








|  DEVELOPMENT ASSESSMENT REPORT | | | | |
|---|---|------------|---|---|
| Application No. | DA/2022/0785 | | | |
| Address | 157 Darling Street BALMAIN NSW 2041 | | | |
| Proposal | Alterations and additions to construct a rooftop terrace and associated works | | | |
| Date of Lodgement | 26 September 2022 | | | |
| Applicant | Ms Natalie Scipioni | | | |
| Owner | Mr Trevor J Hare | | | |
| Number of Submissions | Initial: 2 | | | |
| Value of works | \$350,000.00 | | | |
| Reason for determination at Planning Panel | Section 4.6 variation exceeds 10% | | | |
| Main Issues | Heritage, privacy | | | |
| Recommendation | Approved with Conditions | | | |
| Attachment A | Recommended conditions of consent | | | |
| Attachment B | Plans of proposed development | | | |
| Attachment C | Section 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 construct a rooftop terrace and associated works at 157 Darling Street, Balmain. The application was notified to surrounding properties and 2 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Impacts on the heritage item;
- Visual privacy impacts to adjoining properties.

The non-compliances are acceptable given that the proposal has been amended to ensure that the roof terrace includes suitably located and scaled privacy mitigation measures to prevent direct overlooking into the adjoining properties. Additionally, the bulk of the pergola has been reduced and setback from the heritage item so as not to detract from the streetscape as viewed from Darling Street and therefore the application is recommended for approval.

2. Proposal

The proposal seeks alterations and additions to the existing dwelling to include a roof terrace and associated works including new stair access, pergola and screening.

3. Site Description

The subject site is located on the northern side of Darling Street, between St John Street and St Andrew Street. The site consists of a singular allotment and is generally rectilinear in shape with a total area of 126.5 sqm.

The site has a 4.53m frontage to Darling Street and supports a two-storey terrace. Adjoining the site to the east is a two-storey dwelling, whilst to the west and north of the site are single storey dwellings. The subject site is listed as an item of environmental heritage (local item I518) and is also located within the Waterview Estate Heritage Conservation. A Sydney blue gum tree is located within the rear setback of the site.

The site is zoned R1 – General Residential under the *Inner West Local Environmental Plan 2022*.

