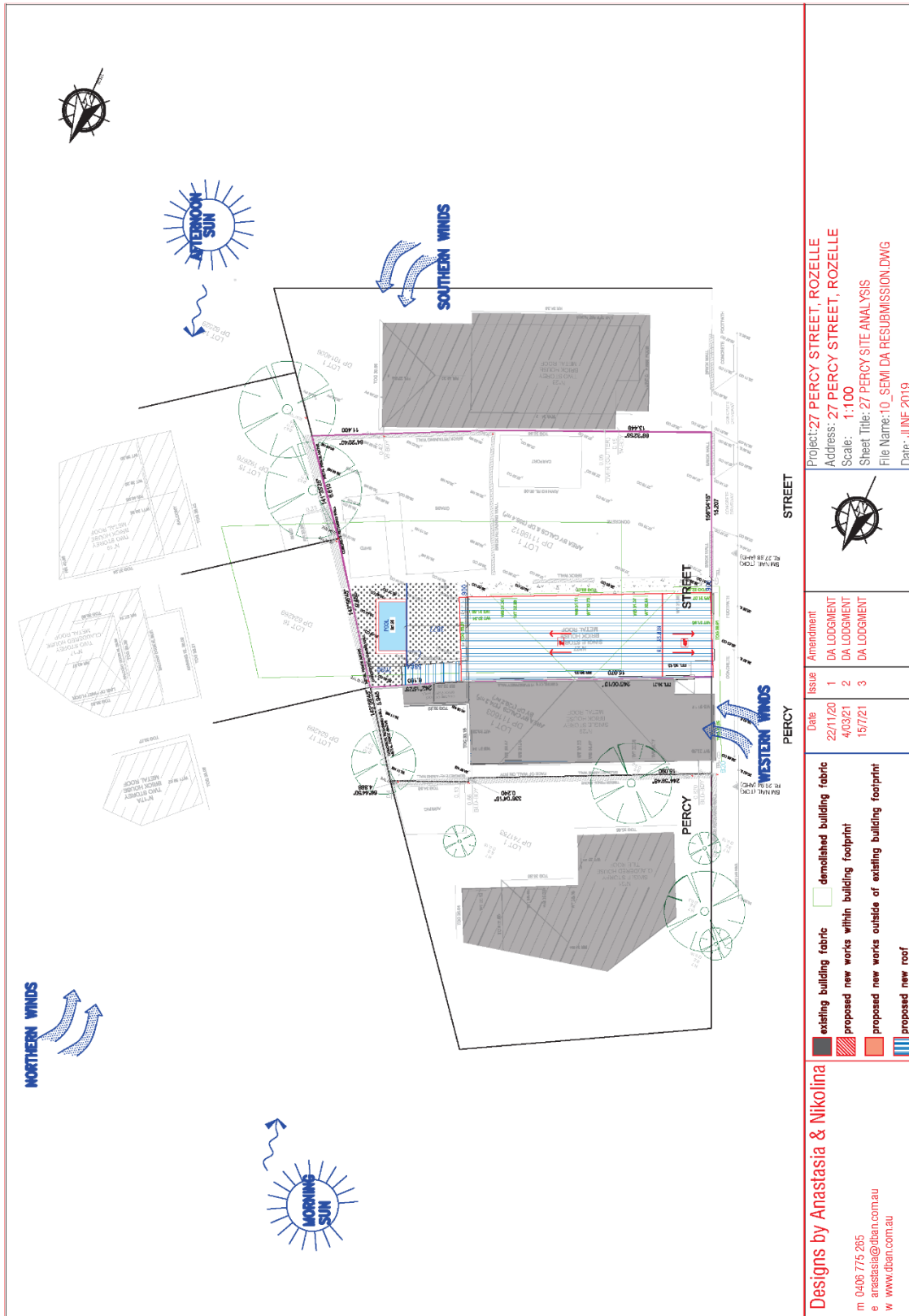












Attachment D- Clause 4.6 Exception to Development Standards



INNER WEST COUNCIL

Development Applications

Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

About this form:	Use this form to request a variation to a development standard for a Development Application.
How to complete:	1. Ensure that all fields have been filled out correctly. 2. Once completed, please refer to the lodgement details section for further information.

