

INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2022/0075
Address	38 Belmore Street ROZELLE NSW 2039
Proposal	Alterations and additions to an existing dwelling
Date of Lodgement	24 February 2022 to 10 March 2022
Applicant	Janiffer Thompson c/o Myriad
Owner	Janiffer Thompson
Number of Submissions	Two (2) in objection
Value of works	\$220,110
Reason for determination at Planning Panel	Clause 4.6 variation for breach to FSR exceeds 10%
Main Issues	<ul style="list-style-type: none"> • Departure from FSR development standard • Heritage Conservation
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling located at 38 Belmore Street Rozelle.

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

The main issues that have arisen from the application include:

- Departure from the Floor Space Ratio development standard pursuant to the *Leichhardt Local Environmental Plan 2013*.
- Heritage conservation

Despite small allotment and heritage constraints, the proposal is considered acceptable in the context of the heritage conservation area and The Easton Park Distinctive Neighbourhood and is considered to have acceptable impacts to the amenity of the surrounding properties.

The departure from the Floor Space Ratio (FSR) development standard has also been assessed to be acceptable where the proposal meets all heads of consideration under the provisions of Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* including the relevant zone and development standard objectives.

Accordingly, the application is recommended for approval, subject to conditions.

2. Proposal

The proposal seeks alterations and additions to the existing residence. The proposed works are detailed as follows:

- Demolition works to the western side and rear of the dwelling
- Rear ground and first-floor extension and additions
- General upgrade and refurbishment work to the façade including reinstatement of a first-floor balcony over Belmore Street.
- New landscaping to the central private open space area/courtyard and new 2m picket front fence.

3. Site Description

The subject site is located on the eastern side of Belmore Street. The site is regular (square) shaped with an area of approximately 89.5m². The site is legally described as lot 1 in DP 194196.

The site is a relatively small allotment with a frontage to Belmore Street of 8.53m. The site is relatively flat with a gentle fall towards Belmore Street.

The site supports a two-storey semi-detached painted brick dwelling with a metal roof and single storey fibro lean-to extension and awning to the rear. The subject dwelling forms a matching pair of semi-detached dwellings and is affected by a party wall to the eastern boundary.

The site also supports a large Jacaranda Tree in the courtyard adjacent to the front boundary approved to be removed under a separate application (Tree/2020/0760).

Surrounding land uses are predominantly single and two storey dwelling houses including a row of two storey attached terraces to the west. A pub (Three Weeds hotel) is located diagonally adjacent on the western side of Belmore Street. A four-storey residential flat building which addresses Evans Street is located to the rear (north-east) of the site.

The property is located within The Valley Heritage Conservation Area. The property is not identified as a flood prone lot and there are no other apparent constraints pertaining to the site.



4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2019/102	Alterations and additions to the existing dwelling	Issued 19/08/2019
Tree/2020/0760	Removal of Jacaranda Tree	Approved 22/12/2020
D/2016/132	Part Approval (consent to remove tree is refused. Approval issued for pruning only)	Approved 20/06/2016

Surrounding properties

There is no recent or relevant development history pertaining to the adjoining properties.

4(b) Application historyPDA/2020/0502

The applicant previously sought pre-DA advice relating to alterations and additions to the existing dwelling.

Council advice indicated that the extent of the proposed FSR breach could not be supported. Since the Pre-DA was lodged, Council have revised and adopted new FSR controls which have effectively reduced the variation to the development standard to a degree which is acceptable in the circumstances of the case and meets all key heads of consideration under Clause 4.6 of the Leichhardt LEP 2013.

Despite small allotment and heritage constraints, the development provides an addition which integrates with the original elements of the dwelling, will not be highly prominent when viewed from Belmore Street, provides sufficient landscaping and private open space and is considered to not have an adverse impact on the amenity of neighbouring properties.

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

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site. There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use where it continues to be used for residential purposes with no excavation proposed and no indication of contamination. Accordingly, no further investigation is required and the matters pertaining to Chapter 4 of the SEPP are satisfied.

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

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP. No trees are proposed to be removed as part of the Development Application (DA). A large Jacaranda tree which exists on the site has been approved to be removed under a previous application (Tree/2020/0760) and does not form part of the proposed works subject of this DA.

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table (further discussion below)
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1

- Clause 4.4 – Floor Space Ratio (further discussion below)
- 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 5.10 - Heritage Conservation (further discussion below)
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned LR1 under the *LLEP 2013*. The proposed development is for alterations and additions to the existing dwelling which is permissible with consent in the zone.

The Objectives of zone are as follows:

- *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 proposal, subject to conditions, is considered to be consistent with the above zone objectives.

Clause 4.3A - Landscaped areas for residential accommodation in Zone R1 and Clause 4.4 – Floor Space Ratio

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

Standard	Proposal	non-compliance	Complies
Floor Space Ratio Maximum permissible: 0.9:1 or 80.55 sqm	1.05:1 or 94sqm	13.4sqm or 16%	No
Landscape Area Minimum permissible: 15% or 13 sqm	17.5% or 15.65sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 53.7sqm	68% or 49.4sqm	N/A as no change proposed as part of this application	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4 – Floor Space Ratio (FSR)

The applicant seeks a variation to the FSR development standard under Clause 4.4 of the LLEP 2013 by 16% (13.4sqm).

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 LLEP 2013 below.

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

- *Compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of this case because the objectives of the FSR standard are achieved notwithstanding the numerical non-compliance.*
- *The skilful design and massing of the proposed building envelope on the small site has been undertaken having regard to the existing building, surrounding built forms, size of the site and the contribution of the building to the heritage conservation area, as well as maintaining the amenity of adjoining properties, particularly in relation to solar access, privacy, and views.*
- *Due to the small size of the site and general subdivision pattern in the area, the additional bulk will align with the main/front portion of the building at 36 Belmore Street and with the rear building alignment of 40 Belmore Street*
- *The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls and provides a landscaped area and site coverage consistent with the applicable Development Standards, demonstrating that the proposal is not an overdevelopment of the site.*
- *The proposed development will maintain the existing front setback and presentation to the street, provide sufficient private open space and landscaped areas and will not present significant or unreasonable privacy or amenity impact on the neighbouring properties.*
- *Accordingly, there would be no utility in strictly enforcement of the FSR development standard.*

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

It is considered the development is in the public interest because it is consistent with the objectives of the zone (LR1- General Residential), in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- *To provide for the housing needs of the community*

Comment: The proposed development caters for the housing needs of the community by improving upon existing development for ongoing residential uses and will accommodate a growing family on a site in close proximity to services and public transport.

- *To provide for a variety of housing types and densities.*

Comment: The proposal retains the existing dwelling on the site.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

Comment: Despite small lot and heritage constraints, the proposed additions have been designed in a manner to be compatible with the character, style, orientation and pattern of surrounding development in the streetscape and broader heritage conservation area. As the existing building footprint will generally be retained, there is no proposed departure to site coverage or landscaped area requirements.

- *To provide landscaped areas for the use and enjoyment of existing and future residents.*

Comment: Despite significantly small site constraints, the proposed development incorporates adequate and compliant landscaped area and private open space provision that will provide for ongoing amenity of current and future occupants.

- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

Comment: The proposed development will not have any adverse impacts on the amenity of surrounding properties, with particular regard for solar access, visual privacy and bulk and scale. The proposed development is otherwise generally compliant with the Leichhardt LEP 2013 and Leichhardt DCP 2013 controls and thus will protect the existing amenity of adjoining developments.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

- *To ensure that residential accommodation—*
 - (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale*

Comment: The subject site is located within the Easton Park Distinctive Neighbourhood. The design of the development complements the character of the area and maintains the predominant two storey scale from the street. The proposed additions will not detract from the existing dwelling, therefore will not compromise the desired future character of the distinctive neighbourhood.

- (ii) *Provides a suitable balance between landscaped areas and the built form*

Comment: The proposal provides adequate (and compliant) soft landscaped area in the courtyard achieving an acceptable balance of landscaping and built form.

- (iii) *Minimises the impact of the bulk and scale of buildings*

Comment: The proposed additions provide an acceptable scale in context of surrounding development which will not have adverse amenity impacts to neighbouring 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 the FSR development standard and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 Heritage Conservation

The demolition and reconstruction of the rear addition is acceptable where it employs appropriate materials and finishes and, provided the new metal roof has a traditionally corrugated profile, it is acceptable. Conditions are recommended to ensure new roofing material comprises either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb.

Although there is sufficient evidence to justify a reinstatement of the first-floor balcony, there is insufficient historic evidence to support a full-length verandah roof and the removal of the existing awning (which is consistent with no.40). Conditions are recommended which requires retention of first floor awning.

Accordingly, subject to conditions, the proposal is acceptable as it will not detract from the heritage significance of the Heritage Conservation Area and is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013.

5(b) Draft Environmental Planning Instruments

There are no relevant draft SEPPs pertaining to the subject proposal.

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 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 the 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	Yes
B2.1 Planning for Active Living	Yes
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	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Yes – see discussion below
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	
C.2.2.5.2 Easton Park distinctive neighbourhood	Yes – see discussion
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	N/A
C3.5 Front Gardens and Dwelling Entries	N/A

C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – 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	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	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
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	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
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	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and additions and C1.4 Heritage Conservation Areas and Heritage Items, and C.2.2.5.2: Easton Park Distinctive Neighbourhood.

The proposed design of the additions is sympathetic to the character of the heritage conservation area and maintains the predominant two storey scale of development in the streetscape.

The proposed new ground and first-floor addition has been designed as a sympathetic extension that delineates between original and contemporary and which will be set lower than the existing main dwelling. The new addition integrates with the original design of the dwelling and will not be highly prominent when viewed from Belmore Street.

The primary roof and building form and details of the existing dwelling, including the existing front door, ground-floor front window and chimney will be retained.

Overall, the height and bulk of the development and colours and materials proposed are also considered acceptable and compatible in the context of surrounding development, the heritage conservation area and desired future character of the Easton Park distinctive neighbourhood.

Accordingly, subject to conditions, the proposal is acceptable as it will not detract from the heritage significance of the Heritage Conservation Area and is in accordance with the relevant objectives and controls provided in C1.3, C.14 and C.2.2.5.2 of the Leichhardt DCP 2013.

C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings

The proposal seeks reinstatement of the original first floor balcony fronting Belmore Street, which cantilevers over the Council footpath. The balcony is acceptable where sufficient evidence has been presented by the applicant which justifies the reinstatement and where it is compatible with the heritage values of the building, subject to condition deleting extension to the existing awning.

No issues have been raised from Council's property division.

C3.2 Site Layout and Building Design

Side Setbacks

The existing front, rear ground-floor and southern side setbacks of the dwelling are retained. A nil setback, consistent with the existing dwelling, is proposed at the ground and first floor additions resulting in a variation to the prescribed sliding scale requirements of the side boundary setback controls. The proposed north-western two-storey wall height is 5.7m, requiring a side boundary setback of up to 1.8m. The proposed side setback varies between 900mm and 970mm. The variation is acceptable on merit where the objectives of the clause are satisfied as follows:

- The development is generally consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the Leichhardt Development Control Plan where it provides a sympathetic addition retains the original roof form, contributory heritage elements and minimizes visibility from the street
- Complies with the minimum landscaped area development standard
- The pattern of development within the streetscape is not compromised, particularly where there is no regular or prevailing pattern given the small site constraints of the subject and adjoining properties
- The bulk and scale of development is minimised where it is located behind the front setback of the primary dwelling
- The potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised
- Reasonable access is retained for necessary maintenance of adjoining properties

Building Location Zone

Given that the proposed first floor addition would extend beyond the first floor of the adjacent property at No. 40 Belmore Street and, given that No. 36 Belmore Street does not have an established first floor, the siting of the proposed additions will be assessed on its merits in accordance with the Building Location Zone objectives, which are met as follows.

- Amenity to adjacent properties (i.e., sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved
- The overall height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.
- The proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development, subject to conditions
- The proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping
- Subject to conditions, opportunities for new significant vegetation will be maximised with new planting; and,

C3.9 Solar Access

Given the side boundary is 45 degrees from true north and therefore the allotment is not orientated north/south or east/west orientated, the following solar access controls apply to the proposal in relation to solar access of affected properties:

Neighbouring Living Room Glazing

- *C14 – Where the surrounding allotments side boundary is 45 degrees from true north and therefore the allotment is not orientated north/south or east/west, glazing serving main living room shall retain a minimum of two hours of solar access between 9.00am and 3.00pm at the winter solstice.*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Neighbouring Private Open Space

- *C16 – Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9.00am and 3.00pm to 50% of the total area during the winter solstice.*
- *C19 – Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9.00am and 3.00pm during the winter solstice, no further reduction of solar access is permitted.*

Solar access diagrams provided demonstrate that that there will be no increase in overshadowing of the adjoining properties private open space or living room windows between 9am and 12pm mid-winter (worse-case scenario).

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. Two (2) submissions were received in response to the notification. Concerns are summarised and addressed as follows:

- Acoustic Privacy

Noting the proximity of the site to the hotel and that the proposal will result in a new first floor bedroom with a window and balcony facing towards the hotel, we request (if the DA is approved) that a condition should be imposed requiring the new bedroom to incorporate glazing which ensures that the requisite internal noise levels are achieved with the windows closed and the air conditioning operating

Comment: Condition recommended which requires double glazing to the first-floor bedroom balcony door fronting Belmore Street to mitigate acoustic impacts to the bedroom from the hotel.

- Inaccuracy of adjoining property footprint on plans

Comment: It is noted that the proposal does not accurately depict the neighbouring property footprint at 36 Belmore Street on the architectural plans. Notwithstanding, it is noted that the development is directly adjacent to the part of the neighbouring dwelling which does not provide windows to its southern elevation and therefore will not impact the property in its current form as result of the proposed works, with particular consideration for visual and acoustic privacy, bulk and scale and overshadowing.

- Glare from new PVs on roof

Comment: The proposed PVs are located on the roof of the first floor and not orientated towards any windows or private open space areas of the neighbouring dwelling and thus will not result in glare impacts to neighbouring bedrooms or outdoor living areas, particularly where both spatial separation and being offset from neighbouring windows at ground floor minimises any impact in this regard.

- Loss of privacy from first floor window (W7) overlooking kitchen and dining areas and first floor balcony overlooking front yard

Comment: W7 is located to the north-western elevation offset significantly from any adjoining properties windows and private open space. Furthermore, the window of concern serves a bedroom which would not be used to high volumes during the day thus not considered to bear any significant overlooking impacts.

There will be no significant overlooking impacts from the front first floor balcony which is oriented towards the front (street) and subject property's courtyard. Furthermore, this balcony serves a bedroom which would not be used to high volumes during the day thus not considered to bear any significant overlooking impacts.

- The proposed extension and new upper storey will further greatly impact upon light and ventilation to our living spaces and courtyards.

Comment: Solar access diagrams have been provided which demonstrate that the additions will not overshadow the neighbouring property to the northwest. It is not considered that the additions will significantly impact upon the light and ventilation of the adjoining properties where there are sufficient setbacks between the two properties.

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.

Heritage

An assessment of the application has been completed and the conclusion of the advice is the proposal is acceptable with the following conditions of consent:

- a) New roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb.
- b) The reinstated French doors to the front elevation first floor balcony are to be timber framed.
- c) No removal of the existing first floor awning to the front (southwest) elevation.
- d) The reinstated first floor balcony of the front elevation (southwest) will not have a full-length awning but will maintain the existing one.

Engineering

The proposal is acceptable subject to conditions.

Urban Forest

A *Jacaranda mimosifolia* (Jacaranda) tree within the front was approved for removal under TREE/2020/0760. A condition of the approval was that a replacement tree be planted. The requirement for a new tree will be transferred to this application.

The Landscape Concept plan has been prepared by the architectural designer (rather than a Landscape Architect or Landscape Designer) and proposes a species that is not appropriate for Sydney. A condition is provided to address this.

There is a *Plumaria acutifolia* (Frangipani) located adjacent to the house that is not shown on any plans. This tree should be retained and protected during the works. Conditions are included in the recommendation to address this.

6(b) External

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

7. Section 7.12 Levy

Section 7.12 levies are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$2,201.00 would be required for the development under the following plan:

- Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020
- A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

The development will not result in any significant impacts on the amenity of the 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 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the FSR development 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. 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/2022/0075 for alterations and additions to an existing dwelling at 38 Belmore 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
A-08 Rev 1	Proposed Roof and Site Plan	28.12.2021	IQ Homes
A-09 Rev 1	Site Analysis Plan	28.12.2021	IQ Homes
A-10 Rev 1	Landscape Concept Plan	15.12.2021	IQ Homes
A-11 Rev 1	Proposed Demolition Plan	28.12.2021	IQ Homes
A-12 Rev 1	Proposed Ground Floor Plan	28.12.2021	IQ Homes
A-13 Rev 1	Proposed Ground Floor Plan with Dimensions	28.12.2021	IQ Homes
A-14 Rev 1	Proposed First Floor Plan	28.12.2021	IQ Homes
A-15 Rev 1	Proposed First Floor with Dimensions	28.12.2021	IQ Homes
A-16 Rev 1	FSR Calculation Key Plan / Excavation Key Plan	28.12.2021	IQ Homes
A-17 Rev 1	Proposed Front Fence / Proposed South West Elevation	28.12.2021	IQ Homes
A-18 Rev 1	Proposed South West Elevation	28.12.2021	IQ Homes
A-19 Rev 1	Proposed North West Elevation	28.12.2021	IQ Homes

A-20 Rev 1	Proposed North East Elevation	28.12.2021	IQ Homes
A-21 Rev 1	Proposed South East Elevation	28.12.2021	IQ Homes
A-22 Re 1	Proposed Section Y-Y	28.12.2021	IQ Homes
A-23 Rev 1	Proposed Section Z-Z	28.12.2021	IQ Homes
A-24 Rev 1	Windows / Doors Schedule	28.12.2021	IQ Homes
A-25 Rev 1	Materials and finishes Schedule	28.12.2021	IQ Homes
A-34 Rev 1	Stormwater Concept Plan	28.12.2021	IQ Homes
Certificate no: A445092	BASIX Certificate	09.01.2022	IQ Homes

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Principal Certifying Authority must be provided with plans showing:

1. New roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb.
2. The reinstated French doors to the front elevation first floor balcony are to be timber framed.
3. No removal of the existing first floor awning to the front (south west) elevation. The reinstated first floor balcony of the front elevation (south west) will not have a full length awning but will maintain the existing one.
4. Double glazing is to be provided to the first floor bedroom balcony door fronting Belmore Street to mitigate acoustic impacts from the adjacent hotel.
5. The proposed window (W4) in the rear/boundary wall to the kitchen is to be deleted as it will impose unreasonable constraint on the development opportunities of the adjacent property.

FEES

3. 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:	Min \$2,254.00
Inspection Fee:	\$241.50

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.

4. 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 the *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*:

\$2,201.00

*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.

5. 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

6. 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.

7. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council’s Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council’s Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
-	<i>Plumaria acutifolia</i> (Frangipani)	Front

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;

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 (RVMP) 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. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

12. 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.

13. Dilapidation Report

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

14. 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.

15. 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**16. Dilapidation Report – Pre-Development – Minor**

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

17. Stormwater Drainage System – Minor Developments (OSD is not required)

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

- a. The Stormwater Drainage Concept plan on Drawing No. A-34 prepared by IQ HOMES and dated 28 December 2021, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;

- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;
- g. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- h. Insufficient space is available for downpipe connection at the rear of the site. A minimum 500 mm setback from the rear boundary must be provided;
- i. As there is no overland flow/flood path available from the rear and central courtyards to the Belmore frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - 1. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - 2. The maximum water level over the sag pit shall not be less than 150 mm below the floor level or damp course of the building; and
 - 3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- j. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- 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. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- q. 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 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- r. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;

- s. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- t. No impact to street tree(s);

18. Party Walls

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

19. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

20. 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

DURING DEMOLITION AND CONSTRUCTION

21. Tree Protection

To protect the *Plumaria acutifolia* (Frangipani), fencing must be erected around the perimeter of the canopy, prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*.

22. 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.

23. 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**24. 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. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath to allow for connection of the outlet conduit to the street gutter. As the kerb in the vicinity of the redundant crossing is predominately stone the replacement kerb must also be in stone; and
- b. 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".

25. 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.

26. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

27. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of 1 x 75 litre size additional tree, which will attain a minimum mature height of six (6) metres, has been planted in a suitable location within the property at a minimum of 1 metres from any boundary and 2.3 metres from a dwelling wall and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span or that do not thrive in the environmental conditions will not be accepted as suitable replacements. Note - This tree is required as a condition of TREE/2020/0760 that approved the removal of a *Jacaranda mimosifolia* (Jacaranda). The tree species (*Betula pendula*) nominated on the landscape Concept Plan prepared by IQ Architectural Homes is not appropriate.

The selected species must be certified by an AQF Level 5 Arborist as being appropriate for the climate/environment in which it is to be planted.

If the tree is found dead or dying before it reaches a height where it is protected by Council's Tree Management Controls, it must be replaced in accordance with this condition.

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.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

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.

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*.

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.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

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

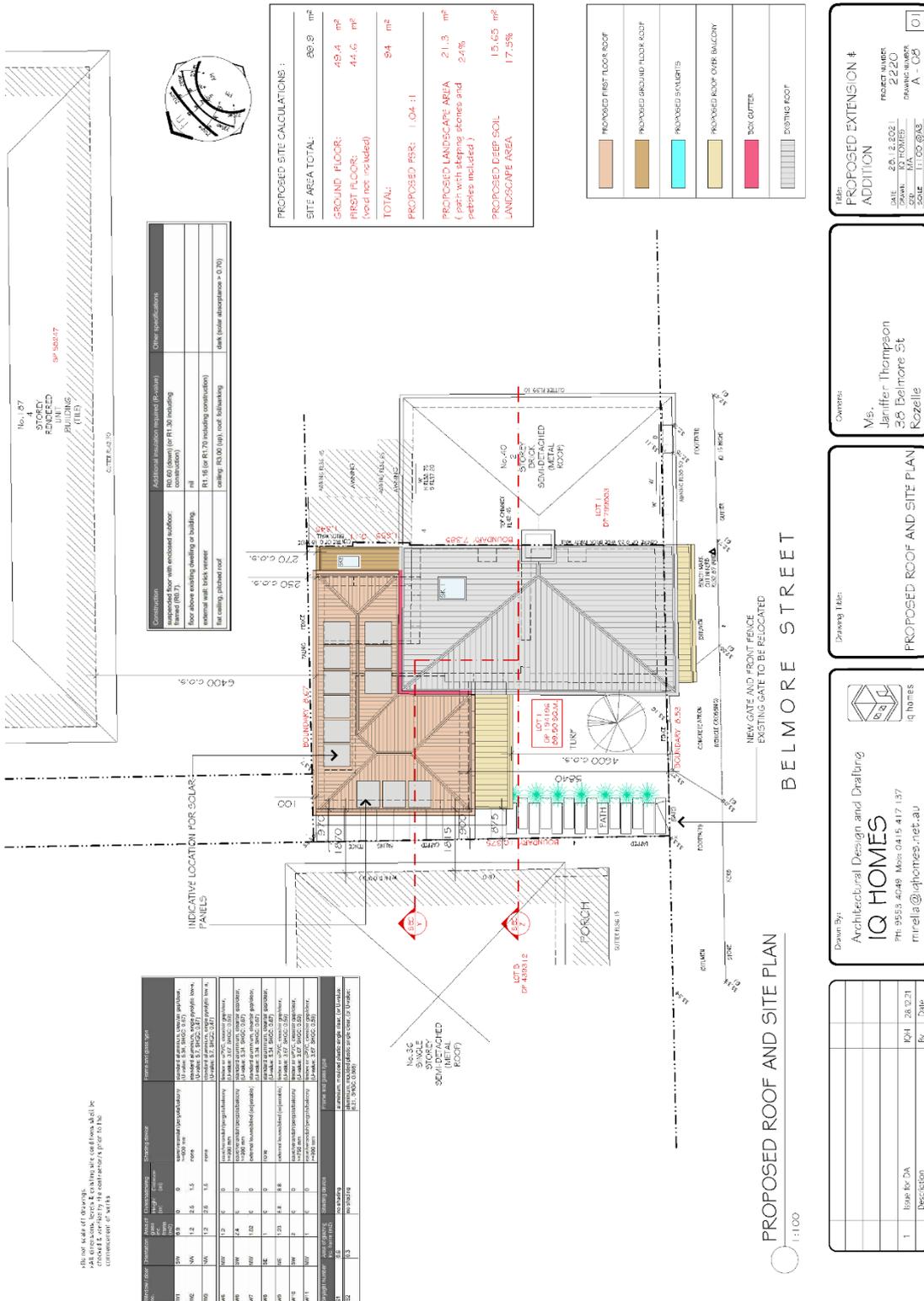
			www.dialprior toyoudig.com.au
Landcom		9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information 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.

