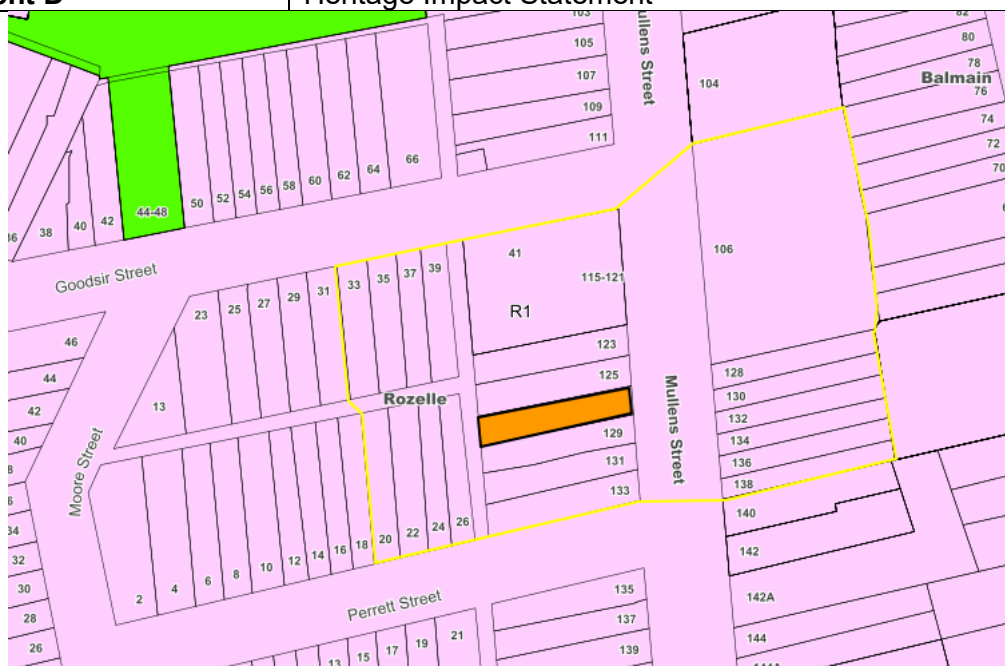







# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

|   |   |
|---|---|
| <b>Application No.</b>                            | MOD/2022/0322   |
| <b>Address</b>                                    | 127 Mullens Street ROZELLE NSW 2039   |
| <b>Proposal</b>                                   | Section 4.55(2) modification for a new attic style bedroom addition and dormer. |
| <b>Date of Lodgement</b>                          | 13 September 2022   |
| <b>Applicant</b>                                  | Christopher Jordan  |
| <b>Owner</b>                                      | Big Shark Construction Pty Ltd  |
| <b>Number of Submissions</b>                      | Initial: 0  |
| <b>Value of works</b>                             | \$350,000.00  |
| <b>Reason for determination at Planning Panel</b> | Departure from FSR development standard by 20%                                  |
| <b>Main Issues</b>                                | Departure from FSR development standard by 20%                                  |
| <b>Recommendation</b>                             | Approval subject to conditions  |
| <b>Attachment A</b>                               | Recommended conditions of consent to be modified                                |
| <b>Attachment B</b>                               | Notice of Determination - DA/2021/1185  |
| <b>Attachment C</b>                               | Architectural drawings of proposed modification                                 |
| <b>Attachment D</b>                               | Heritage Impact Statement   |



### LOCALITY MAP

|               |   |            |   |   |
|---------------|---|------------|---|---|
| Subject Site  |  | Objectors  |  |  N |
| Notified Area |  | Supporters |  |   |

## 1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 to modify Determination No. DA/2021/1185 dated 12 May 2022 to add a new attic style bedroom addition and dormer at 127 Mullens Street Rozelle.

The application was notified to surrounding properties and no 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 of 24.62 sqm or 20% pursuant to the *Inner West Local Environmental Plan 2022*
- Heritage conservation.

Despite small allotment and heritage constraints, the proposal is considered acceptable in the context of the heritage conservation area (HCA) and The Valley Distinctive Neighbourhood and is considered to have acceptable impacts on the amenity of the surrounding properties.

The departure from the Floor Space Ratio (FSR) development standard has also been assessed to be acceptable with little to no impact on adjoining development and the HCA.

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

## 2. Proposal

DA/2021/1185, determined under delegation on 12 May 2022 approved ground and first floor alterations and additions to an existing dwelling house, consisting of:

- Demolition works to the rear of the dwelling
- Rear ground and first-floor extension and additions

The proposed modification involves the following changes to the application:

- The addition of a 22.5sqm attic style third bedroom and roof link with an ensuite on the first floor;
- Construction of a dormer.