Development Application Details:	
Address:	27 PERCY STREET, ROZELLE
Proposed Development:	ALTERATIONS AND ADDITION TO EXISTING SEMI ATTACHED DWELLING INCLUDING A POOL & TORRENS TITLE SUBDIVISION

Standard sought to be varied:	
☐	Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
☐	Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
☐	Site Coverage – Clause 4.3A(3)(b) of LEP 2013
☒	Subdivision Allotment size – Clause 4.1 of LEP 2013
☐	Foreshore Building Area – Clause 6.5 of LEP 2013
☐	Diverse Housing – Clause 6.13 of LEP 2013
The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items	
Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating: a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case b. that there are sufficient environmental planning grounds to justify contravening the development standard.	

INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

What are the environmental planning grounds that justify contravening the development standard? The grounds of that submission are principally that the proposed development is commensurate with the density of surrounding lot sizes. Bulk and scale are preserved by following existing street patterns and frontages. The proposal complies with other environmental planning and developmental objectives such as: FSR, Site coverage, heights and landscaping. Lot 2 being the vacant land does comply, lot 1 is pigeon pair of an existing attached semi being 29 Percy Street which is 125 sqm and is registered under torrens title.
Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable) The grounds of that submission are principally that the proposed development is permissible, and that the subdivision of the proposed development will not make any difference to the environment all impacts of the proposed development on the locality. Proposed lot 1 (semi) is greater in size than existing Torrens title subdivision found at 29 Percy street (pigeon pair semi). It is further noted that the site at 27 Percy street was previously a two lot Torrens title subdivision, consolidated in 2008. Due to the consolidation the street address of 25 Percy Street is obsolete. Furthermore, the proposal achieves the objectives of the development standard. Therefore, the proposed development may be approved notwithstanding the proposed noncompliance with the clause 4.1 development standard.
Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone? 4.1 Minimum subdivision lot size (1) The objectives of this clause are as follows— (a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls, (b) to ensure that lot sizes are capable of supporting a range of development types. (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or (b) by any kind of subdivision under the Community Land Development Act 1989. It is believed that the proposal demonstrates compliance with these objectives and consistent with the predominant subdivision in the area.



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

Applicant's signature:		Date:	27 / 01 / 2021
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Privacy statement

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

Instructions for applicants

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

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

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

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

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

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

Attachment E – Clause 4.6 Exception to Development Standards



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

About this form:	Use this form to request a variation to a development standard for a Development Application.
How to complete:	1. Ensure that all fields have been filled out correctly. 2. Once completed, please refer to the lodgement details section for further information.

Development Application Details:	
Address:	27 PERCY STREET, ROZELLE
Proposed Development:	SUBDIVISION OF LAND

Standard sought to be varied:	
☐	Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
☐	Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
☒	Site Coverage – Clause 4.3A(3)(b) of LEP 2013
☐	Subdivision Allotment size – Clause 4.1 of LEP 2013
☐	Foreshore Building Area – Clause 6.5 of LEP 2013
☐	Diverse Housing – Clause 6.13 of LEP 2013
The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items	
Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating: a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case b. that there are sufficient environmental planning grounds to justify contravening the development standard.	



INNER WEST COUNCIL
Development Applications
Exceptions to Development Standards

What are the environmental planning grounds that justify contravening the development standard? The proposed development results in minimal changes to the existing site coverage of both existing and as approved under DA/2021/0225. Existing being 3.4sqm or 4.23% Approved being 7.2sqm or 8.9%
Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable) The grounds of that submission are principally that the proposed development is commensurate with the density of surrounding developments, including developments that have been approved in excess of site coverage. Furthermore, the proposal does not cause unacceptable streetscape or amenity related impacts and the proposal is consistent with the objectives of the clause 4.3A provisions. The proposed development may therefore be approved notwithstanding the proposed noncompliance with clause 4.3A.
Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone? (1) The objectives of this clause are as follows— (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents, (b) to maintain and encourage a landscaped corridor between adjoining properties, (c) to ensure that development promotes the desired future character of the neighbourhood, (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water, (e) to control site density, (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space. the proposal is believed to be consistent with these objectives by being compliant with the required landscape area.



INNER WEST COUNCIL

Development Applications Exceptions to Development Standards

Applicant's signature:		Date:	1 / 10 / 2021
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Privacy statement

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

Instructions for applicants

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

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

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

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

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

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