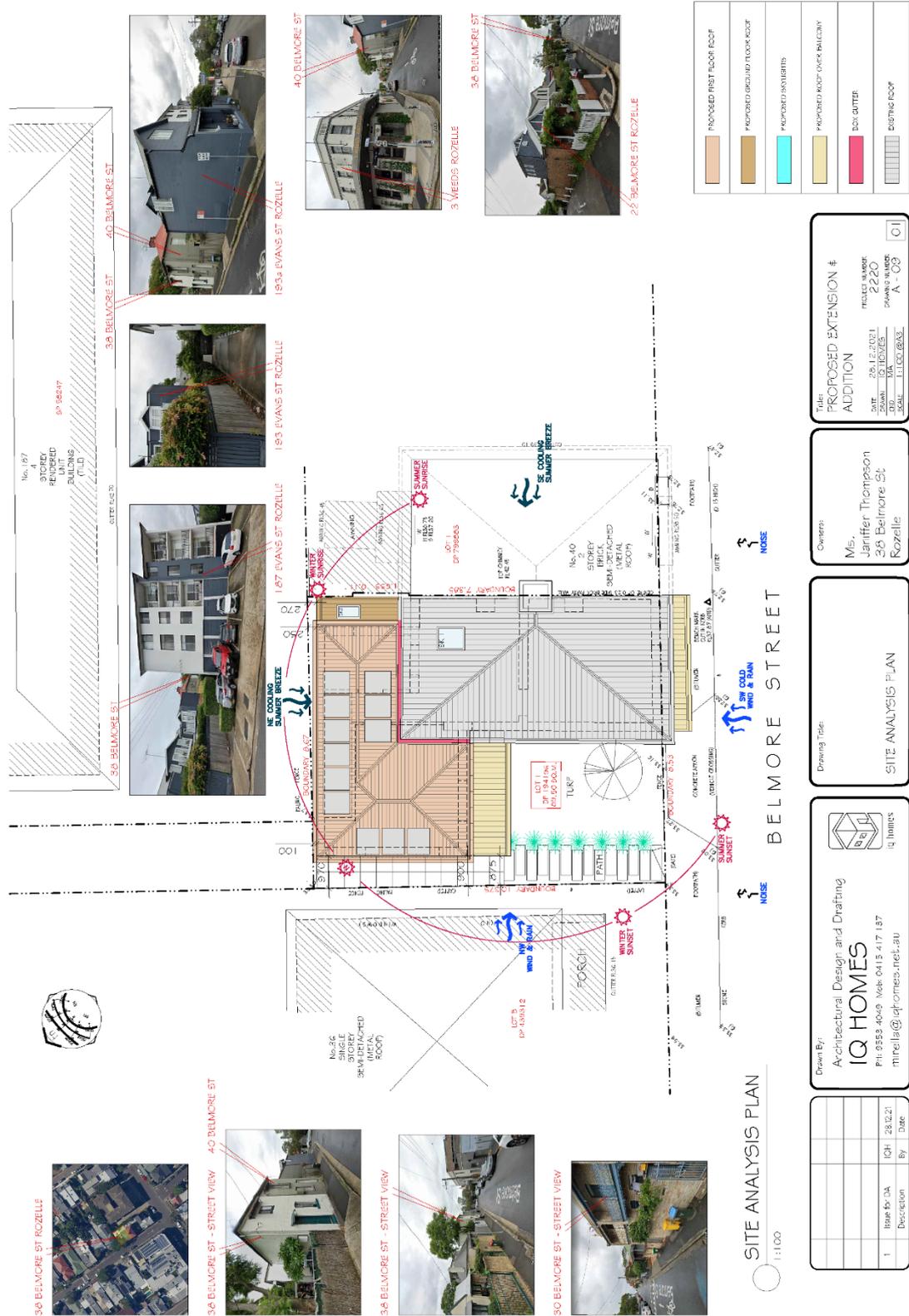
Street Numbering

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.

REASONS FOR REFUSAL

Attachment B – Plans of proposed development





Drawn By:
 Architectural Design and Drafting
IQ HOMES
 Ph: 9553 4069 Web: 0415 417 137
 mikel@iqhomes.net.au

Drawing Title:
SITE ANALYSIS PLAN

Comps:
 Ms.
 Janiffer Trompson
 3/4 Belmore St
 Rozelle

FILE:
 PROPOSED EXTENSION #
 ADDITION
 PROJECT NUMBER: 2220
 DRAWING NUMBER: A-03
 DATE: 28.12.21
 SCALE: 1:100 (BASE)

Issue No	Description	By	Date
1	Issue for DA	IQH	28.12.21

Document Set ID: 3669328
 Version: 1, Version Date: 20/02/2022

*Do not scale off drawings.
 *All dimensions, levels & existing site conditions shall be checked & verified by the contractor's prior to the commencement of works



BETULA PENDULA
 MOSS WHITE



POA BARBATA
 BLUE TUFTS GRASS



*WITH STEPPING STONES LGA

	SELECTED PAVING
	TURF
	PAVERS
	SELECTED STEPPING STONES

PLANT SCHEDULE

SYMBOL	Botanical Name	Common Name	Quantity
	POA BARBATA	BLUE TUFTS GRASS	7
	BETULA PENDULA	MOSS WHITE	1

PROPOSED LANDSCAPE CALCULATION :

SITE AREA TOTAL:	49.5 m ²
PROPOSED LANDSCAPE AREA (Path w/ stepping stones area patios included):	21.3 m ² 42.8%
PROPOSED DRIP SOIL LANDSCAPE AREA	15.625 m ² 31.5%



BELMORE STREET

LANDSCAPE CONCEPT PLAN



Drawn By: IQ HOMES

Project: Architectural Design

PH: 9553 4049 Mob: 0415 47 137
 email: iqhomes@iqhomes.net.au

1	Issue for Client Approval	CH	15/2/21	Date
				By

Property Owners:
 V/s
 Jani Har Tompson
 98 Belmore Street
 Rozelle, nsw

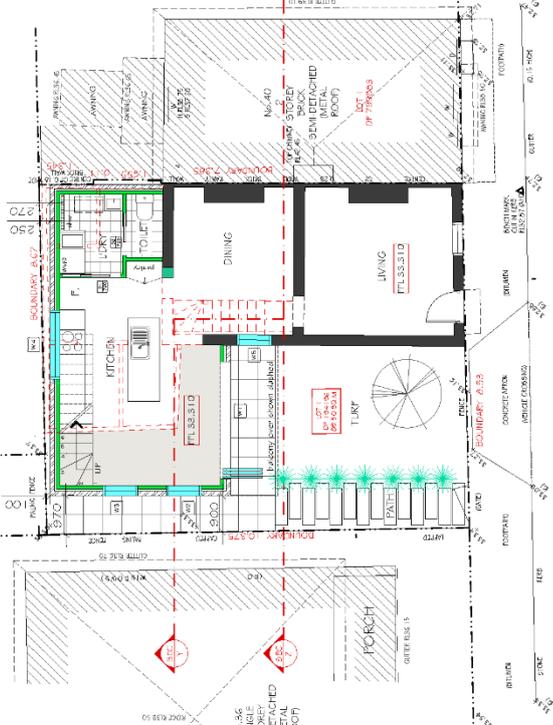
LANDSCAPE CONCEPT PLAN

PROPOSED EXTENSION AND ADDITION

PROJECT NUMBER: 22/21
 DRAWING NO: 100-043
 SCALE: 1:100 @A3
 DRAWING NUMBER: 01



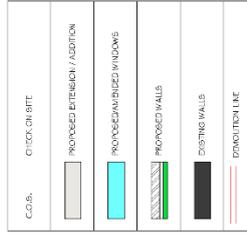
*Do not scale off drawings.
 *All dimensions, levels & existing site conditions shall be checked & verified by the contractors prior to the commencement of works



Construction	Additional Information (R-Value)	Other Specifications
Suspended floor with reinforced outdoor framed (R1.7)	R1.65 (down) (or R1.30 including construction)	
floor above existing existing or building.	nil	
external wall brick veneer	R1.16 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling R1.00 (up), roof following dark (color absorbance > 0.70)	

Window / Door	Dimensions (mm)	Area of glass (m ²)	U-value (W/m ² K)	Shading device	Frame and glass type
W1	SW 1.2 x 2.5	3.0	0.7	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W2	NW 1.2 x 2.5	3.0	0.7	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W3	NW 1.2 x 2.5	3.0	0.7	none	standard aluminium, single argon low-e glass, (U-value 2.7 SHGC 0.67)
W4	NW 1.2 x 2.5	3.0	0.7	none	standard aluminium, single argon low-e glass, (U-value 2.7 SHGC 0.67)
W5	NW 1.2 x 2.5	3.0	0.7	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W6	SW 2.4 x 0	0	0	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W7	NW 1.02 x 0	0	0	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W8	SE 1 x 0	0	0	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W9	NE 1.23 x 5.8	7.1	0.7	external louvered (pergola)	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W10	SW 2 x 0	0	0	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)
W11	NW 1 x 0	0	0	none	standard aluminium, clear glass, (U-value 3.34 SHGC 0.67)

Shading device	Shading device	Frame and glass type
S1	no shading	aluminium, standard panes single clear, (or U-value: 3.34 SHGC 0.67)
S2	no shading	aluminium, standard panes single clear, (or U-value: 3.34 SHGC 0.67)



PROPOSED GROUND FLOOR PLAN

1:100

Drawn By: **IQ HOMES**
 Architectural Design
 Ph: 9553 4049 Mob: 0415 417 137
 muelle@iqhomes.net.au

1	Issue for DA	1/21/21
	Decision	

Property/Owner:
 Mrs. Jennifer Thompson
 3/8 Belmore Street
 Rozelle

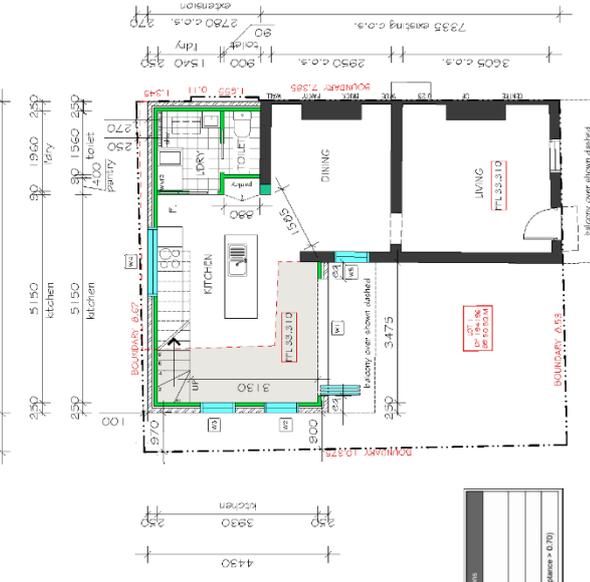
Drawing Title:
 PROPOSED GROUND FLOOR PLAN

DATE: 28/12/2021
 DRAWING NUMBER: 2231
 SCALE: 1:100 @A3

PROJECT NUMBER: 2231
 DRAWING NUMBER: 01

TRN:
 PROPOSED EXTENSION AND ADDITION

• Do not scale off drawings.
 • All dimensions, levels & existing site conditions shall be checked & verified by the contractors prior to the commencement of works.



Sightline number	Area of vision (sq. m)	Shading device	Frame and glass type
S1	0.8	no shading	aluminium, monoblock plastic single clear (or U-value: 1.4) (SHGC: 0.47)
S2	0.3	no shading	aluminium, monoblock plastic single clear (or U-value: 1.4) (SHGC: 0.47)

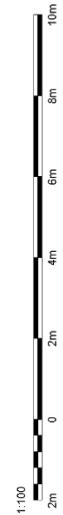
Window door no.	Orientation	Area of vision (sq. m)	Height (m)	Distance (m)	Shading device	Frame and glass type
W1	SW	8.8	0	0	None	standard aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W2	NW	1.2	2.5	1.5	none	standard aluminium, single argon gas, (U-value: 2.7, SHGC: 0.47)
W3	NW	1.2	2.5	1.5	none	standard aluminium, single argon gas, (U-value: 2.7, SHGC: 0.47)
W4	NW	1.2	0	0	None	None or PVC, clear glass, (U-value: 2.67, SHGC: 0.59)
W5	SW	2.4	0	0	None	None or PVC, clear glass, (U-value: 2.67, SHGC: 0.59)
W6	NW	1.02	0	0	external horizontal louvers	standard aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W7	NW	1.02	0	0	external horizontal louvers	standard aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W8	SE	1	0	0	None	standard aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W9	NE	1.23	5.8	8.8	external horizontal louvers	None or PVC, clear glass, (U-value: 2.67, SHGC: 0.59)
W10	SW	2	0	0	None	None or PVC, clear glass, (U-value: 2.67, SHGC: 0.59)
W11	NW	1	0	0	None	None or PVC, clear glass, (U-value: 2.67, SHGC: 0.59)

Construction	Additional insulation required (R-value)	Other specifications
Roof above existing dwelling or building	R1.0 (down) or R1.50 (existing roof construction)	
external wall, brick veneer	R1.18 (or R1.70 including construction)	
flat ceiling, plastered roof	ceiling: R3.00 (or) roof: following	detail (see above/elsewhere > 0.70)

BELMORE STREET

PROPOSED GROUND FLOOR PLAN WITH DIMENSIONS

1:100



C.O.S.	CIRCLE ON SITE
[Grey box]	PROPOSED EXTENSION / ADDITION
[Blue box]	PROPOSED/EXISTING WINDOWS
[Green box]	PROPOSED WALLS
[Black box]	EXISTING WALLS
[Red line]	DISCONTINUITY LINE

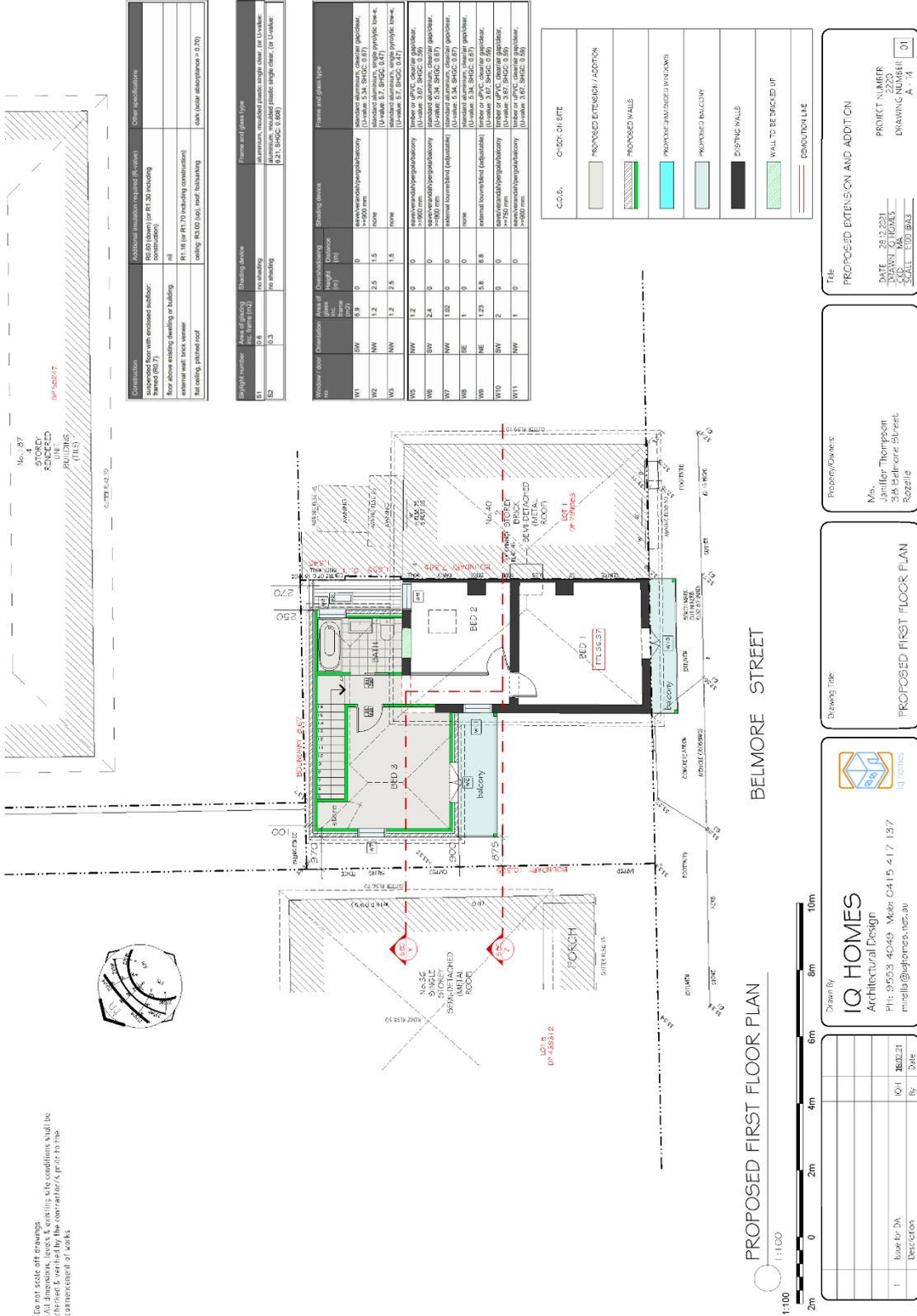
Issue No.	DA	By	Date
1	Issue for DA	IOH	28.12.21

Drawn By
IQ HOMES
 Architectural Design
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 info@iqhomes.net.au

Drawing Title
PROPOSED GROUND FLOOR PLAN WITH DIMENSIONS

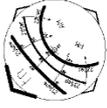
Property/Owners:
 Ms. Janifer Thompson
 2/8 Belmore Street
 Rozelle

Title
PROPOSED EXTENSION AND ADDITION
 DATE: 28.12.21
 DRAWN BY: IOH
 CHECKED BY: IOH
 SCALE: 1:100
 PROJECT NUMBER: 2223
 DRAWING NUMBER: A - 3

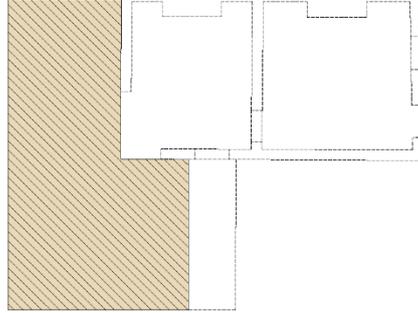


*Do not scale off drawings.
*All dimensions, levels & existing site conditions shall be checked & verified by the contractor's prior to the commencement of works.