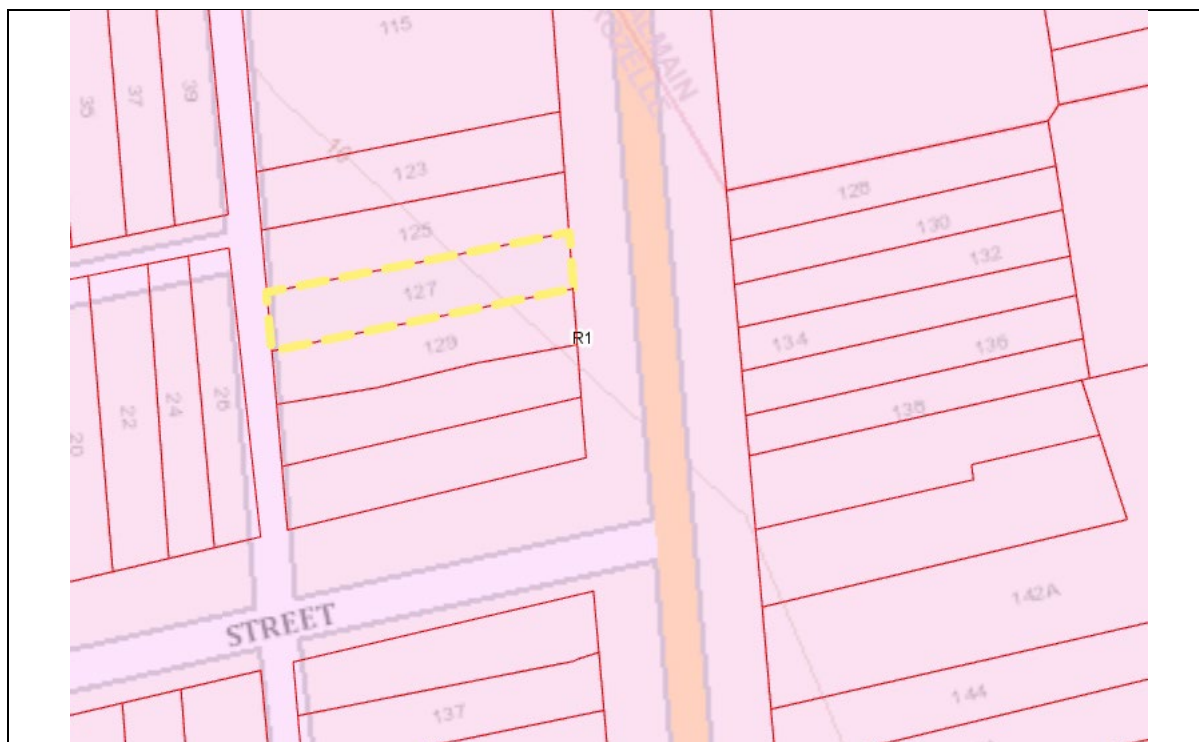
## 3. Site Description

The subject site is located on the western side of Mullens Street, between Goodsir Street (north) and Perrett Street (south). The site consists of 1 allotment and is generally rectangular in shape with a total area of 153.1 sqm.

The site has a frontage to Mullens Street of 5.1 metres and a secondary frontage of approximately 5.4 metres to an unnamed laneway. The subject dwelling forms a matching pair of semi-detached dwellings and is affected by a party wall to the southern boundary.

The site supports a two-storey semi-detached dwelling. The adjoining properties two-storey semi-detached dwellings on both sides of Mullens Street.

The property is located within The Valley Heritage Conservation Area. The property is identified as a flood prone lot.



#### 4. Background

##### 4(a) Site history

###### Subject Site

| Application  | Proposal  | Decision & Date  |
|--------------|---|------------------|
| DA/2021/1185 | Alterations and additions to existing dwelling. | Approved 12/5/22 |

###### Surrounding properties

###### 123 Mullens Street Rozelle

| Application | Proposal  | Decision & Date    |
|-------------|---|--------------------|
| D/2011/674  | Alterations and additions to existing dwelling. | Approved 29/3/2012 |

###### 125 Mullens Street Rozelle

| Application | Proposal  | Decision & Date   |
|-------------|---|-------------------|
| D/2009/562  | Alterations and additions to existing dwelling. | Approved 9/4/2010 |

###### 129 Mullens Street Rozelle

| Application | Proposal  | Decision & Date    |
|-------------|---|--------------------|
| D/2018/475  | Alterations and additions to existing dwelling. | Approved 15/1/2019 |

#### 4(b) Application history

As discussed above, DA/2021/1185, determined on 12 May 2022 under delegation approved ground and first floor alterations and additions to an existing dwelling house. This modification seeks to add a to the on attic to the approved development.

The original development application approved a variation to the site coverage development standard of 6.17% or 5.68sqm.

### 5. Assessment

The following is a summary of the assessment of the application in accordance with Sections 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

#### 5(a)(i) Section 4.55 Modification Provisions

##### Section 4.55(2)

Section 4.55(2) of the EPA Act 1979 allows a consent authority to modify a development consent granted by it, if:

*“(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*(c) it has notified the application in accordance with—*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- Does not require concurrence from an approval body.
- No submissions have been received.

### 5(a)(ii) 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)(iii) *State Environmental Planning Policy (Resilience and Hazards) 2021*

#### Chapter 4 Remediation of land

The proposed modification does not alter the requirements under the existing consent regarding site remediation.

### 5(a)(iv) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A modified BASIX Certificate was submitted with the application and will be referenced in any consent granted.

### 5(a)(v) *SEPP (Biodiversity and Conservation) 2021*

#### Chapter 2 Vegetation in non-rural areas

The SEPP concerns protection/removal of vegetation and gives effect to the local tree preservation provisions of Council's DCP. No trees on site will be impacted by the proposed modification. Overall, the proposal is considered acceptable with regard to the Vegetation SEPP and LDCP 2013.

#### 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)(vi) Local Environmental Plans

#### *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of the Plan
- Section 2.3 - Zone objectives and Land Use Table
- Section 2.7 - Demolition
- Section 4.3C - Landscaped areas for residential accommodation in Zone R1

- Section 4.4 – Floor Space Ratio
- Section 4.5 - Calculation of floor space ratio and site area
- Section 5.10 - Heritage Conservation
- Section 5.21 - Flood Planning
- Section 6.1 - Acid Sulfate Soils
- Section 6.4 - Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 under the *IWLEP 2022*. The *IWLEP 2022* characterises the development as:

*Alterations and additions to an existing semi-detached dwelling. A **semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.*

The Objectives of the 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 provide residential development that maintains the character of built and natural features in the surrounding area.*

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

Section 4 Principal Development Standards

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

| Standard  | Proposal             | Non compliance - | Complies  |
|---|----------------------|------------------|---|
| <b>Floor Space Ratio</b><br>Maximum permissible: 0.8:1 or 122.67 sqm                            | 0.96:1 or 147.29 sqm | 24.62 sqm or 20% | No  |
| <b>Landscape Area</b><br>Minimum permissible: 15% or 23sqm                                      | 26.7% or 40.9sqm     | -                | Yes   |
| <b>Site Coverage</b><br>Maximum permissible: 60% or 92sqm<br><b>Approved under DA/2021/1185</b> | 63.7% or 97.68sqm    | 5.68sqm or 6.17% | No-<br>Unchanged from the original consent – DA/2021/1185 |

Section 4.6 Exceptions to Development Standards

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

- Section 4.4 – Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Section 4.4 of the *Inner West Local Environmental Plan 2022* by 20% or 24.62sqm. 19.95sqm of the proposed additional floor area forms part of the existing attic area, with the remainder forming a link between the existing structure and the approved first floor extension.

Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. Whilst Section 4.6 is not applicable to the subject application as this it is a modification to an approved development, the objectives and requirements of Section 4.6 are considered to determine the suitability of the proposed departure to the development standard.

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 Section 4.6 of the *Inner West Local Environmental Plan 2022* below.

As clause 4.6 does not apply to modification applications, a written request was not submitted to Council in accordance with Section 4.6(4)(a)(i) of the *Inner West Local Environmental Plan 2022* justifying the proposed contravention of the development standard.