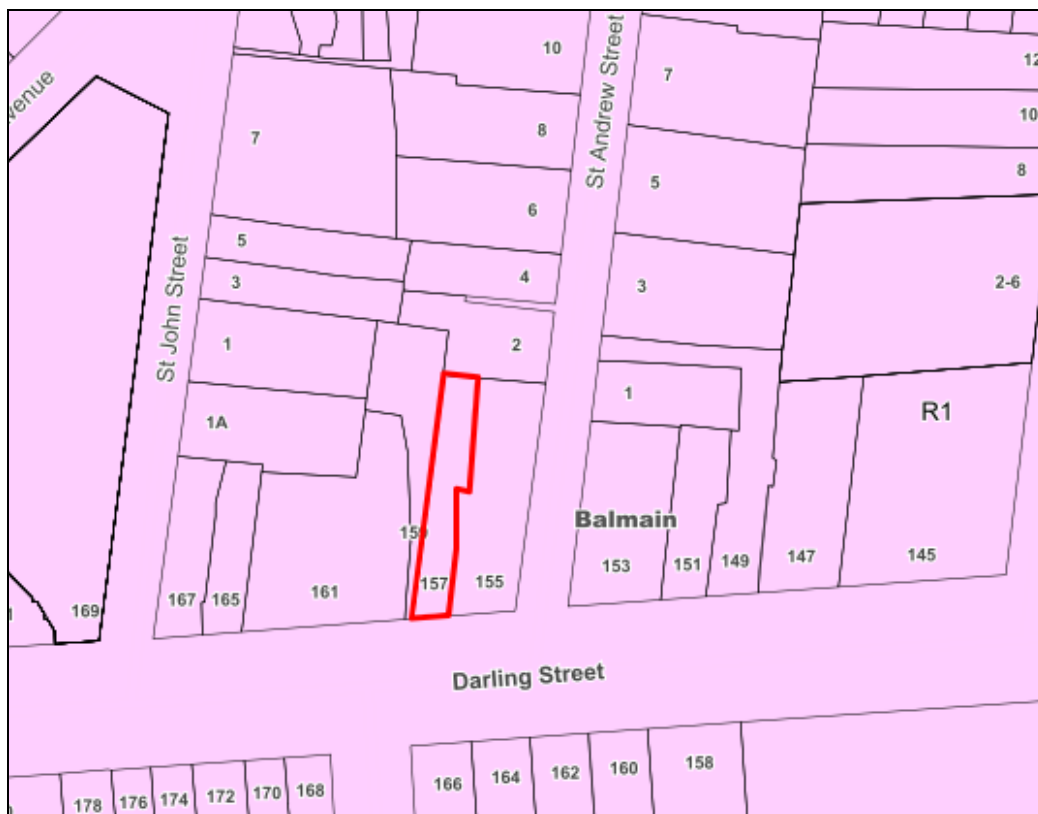


Image 1: Zoning map extract, subject site outlined in red

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 |
|---------------|---|---------------------------|
| PDA/2022/0114 | Alterations and additions to rear of dwelling to create rooftop terrace. | Advice issued, 27/06/2022 |
| HEC/2017/11 | Heritage Exemption Certificate for maintenance/repair work to a heritage item following fire and water ingress damage to the original portion of the building. | Approved 31/03/2022 |
| M/2007/245 | Section 96 modification of development consent D/2006/276 which approved ground and first floor alterations and additions to the existing dwelling and associated works. Modification entails changing a proposed window to sliding door on the western boundary at ground floor. | Approved, 22/10/2007 |
| D/2006/276 | Ground and first floor alterations and additions to the existing dwelling and associated works. | Approved 31/01/2007 |

4(b) Application history

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

| Date | Discussion / Letter / Additional Information |
|------------|---|
| 9/01/2023 | Request to withdraw letter sent to the applicant noting that the application did not satisfy the applicable heritage and visual privacy requirements of the IWLEP 2022 and LDCP 2023. |
| 18/01/2023 | Meeting held with the applicant to discuss the request to withdraw letter and potential schematic design solutions |
| 18/01/2023 | Follow up email sent to the applicant providing a copy of potential schematic solutions for the proposal |
| 22/02/2023 | Concept revised plans provided to Council by the applicant |
| 22/02/2023 | Council provided commentary based on revised concept plans noting that the matters raised in the request to withdraw letter had not yet been resolved |
| 6/03/2023 | Revised plans provided to Council by the applicant |
| 7/03/2023 | Amended set of plans and Cl. 4.6 uploaded to the NSW planning portal |

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 (EPA 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*

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 as there is no indication of contamination.

The application involves does not involve category 1 remediation under *SEPP (Resilience and Hazards) 2021*.

5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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

5(a)(iii) 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 Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- 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 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the IWLEP 2022. The proposed works are to a dwelling house, which is a permissible form of development within the zone. The development is consistent with the objectives of the R1 zone.

Section 4 Principal Development Standards

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

| Standard | Proposal | Non compliance | Complies |
|---|---------------------------------|-----------------------|---|
| Floor Space Ratio Maximum permissible: 1:1 or 126.5sqm | Proposed:1.11:1 or 140.45sqm | 13.95sqm or 11% | No |
| Landscape Area Minimum permissible: 15% or 19sqm | Nil | 100% | No, however no change from the existing |
| Site Coverage Maximum permissible: 60% or 75.9sqm | 69.2% or 87.6sqm | 11.7sqm or 15.4sqm | No, however no change from the existing |

Section 4.6 Exceptions to Development Standards

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

- Section 4.4 - Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Section 4.6 of the *IWLEP 2022* by 11% (13.95sqm). The existing dwelling has an existing FSR of 1.09:1 (138.2sqm), the additional 2.25sqm of GFA and further variation to the development standard is attributed to the inclusion of the new stair and associated landing to provide access to the new roof deck.

Section 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 Section 4.6 of the *IWLEP 2022* below.