*Do not scale off drawings.
 *All dimensions, levels & existing site conditions shall be checked & verified by the contractor prior to the commencement of works

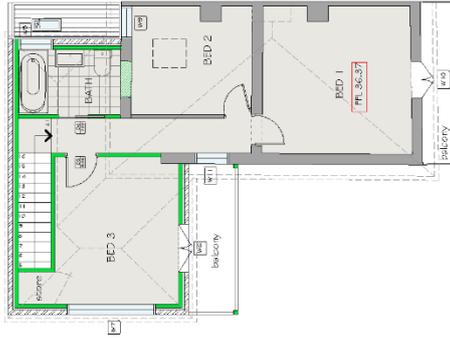


AREA TO BE EXCAVATED
 APPROX. 14 m²



BELMORE STREET
 EXCAVATION PLAN

AREA CALCULATED IN FSR



BELMORE STREET
 PROPOSED FIRST FLOOR PLAN



BELMORE STREET
 PROPOSED GROUND FLOOR PLAN

EXCAVATION KEY PLAN

EXCAVATION KEY PLAN

EXCAVATION KEY PLAN



No	Issue for DA	ICM#	Date
1	Issue for DA	ICM#	26.12.21
	Description	By	Date

Drawn By: **IQ HOMES**
 Architectural Design
 PH: 9553 4049 Mdx: 0415 417 137
 miella@iqhomes.net.au

Drawing Title:
**FSR CALCULATION KEY PLAN
 EXCAVATION KEY PLAN**

Property/Owners:
 Mrs
 Jennifer Thompson
 3/5 Belmore Street
 Rozelle

Title:
 PROPOSED EXTENSION AND ADDITION
 DATE: 28/12/2021
 DRAWN TO: HOMES
 SCALE: 1:100/300
 PROJECT NUMBER: 2223
 DRAWING NUMBER: 01

Window/Door No.	Description	Frame and Glazing	Shading device	Frame and Glazing Type
W1	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W2	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W3	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W4	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W5	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W6	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W7	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W8	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W9	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W10	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
W11	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)

Roof No.	Description	Frame and Glazing	Shading device	Frame and Glazing Type
R1	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)
R2	0	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)	no shading	aluminium, powder coated, single pane, (or Luvax 801, SHCC 0.88)

Construction	Additional insulation required (R value)	Other specifications
Roof above existing building or building	R0.80 (down) or R1.20 (up) including insulation	
Roof above existing building or building	R1.10 (or R1.20 including construction)	
External wall, brick veneer	comply with R1.20, detailing	comply with R1.20, detailing
External wall, other	comply with R1.20, detailing	comply with R1.20, detailing
External wall, other	comply with R1.20, detailing	comply with R1.20, detailing



Property/Owner:
 Ms. J. Thompson
 3/8 Belmore Street
 Rozelle

Drawing Title:
 PROPOSED FRONT FENCE
 PROPOSED SOUTH WEST
 ELEVATION

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 info@iqhomes.net.au

Drawn By:
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 Architectural Design
 Ph: 9553 4049 Mob: 0415 417 137
 info@iqhomes.net.au

1:100
 2m 0 2m 4m 6m 8m 10m

1.8m FRONT FENCE TO BE REPLACED WITH -
 CAPPED PICKET FENCE - SELECTED COLOUR

Title:
 PROPOSED EXTENSION AND ADDITION

DATE: 28/12/2021
 DRAWN BY: J. Thompson
 CHECKED BY: J. Thompson
 SCALE: 1:100 (0.003)

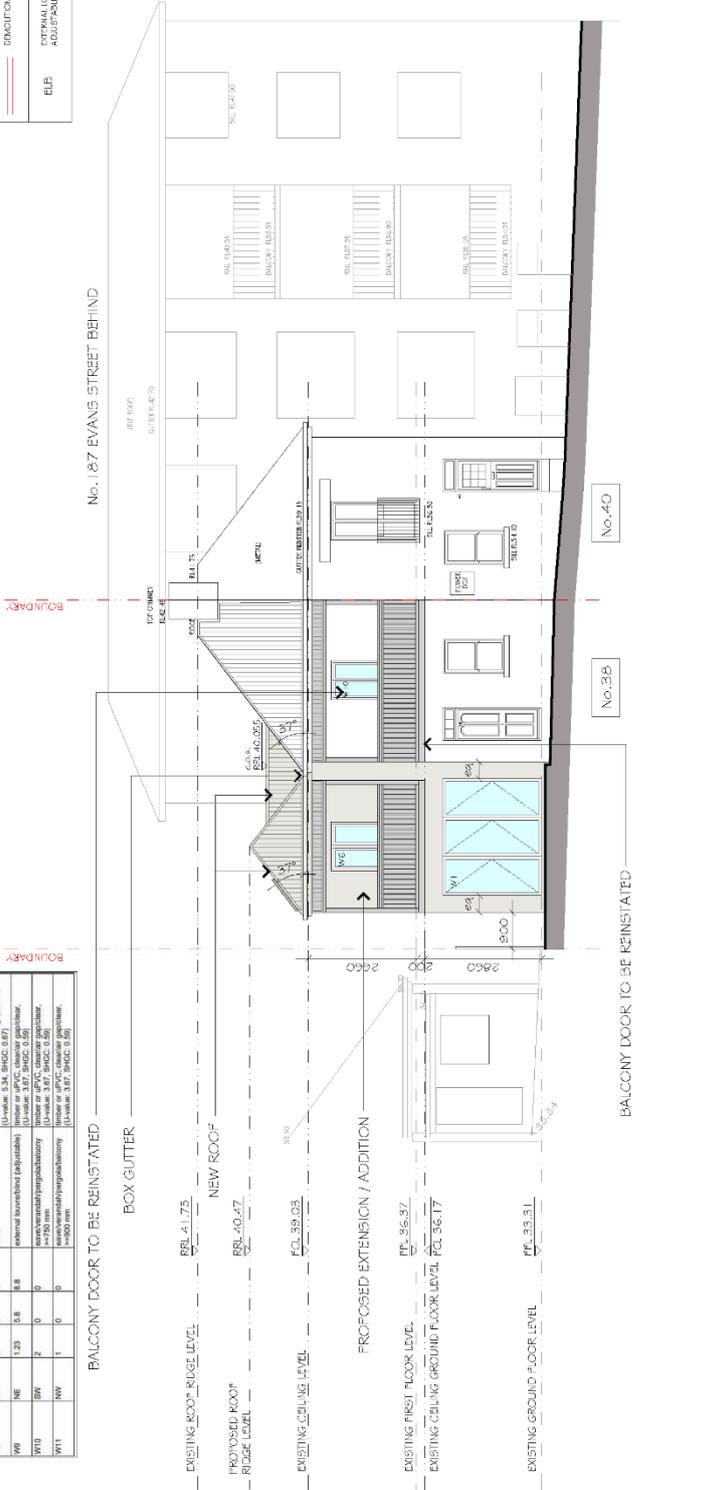
PROJECT NUMBER: 2227
 DRAWING NUMBER: A-11
 01

	PROPOSED TERRACE / FRONT BALCONY
	PROPOSED BALCONY / TERRACE TO MAIN FFL LINE
	PROPOSED PARTIAL WINDOWS
	PROPOSED FRONT FENCE
	EDIFICATION LINE
	ELLS
	EXTERNAL LOUVER / RAMP ADJUSTABLE AS PER DRAW

Construction	Additional treatment required (Pave/Asphalt/Gravel)	Other specifications
Asphalt floor with enclosed subfloor (R1.0) (down to R1.30 including construction)	R1.0 (down to R1.30 including construction)	
Floor above existing dwelling or building	nil	
External wall: brick veneer	R1.10 (or R1.70 including construction)	
Flat ceiling: pitched roof	ceiling: R1.00 (up), roof: (as existing)	dark (lower absorbance > 0.20)

Slight number	Area of glazing (sq. frame only)	Frame and glass type
S1	0.8	aluminium, insulated pane, single clear, (or U-value > 2.1, SHGC: 0.60)
S2	0.3	aluminium, insulated pane, single clear, (or U-value > 2.1, SHGC: 0.60)

Window / door no.	Description	Area of glazing (sq. frame only)	Overhead glazing (sq. frame only)	Shading device	Frame and glass type
W1	SW	0.8	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W2	NW	1.2	2.5	1.5	none
W3	NW	1.2	2.5	1.5	none
W4	NW	1.2	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W5	NW	2.4	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W6	NW	1.02	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W7	NW	1.02	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W8	SE	1	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W9	NE	1.23	0.8	0.8	external board/based (optional) insulator or PVC, clear glass, (U-value: 2.7, SHGC: 0.47)
W10	SW	2	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)
W11	NW	1	0	none	insulated aluminium, clear glass, (U-value: 2.7, SHGC: 0.47)



PROPOSED SOUTH WEST ELEVATION



Issue for DA	Issue for DA	Issue for DA
1	10/1	28/12/21
	By	Date

Drawn By
IQ HOMES
 Architectural Design
 PH: 9553 4049 M: 0415 417 137
 miella@iqhomes.net.au

Drawing Title
PROPOSED SOUTH WEST ELEVATION

Property/Owner
 Mr.
 Jennifer Thompson
 3/9 Belmore Street
 Rozelle

Title
 PROPOSED EXTENSION AND ADDITION

PROJECT NUMBER
 2220

DATE
 28/12/2021

DRAWN BY
 MIELLA

CHECKED BY
 MIELLA

DRAWING NUMBER
 A-10

	PROPOSED EXTENSION / ADDITION
	PROPOSED BALCONY / AWNING TO MAIN DWELLING
	PROPOSED SHARDED WINDOWS
	PROPOSED FRONT FENCE
	BOUNDARY LINE
	EXTERNAL OVERHEAD POWERLINE OR Pylon

Construction	Additional insulation required (R-value)	Other specifications
Suspended floor with reinforced subfloor (R1.7)	R1.00 (down) (or R1.30 including construction)	
Floor above existing dwelling or building	Nil	
External wall: brick veneer	R1.15 (or R1.70 including construction)	dark timber cladding (max 0.70)
Flat ceiling: pitched roof	ceiling R1.00 (up) roof cladding	

Slough number	Area of glazing (sq. metres)	Shading device (sq. metres)	Frame and glass type
S1	0.3	no shading	Aluminium, moulded plastic single clear, (or U-value $U \le 1.5$, SHGC 0.85)
S2	0.3	no shading	Aluminium, moulded plastic single clear, (or U-value $U \le 1.5$, SHGC 0.85)

Window / door	Orientation	Area of glazing (sq. metres)	Shading device	Frame and glass type
W1	SW	0.9	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W2	NW	1.2	1.5	none
W3	NW	1.2	1.5	none
W4	NW	1.2	1.5	none
W5	NW	1.2	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W6	SW	2.4	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W7	NW	1.02	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W8	SE	1	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W9	NE	1.23	0.8	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W10	SW	2	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67
W11	NW	1	0	external aluminium (extruded) U-value: 5.34, SHGC: 0.67



PROPOSED NORTH WEST ELEVATION

PROPOSED EXTENSION / ADDITION

NO. 36 IN FRONT SHOW DASHED IN BLUE

1:100

2m 4m 6m 8m 10m

Drawn By

IQ HOMES
Architectural Design
Ph: 9553 4049 Mob: 0415 417 137
mielle@iqhomes.net.au

No.	Issue For	DA	By	Date
1	Issue For DA	ICM		26.12.21

Property/Owners:

Ms. Jennifer Thompson
3/8 Belmore Street
Rozelle

Project Number: 2223
Drawing Number: 01

DATE: 28/12/2021
DRAWN BY: JMT
SCALE: 1:100 @ A3

Property/Owners:

Ms. Jennifer Thompson
3/8 Belmore Street
Rozelle

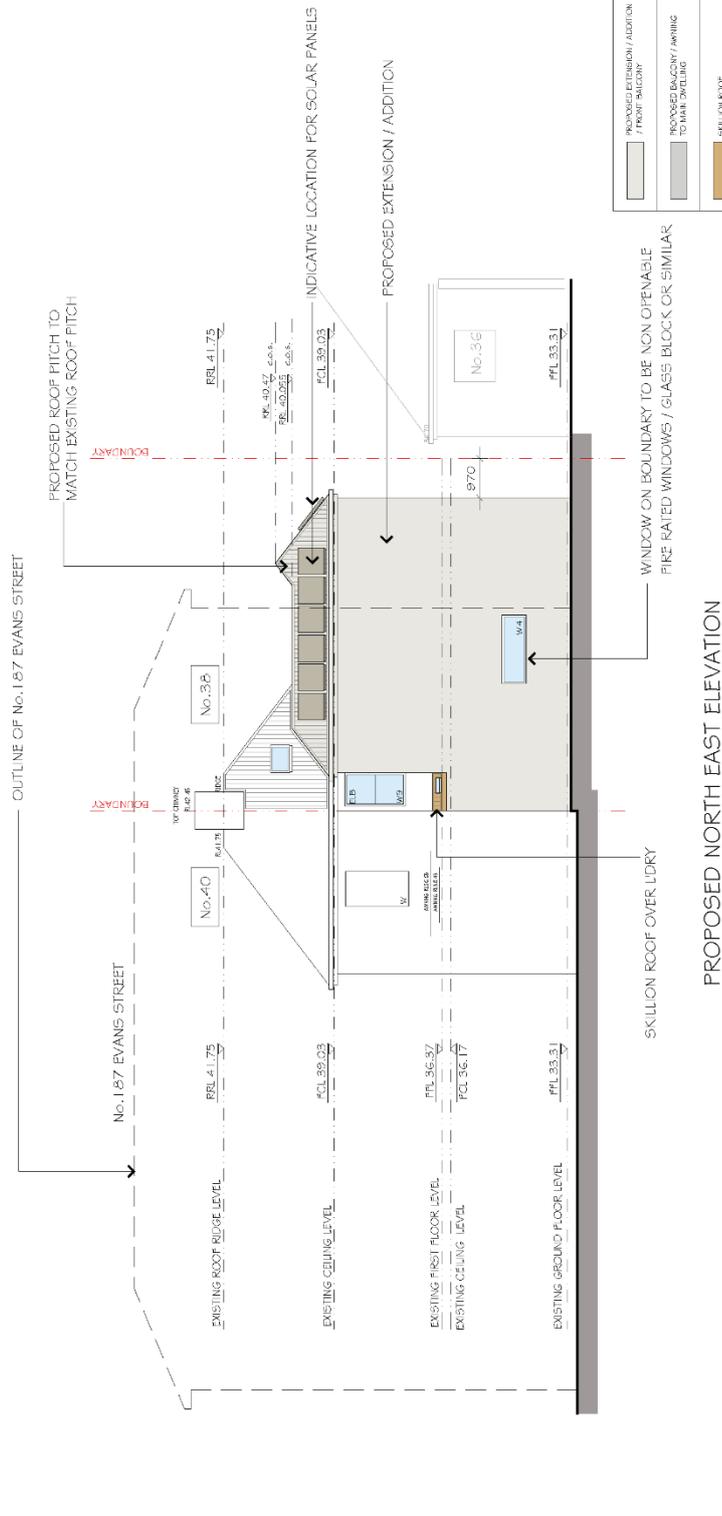
Drawing Title:

PROPOSED NORTH WEST ELEVATION

IQ HOMES

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Ph: 9553 4049 Mob: 0415 417 137
mielle@iqhomes.net.au

Document Set ID: 36694328
Version: 1, Version Date: 20/02/2022



Issue No	By	Date
1	Issue for DA	26.12.21
	Description	

Shown By

IQ HOMES
Architectural Design
Ph: 9953 4049 Mob: 0415 417 137
mirella@iqhomes.net.au

Drawing Title:

PROPOSED NORTH EAST ELEVATION

Property/Owners:

Ms. Jennifer Thompson
439 Eldonore Street
Roseville

Title:

PROPOSED EXTENSION AND ADDITION

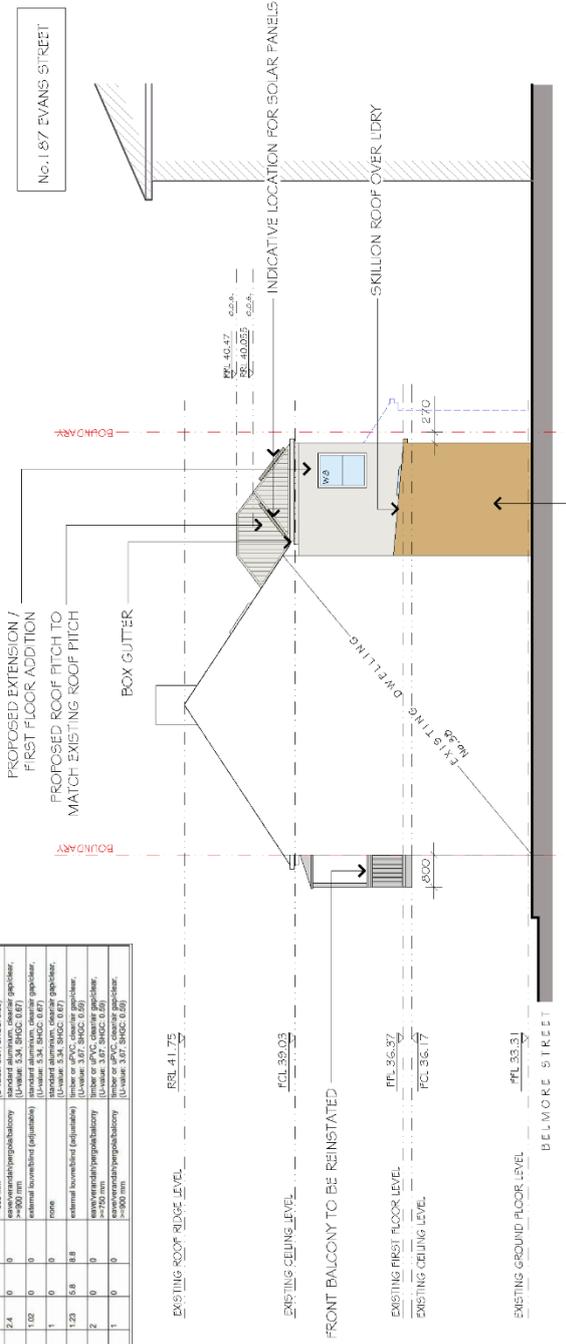
DATE: 28.12.21
DRAWN BY: MIRELLA
CHECKED BY: MIRELLA
PROJECT: 1701-0003

PROJECT NUMBER: 2222
DRAWING NUMBER: 01

Slight number	Area of glazing (m ²)	Shading device	Frame and glass type
11	0.3	no shading	aluminium, monocal plastic, clear, 6+12+6
12	0.3	no shading	aluminium, monocal plastic, beige, clear, 6+12+6

Construction	Additional provision required (to value)	Other specifications
insulated floor with enclosed subfloor	R1.00 (below) or R1.50 (including construction)	
floor above existing, walling or building	nil	
external wall, brick veneer	R1.16 for R1.70 (including construction)	
flat ceiling, pitched roof	ceiling R3.00 (top), roof, full-sarking	dark colour absorbance > 0.70

Window / door	Dimension	Area of glazing (m ²)	Height (m)	Distance from (m)	Shading device	Frame and glass type
W1	2.0 x 1.5	3.0	1.5	0	none	standard aluminium, clear glass, U-value: 5.34, SHGC: 0.67
W2	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W3	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W4	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W5	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W6	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W7	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W8	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W9	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W10	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67
W11	2.0 x 1.5	3.0	1.5	0	none	U-value: 5.77, SHGC: 0.67, pyrolytic low-e, U-value: 5.77, SHGC: 0.67



[Grey box]	PROPOSED EXTENSION / ADDITION / FRONT BALCONY
[Dark grey box]	PROPOSED BALCONY / AWNING TO MAIN DWELLING
[Orange box]	PROPOSED LOW ELEVATION
[Blue box]	PROPOSED WINDOWS / SKYLIGHTS
[Red line]	EVOLUTION LINE



Title	PROJECT NUMBER
PROPOSED EXTENSION AND ADDITION	28.12.2021
DATE	DRAWN BY
28.12.2021	3.5.2022
DRAWN BY	SCALE
3.5.2022	1:100 (B2)
DRAWING NUMBER	A - 21
01	

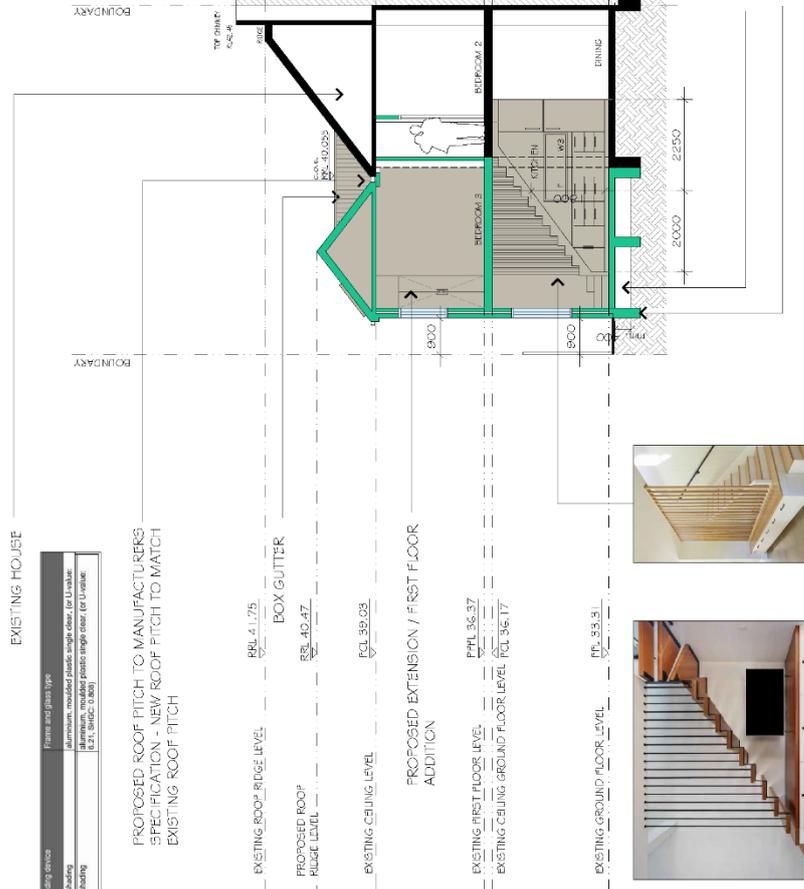
Property/Owners:
 Mrs.
 Jennifer Thompson
 3/5 Bentmore Street
 Rozelle

Drawing Title:
 PROPOSED SOUTH EAST
 ELEVATION

IQ HOMES
 Architectural Design
 PHE: 9553 4049 Mob: 04 15 4 17 137
 info@iqhomes.net.au

1	Scale (or DA)	ICD	Date	By	Date

Window/door no.	Orientation	Area of glass (m ²)	Distance from (m)	Height (m)	Shading device	Frame and glass type
W1	SW	0.2	0	0	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)
W2	NW	1.2	2.6	1.5	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)
W3	NW	1.2	2.6	1.5	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)
W4	NW	1.2	0	0	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)
W5	SW	2.4	0	0	external louvre/blade (adjustable)	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87) glazing, (U-value 0.34, SHGC 0.87)
W6	NW	1.02	0	0	external louvre/blade (adjustable)	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87) glazing, (U-value 0.34, SHGC 0.87)
W7	SE	1	0	0	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)
W8	NE	1.23	5.8	8.8	external louvre/blade (adjustable)	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87) glazing, (U-value 0.34, SHGC 0.87)
W9	SW	2	0	0	external louvre/blade (adjustable)	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87) glazing, (U-value 0.34, SHGC 0.87)
W10	NW	1	0	0	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)
W11	NW	1	0	0	none	standard aluminium, double glazing, (U-value 0.34, SHGC 0.87)



PROPOSED SECTION Y - Y

Construction	Additional insulation required (R-value)	Other specifications
Insulated floor with unsealed subfloor:	R0.46 (down) (or R1.38 including all)	
Floor above existing dwelling or building:	R1.48 (or R1.70 including construction)	
External wall with corner:	R1.48 (or R1.70 including construction)	
External wall, pitched roof:	Rating: R0.00 (incl. roof cladding)	See table above (page 9/10)