However, it is considered the development is in the public interest because it is consistent with the objectives of the zone (R1- General Residential), in accordance with Clause 4.6(4)(a)(ii) of the IWLEP 2022 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, consistent with the housing types and densities typical in the locality.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

*Comment:* The proposal maintains the existing semi-detached dwelling located on the site, meeting the housing needs of residents.

- *To provide residential development that maintains the character of built and natural features in the surrounding area*

*Comment:* Despite the 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. The floor area of the addition is located within the existing building form (with an amendment to the roof form required). As the existing building footprint will generally be retained, there is no proposed departure to site coverage or landscaped area requirements as part of the modification application.

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 *Inner West Local Environment Plan 2022* for the following reasons:

- *To establish a maximum floor space ratio to enable appropriate development density*

*Comment:* The proposed development is mostly located within the existing attic of the building and does not result in an overdevelopment of the site that adversely impacts the character of the area.

- *To ensure development density reflects its locality*

*Comment:* The proposed additions are of an acceptable scale in the context of surrounding development and will not have adverse amenity impacts to neighbouring properties. The area of the attic addition subject to the modification forms part of the existing attic floor area. A 2.2sqm roof link forms a small, rear roof addition connecting the existing first floor with the approved first floor addition.

- *To provide an appropriate transition between development of different densities*

*Comment:* The proposal maintains the existing density apparent within the locality.

- *To minimise adverse impacts on local amenity*

*Comment:* The proposal is considered to be of an appropriate scale for the locality and provides adequate (and compliant) soft landscaped area in the rear yard achieving an acceptable balance of landscaping and built form, thereby minimising impacts on local amenity.

- *To increase the tree canopy and to protect the use and enjoyment of private properties and the public domain*

*Comment:* The proposal does not impact on any existing trees in the locality. The proposal provides a compliant area of private open space consisting of soft landscaping.

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 *Inner West Local Environment Plan 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard.

#### Clause 5.10 Heritage Conservation

The demolition and reconstruction of the rear addition is acceptable where it employs appropriate materials and finishes, and that the ridge line of the link is located 200mm below the ridgeline of the existing dwelling, and 300mm away from any chimney.

The application was referred to Council's heritage specialist, who advised that whilst the design is not strictly in accordance with our specifications, the provision of the amendments is acceptable subject to design changes, which are to include:



- A structural engineering certificate that describes the impact of the proposed development on the elements of the building to be retained, and how retained elements such as chimneys will be protected.
- the ridge line of the link is located 200mm below the ridgeline of the existing dwelling, and 300mm away from any chimney.

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 *Inner West Local Environmental Plan 2022* and the relevant objectives and controls in the Leichhardt DCP 2013.

5(b) Draft Environmental Planning Instruments

There are no draft planning instruments applicable.

5(c) Development Control Plans

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

| LDCP2013  | Compliance           |
|---|----------------------|
| <b>Part A: Introductions</b>  |                      |
| Section 3 – Notification of Applications  | Yes                  |
|   |                      |
| <b>Part B: Connections</b>  |                      |
| 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                  |
|   |                      |
| <b>Part C</b>   |                      |
| C1.0 General Provisions   | Yes                  |
| C1.1 Site and Context Analysis  | Yes                  |
| C1.2 Demolition   | Yes                  |
| C1.3 Alterations and additions  | Yes                  |
| 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   | N/A                  |
| C1.15 Signs and Outdoor Advertising   | N/A                  |
| C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings | N/A                  |
| C1.17 Minor Architectural Details   | N/A                  |
| C1.18 Laneways  | N/A                  |

|  |                      |
|--|----------------------|
| C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls | N/A                  |
| C1.20 Foreshore Land   | N/A                  |
| C1.21 Green Roofs and Green Living Walls                                   | N/A                  |
| <b>Part C: Place – Section 2 Urban Character</b>                           |                      |
| The Valley “Rozelle” Distinctive Neighbourhood                             | Yes – see discussion |
| <b>Part C: Place – Section 3 – Residential Provisions</b>                  |                      |
| 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                                    | Yes                  |
| C3.6 Fences  | Yes                  |
| C3.7 Environmental Performance   | Yes                  |
| C3.8 Private Open Space  | Yes                  |
| C3.9 Solar Access  | Yes                  |
| C3.10 Views  | Yes                  |
| C3.11 Visual Privacy   | Yes                  |
| C3.12 Acoustic Privacy   | Yes                  |
| C3.13 Conversion of Existing Non-Residential Buildings                     | N/A                  |
| C3.14 Adaptable Housing  | N/A                  |
| <b>Part C: Place – Section 4 – Non-Residential Provisions</b>              |                      |
| N/A  |                      |
| <b>Part D: Energy</b>  |                      |
| 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                  |
| <b>Part E: Water</b>   |                      |
| Section 1 – Sustainable Water and Risk Management                          |                      |
| E1.1 Approvals Process and Reports Required With Development Applications  | Yes                  |
| E1.1.1 Water Management Statement  | N/A                  |
| E1.1.2 Integrated Water Cycle Plan   | Yes                  |
| E1.1.3 Stormwater Drainage Concept Plan                                    | Yes                  |
| E1.1.4 Flood Risk Management Report  | Yes                  |
| E1.1.5 Foreshore Risk Management Report                                    | N/A                  |
| E1.2 Water Management  | Yes                  |
| E1.2.1 Water Conservation  | N/A                  |
| E1.2.2 Managing Stormwater within the Site                                 | Yes                  |
| E1.2.3 On-Site Detention of Stormwater                                     | N/A                  |
| E1.2.4 Stormwater Treatment  | N/A                  |
| E1.2.5 Water Disposal  | N/A                  |
| E1.2.6 Building in the vicinity of a Public Drainage System                | N/A                  |
| E1.2.7 Wastewater Management   | N/A                  |
| E1.3 Hazard Management   | Yes                  |

|                                       |     |
|---------------------------------------|-----|
| E1.3.1 Flood Risk Management          | Yes |
| E1.3.2 Foreshore Risk Management      | N/A |
|                                       |     |
| <b>Part F: Food</b>                   | N/A |
|                                       |     |
| <b>Part G: Site Specific Controls</b> | N/A |

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items, and C.2.2.5.1: The Valley “Rozelle” Distinctive Neighbourhood.

Subject to recommended conditions of consent, the proposed modification is sympathetic to the character of the heritage conservation area and maintains the predominant two storey scale of development in the streetscape.