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposal will facilitate solar access and provide useable private open space that is accessible from the operable pergola landing area. The operable pergola in turn will provide sheltered space that will enjoy the northerly aspect and associated solar access*
- *The density of this development will not impact on that of the surroundings as it will remain visibly unchanged in terms of scale, bulk, and building occupancy.*
- *Is compatible with the emerging character roof the locality, noting that there are multiple rooftop terraces in the vicinity of Darling Street*
- *Is of a scale and form that is minimal and subservient to the heritage item which is the building on site*
- *Minimises the impact of bulk and scale by use of lightweight elements and the screens to the rooftop terrace*
- *The proposed additional floor area is minimal in size, in that it is sufficient to accommodate the stair extension and its landing that provides accesses the rooftop terrace. The sheltered area of the rooftop terrace is under the operable pergola which is open on its sides and screened with perforated screens and glass balustrade*

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 General Residential zone, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The proposal provides for the housing needs of the community.
- Adds to providing a variety of housing types and densities.
- The proposal provides residential development that maintains the character of built and natural features in the surrounding area.
- The density of the development is commensurate with the character of the area.
- The proposal is compatible with the character and style of surrounding buildings and the mixed architectural styles and varied built form in the streetscape and area.
- The proposal will be compatible with the existing and desired future character of the area in relation to building bulk, form and scale.
- The proposal minimises amenity impacts to adjoining properties.

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Section 4.6(4)(a)(ii) of the IWLEP 2022 for the following reasons:

- The proposal minimises adverse impacts on local amenity.
- The proposal will result in a development that is consistent with the housing needs of the community, providing additional floor area to a residential dwelling that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- The proposed additions will not result in any undue adverse impacts on the amenity of the subject dwelling on the site or any undue adverse amenity impacts on adjoining properties.

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 Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Floor Space Ratio and it is recommended the Section 4.6 exception be granted.

Section 5.10 – Heritage conservation

The subject site is listed as an item of environmental heritage (local item I518) and is also located within the Waterview Estate Heritage Conservation Area (HCA) (C28 in Schedule 5 of IWLEP 2022)

The revised proposal is supported by Council’s Heritage Specialist as the rooftop pergola structure is set behind the main roof and will have minimal visibility from the Darling Street streetscape.

It is noted that the architectural drawings provided lack sufficient detail to demonstrate that the stair to the rooftop can be constructed without impact on what survives of the rear sandstone wall of the main portion of the house. As such, a condition is included in the recommendation requiring amended plans prior to the issue of a Construction Certificate that the new roof and stair areas of the additions are not attached to or supported by the surviving sandstone elements of the original rear wall or any other impact on the surviving stonework of the main historic portion of the building.

Subject to compliance with the above, the development would maintain the significance of the heritage item and is consistent with Clause 5.10 of IWLEP 2022.

5(b) Development Control Plans

The following provides discussion of the relevant issues:

| LDCP2013 | Compliance |
|--|------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | Yes |

| | |
|---|----------------------------|
| C1.3 Alterations and additions | Yes |
| C1.4 Heritage Conservation Areas and Heritage Items | Yes |
| | |
| Part C: Place – Section 2 Urban Character | |
| C2.2.2.1 Darling Street Distinctive Neighbourhood C2.2.2.1(b) Balmain Village Sub Area | Yes |
| | |
| Part C: Place – Section 3 – Residential Provisions | Yes |
| C3.1 Residential General Provisions | Yes |
| C3.3 Elevation and Materials | Yes |
| C3.7 Environmental Performance | Yes |
| C3.9 Solar Access | Yes |
| C3.10 Views | Yes |
| C3.11 Visual Privacy | Yes – see discussion below |
| C3.12 Acoustic Privacy | Yes |
| | |
| Part D: Energy | Yes |
| Section 1 – Energy Management | Yes |
| Section 2 – Resource Recovery and Waste Management | Yes |
| D2.1 General Requirements | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development | Yes |
| | |
| Part E: Water | Yes |
| Section 1 – Sustainable Water and Risk Management | Yes |
| E1.1.3 Stormwater Drainage Concept Plan | Yes |
| E1.2.2 Managing Stormwater within the Site | Yes |

The following provides discussion of the relevant issues:

3.11 Visual Privacy

Control C4 under this part allows consideration of roof terraces where they do not result in adverse privacy impacts to the adjoining properties. The matters required to be considered include the design of the terrace and the existing site context and overlooking opportunities from any terrace proposed.