PROPOSED SUBFLOOR AREA
FOOTINGS AND FLOOR FRAME TO ENG. DETAILS

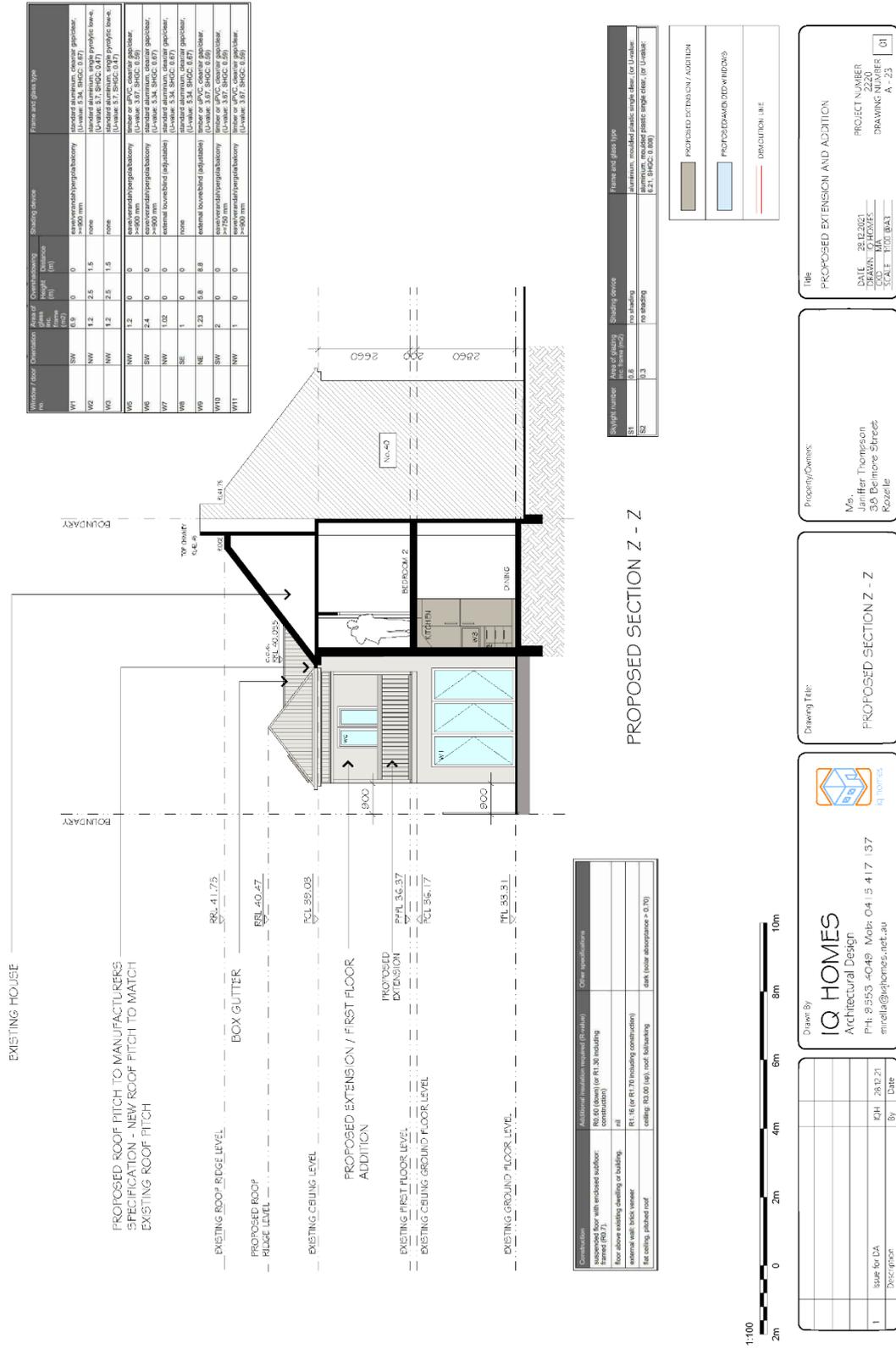
	PROPOSED EXTENSION / ADDITION
	PROPOSED UNSEALING WINDOWS
	DRAINAGE LINE

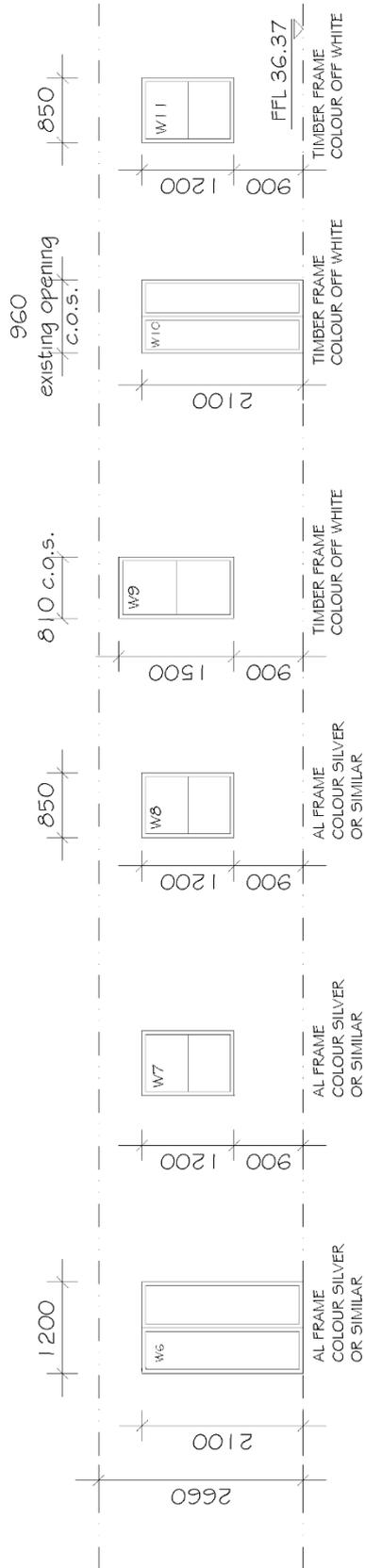


OPTIONAL

 IQ HOMES Architectural Design PH: 9553 4049 Mob: 0415 417 137 info@iqhomes.net.au	Drawing title: PROPOSED SECTION Y - Y	Property/Owner: Ms. Janifer Thompson 58 Belmore Street Rozelle
	Title: PROPOSED EXTENSION AND ADDITION	Project Number: 2225

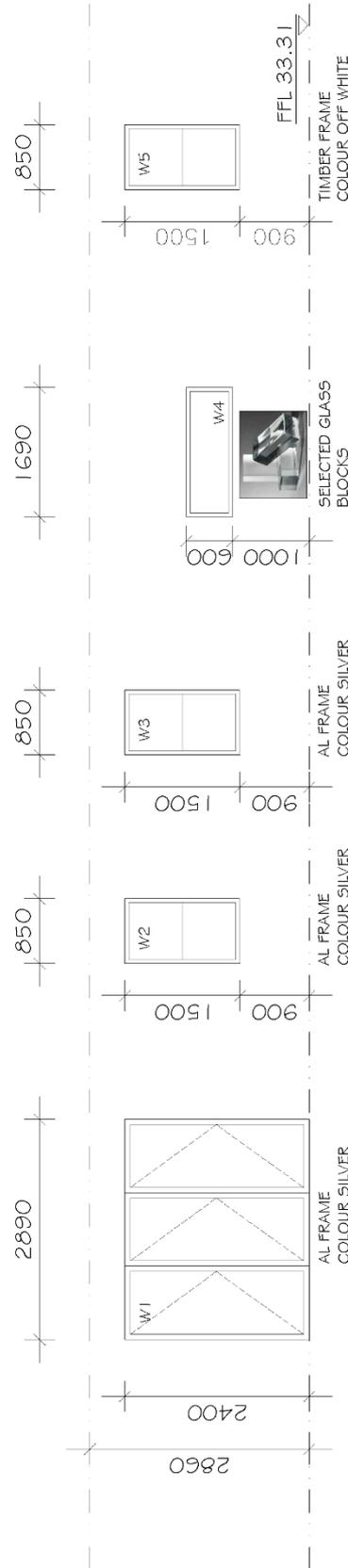
Document Set ID: 3669329
Version: 1, Version Date: 20/02/2022





FIRST FLOOR

PROPOSED WINDOWS / DOORS SCHEDULE



GROUND FLOOR



Title: PROPOSED EXTENSION AND ADDITION
 DATE: 28.12.2021
 DRAWN: T.HOODLES
 CHECKED: M.A.
 SCALE: 1:50 (2018)

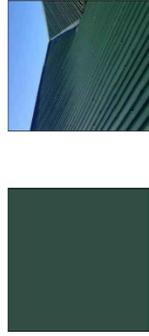
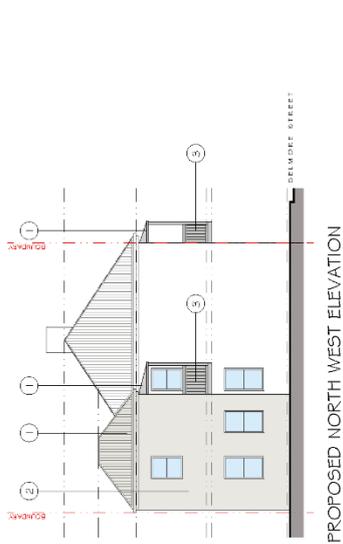
PROJECT NUMBER: 2220
 DRAWING NUMBER: AT-24-01

Prepared by:
 Ms. Jennifer Thompson
 301 Prince Street
 Rozelle

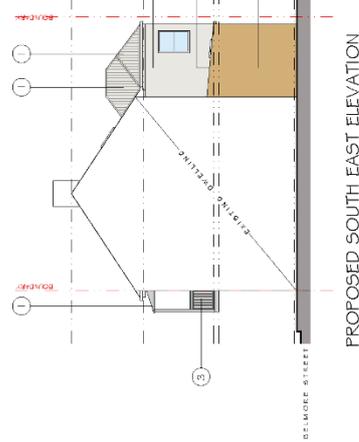
Drawing Title:
 WINDOWS / DOORS
 SCHEDULE

Drawn By:
IQ HOMES
 Architectural Design
 Pht: 8553 4048 Mob: 04 15 4 17 137
 m.inelli@iqhomes.net.au

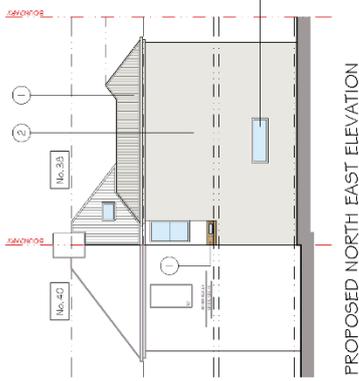
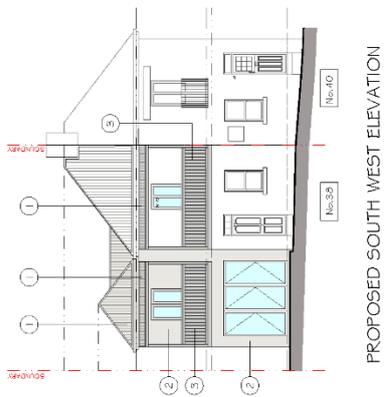
Issue for DA	Description	By	Date
1			25.12.21



- ① SELECTED COLOURBOND ROOF COLOR - COTTAGE GREEN OR SIMILAR TO MATCH EXISTING ROOF COLOUR
- ② EXPOSED BRICK COLOR - SALMON PINK TO MATCH EXISTING BRICK (OR SIMILAR)



- ⑤ SELECTED GLASS BLOCKS



- ③ BALCONY / VERANDA BALUSTRADE WROUGHT IRON (OR SIMILAR) COLOUR BLACK

MATERIALS AND FINISHES SCHEDULE

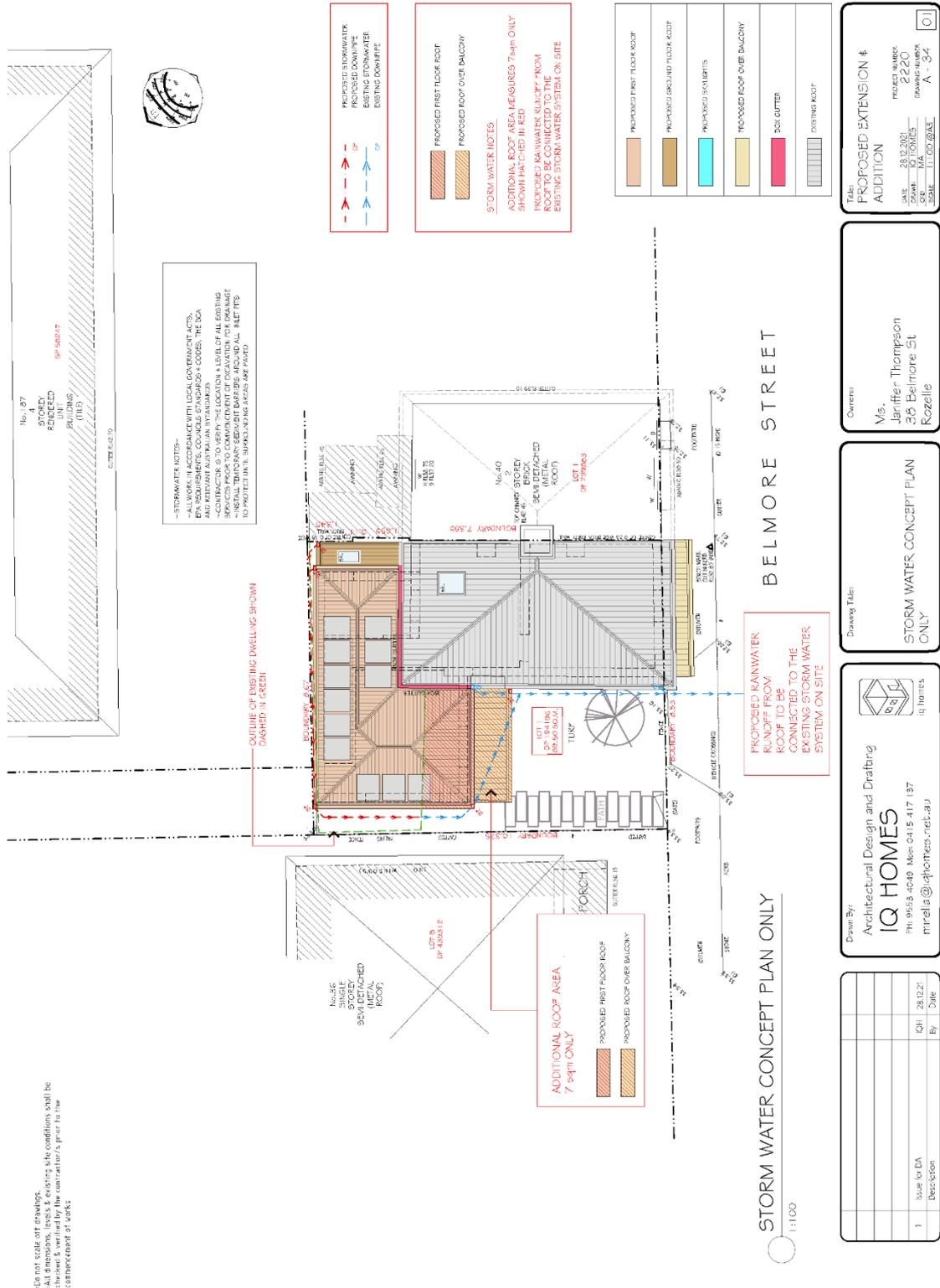
Proposed Extension and Addition	
DATE	28/12/2022
PROJECT NUMBER	22/001/10005
DRAWING NUMBER	A - 25
SCALE	1:75 @A3

Property Owners
 Ms. Jennifer Thompson
 50 Delmore Street
 Rozelle

Drawing Title
 MATERIALS AND FINISHES SCHEDULE

Drawn By
IQ HOMES
 Architectural Design
 Ph: 9553 4049 Mob: 04 15 41 17 197
 info@iqhomes.net.au

No.	Item for QA	Discipline	By	Date
1				



Description of project

BASIX[®] Certificate
 Building Sustainability Index www.basix.nsw.gov.au
Alterations and Additions

Certificate number: A445092

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Sunday, 09, January 2022

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	38 Belmore St Rozelle
Street address	38 Belmore Street Rozelle 2039
Local Government Area	Inner West Council
Plan type and number	Deposited Plan 194196
Lot number	1
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: IQ Homes
ABN (if applicable): 57348411613

BASIX Certificate number: A445092

page 2 / 7

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

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 Version: 1, Version Date: 22/07/2022

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BASIX Certificate number: A445092

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Construction		Show on DA Plans	Show on CC/CDC Plans & Specs	Certifier Check															
<p>Insulation requirements</p> <p>The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.</p> <table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>suspended floor with enclosed subfloor: framed (R0.7)</td> <td>R0.60 (down) (or R1.30 including construction)</td> <td></td> </tr> <tr> <td>floor above existing dwelling or building.</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: brick veneer</td> <td>R1.16 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>flat ceiling, pitched roof</td> <td>ceiling: R3.00 (up), roof: foil/sarking</td> <td>dark (solar absorbance > 0.70)</td> </tr> </tbody> </table>					Construction	Additional insulation required (R-value)	Other specifications	suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)		floor above existing dwelling or building.	nil		external wall: brick veneer	R1.16 (or R1.70 including construction)		flat ceiling, pitched roof	ceiling: R3.00 (up), roof: foil/sarking	dark (solar absorbance > 0.70)
Construction	Additional insulation required (R-value)	Other specifications																	
suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)																		
floor above existing dwelling or building.	nil																		
external wall: brick veneer	R1.16 (or R1.70 including construction)																		
flat ceiling, pitched roof	ceiling: R3.00 (up), roof: foil/sarking	dark (solar absorbance > 0.70)																	
		✓	✓	✓															

Planning, Industry & Environment
 Document Set ID: 36604126
 Version: 1, Version Date: 22/07/2022

Building Sustainability Index www.basix.nsw.gov.au

Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																																		
<p>Windows and glazed doors</p> <p>The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.</p> <p>The following requirements must also be satisfied in relation to each window and glazed door:</p> <p>Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.</p> <p>For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.</p> <p>Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.</p> <p>External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.</p> <p>Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.</p> <p>Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.</p>					✓	✓	✓	✓																														
<p>Windows and glazed doors glazing requirements</p> <table border="1"> <thead> <tr> <th rowspan="2">Window / door no.</th> <th rowspan="2">Orientation</th> <th rowspan="2">Area of glass inc. frame (m²)</th> <th colspan="2">Overshadowing</th> <th rowspan="2">Shading device</th> <th rowspan="2">Frame and glass type</th> </tr> <tr> <th>Height (m)</th> <th>Distance (m)</th> </tr> </thead> <tbody> <tr> <td>W1</td> <td>SW</td> <td>6.9</td> <td>0</td> <td>0</td> <td>eave/verandah/pergola/balcony >=900 mm</td> <td>standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)</td> </tr> <tr> <td>W2</td> <td>NW</td> <td>1.2</td> <td>2.5</td> <td>1.5</td> <td>none</td> <td>standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)</td> </tr> <tr> <td>W3</td> <td>NW</td> <td>1.2</td> <td>2.5</td> <td>1.5</td> <td>none</td> <td>standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)</td> </tr> </tbody> </table>					Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type	Height (m)	Distance (m)	W1	SW	6.9	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)	W2	NW	1.2	2.5	1.5	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)	W3	NW	1.2	2.5	1.5	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)	✓	✓	✓	✓
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing					Shading device	Frame and glass type																													
			Height (m)	Distance (m)																																		
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Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
W5	NW	1.2	0	0	eave/verandah/ pergola/balcony >=900 mm	timber or uPVC, clear/air gap/clear, (U-value: 3.67, SHGC: 0.59)		
W6	SW	2.4	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
W7	NW	1.02	0	0	external louvre/blind (adjustable)	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
W8	SE	1	0	0	none	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
W9	NE	1.23	5.8	8.8	external louvre/blind (adjustable)	timber or uPVC, clear/air gap/clear, (U-value: 3.67, SHGC: 0.59)		
W10	SW	2	0	0	eave/verandah/ pergola/balcony >=750 mm	timber or uPVC, clear/air gap/clear, (U-value: 3.67, SHGC: 0.59)		
W11	NW	1	0	0	eave/verandah/ pergola/balcony >=900 mm	timber or uPVC, clear/air gap/clear, (U-value: 3.67, SHGC: 0.59)		

Skylights

The applicant must install the skylights in accordance with the specifications listed in the table below.

The following requirements must also be satisfied in relation to each skylight:

Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	0.6	no shading	aluminium, moulded plastic single clear, (or U-value:

✓	✓	✓	✓
	✓	✓	✓

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Glazing requirements				Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type			
S2	0.3	no shading	6.21, SHGC: 0.808 aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)			

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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

Attachment C- Clause 4.6 Exception to Development Standards



Myriad Consulting
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ABN 40211831976

31 January 2022

Ref: 2020146 (Version: 1.0)

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

CLAUSE 4.6 VARIATION (FSR) IN RELATION TO THE ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AT 38 BELMORE STREET, ROZELLE

1. INTRODUCTION

The following Clause 4.6 Variation request has been prepared on behalf of the owner, Janiffer Kay Thompson, and architect, IQ Homes Architectural Design, to accompany a development application for the alterations and additions to the existing dwelling at 38 Belmore Street, Rozelle.

The development standard to which this request for variation relates is *Clause 4.4 Floor Space Ratio* in the *Leichhardt Local Environmental Plan (LLEP) 2013*.

The site is identified as having a maximum permissible FSR of 0.5:1 m on the FSR Map. However, in accordance with Clause 4.42B(d) the maximum permissible FSR for residential accommodation on land edged yellow on the Floor Space Ratio Map with a lot size of less than 150m³ is 0.9:1.

The subject lot size is 89.5m².

The proposed GFA is 94m² with a FSR of 1.05:1, representing a variation of 16%, and exceeds the maximum permissible FSR for the site.

The FSR exceedance is directly related to the small site, heritage conservation requirements and existing location and layout of the building.

To achieve a fully compliant FSR it would result in a reduction in the floor area to 80m², resulting in a very small dwelling with a poor layout and low level of amenity.

The proposed floor space does not prevent the site from complying with other key development standards including landscaping and site coverage and does not result in any new or significant privacy, overshadowing or general amenity impacts on the neighbouring properties. The proposal is also consistent with the applicable heritage provisions and will maintain a low-density residential presentation to the street.

The two-storey rear addition is considered to be well located and set well within the surrounding denser built environment, including the four-storey residential flat building immediately to the rear of the site.

The variation to the FSR development standard does not give rise to any adverse environmental impacts or presents a precedent in the locality for similar types of development and is consistent with other similar developments in the locality. As such, the maintenance of the development standard in this specific instance would not provide any public benefit and would hinder the orderly and economic development of the site.



2. THE SITE

The site is located at Rozelle in the Inner West (former Leichhardt) Local Government Area (LGA). Rozelle is medium density residential area generally characterised by a mix of medium to high density residential uses, generally in the form of single dwellings, semi-detached dwellings, terrace housing and multi-storey residential or mixed use buildings with smaller commercial uses interspersed amongst the residential uses.

The subject site is located at 38 Belmore Street, Rozelle and legally described at Lot 74 DP 1272297. It is generally square in shape with frontage of 8.3m and a total site area of 89.5m². The site fronts onto Belmore Street and backs onto the side driveway associated with the multi-storey residential flat building at 187 Evans Street.

The site forms part of a matching pair of semi-detached dwellings at 40 Belmore Street, each containing a two-storey dwelling with a single-storey fibro lean-to extension and awning.