#### 5(d) The Likely Impacts

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

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

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

#### 5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the initial notification.

#### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal section and issues raised in that referral has 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.

## 6(b) External

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

## 7. Section 7.12 Levy

Section 7.12 contributions payable for the proposal under the conditions of the original consent are not altered by the proposed modification.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

Subject to recommended conditions 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. 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 Modification Application No. MOD/2022/0322 for Section 4.55 (2) to modify approval to include a new attic style bedroom addition and dormer at 127 Mullens Street, ROZELLE subject to the conditions listed in Attachment A below.

## Attachment A – Recommended amended conditions of consent

Therefore, it is recommended that Development Consent DA/2021/1185 at 127 Mullens Street Rozelle in the following way:

### A. Modify the following Condition/s to read as follows:

#### 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   |
|--|---|---------------------------------|---|
| <del>MEI570 – 02 – Rev B</del>                     | Site / Roof / Stormwater Concept Plan               | 21/03/22                        | Christopher Jordan Architecture & Design            |
| <b>MEI570 – 01 – Rev A</b>                         | <b>Site / Roof / Stormwater Concept Plan</b>        | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| <del>MEI570 – 03 – Rev B</del>                     | Ground Floor Plan                                   | 21/03/22                        | Christopher Jordan Architecture & Design            |
| <b>MEI570 – 02 – Rev A</b>                         | <b>Ground Floor Plan</b>                            | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| <del>MEI570 – 04 – Rev B</del>                     | First Floor Plan                                    | 21/03/22                        | Christopher Jordan Architecture & Design            |
| <b>MEI570 – 03 – Rev A</b>                         | <b>First Floor Plan</b>                             | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| <del>MEI570 – 05 – Rev B</del>                     | Elevations East & West                              | 21/03/22                        | Christopher Jordan Architecture & Design            |
| <b>MEI570 – 04 – Rev A</b>                         | <b>Elevations East &amp; West</b>                   | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| <del>MEI570 – 06 – Rev B</del>                     | Elevations North & South                            | 21/03/22                        | Christopher Jordan Architecture & Design            |
| <b>MEI570 – 05 – Rev A</b>                         | <b>Elevations North &amp; South</b>                 | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| <del>MEI570 – 07 – Rev B</del>                     | Sections A, B & C                                   | 21/03/22                        | Christopher Jordan Architecture & Design            |
| <b>MEI570 – 06 – Rev A</b>                         | <b>Sections A, B &amp; C</b>                        | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| <b>MEI570 – 07 – Rev A</b>                         | <b>Sections D &amp; E</b>                           | <b>27/07/22</b>                 | <b>Christopher Jordan Architecture &amp; Design</b> |
| Unnumbered   | 127 Mullens St Rozelle – External Finishes Schedule | No Date                         | Christopher Jordan Architecture & Design            |
| Certificate Number: A4436883<br><b>A4436883_03</b> | <b>BASIX Certificate</b>                            | 22/11/2021<br><b>26/05/2022</b> | Christopher Jordan Architecture & Design            |

As amended by the conditions of consent.

*(Amended by MOD/2022/0322 dated 13 December 2022)*

B. Add the following Condition/s to read as follows:

**13a. Design Change - Skillion dormer**

***Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be provided with plans showing any proposed new rear dormer proposed in MOD/2022/0322 to be in accordance with the following:***

- *set a minimum 200mm below the ridgeline;*
- *set a minimum of 200mm up from the rear wall plate.*
- *Set a minimum of 300mm from any chimney.*

*(Amended by MOD/2022/0322 dated 13 December 2022)*

**16a. Structural Integrity of Retained Building Elements**

***Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a certificate from a professional engineer (Structural Engineer) is to be prepared and approved by an experienced suitably qualified & Heritage Architect. The report must explain how the retained building elements, such as roof chimneys are to be retained and supported. Documentation shall include certification that adequate internally sited supporting structures shall be incorporated into conserving the external chimney.***

*(Amended by MOD/2022/0322 dated 13 December 2022)*

Attachment B –DA/2021/1185 conditions of consent



**NOTICE OF DETERMINATION - APPROVAL**

*Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979*

|                                    |  |
|------------------------------------|--|
| <b>Development Application No.</b> | DA/2021/1185   |
| <b>Applicant</b>                   | Chris Jordan   |
| <b>Land to be developed</b>        | 127 Mullens Street ROZELLE NSW 2039  |
| <b>Approved development</b>        | Ground and first floor alterations and additions to existing dwelling-house.   |
| <b>Cost of development</b>         | \$350,000.00   |
| <b>Determination</b>               | The application was determined by Delegation to Staff and was granted consent <b>subject to the conditions attached.</b>   |
| <b>Other Approvals</b>             | Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act. |
| <b>Determination date</b>          | 12 May 2022  |
| <b>Consent is to operate from</b>  | 12 May 2022  |
| <b>Consent will lapse on</b>       | 12 May 2027  |

**Inner West Council**  
 innerwest.nsw.gov.au  
 02 9392 5000

council@innerwest.nsw.gov.au  
 PO Box 14, Petersham NSW 2049

Document Set ID: 37038380  
 Version: 1, Version Date: 08/11/2022

**Reasons for conditions**

To protect the environmental amenity of the area and the public interest.

**Right of appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Sean Wilson** on **0293925065** or [sean.wilson@innerwest.nsw.gov.au](mailto:sean.wilson@innerwest.nsw.gov.au).



Eric Wong  
**Acting Team Leader Development Assessment (North)**



**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:

| <b>Plan, Revision and Issue No.</b> | <b>Plan Name</b>                                    | <b>Date Issued</b> | <b>Prepared by</b>                       |
|-------------------------------------|---|--------------------|--|
| MEI570 – 02 – Rev B                 | Site / Roof / Stormwater Concept Plan               | 21/03/22           | Christopher Jordan Architecture & Design |
| MEI570 – 03 – Rev B                 | Ground Floor Plan                                   | 21/03/22           | Christopher Jordan Architecture & Design |
| MEI570 – 04 – Rev B                 | First Floor Plan                                    | 21/03/22           | Christopher Jordan Architecture & Design |
| MEI570 – 05 – Rev B                 | Elevations East & West                              | 21/03/22           | Christopher Jordan Architecture & Design |
| MEI570 – 06 – Rev B                 | Elevations North & South                            | 21/03/22           | Christopher Jordan Architecture & Design |
| MEI570 – 07 – Rev B                 | Sections A, B & C                                   | 21/03/22           | Christopher Jordan Architecture & Design |
| Unnumbered                          | 127 Mullens St Rozelle – External Finishes Schedule | No Date            | Christopher Jordan Architecture & Design |
| Certificate Number: A436883         | BASIX Certificate                                   | 22/11/2021         | Christopher Jordan Architecture & Design |

As amended by the conditions of consent.