The proposal includes 1.8m high privacy screens at the eastern elevation and the north-eastern corner of the deck to prevent direct overlooking into the adjoining property at 155 Darling Street. Furthermore, the footprint of the deck has been designed to include a non-trafficable roof buffer at the western side and northern rear elevation measuring 700mm and 600mm in depth to minimise the potential line of site to the adjoining properties to the west and north. Furthermore, the glass balustrading proposed is to be constructed of obscure glazing to prevent overlooking.

To ensure a high level of visual privacy is achieved, conditions are included in the recommendation to ensure that the visual privacy screens proposed have a minimum block out density of 75% to ensure that the privacy of the adjoining properties is maintained.

Given the above, the development is considered compliant with control C4 and objective O1 within Part C3.11 of LDCP 2013 and will maintain visual privacy to neighbouring properties.

5(c) 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(d) 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(e) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Two submissions were received in response to the initial notification. The following issues raised in submissions have been discussed in this report:

- Visual privacy impacts

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

Issue: Waste management and damage to the neighbouring property during the construction phase of the proposal

Comment: Suitable conditions are included in the recommendation to ensure ongoing waste management during the construction phase of the proposal. Any accidental damage that occurs to adjoining properties during the construction of the proposal is a civil matter and falls outside the scope of the assessment of the application, however the provision of a dilapidation report is included in the schedule of conditions.

Issue: Ongoing noise impacts from the use of the roof terrace

Comment: The size and scale of the roof terrace proposed is modest and is suitably setback from the adjoining properties, as such it is unlikely that the ongoing use of the roof terrace will result in adverse noise impacts from the occupants of the residence.

5(f) 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
- Development Engineering

7. Section 7.11 Contributions/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 \$3,500 would be required for the development under 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 *Inner West Local Environmental Plan 2022* and 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 Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the floor space ratio 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/2022/0785 for iterations and additions to construct a rooftop terrace and associated works at 157 Darling Street BALMAIN subject to the conditions listed in Attachment A below/for the following reasons.

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 |
|------------------------------|---|-------------|------------------------------|
| DA 01.01, Rev B | Proposed Site Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 01.02, Rev B | Roof Demolition Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 01.03, Rev B | Existing and Proposed First Floor Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 01.04, Rev B | Proposed Terrace Roof Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 02.01, Rev B | Proposed Southern & Northern Elevation Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 02.02, Rev B | Proposed Eastern Elevation Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 02.03, Rev B | Proposed Western Elevation Plan | 22/02/2023 | Nathalie Scipioni Architects |
| DA 02.04, Rev B | Finishes Schedule | 22/02/2023 | Nathalie Scipioni Architects |
| DA 03.01, Rev B | Section A | 22/02/2023 | Nathalie Scipioni Architects |
| DA 03.02, Rev B | Section B & C | 22/02/2023 | Nathalie Scipioni Architects |

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. That the new roof and stair areas of the additions are not attached to or supported by the surviving sandstone elements of the original rear wall or any other impact on the surviving stonework of the main historic portion of the building. It is noted that Section A-A depicts the two locations where the new works intersect with the existing building.
- b. The erection of privacy screens at the eastern side and north-eastern corner of the roof-top terrace having a minimum block out density of 75% and a height of 1.8 metres above the finished floor level of the terrace.

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: | \$5,600.00 |
| Inspection Fee: | \$350.00 |

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 *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

*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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 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. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

8. Waste Management Plan

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

9. Erosion and Sediment Control

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

10. Standard Street Tree Protection

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

11. 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 the adjoining property at 155 Darling Street 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. 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.

18. 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

19. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

DURING DEMOLITION AND CONSTRUCTION

20. 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.

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.

PRIOR TO OCCUPATION CERTIFICATE

22. 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.

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.

ADVISORY NOTES**Permits**

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

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

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

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 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.

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.

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.