Figure 1
Aerial of site and surrounding properties (site outlined in red and shaded yellow)
 (Source: SIXViewer)

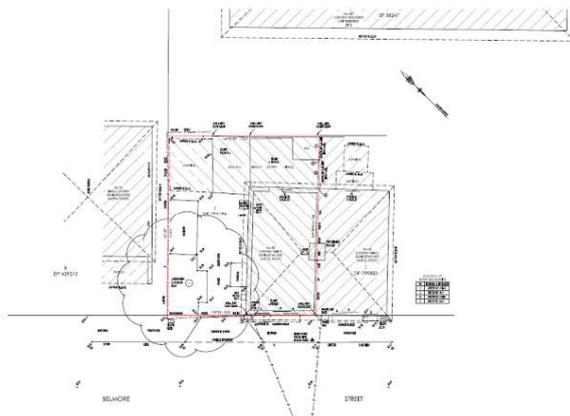


Figure 2
Extract of the site survey

Myriad Consulting
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PO Box 2104

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enquiries@myriadconsulting.com.au
myriadconsulting.com.au
ABN 40211831976

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Rose Bay North NSW 2030
 Version: 1, Version Date: 10/02/2022



Figure 3
 Extract of the existing site plan showing the part two-storey and part single-storey dwelling with small front courtyard area



Figure 4
 View of the site from Belmore Street highlighting the small site showing the attached dwelling at 40 Belmore Street and the residential flat building at 187 Evans Street in the background

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 Rose Bay North NSW 2030
 Version: 1, Version Date: 10/02/2022

3. PROPOSED DEVELOPMENT

The proposed development is for alterations and additions to the existing dwelling.

A summary of the proposed development includes:

- Minor demolition works at the side and rear of the site.
- Rear ground and first-floor extension and addition.
- General upgrade and refurbishment work to the façade including the reinstatement of a first-floor balcony over Belmore Street.
- New landscaping to the central private open space area/courtyard.

The skillful design and massing of the proposed building envelope on the small site has been undertaken having regard to the existing building, surrounding built forms, size of the site and the contribution of the building to the heritage conservation area, as well maintaining the amenity of adjoining properties, particularly in relation to solar access, privacy, and views.

The primary roof and building form and details of the existing dwelling, including the existing front door, ground-floor front window and chimney will be retained. The original balcony and door overhanging Belmore Street will be reinstated.

The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing main dwelling. The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.

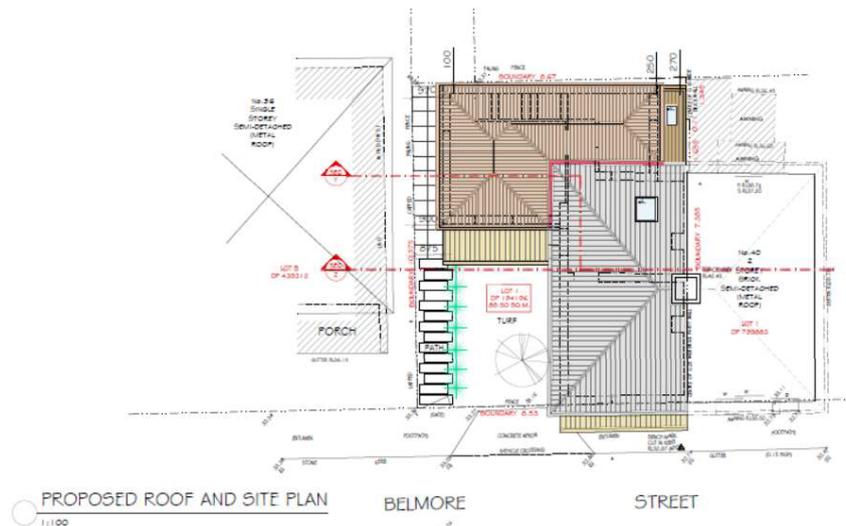


Figure 5
 Extract of the proposed site plan showing the ground and first-floor rear extension shaded brown

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 PO Box 2104

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 enquiries@myriadconsulting.com.au
 myriadconsulting.com.au
 ABN 40211831976

Document Set ID: 35250426
 Rose Bay North NSW 2030
 Version: 1, Version Date: 10/02/2022



Figure 6
 Extract of the proposed front (southwest) elevation showing the new works coloured brown and blue, highlighting the set down of the new two-storey addition at the rear of the site, new windows and bifold doors on the ground and first-floors and the new front balconies with awnings

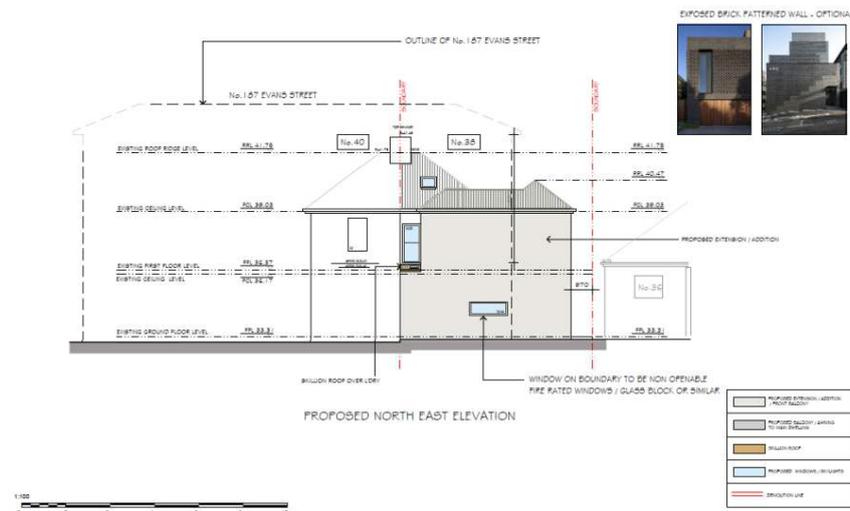


Figure 6
 Extract of the proposed rear (northeast) elevation showing the new works coloured brown and blue, highlighting the set down of the new two-storey addition at the rear of the site, new windows and the small setback from the rear and side boundaries

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 ABN 40211831976

Document Set ID: 358042
 Rose Bay North NSW 2030
 Version: 1, Version Date: 10/02/2022

4. CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Clause 4.6 *Exceptions to Development Standards* of the *Leichhardt Local Environmental Plan (LLEP) 2013* provides a mechanism by which a development standard can be varied.

The objectives of this clause as outlined in Clause 4.6(1) are:

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

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for and from the development.

While there is no specific provision that requires compliance with the objectives of the clause, it is still useful to provide a preliminary assessment against the objectives of the Clause. The proposal seeks flexibility in the application of the FSR standard to the development in the circumstance of this case.

The proposal has been designed to best address the site constraints, the heritage provisions, the streetscape and to ensure neighbours' amenity is maintained.

The new rear portion of the proposal will not be readily visible from the street and will be set down from the original dwelling, maintaining the dominant building and roof form.

The FSR variation allows for more usable floor area in a very small site and allows for an internal layout that can accommodate a more open plan layout that maximises natural light and ventilation.

The building will have a compatible scale with the neighbouring properties as well as other recent developments and approvals in the locality and maintain their amenity in terms of privacy, solar access and views. It is of a similar scale to both the existing and desired future developments in the area.

The proposal maintains the appearance and character of a two-storey 'single dwelling' when viewed from Belmore Street.

A compliant FSR will result in an underutilising of the site and would result in a building that would be inconsistent with the general existing and future built form in the locality. To achieve a fully compliant FSR it would result in a reduction in the floor area to 80m², resulting in a very small dwelling with a poor layout and low level of amenity.

Therefore, it is considered that the proposed FSR provides a better planning outcome for the site.

Clause 4.6(2) provides 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.

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The NSW Land and Environment Court decisions of *Wehbe v Pittwater Council* (2007) LGERA 446; and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 provide assistance on the approach to justifying a contravention to a development standard.

5. CLAUSE 4.6(3)(A): UNREASONABLE OR UNNECESSARY

The case of *Wehbe* provides examples of how a variation to a development standard can be shown to be unreasonable or unnecessary (as required by clause 4.6(3)(a).

Although this case related to a variation of development standards under SEPP 1, it has been adopted as being of continuing relevance to variations under clause 4.6.

The examples provided in *Wehbe* are:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*
3. *The underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The applicant seeks a variation to the FSR development standard, which is considered unreasonable and unnecessary in the circumstances of the case on the basis of *Wehbe* reasons 1 and 3, as explained in detail below.

The other heads of consideration under Clause 4.6 are also addressed below.

6. FLOOR SPACE RATIO

6.1 The Standard to be Varied and the Extent of Variation

The Standard to be varied is *Clause 4.4 Floor Space Ratio* in the *Leichhardt Local Environmental Plan (LLEP) 2013*.

The site is identified as having a maximum permissible FSR of 0.5:1 m on the FSR Map. However, in accordance with Clause 4.42B(d) the maximum permissible FSR for residential accommodation on land edged yellow on the Floor Space Ratio Map with a lot size of less than 150m² is 0.9:1.

The subject lot size is 89.5m².

The proposed GFA is 94m² with a FSR of 1.05:1, representing a variation of 16%, and exceeds the maximum permissible FSR for the site.

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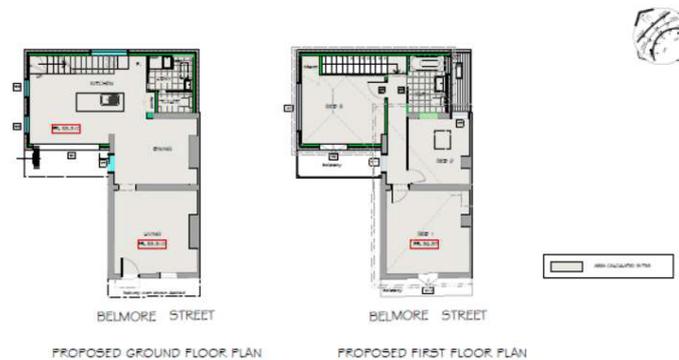


Figure 7
 Extract of the GFA calculation plan showing the areas included and excluded from the calculations on each level resulting in a GFA of 94m² and a FSR of 1.05:1

6.2 Clause 4.4 Floor Space Ratio

Clause 4.4 Floor Space Ratio of the LLEP 2013 states:

- 4.4 Floor space ratio
- (1) The objectives of this clause are as follows—
 - (a) to ensure that residential accommodation—
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,
 - (b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.
 - (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
 - (2A) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone R1 General Residential is not to exceed 1:1.
 - (2B) Despite subclause (2), the floor space ratio for development for the purpose of residential accommodation—
 - (a) on land shown edged black or pink on the Floor Space Ratio Map is not to exceed—
 - (i) in the case of development on a lot with an area of less than 150 square metres—0.9:1, or
 - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.8:1, or
 - (iii) in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.7:1, or
 - (iv) in the case of development on a lot with an area of 450 square metres or more—0.6:1, or
 - (b) on land shown edged red or green on the Floor Space Ratio Map is not to exceed—
 - (i) in the case of development on a lot with an area of less than 150 square metres—1.0:1, or
 - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.9:1, or
 - (iii) in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.8:1, or
 - (iv) in the case of development on a lot with an area of 450 square metres or more—0.7:1, or
 - (c) on land shown edged brown on the Floor Space Ratio Map is not to exceed—
 - (i) in the case of development on a lot with an area of less than 150 square metres—0.8:1, or
 - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.7:1, or
 - (iii) in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.6:1, or
 - (iv) in the case of development on a lot with an area of 450 square metres or more—0.5:1, or
 - (d) on land shown edged yellow on the Floor Space Ratio Map is not to exceed—
 - (i) in the case of development on a lot with an area of less than 150 square metres—0.9:1, or
 - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.8:1, or
 - (iii) in the case of development on a lot with an area of 300 square metres or more—0.7:1.

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The site is identified as having a maximum permissible FSR of 0.5:1 m on the FSR Map. However, in accordance with Clause 4.42B(d) the maximum permissible FSR for residential accommodation on land edged yellow on the Floor Space Ratio Map with a lot size of less than 150m² is 0.9:1.

6.3 4.6(3)(a): Unreasonable or unnecessary in the circumstances of the case

Compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of this case because the objectives of the FSR standard are achieved, notwithstanding the numerical non-compliance, as explained below.

Despite the non-compliance, the proposal is consistent with the area’s desired low to medium density character.

The proposal provides a bulk and scale that is generally consistent with that envisaged by Council’s controls and provides a landscaped area and site coverage consistent with the applicable Development Standards, demonstrating that the proposal is not an overdevelopment of the site.

The proposed development will maintain the existing front setback and presentation to the street, provide sufficient private open space and landscaped areas and will not present significant or unreasonable privacy or amenity impacts on the neighbouring properties. Accordingly, there would be no utility in strictly enforcement of the FSR development standard.

Consistency with Clause 4.4 Floor Space Ratio Objectives

The underlying object or purpose of the standard, in terms of ensuring that the bulk and scale of development is consistent with the existing and desired future character of the area, would be defeated or thwarted if compliance was required and compliance with the standard is also unreasonable for this reason.

Overall, it is considered that the proposed building envelope will not result in any unacceptable adverse impacts on the surrounding urban environment in terms of urban design, built form, overshadowing, residential amenity, wind impacts or impacts on utilities infrastructure.

The objectives of Clause 4.4 have been addressed in the following table.

Development Standard Objectives	Response
(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	<p>As noted above and throughout the Statement of Environmental Effects (SEE) submitted with the application, the scale of the dwelling is compatible with the characteristics of the site and the locality in general.</p> <p>The site is located in Rozelle within the <i>RI General Residential</i> area. The zone and area are characterised by a mix of single dwellings, dual occupancies, semi-detached dwellings, townhouses and residential flat buildings of a range of styles and design.</p> <p>Older dwellings are being upgraded and refurbished with a number of dwellings accommodating larger rear additions set behind the original front facades and original roof forms.</p> <p>The proposed alterations and additions will maintain the general</p>

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Development Standard Objectives	Response
	<p>low density residential nature of the building and will present as two storeys to Belmore Street. This design, bulk and scale is consistent with the height, bulk and scale of new developments and recently approved local residential developments.</p> <p>The proposed building envelope is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelopes in the locality.</p> <p>The two-storey rear addition is considered to be well located and set well within the surrounding denser built environment, including the four-storey residential flat building immediately to the rear of the site.</p> <p>The proposed floor space does not prevent the site from complying with other key controls in relation to site coverage, private open space and general amenity or impacts on the neighbouring properties.</p> <p>The proposed development considered to be of an appropriate bulk, scale and appearance consistent with the general character of Belmore Street, the locality and the R1 zone in general.</p>
<p><i>(ii) provides a suitable balance between landscaped areas and the built form, and</i></p>	<p>The skilful design and massing of the proposed building envelope on the small site has been undertaken having regard to the existing building, surrounding built forms, size of the site and the contribution of the building to the heritage conservation area, as well maintaining the amenity of adjoining properties, particularly in relation to solar access, privacy, and views.</p> <p>The proposal ensures compliance with the minimum landscape requirements and maximum site coverage, ensuring that the proposal maintains a low density residential scale.</p>
<p><i>(iii) minimises the impact of the bulk and scale of buildings,</i></p>	<p>The proposed alterations and additions are of an appropriate bulk, scale and appearance consistent with the general character of Belmore Street and the R1 zone in general.</p> <p>The proposal will maintain the general presentation to the streetscape with the additional floor area and bulk being located at the rear of the site.</p> <p>Due to the small size of the site and general subdivision pattern in the area, the additional bulk will align with the main/front portion of the building at 36 Belmore Street and with the rear building alignment of 40 Belmore Street.</p> <p>The proposed rear building addition will be located along the rear boundary, adjacent to the side access driveway of 187 Belmore Street and the associated four-storey residential flat building.</p> <p>The additional bulk is located in such a way that it will not be highly visible from the street or from the neighbouring properties and will not present any new or significant impacts on the neighbouring properties.</p> <p>The variation enables reasonable redevelopment of a site currently comprising an older dwelling lacking in amenity.</p> <p>The additional floor area will not significantly affect the appearance of the dwelling, its presentation to the streetscape and its general contribution to the heritage conservation area.</p>

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Development Standard Objectives	Response
	<p>The proposed FSR allows a high level of amenity and contemporary living space for future residents.</p> <p>The FSR exceedance will not be easily discernible from the public domain and will not impact neighbours' amenity, as demonstrated in the SEE.</p> <p>Furthermore, the proposal is consistent with the maximum building envelope and private open space requirements and sits well within envelope of the development and existing scale and residential character of the locality.</p>
<p>(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.</p>	<p>The proposed development does not relate to non-residential development.</p>

Consistency with the Zone Objectives

The site is located within the R1 General Residential zone.

The R1 zone states:

Zone R1 General Residential

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Bowling centres; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Hotels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Shops; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Carnivals; Carriageways; Charter and tourism boating facilities; Concessional centres; Crematoria; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Light industries; Marinas; Moving pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouses or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

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The proposed building form is consistent with the objectives of the *R1 General Residential* zone as outlined in the following table.

Zone Objectives	Response
<i>To provide for the housing needs of the community.</i>	<p>The proposed development is for alterations and additions to an existing dwelling. The proposal will provide a significant upgrade to the existing dwelling on a small site and will provide additional bedrooms to be accommodated on the site, and to accommodate a growing family in a highly sought after area in close proximity to a number of shops, services and public transport options.</p> <p>It will improve the amenity of the occupants of the dwelling and also provides a more suitable type of housing stock to meet the changing housing needs of the community.</p>
<i>To provide for a variety of housing types and densities.</i>	<p>The proposal will maintain the existing dwelling use with a higher density on a small site to accommodate for a growing family, allowing them to remain in the area.</p>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	<p>This objective is not relevant as the proposed use is a dwelling house.</p>
<i>To improve opportunities to work from home.</i>	<p>The proposal will provide additional floor area to maximise the number of bedrooms and living areas, allowing for more opportunities to work from home.</p>
<i>To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas</i>	<p>The proposed alterations and additions will maintain the general low density residential nature of the building and will present as two storeys to Belmore Street.</p> <p>The proposed development considered to be of an appropriate bulk, scale and appearance consistent with the general character of Belmore Street, the locality and the R1 zone in general.</p> <p>The proposed building envelope is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelopes in the locality.</p> <p>The two-storey rear addition is considered to be well located and set well within the surrounding denser built environment, including the four-storey residential flat building immediately to the rear of the site.</p>
<i>To provide landscaped areas for the use and enjoyment of existing and future residents.</i>	<p>The proposal will make better use of the small site and provide improvements and upgrade works as well as access to the landscaped area on the site.</p>
<i>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.</i>	<p>The proposal does not include subdivision.</p>
<i>To protect and enhance the amenity of existing and future residents and the neighbourhood.</i>	<p>The skilful design and massing of the proposed building envelope on the small site has been undertaken having regard to the existing building, surrounding built forms, size of the site and the contribution of the building to the heritage conservation area, as well maintaining the amenity of adjoining properties, particularly in relation to solar access, privacy, and views.</p>

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6.4 4.6(3)(b): sufficient environmental planning grounds to justify the contravention

The proposed alterations and additions to the existing dwelling are permissible within the *R1 General Residential* zone and is consistent with the zone objectives.

The proposed built form is a well-considered response to the particular constraints of the site, in particular the small size of the site, the heritage provisions and the existing location and layout of the dwelling.

The proposed areas of non-compliance will not be easily discernible or visible from the public or private domain.

The proposed floor space does not prevent the site from complying with other key controls in relation to site coverage, landscaping and general amenity impacts on the neighbouring properties.

The proposed building envelope is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelopes in the locality. It maintains the existing low density residential presentation to the street and is consistent with other more recent developments and approvals in the area.

To achieve a fully compliant FSR it would result in a dwelling of 80m², which is considered to be a relatively small dwelling for the area and would result in a significant underutilisation and underdevelopment of the site. Furthermore, a small dwelling would not be able to facilitate an open plan layout and would result in a dwelling with reduced amenity.

The proposed development results in a building bulk and scale that is consistent with the desired outcome and objectives for the low to medium density residential area and is similar to other recent developments in the locality.

Overall, the proposed building envelope and floor space is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope and setbacks in the locality.

Allowing a variation to the height standard, in the context of this particular site, the existing height and building form and this particular design, would promote:

- the proper and orderly development of land; and
- good design and amenity of the built environment,

which are express objectives of the *Environmental Planning and Assessment Act 1979* (Section 1.3(c) and (g)).

6.5 4.6(4)(a)(ii): the public interest

Clause 4.6(4)(a)(ii) requires that consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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*".

The proposed development is consistent with the objectives of the FSR development standard, and the objectives of the zone, for the reasons discussed above.

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6.6 4.6(1): objectives of clause 4.6

The proposed variation to the FSR standard, for the reasons explained above, is clearly consistent with the objectives of clause 4.6, which are:

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

6.7 Secretary's Concurrence

Under clause 4.6(5), in deciding whether to grant concurrence, the Secretary must consider the following matters:

- 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 Secretary before granting concurrence.

Contravention of the development standard will not result in any consequences for State or regional environmental planning.

There would be no public benefit in maintaining the development standard in this instance for the following reasons:

- The variation to the FSR development standard does not give rise to any adverse environmental impacts. As such, the maintenance of the development standard in this specific instance would not provide any public benefit and would hinder the orderly and economic development of the site.
- Maintaining the development standard, in the context of this site, would be inconsistent with the objectives of the zone, and the Act, as it would result in the underutilisation of the existing floor area, which would be inconsistent with the surrounding developments and topography.

There are no other relevant matters required to be taken into account by the Secretary.

Should you have any queries or require clarification on any matters please do not hesitate to contact me on 0414402203.