**FEES**

**2. 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.

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

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

Note:

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

Payment amount\*:

\$3,500.00

\*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.**

### 4. 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.

|                          |            |
|--------------------------|------------|
| <b>Security Deposit:</b> | \$2,254.00 |
| <b>Inspection Fee:</b>   | \$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.

**GENERAL CONDITIONS**

**5. Works Outside the Property Boundary**

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

**6. 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.

**7. Waste Management Plan**

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

**8. 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.

**PRIOR TO ANY DEMOLITION****9. 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.

**10. 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.

**11. Construction Fencing**

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

**12. 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.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **13. 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.

#### **14. 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*

#### **15. Engineering Design - Structural Engineer Plans and Certification**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that incorporate the following recommendations of the Flood Risk Management Plan.

The design must be prepared to make provision for the following:

- a. Structural integrity of all structures from immersion and/or impact of velocity and debris; and
- b. Waterproofing works, where applicable.

**16. Amended Architectural Plans to Reflect Flood Risk Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. The design must be prepared to make provision for the following:

- a. Specification of materials; and
- b. Waterproofing works, where applicable.

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

**17. Flood Risk Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
  - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
  - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
  - iii. Flood warning signs/depth indicators for areas that may be inundated;
  - iv. A flood evacuation strategy; and
  - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- b. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
  - i. Building Code of Australia;
  - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
  - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
  - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

**18. Flood Affected Site**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer that the works comply with the following specific requirements:

- a. All habitable floor levels must be set at Flood Planning Level (flood level plus 500mm freeboard). All structures below the Flood Planning Level must be constructed from flood compatible materials;
- b. All electrical equipment and wiring must be waterproofed or installed at or above the Flood Planning Level;
- c. A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level;
- d. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan; and
- e. All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flows.

**19. 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. SW01 re4vision (A) prepared by Christopher Jordon Architects and dated 1 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. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- i. No nuisance or concentration of flows to other properties;
- j. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- k. 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;
- l. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- m. Drainage pipes must be laid at a minimum grade of 1q% . Access must be available to all downpipe connections for installation and maintenance.
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. 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;
- p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- r. No impact to street tree(s).

#### **20. 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.



**DURING DEMOLITION AND CONSTRUCTION****21. 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.

**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.

**PRIOR TO OCCUPATION CERTIFICATE****23. 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.

**24. 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.

**ADVISORY NOTES****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.

**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<br><a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>  |
| Department of Fair Trading | 13 32 20<br><a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a><br>Enquiries relating to Owner Builder Permits and Home Warranty Insurance.                       |
| Dial Prior to You Dig      | 1100<br><a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>   |
| Landcom                    | 9841 8660<br>To purchase copies of Volume One of "Soils and Construction"  |
| Long Service Corporation   | Payments 131441<br><a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>  |
| NSW Food Authority         | 1300 552 406<br><a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>   |
| NSW Government             | <a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a><br><a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a><br>Information on asbestos and safe work practices. |

NSW Office of Environment and Heritage 131 555  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Sydney Water 13 20 92  
[www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service - SITA 1300 651 116  
Environmental Solutions  
[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

#### **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.

**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.

**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 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.

**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.

**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.

#### **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.

#### **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.

#### **Prescribed Conditions**

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

#### **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.

#### **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.



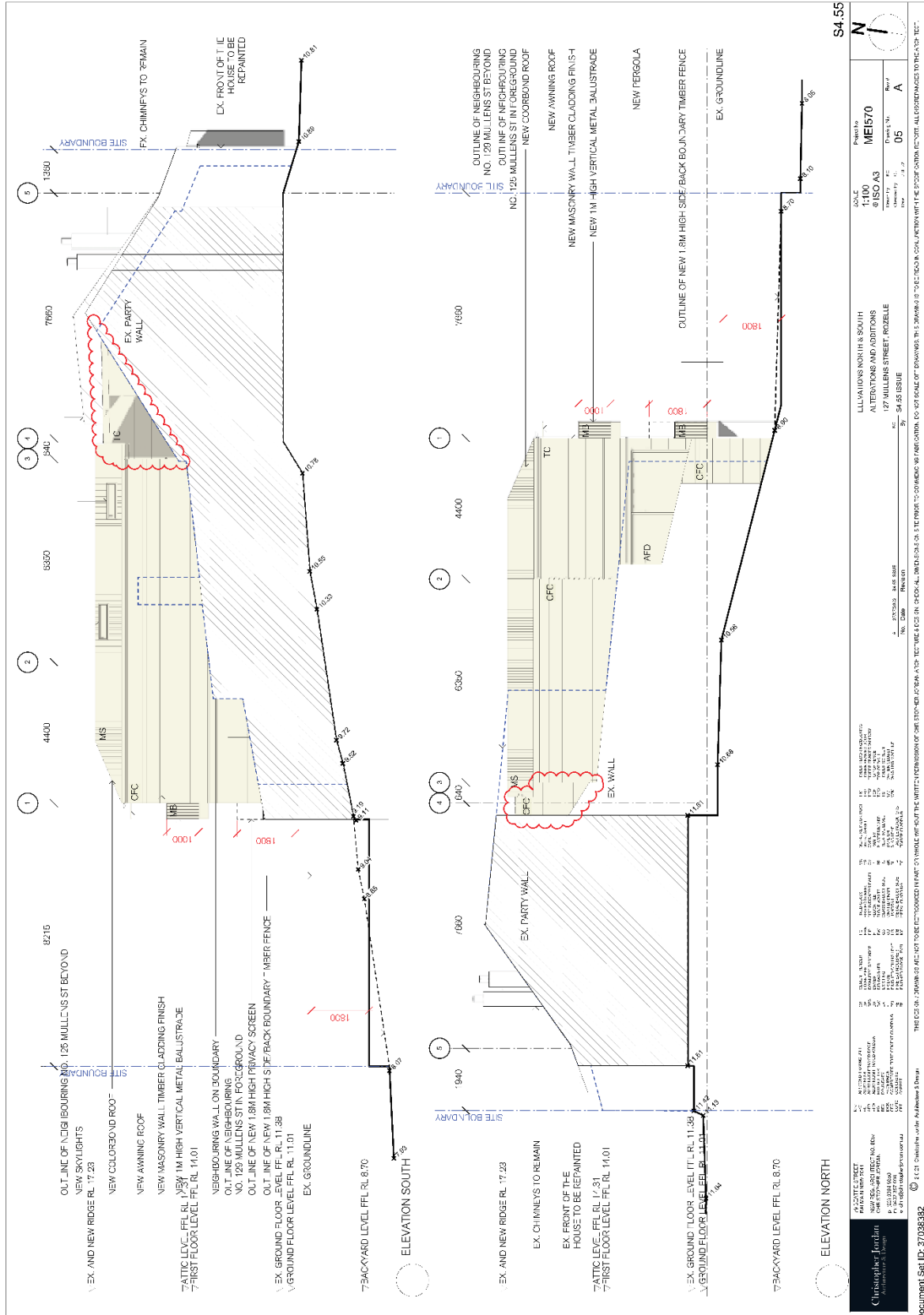










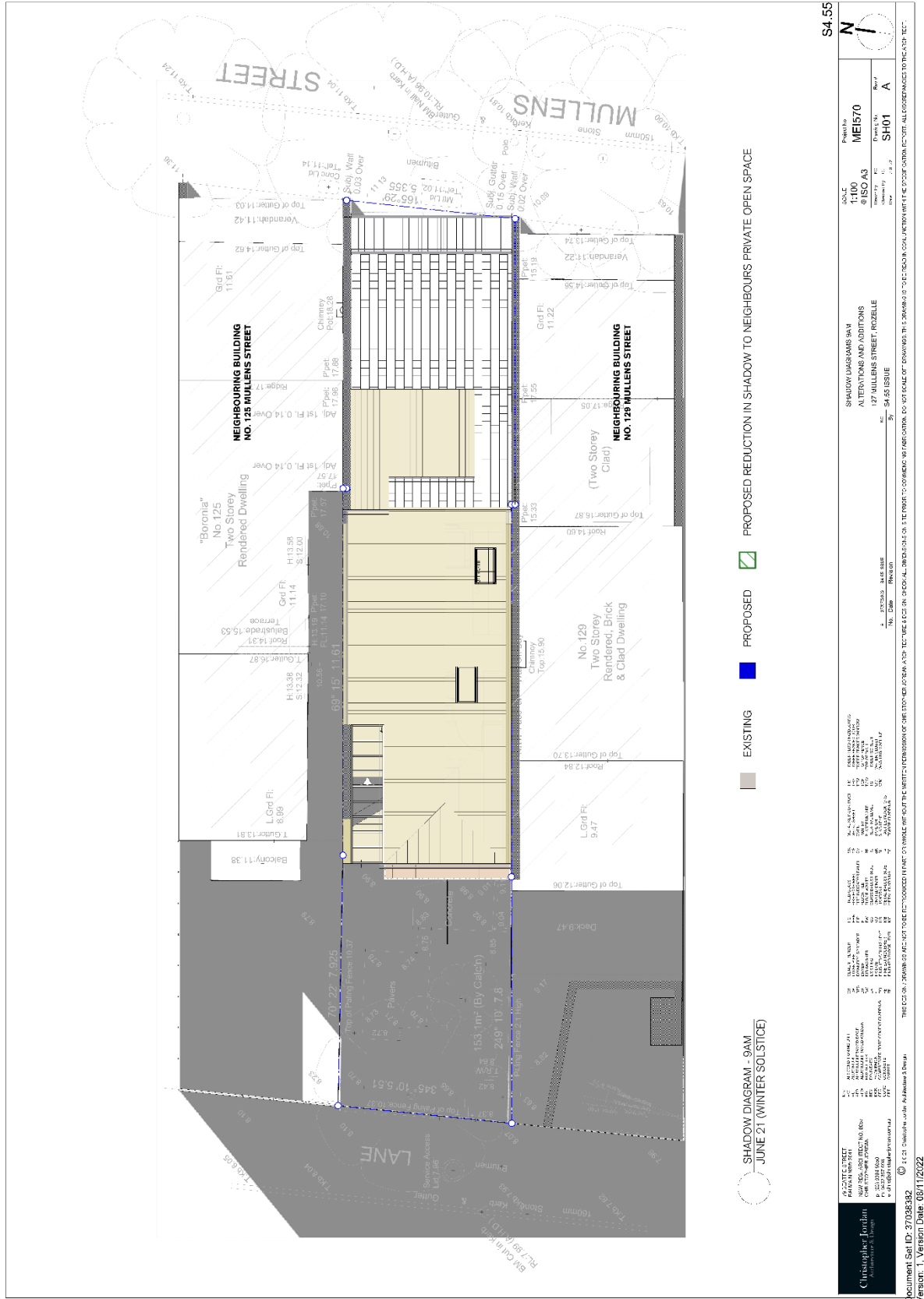




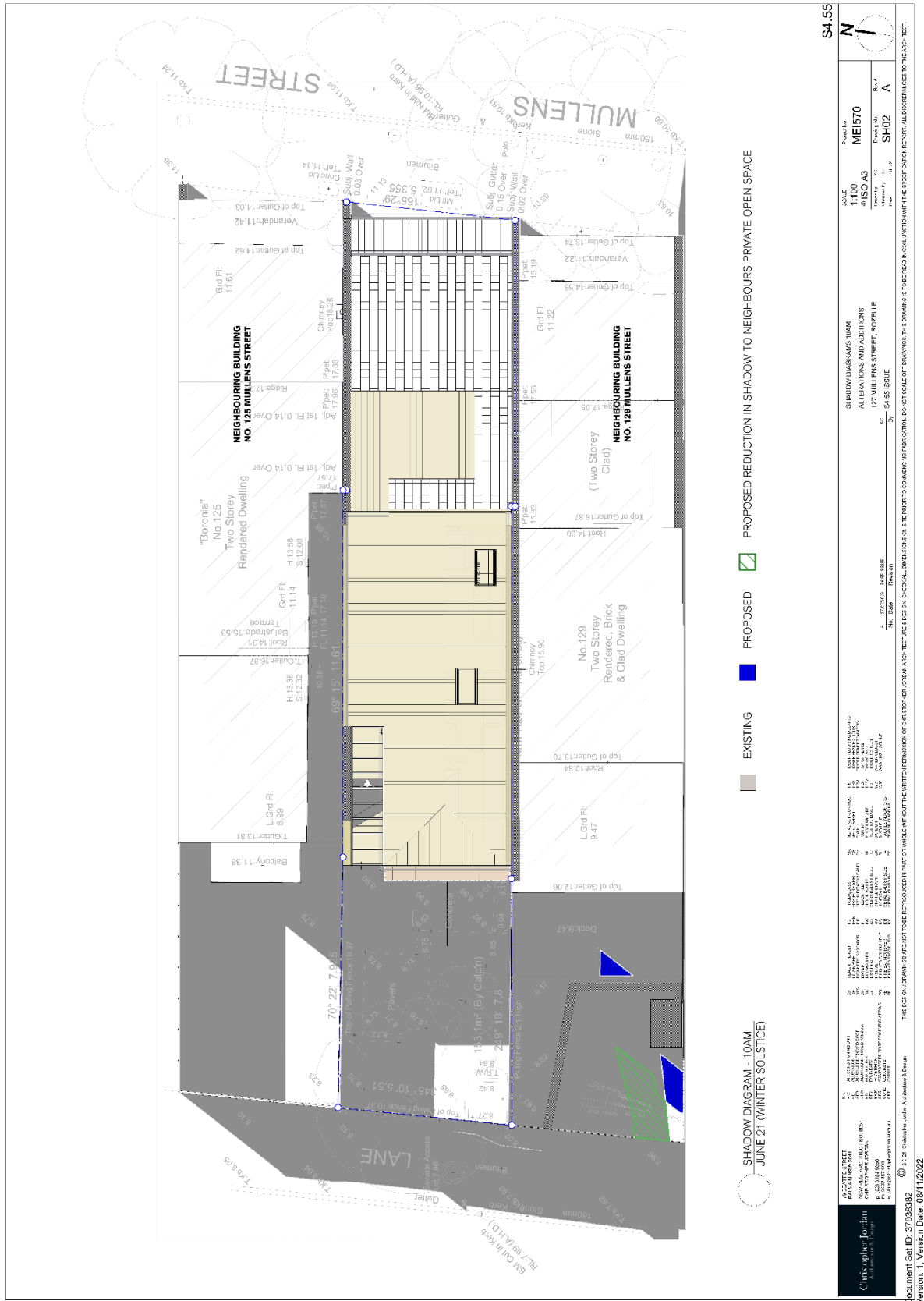




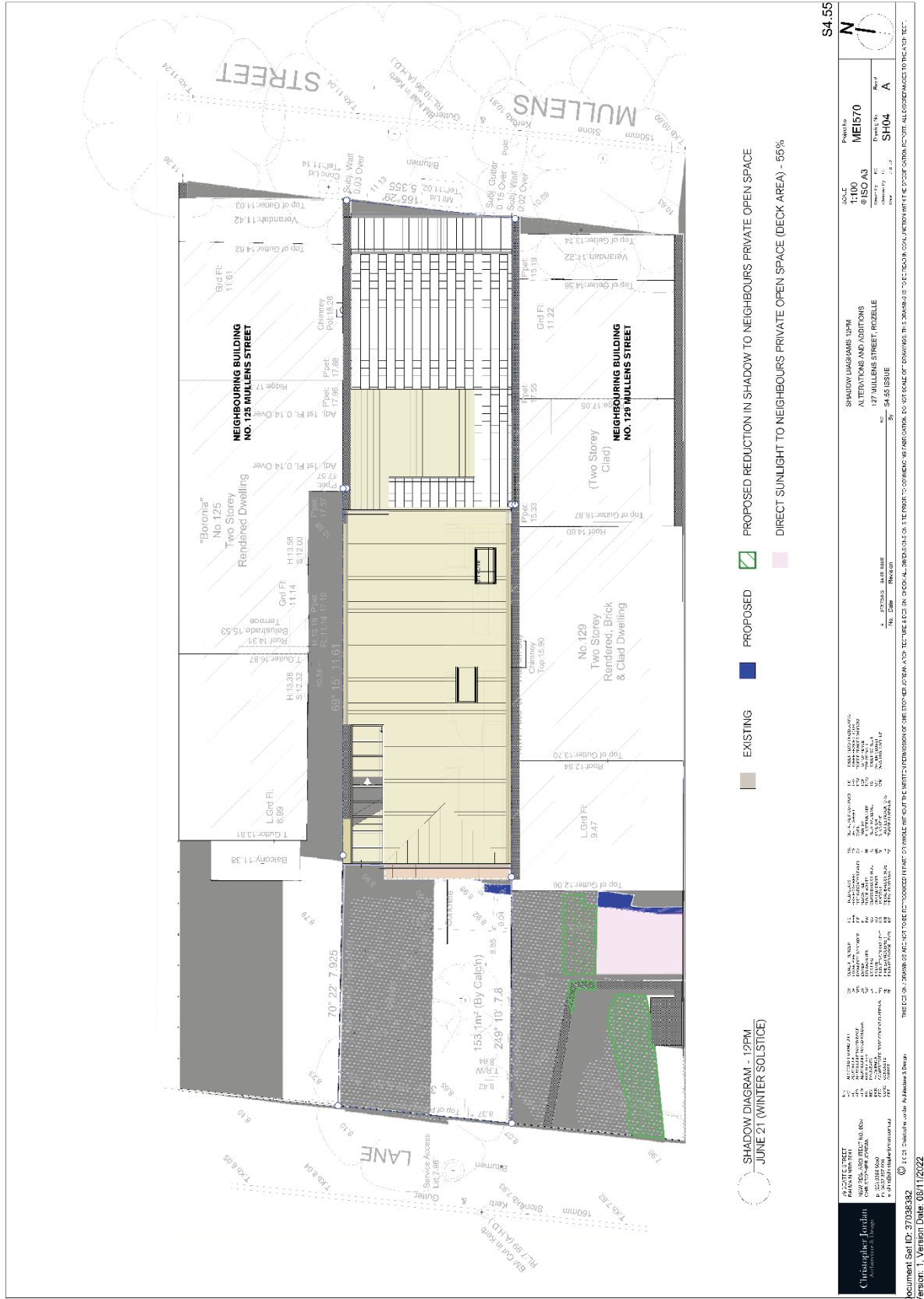












SHADOW DIAGRAM - 12PM  
JUNE 21 (WINTER SOLSTICE)