Yours sincerely,

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Craig Schulman BSc (Resource and Environmental); MURP
Director
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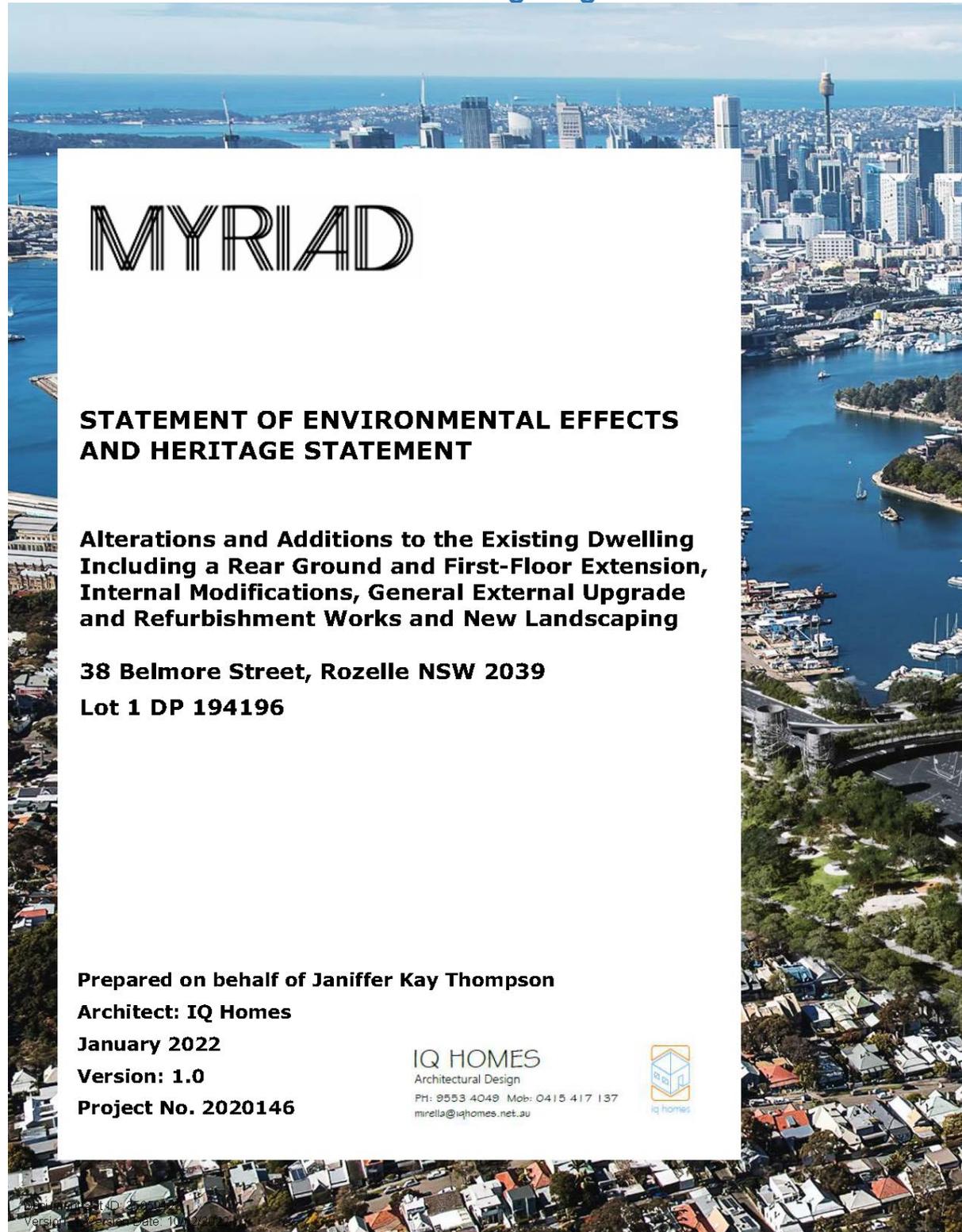
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Attachment D – Statement of Heritage Significance



MYRIAD

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

**Alterations and Additions to the Existing Dwelling
Including a Rear Ground and First-Floor Extension,
Internal Modifications, General External Upgrade
and Refurbishment Works and New Landscaping**

**38 Belmore Street, Rozelle NSW 2039
Lot 1 DP 194196**

Prepared on behalf of Janiffer Kay Thompson

Architect: IQ Homes

January 2022

Version: 1.0

Project No. 2020146

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Statement of Validity

The preparation of this Statement is pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000. It provides for an assessment of the development proposal, having regard to relevant legislation, contextual analysis, social, economic and environmental impacts, potential amenity impacts on the surrounding locality and the measures proposed to mitigate impacts.

Project No.	2020146
Proposal	Alterations and Additions to the Existing Dwelling Including a Rear Ground and First-Floor Extension, Internal Modifications, General External Upgrade and Refurbishment Works and New Landscaping
Site Address	38 Belmore Street, Rozelle NSW 2039 Lot 1 DP 194196
Site Area	89.5m ²
Council	Inner West (former Leichhardt)
Zoning	R1 General Residential
Heritage	The Valley Heritage Conservation Area
Date	30 December 2021 31 January 2021
Version	DRAFT 1 1.0
Comment	- -
Approved by	Craig Schulman Bachelor of Science (Resource and Environmental Management) Master of Urban and Regional Planning

Signed 



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STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

1. INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of the owner, Janiffer Kay Thompson, and architect, IQ Homes Architectural Design, to accompany a development application for the alterations and additions to the existing dwelling at 38 Belmore Street, Rozelle.

A summary of the proposed development includes:

- Minor demolition works at the side and rear of the site.
- Rear ground and first-floor extension and addition.
- General upgrade and refurbishment work to the façade including the reinstatement of a first-floor balcony over Belmore Street.
- New landscaping to the central private open space area/courtyard.

The primary roof and building form and details of the existing dwelling, including the ground-floor front window and chimney will be retained. The original balcony and door overhanging Belmore Street will be reinstated.

The report has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Reg.) and provides the following:

- Description and analysis of the site and locality.
- Description of the proposed development.
- Assessment of relevant environmental planning matters required for consideration under Section 4.15 of the EP&A Act including compliance with relevant planning instruments and controls, environmental impacts, site suitability and the public interest.
- Addresses the applicable provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- Conclusions on the environmental planning assessment and merits of the proposed development on which the DA can be supported by Council and granted consent.

The site is located within the *R1 General Residential* zone with the proposed alterations and additions to the existing dwelling permissible with consent.

The site has been identified a contributory item to The Valley Heritage Conservation Area (C7) and is considered to be consistent with the applicable heritage provisions.

The proposed development involves a variation to the development standard for Floor Space Ratio (FSR). A variation to the standards is sought under Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* and has been submitted under separate cover. The variation is considered to be appropriate in the context and circumstances of the development. It is considered that the variation results in a better development outcome than may be achieved with a compliant scheme.

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

2. SITE ANALYSIS

2.1 Surrounding Area

The site is located at Rozelle in the Inner West (former Leichhardt) Local Government Area (LGA). Rozelle is medium density residential area generally characterised by a mix of medium to high density residential uses, generally in the form of single dwellings, semi-detached dwellings, terrace housing and multi-storey residential or mixed use buildings with smaller commercial uses interspersed amongst the residential uses.

Victoria Road runs through the centre of the Rozelle suburb. A large number of mixed use, commercial, retail, restaurant and residential uses are located along Victoria Road.

Some infill development has taken place in recent decades throughout the wider neighbourhood. There is evidence of some unsympathetic development including a flat building of approximately 1960s construction opposite the subject land in Evans Street.

The subject site is located on the western side of Victoria Road, near the intersection of Belmore Street and Evans Street. The 3 Weeds pub is located diagonally opposite the site, on the corner of Belmore Street and Evans Street.

The area running along Evan Street, including the subject site and neighbouring properties are located within The Valley Heritage Conservation Area.

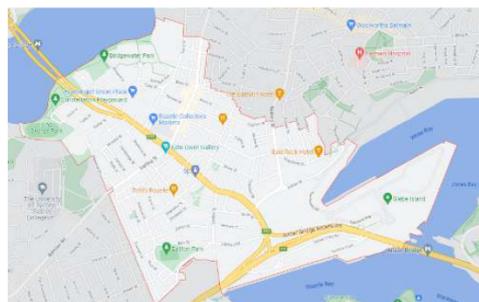


Figure 1
Map of the Rozelle suburb showing Victoria Road running through the middle of the suburb
 (Source: Google Maps)



Figure 2
Aerial of the site and surrounding area (site outlined in red and shaded yellow)
 (Source: SixViewer)

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT



Figure 3
 View of Belmore Street to the north as viewed from the intersection of Belmore Street and Evans Street showing the 3 Weeds pub to the left of the image, an example of a multi-storey residential flat building to the right of the image and a free standing dwelling
 (Source: Google Streetview)



Figure 4
 View of Belmore Street to the south as viewed from the intersection of Belmore Street and Hancock Street showing the variety of dwelling styles along the street
 (Source: Google Streetview)



Figure 5
 View of Belmore Street to the south as viewed from the intersection of Belmore Street and Withecombe Street further highlighting the variety of dwelling styles along the street and some recent additions
 (Source: Google Streetview)



Figure 6
 Northern side streetscape of Evans Street looking east

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2.2 Site

The site is located at 38 Belmore Street, Rozelle and legally described at Lot 1 DP 194196. It is generally square in shape with frontage of 8.3m and a total site area of 89.5m². The site fronts onto Belmore Street and backs onto the side driveway associated with the multi-storey residential flat building at 187 Evans Street.

The site forms part of a matching pair of semi-detached dwellings at 40 Belmore Street, each containing a two-storey dwelling with a single-storey fibro lean-to extension and awning.

The existing building envelope takes up the majority of the small site, with a small front/central courtyard of approximately 28m² and large Jacaranda tree (approved to be removed under Tree/2020/0760).

There are obvious signs of works being undertaken to the existing dwelling, including internal modifications and the removal of the original first-floor verandah over Belmore Street.

There is an existing vehicular crossover at the front of the site that is currently not in use.



Figure 7
Aerial of site and surrounding properties
(site outlined in red and shaded yellow)
(Source: SIXViewer)

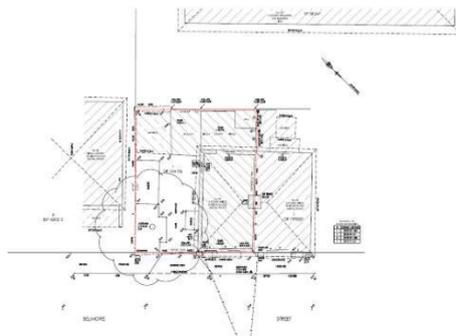


Figure 8
Extract of the site survey

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

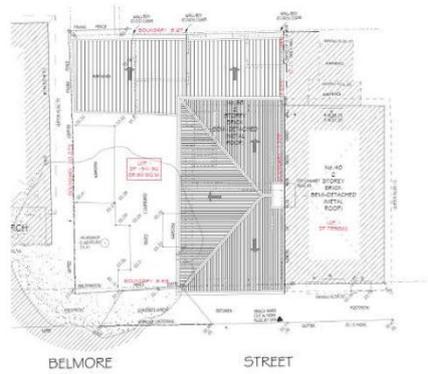


Figure 9
 Extract of the existing site plan showing the part two-storey and part single-storey dwelling with small front courtyard area



Figure 10
 View of the site from Belmore Street highlighting the small site showing the attached dwelling at 40 Belmore Street and the residential flat building at 187 Evans Street in the background



Figure 11
 View of part of the rear of the site (shown with green roof in the background) as viewed from Evans Street

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3. PROPOSAL

The proposed development is for alterations and additions to the existing dwelling. A summary of the proposed development includes:

- Minor demolition works at the side and rear of the site.
- Rear ground and first-floor extension and addition.
- General upgrade and refurbishment work to the façade including the reinstatement of a first-floor balcony over Belmore Street.
- New landscaping to the central private open space area/courtyard.

The skillful design and massing of the proposed building envelope on the small site has been undertaken having regard to the existing building, surrounding built forms, size of the site and the contribution of the building to the heritage conservation area, as well maintaining the amenity of adjoining properties, particularly in relation to solar access, privacy, and views.

The primary roof and building form and details of the existing dwelling, including the existing front door, ground-floor front window and chimney will be retained. The original balcony and door overhanging Belmore Street will be reinstated.

The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing roofline of the main dwelling. The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.

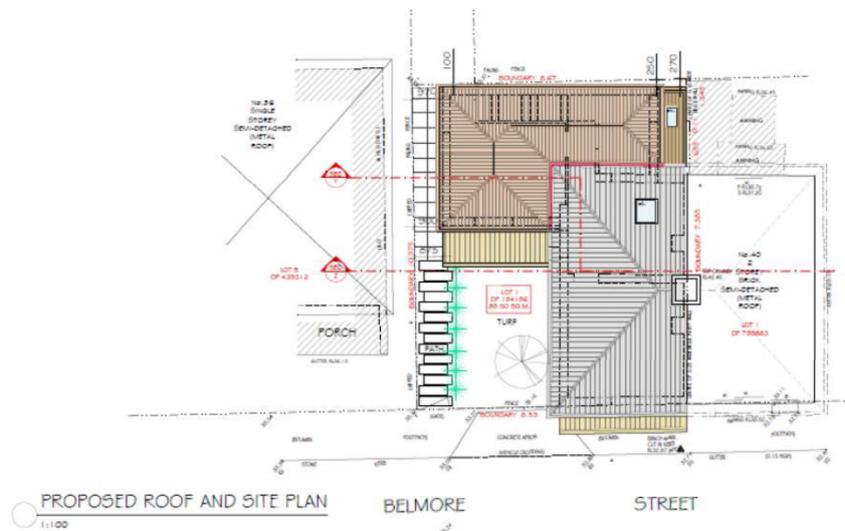


Figure 12
Extract of the proposed site plan showing the ground and first-floor rear extension shaded brown

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

3.1 Demolition and Excavation

The proposed demolition works include:

- Demolition of the existing rear single-storey fibro lean-to addition to accommodate for the two-storey extension and addition.
- Removal of several walls of the main dwelling building in order to integrate with the extension and addition.
- Relocation of the existing staircase to maximise the internal floor area.
- Removal of several internal walls on the ground and first-floors to accommodate the more open plan living areas and bedrooms.

Only minor excavation works are proposed to accommodate the footings for the extension and new for the new landscaping works.

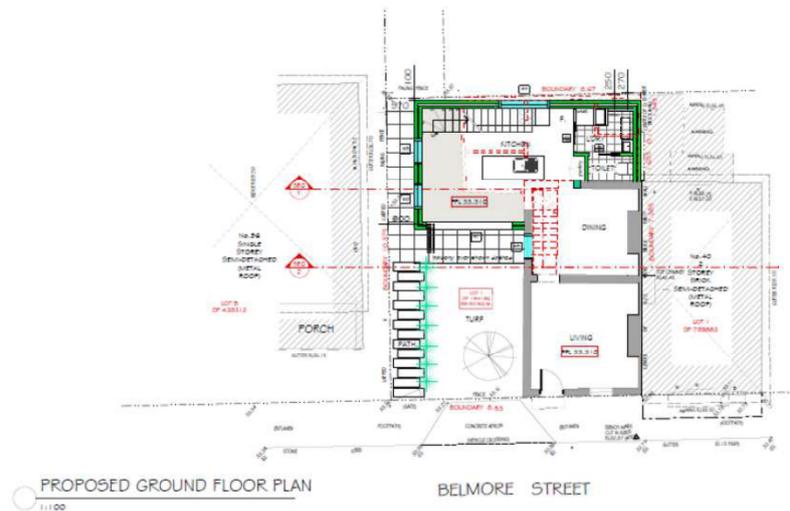


Figure 13
 Extract of the proposed ground-floor plan showing the rear single-storey fibro lean-to addition and other internal areas to be demolished, shown dashed red

3.2 Alterations and Additions

Ground-Floor Level

The proposed rear ground-floor extension and internal modification will provide a more open plan floor plan with a larger kitchen, dining and living area.

The new open plan kitchen area will have new bifold doors that open out directly to the central private open space courtyard area.

The original front portion of the building of the dwelling will be retained and will retain the main entrance.

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The new wider open plan arrangement with relocated staircase will provide significantly improved amenity to the main living areas of the dwelling.

First-Floor

The proposed development includes a side first-floor addition that will be set down from the original main building and will setback from the front boundary.

The first-floor area will accommodate three bedrooms and a bathroom.

The first-floor area along the rear (northern) boundary maximises the opportunity of the existing nil rear setback and being located adjacent to the side access driveway of 187 Evans Street.

A small portion of the rear building line will be setback from the rear and side boundaries, maintaining the presentation of part of the original building and also providing a physical and visual break from the rear and side properties.

The new rear portion of the proposal will not be readily visible from the street and will be set down from the original dwelling, maintaining the dominant building and roof form.

Front Façade

It is proposed to provide minor upgrade and refurbishment works to the front façade including painting and new front door.

The primary form, character and details of the existing dwelling which makes an active contribution to the Belmore Street streetscape and area will be retained and improved and the building will continue to be interpreted as part of the early residential development of the local area.

Front Fence

It is proposed to replace the existing front fence with a new front fence and gate.

The new fence will be 2m high and will be a picket style fence with ridge capping.

3.3 First-Floor Balconies

It is proposed to provide two new first-floor balconies.

A balcony will be provided along the building frontage, overhanging Belmore Street. This new balcony seeks to reinstate an original front balcony and window and is based on evidence suggesting front balconies were attached to 38 and 40 Belmore Street.

The balcony will be 2.86m above the street level and will extend 800mm over the street.

A second first-floor balcony is proposed for the new addition. The balcony will be setback from the street and has been designed to overlook the central courtyard area.

Each balcony will be accessible from bedrooms only.

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Figure 14
 Extract of the proposed front (southwest) elevation showing the new works coloured brown and blue, highlighting the set down of the new two-storey addition at the rear of the site, new windows and bifold doors on the ground and first-floors and the new front balconies with awnings

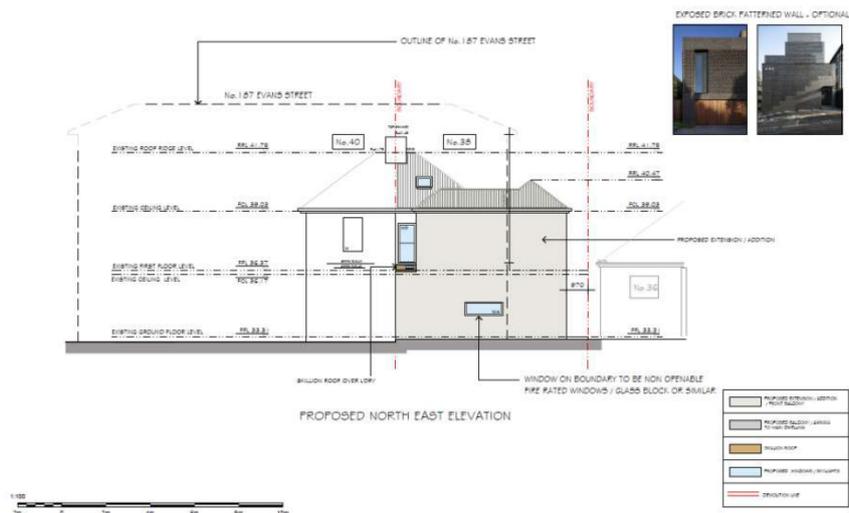


Figure 15
 Extract of the proposed rear (northeast) elevation showing the new works coloured brown and blue, highlighting the set down of the new two-storey addition at the rear of the site, new windows and the small setback from the rear and side boundaries

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

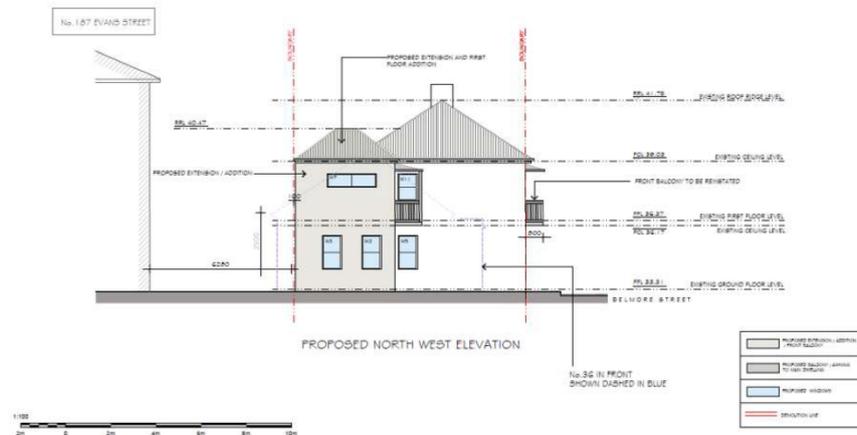


Figure 16
 Extract of the proposed side (northwest) elevation showing the new works coloured brown and blue, highlighting the set down of the new two-storey addition at the rear of the site, new windows and the new balconies

3.4 Private Open Space and Landscaping

The existing dwelling has limited private open space and landscaping, providing a front/central courtyard area of approximately 28m².

It is proposed provide improvements to the private open space and landscaped area by providing a more formalized soft landscaped area with a new large tree (*Betula pendula* 'Moss White').

The landscaped area will also incorporate a new formal entry pathway.

3.5 Materials and Finishes

The proposed materials and finishes include a range of high quality materials and finishes that will integrate into the existing original building and enhance the building and streetscape.

A range of light colours and traditional finishes are proposed, generally being in keeping with other contributory elements in the streetscape.

The new balconies include a more recessive timber balustrade.

All new openings will be timber framed where visible from the public domain.

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

4. SECTION 4.15(1)(A)(I) ENVIRONMENTAL PLANNING INSTRUMENTS

This section provides an assessment of the environmental effects of the proposed development in accordance with Section 4.15(1) of the EP&A Act.

The following environmental planning instruments apply to the subject site.

4.1 Leichhardt Local Environmental Plan 2013

A summary of the relevant development standards in the *Leichhardt Local Environmental Plan (LLEP) 2013* are summarised in the following table and discussed in more detail in the following Sections of this report as required.

Development Standard	Proposed	Complies
<u>Clause 1.2 Aims of Plan</u>	<p>The key aims of the SLEP 2012 have been addressed as follows:</p> <ul style="list-style-type: none"> • The subject DA is for alterations and additions to the existing dwelling, which is a permissible development within the <i>R1 General Residential</i> zone and is compatible with the low density environment of the locality. • The proposed alterations and additions to the existing dwelling incorporates a variety of original materials and finishes that will align with the existing materials and finishes of the existing dwelling, address the key heritage conservation requirements in the locality, result in a high quality development that will not impact on the streetscape. • The proposal will result with a dwelling which is consistent with the existing form of dwellings that have first floor elements in this part of The Valley Heritage Conservation Area where the significance of the dwelling and its ability to contribute to the streetscape and the conservation area will be retained. • The proposal has been designed to provide a contemporary style addition to a traditional dwelling that utilises a range of high quality materials and finishes that is more consistent with the newer developments in the locality. • It will improve the amenity of the occupants of the dwelling and also provides a more suitable type of housing stock to meet the changing housing needs of the community. • The proposal has been designed to address the site constraints and opportunities and improve the liveability of the premises. • The proposed alterations and additions represent a planned and co-ordinated development of the subject site. • It will not impact on natural systems, any significant trees or any other element of the natural environment. 	✓

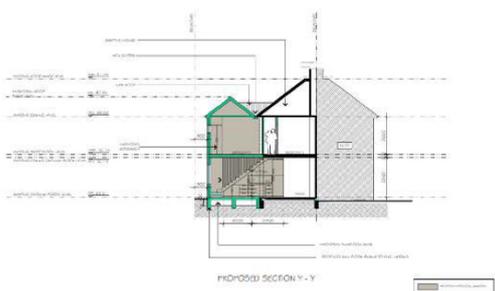
STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

Development Standard	Proposed	Complies
<p><u>Clause 2.1 Land Use Zones</u></p>	<p>The site is zoned <i>R1 General Residential</i>.</p> <p>The R1 zone states:</p> <p>Zone R1 General Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> 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. <p>2 Permitted without consent</p> <p>Home occupations</p> <p>3 Permitted with consent</p> <p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Shops; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Light industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies</p>	<p>✓</p>

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

Development Standard	Proposed	Complies
	<p>Alterations and additions to an existing dwelling are permissible with consent within the R1 zone.</p> <p>The proposal is consistent with the objectives of the zone in that it:</p> <ul style="list-style-type: none"> • Provides an improvement to an existing dwelling with the low density residential environmental. • Improves existing dwelling and improve the existing character add to the contribution of the building got the heritage conservation area. • Is compatible with the character and amenity of the surrounding neighbourhood. • Improves the useability of the limited private open area available. • Does not present any new or significant impacts on the neighbouring properties.  <p>Figure 17 Extract of the Zoning Map showing the R1 zoning of the site and surrounding area <i>(Source: NSW ePlanning Spatial Viewer)</i></p>	
<p><u>Clause 2.7 Demolition</u></p>	<p>Clause 2.7 states that the demolition of a building or work may be carried out only with development consent.</p> <p>The application seeks consent for minor demolition works to the rear of the existing dwelling to accommodate the rear and first-floor extension and revised internal layout.</p>	<p>✓</p>
<p><u>Clause 4.3 Height of Buildings</u></p>	<p>There is no maximum permissible height for the site.</p> <p>The existing maximum height is 8.5m to the top of the ridge line.</p> <p>There is no proposed increase to the existing maximum height.</p> <p>The proposed new two-storey addition will have a maximum height of 7.6m and has been designed to be subservient to the original roof line and main building.</p>	<p>✓</p>

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

Development Standard	Proposed	Complies
	 <p>Figure 18 Extract of the proposed section showing the height of the existing and proposed building</p>	
<p><u>4.3A Landscaped areas for residential accommodation in Zone R1</u></p>	<p>Clause 4.3A(3)(a) specifies a minimum landscaped area of 15% of the site with a site area of 89.5m².</p> <p>Clause 4.3A(3)(b) specifies a maximum site coverage of 60% of the site.</p> <p>The proposed deep soil landscaped area is 15.65m² or 17.5% of the site and exceeds the minimum landscaped area requirement.</p> <p>The proposed total site coverage is 49.4m² or 55% of the site and is below the maximum site coverage requirement.</p>  <p>Figure 19 Extract of the proposed landscape plan showing the proposed new soft landscaped area and site coverage</p>	<p>✓</p>
<p><u>Clause 4.4 Floor Space Ratio</u></p>	<p>Clause 4.4 (2B)(d) specifies a maximum permissible FSR of 0.9:1 for a site of 89.5m².</p> <p>The proposed FSR 1.05:1 and exceeds the maximum permissible FSR for the site</p>	<p>Refer to Clause 4.6 Variation</p>

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Development Standard	Proposed	Complies
	<p>The proposal will provide a significant upgrade to the existing dwelling on a small site and will provide additional bedrooms to be accommodated on the site, and to accommodate a growing family in a highly sought after area in close proximity to a number of shops, services and public transport options</p> <p>The proposed built form is a well-considered response to the particular constraints of the site, in particular the small size of the site, the heritage provisions and the existing location and layout of the dwelling.</p> <p>The proposed areas of non-compliance will not be easily discernible or visible from the public or private domain.</p> <p>The proposed building envelope is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelopes in the locality. It maintains the existing low density residential presentation to the street and is consistent with other more recent developments and approvals in the area.</p> <p>To achieve a fully compliant FSR it would result in a dwelling of 80m², which is considered to be a relatively small dwelling for the area and would result in a significant underutilisation and underdevelopment of the site. Furthermore, a small dwelling would not be able to facilitate an open plan layout and would result in a dwelling with reduced amenity.</p> <p>Refer to the Clause 4.6 Variation submitted with this application for further details and justification of the variation.</p>	
<p><u>Clause 5.10 Heritage Conservation</u></p>	<p>The site has been identified a contributory item to 'The Valley Heritage Conservation Area' (C7).</p> <p>It is not listed as a heritage item on the <i>Leichhardt Local Environmental Plan (LLEP) 2013</i>.</p> <p>There are no listed heritage items in close proximity that would be adversely affected by the proposal.</p> <p>The proposed development enhances the building's existing façade and streetscape within 'The Valley' heritage conservation area. The proposed works are in keeping with the character of the conservation area and enhances the fabric of the contributory item.</p> <p>Refer to Section 5 of this report for further details and assessment of the applicable heritage provisions.</p>	<p>✓</p>
<p><u>Clause 7.14 Acid Sulfate Soils</u></p>	<p>The site has been identified as containing Class 5 acid sulfate soil.</p> <p>The proposal does not include any works that are below 5m Australian Height Datum and is not likely to lower the watertable below 1m Australian Height Datum on any adjacent Class 1, 2, 3 or 4 land.</p>	<p>✓</p>
<p><u>Clause 6.2 Earthworks</u></p>	<p>The earthworks proposed are for a smaller scale residential development and as such are reasonable having regard to Clause 6.2 of ALEP 2011.</p> <p>The proposed earthworks are contained at the rear of the site</p>	<p>✓</p>

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

Development Standard	Proposed	Complies
	in already disturbed areas and will unlikely cause any disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.	
<u>Clause 6.4 Stormwater Management</u>	A stormwater design is included with the development application which demonstrates that no adverse impacts of stormwater runoff will occur to adjoining properties, native bushland and receiving waters.	

4.2 SEPP No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land required remediation to be undertaken to make the suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The site history indicates a history of a residential nature. Therefore, it is not likely that the site has experienced any contamination. In accordance with SEPP 55, Council is able to conclude that no further assessment of contamination is necessary.

4.3 SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the development application that lists measures to satisfy the relevant BASIX requirements which have been incorporated in the proposal.

The proposed addition with extensive glazing and new open plan living area will allow for improved natural light and ventilation throughout the ground and first floors.

4.4 SEPP (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) concerns the protection and removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions contained in the Sydney Development Control Plan (DCP) 2012.

The application does not seek the removal of any vegetation from the site or Council land. Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP*.

4.5 Draft Inner West Local Environmental Plan 2020

On 23 June 2020, Inner West Council endorsed a planning proposal to facilitate the *draft Inner West Local Environmental Plan (DIWLEP) 2020* to consolidate and unify the provisions of the three Local Environmental Plans into a single new Local Environmental Plan that operates across the Inner West Local Government Area.

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

The subject land remains zoned *R1 General Residential* under the DIWLEP.

The DIWLEP adopts the zone objectives for the R1 General Residential zone from the LLEP.

Clause 4.4(2B) of the DIWLEP maintains that, in the case of development on a lot with an area of less than 150m², an FSR of 0.9:1 applies.

The DIWLEP does not prescribe a height limit for the subject land.

The DIWLEP maintains a Heritage Conservation Area over the land and surrounds. The subject land is not identified as an item of environmental heritage by the DIWLEP and is not in proximity to an identified item of environmental heritage.

The land and surrounds is mapped as being within Area 2 which replicates a number of provisions from the current LLEP, including the maximum site coverage development standard at Clause 4.3C of the DIWLEP.

The proposed development is satisfactory when Considered against the objectives and provisions of the DIWLEP including the minimum landscaped area and maximum site coverage control contained in Clauses 4.3A(3)(a)(ii) and 4.3A(3)(b) of the draft instrument.

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

5. HERITAGE CONSERVATION

The site has been identified a contributory item to 'The Valley Heritage Conservation Area' (C7). It is not listed as a heritage item on the Leichhardt Local Environmental Plan (LLEP) 2013. There are no listed heritage items in close proximity that would be adversely affected by the proposal.

This Section of the report seeks to identify from documentary and physical evidence any historic aesthetic social and technological values of the building and to determine its level of representatives or rarity by comparison with other identified examples.

The analysis also looks at the overall character of the adjoining area to determine if the buildings and the site development pattern contribute to a characteristic grouping or cohesive streetscape that is unique or of sufficient importance to require protection.

Given the heritage significance of the building and its condition, options for retention and adaptive reuse of the building with changes to non-original fabric are most appropriate.

The articulation of the new built form results in an appropriate scale.

The following Sub-Sections address the key heritage provisions in the LLEP 2013 and the Leichhardt Development Control Plan (DCP) 2013.



Figure 21
Extract of the Heritage Map showing the site located within the Darling Nursery Estate Heritage Conservation Area (subject site highlighted in yellow)
(Source: NSW Planning Portal)

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

5.1 Site significance and Contribution to the Conservation Area

The subject site contains an original double-time style terrace/semi-detached that fronts Belmore Street and backs onto the side access driveway of 187 Evans Street.

The front portion of the building is generally intact with original or similar architectural elements on the front elevation, original chimney and roof elements. There are obvious signs of works being undertaken to the existing dwelling, including internal modifications and the removal of the original first-floor verandah over Belmore Street.

Evidence on the front of the building suggests that there was a former balcony. Similarities with 40 Belmore Street suggest that the first floor window was in fact a pair of timber French doors opening onto a front balcony.

The site forms part of a matching pair of semi-detached dwellings at 40 Belmore Street, each containing a two-storey dwelling with a single-storey fibro lean-to extension and awning.

The existing building envelope takes up the majority of the small site, with a small front/central courtyard of approximately 28m² and large Jacaranda tree.

There is an existing vehicular crossover at the front of the site that is currently not in use.



Figure 22
 View of the matching pair of dwellings at 38 and 40 Belmore Street from 2007, highlighting the evidence of the original balcony at 38 Belmore Street (circled in blue) with the original French doors and non-original Juliet style balcony at 40 Belmore Street (circled in green)
 (Source: Google Streetview)

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

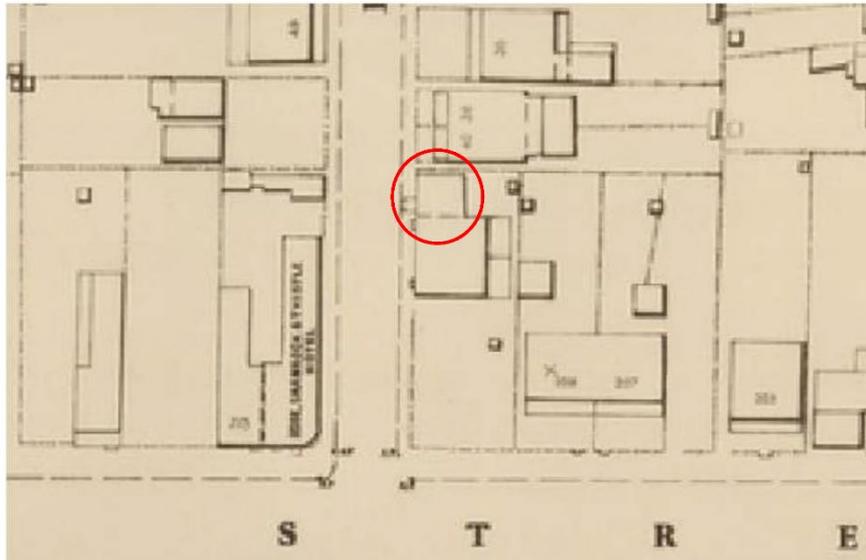


Figure 23
Surveyor General Maps for Balmain, Sheet 65-66, showing the subject lot in the original subdivision (circled in red)
 (Source: State Library of NSW).



Figure 24
Aerial view of the site and surrounding from 1943 showing the existing dwelling and established area along Belmore Street and Evans Street
 (Source: SixViewer)

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Figures 25 and 26
Images of the inside of the existing dwelling showing some original features and fireplaces with recent upgrades

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

5.2 Assessment of Significance

The subject dwelling and neighbouring dwellings have undergone various alterations and additions overtime, mainly limited to rear extensions and additions as well as internal modifications

The subject dwelling and matching dwelling at 40 Belmore Street have some historical significance as being fairly unique in terms of lot size and shape, dwelling style and original front balconies that overhang the street.

The intact elements of the building are representative of the significant development of the suburb and is considered to possess a level of historical significance which positively contributes to the significance of the heritage conservation area.

The subject dwelling has undergone several turns of alterations including a rear ground-floor fibro extension and internal modifications.

The building is not a heritage item, and the place has no known specific historical associations of note.

The existing dwelling is not a heritage item of State heritage significance and does not involve substantial alterations and or additions to a heritage item of high local significance. Therefore, a Conservation Management Plan (CMP) is not required.

The proposed development does involve works that would affect an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance. Therefore, an archaeological assessment is not required.

5.3 Levels of Significance

The terms 'local', and 'state' relate to the geographical and social context of an item's significance.

For example, an item of local significance will be of historical, aesthetic, social or technical/research significance in a local geographical context; an item of state social heritage significance will be important to an identifiable, contemporary, statewide community.

Local Heritage

Due to its representative historic and aesthetic significance, the building does not reach the threshold for local significance. The building contributes to The Valley Conservation Area.

State Heritage

Due to its representative level of significance within the Sydney area and extent of alteration, the building does not reach the threshold for state significance.

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

5.4 Description of Scope of Work

The proposed development is for alterations and additions to the existing dwelling.

The summary of the proposed development includes:

- Minor demolition works at the side and rear of the site.
- Rear ground and first-floor extension.
- General upgrade and refurbishment work to the façade including the reinstatement of a first-floor balcony over Belmore Street.
- New landscaping to the central private open space area/courtyard.

The primary roof and building form and details of the existing dwelling, including the existing front door, ground-floor front window and chimney will be retained. However, the original balcony and door overhanging Belmore Street will be reinstated.

The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing main dwelling. The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.

The impact of the new development on the heritage significance of the building is minimised by the low scale of the addition which sits below the roof, retains the original building form and articulates the addition as two form and utilizes with a low rendered base which reduces its scale.

The proposed development is considered to provide an overall improvement to the presentation of the dwelling and its contribution to the heritage conservation area.

5.5 The Valley Heritage Conservation Area**Statement of Significance**

The Inventory Sheet for the Valley Heritage Conservation Area notes:

One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871-1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).

Retains evidence of all its layers of growth within that period from the late-1870s.

Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.

Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.

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Demonstrates through the irregular pattern of its subdivision the small- scale nature of the spec builders responsible for the construction of the suburb.

Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

The proposed development is considered to be consistent with the Statement of Significant requirements in that:

- The original, main building and its presentation to the street will be maintained and improved through the installation of a number of original features including the original front balcony, verandah and French doors.
- Provides a new extension and addition that provides adequate setback that allows for a distinction between the old and new fabric.
- The proposed height and general building bulk of the rear/side addition is subservient to the principal building form.
- Maintains that the original fabric and materials along the streetscape that contribute to the significance of the heritage conservation area.
- Maintains the mix of building types and the general streetscape.
- Maintains the original/existing subdivision pattern.
- Proposes light colours and traditional finishes, generally being in keeping with other contributory elements in the streetscape.

Intactness of The Valley Heritage Conservation Area

The intactness of The Valley Heritage Conservation Area is high.

The number of buildings dating from the key period of significance is well in excess of the minimum threshold of 50% of the buildings and provides a cohesive area.

Intactness of the Subject Building

The primary form of the original building remains intact externally.

The original building has been altered at the rear and internally, including the removal of the original front balcony, verandah and French doors.

The main building retains its original external roof form and character which was originally representative rather than exceptional.

Internally the plan layout has been altered and all finishes have been painted or replaced.

The remaining building retains some of the original internal character which was originally typical rather than exceptional.

5.6 Assessment of Heritage Impact Against the Inventory Sheet

The following table provides a summary of the key requirements in The Valley Heritage Conservation Area Inventory Sheet and response to those requirements.

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Heritage Requirement	Response
Retain	
Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.	The proposed development includes alterations and additions to an existing dwelling. The existing width and the alignment of the street will be retained.
Existing back lanes.	There is no back lane. However, the site does back onto the side access driveway of 187 Evans Street. The proposed development will adopt the existing nil setback along the rear boundary fronting the side access driveway. There are no proposed changes to the access or presentation of the side access driveway.
All buildings pre-1939 and particularly all timber buildings	The existing pre-1939 main two-storey building and original roof form will be retained. The rear single-storey later fibro addition will be demolished and replaced with a new two-storey extension and addition.
All original plaster finishes to external walls – reconstruct where necessary.	There is no original plaster finish to the external walls.
All original unplastered face brick walls.	The existing unplastered/painted face brick wall will be retained.
All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.	All original external architectural details of the main building, including the chimney and roof ridge, will be retained.
Encourage replacement of lost elements, but only where evidence is available.	It is proposed to reinstate the original front verandah, balcony and French doors that will overhang the street. The proposed verandah and balcony have been designed in a bullnose style that is consistent with the evidence on the building and with other styles of verandahs in the locality. 

Figure 27
Extract of the front elevation showing the proposed new front bullnose style verandahs and French style doors

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Heritage Requirement	Response
	 <p>Figure 28 Extract of the proposed side elevation showing the new bullnose style verandah extending over the street</p>  <p>Figure 29 View of a number of bullnose style verandahs overhanging the street along Hancock Street</p>  <p>Figure 30 Example of a more contemporary verandah overhanging the street along Hancock Street</p>

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Heritage Requirement	Response
	 <p data-bbox="683 707 1243 770">Figure 31 <i>View of various verandahs and awnings along Darling Street, on the corner of Darling Street and Belmore Street</i></p>
All remaining sandstone kerbs and gutters.	All remaining sandstone kerb and gutters (if present) will be retained.
All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.	The site contains a dwelling.
Street and park planting; reinstate where necessary	All existing street and park planting will be retained.
Avoid	
Amalgamation that might lead to a change in the densely developed streetscape.	No amalgamation is proposed.
Demolition of any pre-1939 building, particularly those pre-1910.	As previously outlined, the rear single-storey later fibro addition will be demolished and replaced with a new two-storey extension and addition.
Demolition of any remaining timber building.	The date of construction of the rear portion of the dwelling is unknown. Regardless, the rear portion is not visible from the street and does not contribute to the significance of main dwelling or its contribution to the heritage conservation area in general.
Additional storeys above the existing form of the building.	No additional storeys are proposed above the existing form of the main/original building.
Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence	As previously outlined, it is proposed to reinstate the front verandah over the footpath. The proposed verandah is not a posted-verandah and it is not associated with a commercial premises.

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Heritage Requirement	Response
<i>exists.</i>	
Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.	No plaster or original architectural details are to be removed.
Additional architectural detail for which there is no evidence.	No new architectural features are proposed.
Inappropriate fences such as high brick walls, new iron palisades on high brick bases.	It is proposed to replace the existing front fence with a new front fence and gate. The new fence will be 2m high and will be a picket style fence with ridge capping.
Interruption to the almost continuous kerb and gutter line.	There is no proposed change to the kerb and gutter line.

5.7 Assessment of Heritage Controls in the Leichhardt DCP 2013

The following table addresses the applicable heritage controls and provisions in *C1.4 Heritage Conservation Areas and Heritage Items in Section 1 – General Provisions of Part C: Place* within the Leichhardt DCP 2013.

Control	Response
General	
C1 Development maintains the characteristics and is consistent with the objectives and controls for the relevant building type contained in Appendix B – Building Typologies of this Development Control Plan.	The existing building is considered to be a building typology outlined in <i>Section 1 – Early Street Fronting House of Appendix B: Building Typologies</i> . The proposed development is consistent with the controls in Section 1 of Appendix in that: <ul style="list-style-type: none"> • The proposed development will retain and reinstate the simple character and proportions of the elevations visible from the street. • Will maintain the original form and integrity of the building as it presents to the street. • Seeks to restore some original details including the front verandah overhanging the street. • The original façade openings visible from the street will be retained and reinstated. • The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing main dwelling. • The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.
C2 The fabric of an existing building is to be the subject of appropriate conservation practices including:	

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Control	Response
<p>a. retention of original detail and finishes such as:</p> <p>i. original face brick which should not be painted over or rendered;</p> <p>ii. original decorative joinery and iron work which is not to be removed;</p>	<p>The original face brick will be retained.</p> <p>There is limited original decorative joinery and iron work.</p>
<p>b. conservation of original elements;</p>	<p>The original elements, such as the overall building design, roof form, front windows and front verandah, will be retained and reinstated.</p>
<p>c. reconstruction or restoration of original elements where deemed appropriate;</p>	<p>As previously outlined, it is proposed to reinstate the original front verandah, balcony and French doors that will overhang the street.</p> <p>The proposed verandah and balcony have been designed in a bullnose style that is consistent with the evidence on the building and with other styles of verandahs in the locality.</p>
<p>d. retention of the original cladding material of original roofs where viable;</p>	<p>The existing metal roof cladding will be retained.</p>
<p>e. consideration of suitable replacement materials should be based on original material, and where a property is part of a group or row, replacement materials should have regard to the integrity of the group.</p>	<p>Not applicable in this instance.</p>
<p>C3 Development of dwellings within Heritage Conservation Areas must:</p>	
<p>a. not include the demolition of the internal walls and roof form, including any existing chimneys, of the front two rooms of the dwelling;</p>	<p>It is proposed to demolish the rear portion of the building to accommodate the new rear extension and addition.</p> <p>It is also proposed to remove the existing staircase and relocate them to the rear of the building to make better use of the limited floor area.</p> <p>The general internal layout and internal walls of the main portion of the original building will be retained.</p>
<p>b. retain the major form, scale and materials of the existing structure as described in (a);</p>	<p>The existing main building form fronting onto Belmore Street will be retained with some original features reinstated to improve the overall presentation and the buildings contribution to the heritage conservation area.</p>
<p>c. be for a rear addition which does not dominate the existing building or substantially change the relationship of the</p>	<p>The proposed new rear addition does not dominate the existing building or change the relationship of the building to the street.</p> <p>The general presentation to Belmore Street will generally be maintained and improved.</p>

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Control	Response
<i>building to the street when viewed from the street; and</i>	
<i>d. retain significant, established gardens and plantings including early fences.</i>	
C4 Demolition of dwellings in Heritage Conservation Areas or Heritage Items is subject to the provisions of Part C Section 1.2 – Demolition within this Development Control Plan.	It is only proposed to demolish part of the rear of the building. The main building will be retained. The form, scale and materials of the existing structure are retained by the development application.
Roof Forms and Materials	
C5 Consideration of roofing materials for additions should have regard for compatibility with the original roof, as well as for the context of the setting (such as if a dwelling is part of a group of similar dwellings).	Any new roofing materials are compatible with the existing dwelling as well as the context within the neighbourhood
C6 Within Heritage Conservation Areas, whole roof forms should be retained where possible and roofs of additions should be subservient to the main roof (in scale, form, location and materials). Changes to the form of the existing roof or extension of the ridge cannot be supported.	The entirety of the main original roof form will be retained.
C7 Where roof links are proposed to connect the original roof space to the new addition, they are to:	
a. be of minimal scale and proportion (up to a maximum of 50% of the rear roof plane) and are to provide a link only. Roof links which span the whole rear roof plane will not be supported;	The link between the new and old roof is of a minimal scale and allows for a physical separation between the two roof forms.
b. preserve the unity of the row, preserve chimneys and traditional scale and proportion in the street; and	The existing chimney will be retained.
c. not be used to raise the ridge, or be for the purpose of creating a	The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing main

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Control	Response
viable roof space where roof space meets the requirements of the Building Code of Australia.	dwelling. The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.
Clerestory roofs are not considered an appropriate form of roof addition to traditional ridge lines	No clerestory roof is proposed.

5.8 Assessment of Impact

The NSW Heritage Office provides the following guidelines as a prompt to assess the impact of a proposed development.

How is the impact of the new development on the heritage significance of the item or area to be minimised?

Response

The impact of the new development on the heritage significance of the Heritage Conservation Area or Heritage Item in the Vicinity or Conservation Area in the Vicinity is minimised by the low scale of the addition which sits below the roof, and retains the original building form.

The primary form, character and details of the existing dwelling which makes an active contribution to the Belmore Street streetscape and area will be retained and improved and the building will continue to be interpreted as part of the early residential development of the local area.