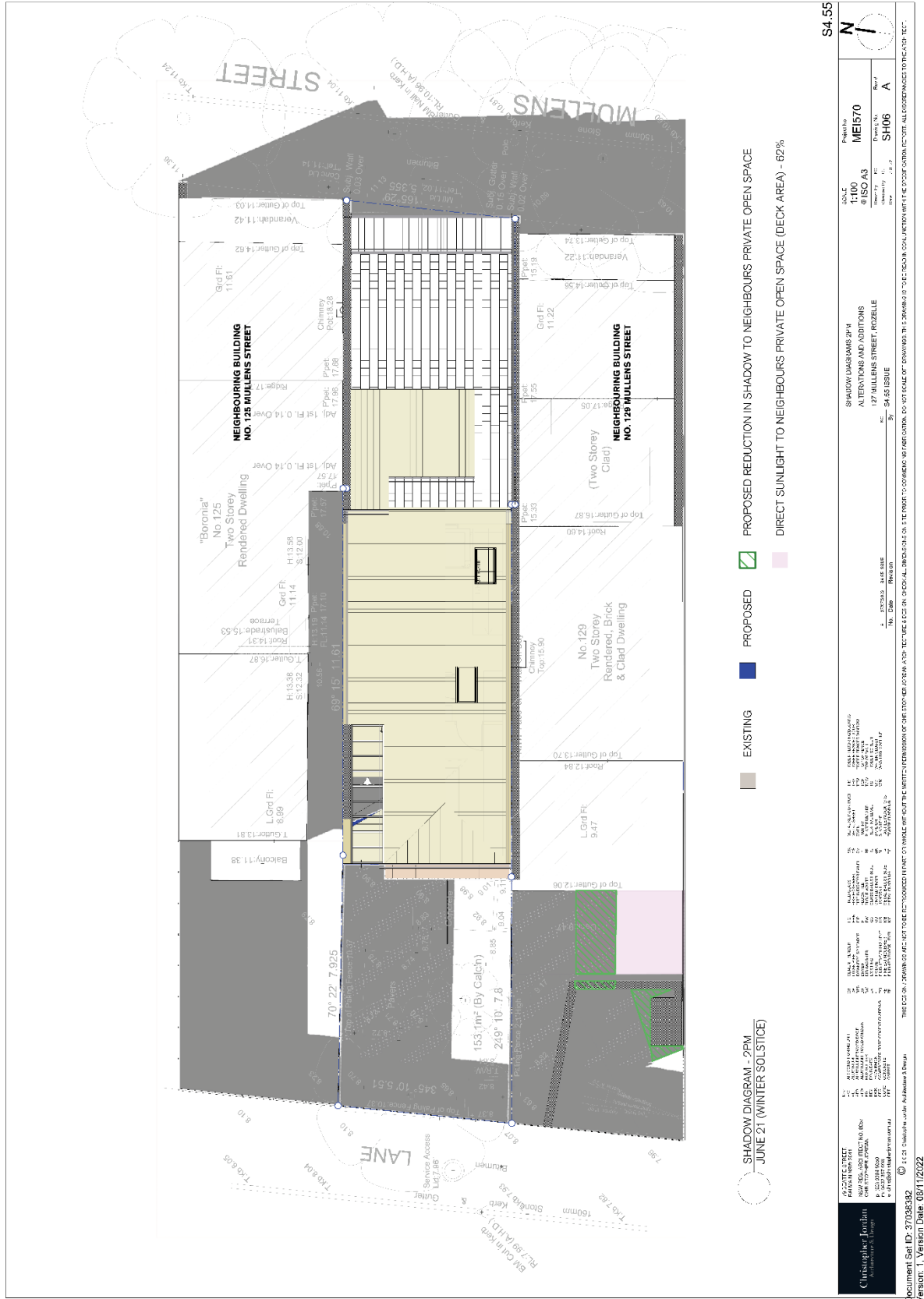
PROPOSED REDUCTION IN SHADOW TO NEIGHBOURS PRIVATE OPEN SPACE  
DIRECT SUNLIGHT TO NEIGHBOURS PRIVATE OPEN SPACE (DECK AREA) - 55%

\$4.55

|   |  |  |                       |
|---|--|--|-----------------------|
| <p>Chrisaglar Jordan Architects Pty Ltd<br/>P 02 9382 0000<br/>E info@chrisaglar.com.au<br/>www.chrisaglar.com.au</p> | <p>DATE: 15/06/2022<br/>DRAWN BY: J. JORDAN<br/>CHECKED BY: J. JORDAN<br/>SCALE: 1:100</p> | <p>PROJECT: SHADOW DIAGRAMS 12PM ALTERATIONS AND ADDITIONS 127 MULLENS STREET, ROZELLE</p> | <p>CLIENT: SH04 A</p> |
|   | <p>DATE: 15/06/2022<br/>DRAWN BY: J. JORDAN<br/>CHECKED BY: J. JORDAN<br/>SCALE: 1:100</p> | <p>PROJECT: SH04 A</p>   | <p>CLIENT: SH04 A</p> |

Document Set ID: 37088392  
Version: 1, Version Date: 06/11/2022







## Attachment D –Heritage Impact Statement

**Christopher Jordan**  
Architecture & Design

---

**HERITAGE IMPACT STATEMENT**  
**SECTION 4.55 – DA2021/1185**  
**127 MULLENS ST, ROZELLE**

The site is located within The General Conservation Area, and as Clause 5.10 states, adverse development would affect the heritage significance of the conservation area, the proposal has made all attempts to adhere to the heritage attributes of the area. The design process carefully considered the form, scale, siting, and use of materials. This can be demonstrated as follows:

- Materials used to the proposed S4.55 Modification are sympathetic to surrounding neighbours.
- Maintains a density of built form and site coverage, consistent with the neighbourhood as the previously approved DA by the Inner West Council (DA2021/1185) on 12 May 2022.

The new roof above the attic will be set behind and 200mm lower than the principle original roof ridge, not being visible from the public domain, the new roof additions cannot be seen from Mullens Street or the rear lane.

The proposal complies with the objectives of clause C1.4 of Leichhardt Development Control Plan (DCP): it represents a sympathetic alteration or addition to a building; it protects, restores, continues the use and viability of the buildings for its original purpose.

It is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter.

It is considered that the proposed works will not negatively affect the heritage significance of the subject site nor impact the conservation area.

Consequently, it would be concluded that the proposed development is acceptable and should be worthy of favourable consideration by Council.

Yours Sincerely,



Christopher Jordan