Can the additional area be located within an existing structure? If not, why not?

Response

The additional area cannot be located within an existing structure due to its small size.

Will the additions visually dominate the heritage item?

Response

The additions do not dominate the contributing component of the Conservation Area.

Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

Response

The development is not sited on any known, or potentially significant archaeological deposits.

Are the additions sympathetic to the heritage item?

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Response

The site is not a heritage item. Regardless, the additions are sympathetic to contributing component of the Conservation Area.

Why is the new development required to be adjacent to a heritage item?

Response

It is not located adjacent to a heritage item.

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

Response

It is not a heritage item.

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

Response

The site is not a heritage item. Regardless, the proposed new development does not affect views to, and from Conservation Area.

Will the public and users still be able to view and appreciate its significance?

Response

The public and users will still be able to view and appreciate the significance of the Conservation Area and recognise the contemporary infill that responds to that character.

Public Visibility

The existing building is built up to front boundary and is visually prominent along Belmore Street.

The primary roof and building form and details of the existing dwelling, including the existing front door, ground-floor front window and chimney will be retained. However, the original balcony and door overhanging Belmore Street will be reinstated.

The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing main dwelling. The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.

The overall streetscape character will be retained and enhanced, and the proposal will not detract from the significance of the heritage conservation area.

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Internal Elements

The proposed development seeks to demolish the rear later addition a, relocate the stairs and remove part of some internal walls. However, the main wall/rooms layout and all nibs are being retained.

It is not necessary to maintain internal fabric in the building which has no identified heritage significance. Because the building is not a heritage item and the works proposed internally have no impact on the surrounding conservation area, this aspect of the development is considered acceptable with no adverse impacts.

External Elements

The main original significant features, being the main building and roof form are being retained.

The original front verandah and balcony are being reinstated and will add to the significance of the building and its contribution to the streetscape and heritage conservation area.

We consider that the proposal will have a limited and acceptable impact on the surrounding conservation area and is consistent with other similar types of development in the locality.

5.9 Conclusion

Overall, the proposed addition is located to the rear of the principal building form and will be subservient too, and clearly distinguishable from, the principal building form.

The proposed works are considered appropriate and will have minimal impact on the heritage significance of the conservation area in that:

- The site is not an identified heritage item and will not impact on the significance of the heritage conservation area.
- The proposed works would ensure that the existing roof form remains the dominant roof form and will enhance the original, altered roof form.
- Seeks to restore some original details including the front verandah overhanging the street.
- The proposed works are consistent with the prevailing character of the immediate and surrounding locality.
- The roof form and materials will ensure that the original architectural style and period in which the house was built will be identifiable.
- The proposed works sit comfortably within the established built form context.
- The proposal will not later the overall topography, landscape or subdivision pattern and layout of the site and the surrounding area.

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6. SECTION 4.15(1)(A)(III) DEVELOPMENT CONTROL PLANS

An assessment of the relevant sections of the Leichhardt Development Control Plan (DCP) 2013 is provided below.

6.1 Part C: Place – Section 1 – General Provisions

The relevant controls have been addressed in the following table.

Control	Comment
<p>C1.0 General Provisions</p>	<p><u>Character</u></p> <p>The proposal seeks to demolish part of the rear of the dwelling. It is then proposed to construct a two-storey rear extension and addition.</p> <p>The skillful design and massing of the proposed building envelope on the small site has been undertaken having regard to the existing building, surrounding built forms, size of the site and the contribution of the building to the heritage conservation area, as well maintaining the amenity of adjoining properties, particularly in relation to solar access, privacy, and views.</p> <p>The primary roof and building form and details of the existing dwelling, including the existing front door, ground-floor front window and chimney will be retained. However, the original balcony and door overhanging Belmore Street will be reinstated.</p> <p>The proposed new ground and first-floor addition has been designed as a more contemporary element with traditional design inputs that will be set lower than the existing main dwelling. The new extension integrates with the original style design of the dwelling and will not be highly prominent or highly visible along Belmore Street.</p> <p>The new dwelling internal layout and access to the courtyard will create a high level of environmental sustainability through good passive design techniques such as shading, cross ventilation and thermal mass and satisfy the relevant BASIX requirements.</p> <p><u>Scale</u></p> <p>The proposed FSR of 1.05:1 exceeds the maximum FSR of 0.9:1 and represents a minor variation to the maximum permissible floor area.</p> <p>The FSR exceedance is a direct result of the existing building location and layout and the small site.</p> <p>The proposed building envelope is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelopes in the locality.</p> <p>The two-storey rear addition is considered to be well located and set well within the surrounding denser built environment, including the four-storey residential flat building immediately to the rear of the site.</p> <p>The proposed floor space does not prevent the site from complying with other key controls in relation to site coverage, private open space and general amenity or impacts on the neighbouring properties.</p> <p>The proposal ensures compliance with the minimum landscape requirements and maximum site coverage, ensuring that the proposal maintains a low density residential scale.</p> <p>The overall scale of the development is consistent with that of surrounding developments and does not result in any significant adverse impacts on the amenity of the adjoining or adjacent properties in terms of solar access, visual bulk and privacy.</p>

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Control	Comment
	<p><u>Form</u></p> <p>The new built form is restricted to the rear of the site, adjacent to the side access driveway of 187 Evans Street.</p> <p>The new addition is of a lower scale to the main building and have a physical and visual break from the main building, breaking up the bulk and scale of the building when viewed from the side access driveway.</p> <p>The new addition will not be highly visible from 187 Evans Street as there are minimal windows or balconies that face onto the rear of 48 Belmore Street.</p> <p>The general presentation of the building form to the street will be maintained and improved.</p> <p><u>Siting</u></p> <p>The proposed additions have been designed fit with the setbacks and overall siting of the neighbouring properties.</p> <p>The new first-floor addition sits comfortably within the established building location zone (BLZ) and will not present any significant or unreasonable impacts on the neighbouring properties or on the streetscape in general.</p> <p><u>Material and Colour</u></p> <p>It is proposed to incorporate a range of original type materials and finishes in the rebuilt front portion of the dwelling with more contemporary materials and finishes at the rear of the site that are sympathetic to the neighbouring dwellings.</p> <p><u>Detailing</u></p> <p>The proposed alterations and additions will reinstate the front verandah, balcony and French doors.</p> <p>The proposed traditional materials will ensure that the verandah and balcony will integrate into the front façade.</p> <p>The proposed more contemporary materials and finishes at the rear will create a new complimentary relationship between the new and old portions of the site and the surrounding modern rear extensions.</p>
C1.1 Site and Context Analysis	<p>A Site and Context Analysis has been prepared and submitted with the application.</p> <p>The analysis takes into consideration the orientation of the site, the contribution of the building frontage to the streetscape and the neighbouring properties.</p>
C1.2 Demolition	<p>The application seeks consent for minor demolition works to the rear of the existing dwelling to accommodate the rear and first-floor extension and revised internal layout.</p> <p>The original fabric of the main dwelling is retained as part of this application.</p> <p>It is proposed to demolish the unsympathetic rear extension to the cottage.</p>
C1.3 Alterations and Additions	<p>Ground-Floor Level</p> <p>The proposed rear ground-floor extension and internal modification will provide a more open plan floor plan with a larger kitchen, dining and living area.</p> <p>The new open plan kitchen area will have new bifold doors that open out directly to the central private open space courtyard area.</p> <p>The original front portion of the building of the dwelling will be retained and will retain the main entrance.</p> <p>The new wider open plan arrangement with relocated staircase will provide significantly improved amenity to the main living areas of the dwelling.</p> <p>First-Floor</p> <p>The proposed development includes a side first-floor addition that will be set down from the original main building and will setback from the front boundary.</p> <p>The first-floor area will accommodate three bedrooms and a bathroom.</p>

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Control	Comment
	<p>The first-floor area along the rear (northern) boundary maximises the opportunity of the existing nil rear setback and being located adjacent to the side access driveway of 187 Evans Street.</p> <p>A small portion of the rear building line will be setback from the rear and side boundaries, maintaining the presentation of part of the original building and also providing a physical and visual break from the rear and side properties.</p> <p>The new rear portion of the proposal will not be readily visible from the street and will be set down from the original dwelling, maintaining the dominant building and roof form.</p>
C1.11 Parking	<p>The site does not contain any on-site car parking.</p> <p>There are no proposed changes to the existing car parking arrangements.</p>
C1.12 Landscaping	<p>The existing site has limited landscaping at the front/centre of the site.</p> <p>It is proposed provide improvements to the private open space and landscaped area by providing a more formalized soft landscaped area with a new large tree (<i>Betula pendula</i> 'Moss White').</p> <p>The proposed deep soil landscaped area is 15.65m² or 17.5% of the site and exceeds the minimum landscaped area requirement.</p> <p>The landscaped area will also incorporate a new pathway that can be accessed directly from Belmore Street.</p>

6.2 Part C – Section 2 – Urban Character

The Valley 'Rozelle' Distinctive Neighbourhood

The subject site has been identified as being located within the The Valley 'Rozelle' Distinctive Neighbourhood, specifically within the Evans Street Sub Area.

The key character notes of the Evans Street Sub Area distinctive neighbourhood described in the DCP include:

The Evans Street Sub Area is located within The Valley 'Rozelle' Distinctive Neighbourhood. Prior to the construction of trams along Darling Street, Evans Street was the main shopping street on the peninsula. Consequently, the street retains many commercial and retail buildings, most of which have been converted for residential use.

Significant features within this streetscape include the many corner sites occupied by former commercial buildings and balconies over the footpath. In addition, this area contains generally more buildings with nil setbacks and with walls above 6m, many with parapets and skillion roofs.

The proposed alterations and additions to the existing dwelling are consistent with the main and sub area desired future character controls in that:

- The proposal seeks to maintain the existing style of housing in the neighbourhood.
- Preserves the consistency and simplicity of built form, style and materials of the neighbourhood.
- Reinstates the original verandah and balcony overhanging the street.
- Maintains the general low scale and character of the dwelling and its presentation to the street.

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- Maintains the wall height at the front portion of the dwelling to ensure the low scale and character along the street is maintained.
- Will maintain the existing subdivision pattern of the area and locality.

6.3 Part C – Section 3 – Residential Provisions

The relevant controls have been addressed in the following table.

Control	Comment
C3.1 Residential General Provisions	<p>The original roof form is maintained by the proposed development. The roof of the addition is separated from the roof form of the original cottage structure and maintains the pitch and hipped form that is predominant in the neighbourhood.</p> <p>The alterations and additions have had regard to an appropriate typology for additions to the dwelling and provide setbacks that are consistent with surrounding development by setting the additions away from the Belmore Street frontage so as not to dominate the public domain.</p> <p>The rear addition does not dominate the existing building or change the relationship of the building to the street</p> <p>The design ensures that it is compatible with the general architectural character of the existing building and streetscape in general.</p> <p>Overall, the proposed additions are considered satisfactory in that:</p> <ul style="list-style-type: none"> • The addition is located to the rear of the existing building when viewed from the principal street frontage. • It is subservient to the form of the existing building by nature of the setbacks, materials and finishes; • It maintains the general form, fenestration, roof form and chimneys of the existing building when viewed from the principal street frontage. • It is compatible with the architectural character of the building without competing with that building or seeking to falsely replicate the typology of the existing building. • Is of a scale, proportion and materials which is compatible with the existing building.
C3.2 Site Layout and Building Design	<p><u>Site Capacity</u></p> <p>The site currently contains a single dwelling with a small front/central landscaped area. The proposed development will result in the same outcome.</p> <p>The proposal alterations and additions have addressed the existing site characteristics and capacity and has proposed a built form that addresses, the site and surrounding characteristics, stormwater requirements and original features.</p> <p><u>Local Character</u></p> <p>The proposed alterations and additions are consistent with the local character as outlined previously in Section 6.2 of this report.</p> <p><u>Building Location Zone</u></p> <p>The existing building envelope will generally be retained within the building envelope.</p> <p>The irregular subdivision pattern in the area, the smaller lots and existing building locations the immediate locality results in an unusual BLZ.</p> <p>The existing building is essentially located within the BLZ of main row of dwellings along Belmore Street, for both the ground and first floors except for the attached</p>

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Control	Comment
	<p>dwelling at 40 Belmore Street.</p> <p>The proposed ground and first-floor extension and addition will generally be located above the existing rear ground-floor building.</p> <p>The built elements will align with the general BLZ across the neighbouring properties and will not result in any significant or unreasonable setback non-compliances.</p> <p>The overall rear building form will be subservient to the main building form and will not detract from the existing character.</p>  <p>Figure 32 <i>Aerial view showing the varying and irregular subdivision pattern in the area and the main BLZ with the existing front building line show in red and the two-storey rear BLZ shown in blue</i></p> <p><u>Side Boundary Setbacks</u></p> <p>The existing front, rear ground-floor and southern side setbacks will be retained.</p> <p>The proposed north-western two-storey wall height is 5.7m, requiring a side boundary setback of up to 1.8m.</p> <p>The proposed side setback varies between 900mm and 970mm.</p> <p>The variation to the side setback is required in order to maximise the useable floor area on a very small site..</p> <p>The extent of the variation is for a small portion of wall located at the rear of the site, adjacent to the front portion of the dwelling of 36 Belmore Street. Accordingly, the smaller setback will not be highly visible or noticeable from 36 Belmore Street.</p> <p>The proposed north-western elevation will have new regular windows on the ground-floor and a highlight window on the first-floor, mitigating any potential privacy and amenity impacts on 36 Belmore Street.</p> <p>The proposed extension and addition does not present any additional overshadowing over 36 Belmore Street.</p> <p>Overall, the proposed BLZ and setbacks are considered appropriate in that:</p> <ul style="list-style-type: none"> The addition does not adversely impact on adjacent properties by way of

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Control	Comment
	<p>solar access, privacy, or view loss.</p> <ul style="list-style-type: none"> • It is compatible with the existing streetscape and the desired future character of the neighbourhood. • It provides sufficient private open space in terms of size, layout, solar access and landscaping. • The proposed additions are consistent with an appropriate building typology as outlined at the start of this table. <p><u>Landscaped Open Space</u></p> <p>The existing dwelling has limited private open space and landscaping, providing a front/central courtyard area of approximately 28m².</p> <p>The proposed deep soil landscaped area is 15.65m² or 17.5% of the site and exceeds the minimum landscaped area requirement.</p> <p>It is proposed provide improvements to the private open space and landscaped area by providing a more formalized soft landscaped area with a new large tree (Betula pendula 'Moss White').</p> <p>The landscaped area will also incorporate a new formal entry pathway.</p> <p><u>Street Orientation</u></p> <p>The existing street orientation will be retained.</p> <p>The proposed addition will be setback from the street.</p> <p><u>Building Height and the Building Envelope</u></p> <p>the small site, existing building location and general irregular subdivision pattern in the area make the building envelope control almost impossible to comply with. To comply with the control will result in a reduction in the development potential of the site.</p> <p>The existing front, side and rear nil setbacks already present a non-compliant scheme.</p> <p>The proposed new rear and side setbacks are consistent with the existing situation and have addressed the potential privacy, overshadowing and general amenity impacts on the surrounding properties.</p> <p>The proposed new two-storey addition will have a maximum height of 7.6m and has been designed to be subservient to the original roof line and main building.</p> <p>It is considered that the proposed development:</p> <ul style="list-style-type: none"> • Reinforces the desired future character and distinct sense of place of the streetscape and neighbourhood. • Emphasises the street and public domain as a vibrant, safe and attractive place for activity and community interaction. • Complements the siting, scale and form of adjoining development. • The addition appropriately corresponds to wall heights and roof heights of adjoining developments having regard to elevation changes between sites. • The proposed new roof pitch and form is appropriate and is in keeping with other roof forms visible along Belmore Street. • Creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of visual and acoustic privacy, air circulation, solar access, daylight, outlook and views.

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Control	Comment
<p>C3.3 Elevation and Materials</p>	<p>Materials and finishes are compatible with those in the streetscape and wider neighbourhood and do not detract from the fabric of the original dwelling.</p>  <p>Figure 33 <i>Extract of the proposed materials and finishes schedule</i></p>
<p>C3.4 Dormer Windows</p>	<p>No dormer windows are proposed.</p>
<p>C3.5 Front Gardens and Dwelling Entries</p>	<p>The proposed alterations and additions include upgrade works to the front portion of the building to rebuild the original front verandah and balcony.</p> <p>The proposed works along the street frontage also include a new front fence and entry gate.</p> <p>The new entrance will provide a significant improvement to the presence of the dwelling from the street and will define the main entrance with improved passive surveillance.</p> <p>The existing site has limited landscaping at the front of the site.</p> <p>The proposed developments seeks to provide increased landscaping at the front of the site and provide an overall improvement to the private open space and landscaped area.</p>
<p>C3.6 Fences</p>	<p>It is proposed to replace the existing front fence with a new front fence and gate.</p> <p>The new fence will be 2m high and will be a picket style fence with ridge capping.</p>
<p>C3.7 Environmental Performance</p>	<p>A BASIX Certificate has been prepared and submitted with the development application that lists measures to satisfy the relevant BASIX requirements which have been incorporated in the proposal.</p>
<p>C3.8 Private Open Space</p>	<p>The private open space will be located at ground level consistent with the existing location of the private open space area and will be directly accessible to the proposed living room.</p>
<p>C3.9 Solar Access</p>	<p>The proposal has been designed to maximise the access to natural light into the middle of the dwelling through the use of an internal courtyard and new windows</p>

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Control	Comment
	<p>and sliding doors on the ground-floor and larger windows a balconies on the first-floor.</p> <p>The shadow diagrams submitted with the application demonstrate that the additional overshadowing will fall to the front of the or over the roof of 40 Belmore Street for the most part of the day.</p> <p>Overall, each neighbouring property will maintain at least 3 hours of existing solar access.</p> <p>The limited overshadowing of the proposal is considered acceptable in the circumstances as some overshadowing within a dense urban locality is inevitable due to the closeness of the built form, the original design and layouts of the buildings and the type of development permissible.</p>
C3.10 Views	<p>The proposed alterations and additions will not impact on any views of surrounding properties.</p>
C3.11 Visual Privacy	<p>The number of first floor windows have been minimised to mitigate any potential privacy and amenity impacts on the neighbouring properties.</p> <p>The proposed new first-floor balcony on the new extension has been designed to overlook the private open space and street, minimising any potential privacy and amenity impacts on the neighbouring properties.</p> <p>The first-floor addition will be setback over 8m from the rear boundary and will incorporate operable louvres/screens on the outside to further mitigate any potential privacy and amenity impacts on the neighbour to the rear.</p>
C3.12 Acoustic Privacy	<p>The subject land is not exposed to high levels of external noise from road, rail or aircraft.</p> <p>The active private open space area is located away from the adjoining land as much as possible so that any noise would be directed to Belmore Street.</p>

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7. SECTION 4.15(1)(B) IMPACT ON THE ENVIRONMENT

Pursuant to Section 4.15(B) of the Act, 'the likely impacts of that development' have been considered as follows:

7.1 Context and Setting

The provision of alterations and additions to a dwelling within a residential zone is considered to be consistent with the permissible uses and zone objectives.

The proposed works are located at the rear and internal and will not impact on the presentation of the dwelling or its contribution to the heritage conservation area.

The provision of a two-storey rear extension to an existing dwelling is consistent with the permissible uses and zone objectives and will maintain the low density residential nature of the area.

The development will be located at the rear of the site and will not impact on the main streetscape, the overall context and setting of the area or the significance of the heritage conservation area.

7.2 Environmental Impact

The proposed additions and alterations are an appropriate response to the site and its context with particular regard to preserving and showcasing the modest form and fabric of the original dwelling.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

7.3 Heritage Conservation

The impact of the new development on the heritage significance of the dwelling is minimised by the low scale of the addition which sits below the roof and retains the original dwelling form.

Given the heritage significance of the building and its condition, options for retention and adaptive reuse of the building with changes to non-original fabric are most appropriate.

7.4 Safer by Design

The existing dwelling remains oriented towards the street and allows for surveillance over Belmore Street.

The reinstatement of the first-floor front verandah and balcony will provide improved passive surveillance over Belmore Street.

7.5 Waste Management

The bins will be stored along the side setback and will have direct, level access to Belmore Street via the new internal pathway and gate.

The bins will be collected by Council as per the existing arrangement.

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7.6 Preservation of Trees and Vegetation

No trees or any significant landscaping will be required to be removed as a result of the proposal.

7.7 Site Contamination

There is no record of any risk to health or safety from the existing or likely future contamination of the development site or proposed building on the site.

7.8 Erosion and Sedimentation Control

Prior to commencement of any site works including the removal of vegetation, excavation or other site preparation, the property shall be protected from erosion and sedimentation transfer.

The soil shall be prevented from being washed away, blown, or otherwise carried or deposited away from the site and into adjoining premises, roads, kerbs and gutters.

It is proposed to adopt sedimentation control measures to prevent and minimise the soil disturbance.

7.9 Cumulative Impacts

The subject allotment is adequately sized, shaped and orientated to accommodate the proposed development.

The ability of the site to absorb the proposed development is demonstrated by its general compliance with the objectives of Council's development controls and the minimal impact on the amenity of adjoining dwellings.

Accordingly, the cumulative impact of the development on the character of the neighbourhood is expected to be negligible.

7.10 Site Suitability

The site and surrounding locality do not present any significant physical, ecological, heritage, technological or social constraints on the proposed development.

In summary, there are limited constraints on the development of the site and minimal conflicts will occur with surrounding land uses.

7.11 Public Submissions and the Public Interest

The proposed development is an appropriate and reasonable response to providing an improved level of amenity for the occupants of the land noting the context of the property within a Heritage Conservation Area and having regard to the development that has occurred within the neighbourhood.

The proposed development will not significantly impact on the environment and is consistent with the applicable planning controls for the site. It will provide positive social benefits and is therefore considered to be in the public interest.

STATEMENT OF ENVIRONMENTAL EFFECTS AND HERITAGE STATEMENT

8. CONCLUSION

This Statement of Environmental Effects has been prepared to assess the proposed alterations and additions to the existing dwelling at 38 Belmore Street, Rozelle

The proposal has planning merit in that it:

- Is a permissible use in the *R1 General Residential* zone.
- Complies with the applicable site coverage and landscaped requirements.
- Presents a minor variation to the FSR development standard XXXX
- Is considered to be consistent with the Building Location Zone requirements and future desired character and objectives of the area.
- Provides a high quality design utilising a range of high quality materials and finishes that will compliment rather than copy the existing materials and finishes.
- Provide a high level of environmental sustainability through good passive design techniques such as good shading, cross ventilation and thermal mass.
- Does not present any significant adverse impacts on the amenity of the adjoining or adjacent properties in terms of solar access, visual bulk and privacy.

The proposal also addresses the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and will deliver a suitable and appropriate development.

This SEE demonstrates that the proposal will achieve the desired future character of the locality and will maintain the relationship with adjoining and surrounding development.

The proposal will provide consistency in scale, form, proportions, setbacks and materials.

Having regard to the analysis and assessment within this report, it is therefore recommended that the application be supported and granted consent.