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 Payments Corporation | 131441 |
| | www.lspc.nsw.gov.au |
| NSW Food Authority | 1300 552 406 |
| | www.foodnotify.nsw.gov.au |
| NSW Government | www.nsw.gov.au/fibro |
| | www.diysafe.nsw.gov.au |
| | Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage | 131 555 |

| | |
|---|--|
| | www.environment.nsw.gov.au |
| Sydney Water | 13 20 92 |
| | www.sydneywater.com.au |
| Waste Service - SITA | 1300 651 116 |
| Environmental Solutions | 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. |

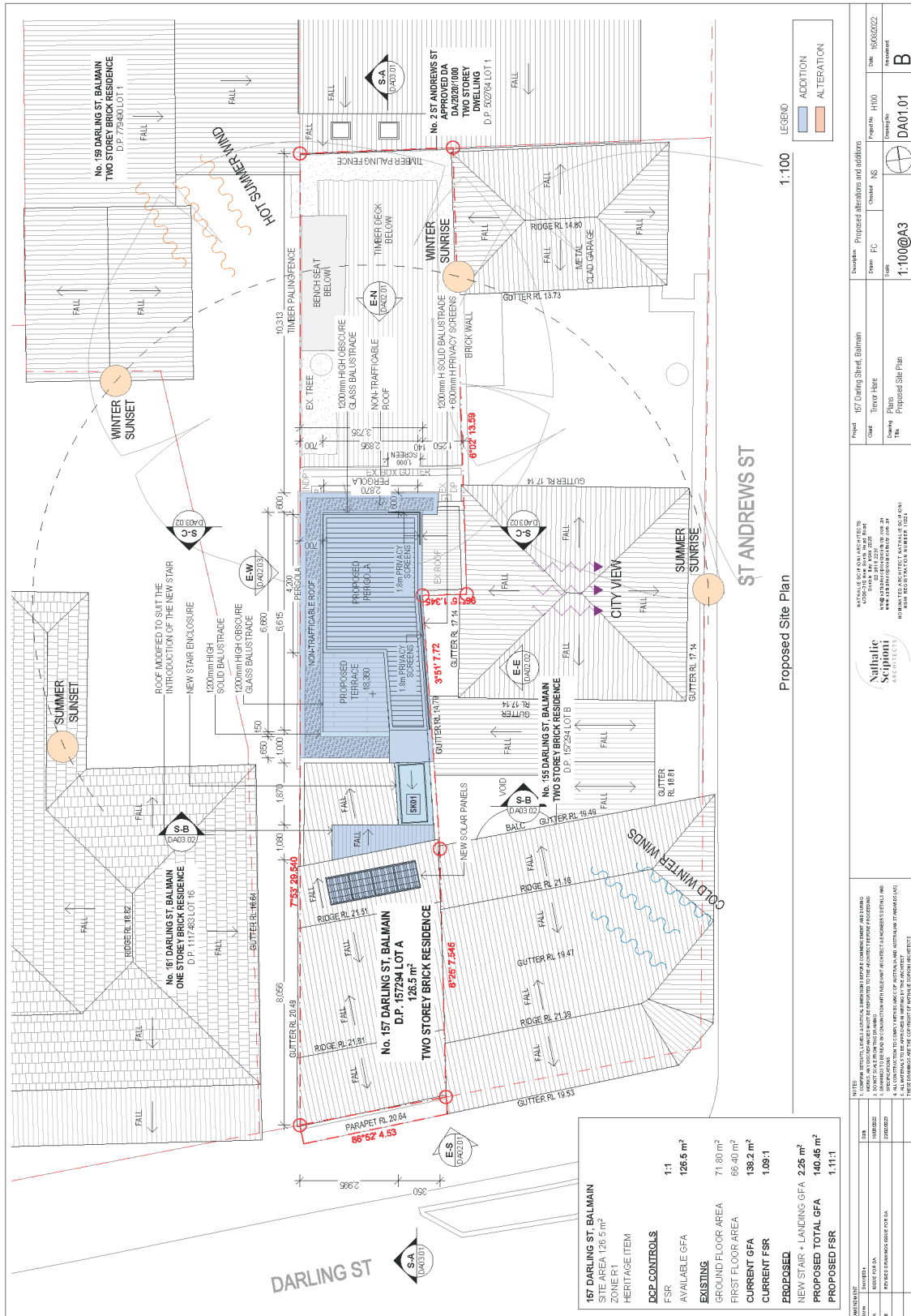
Dividing Fences Act

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.

Dial before you dig

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

Attachment B – Plans of proposed development



LEGEND

- ADDITION
- ALTERATION

1:100

Proposed Site Plan

Project: 157 Darling Street, Balmain
 Client: Trevor Hirst
 Date: 11/01/21
 Scale: 1:100@A3

Drawn: PHB
 Title: Proposed Site Plan

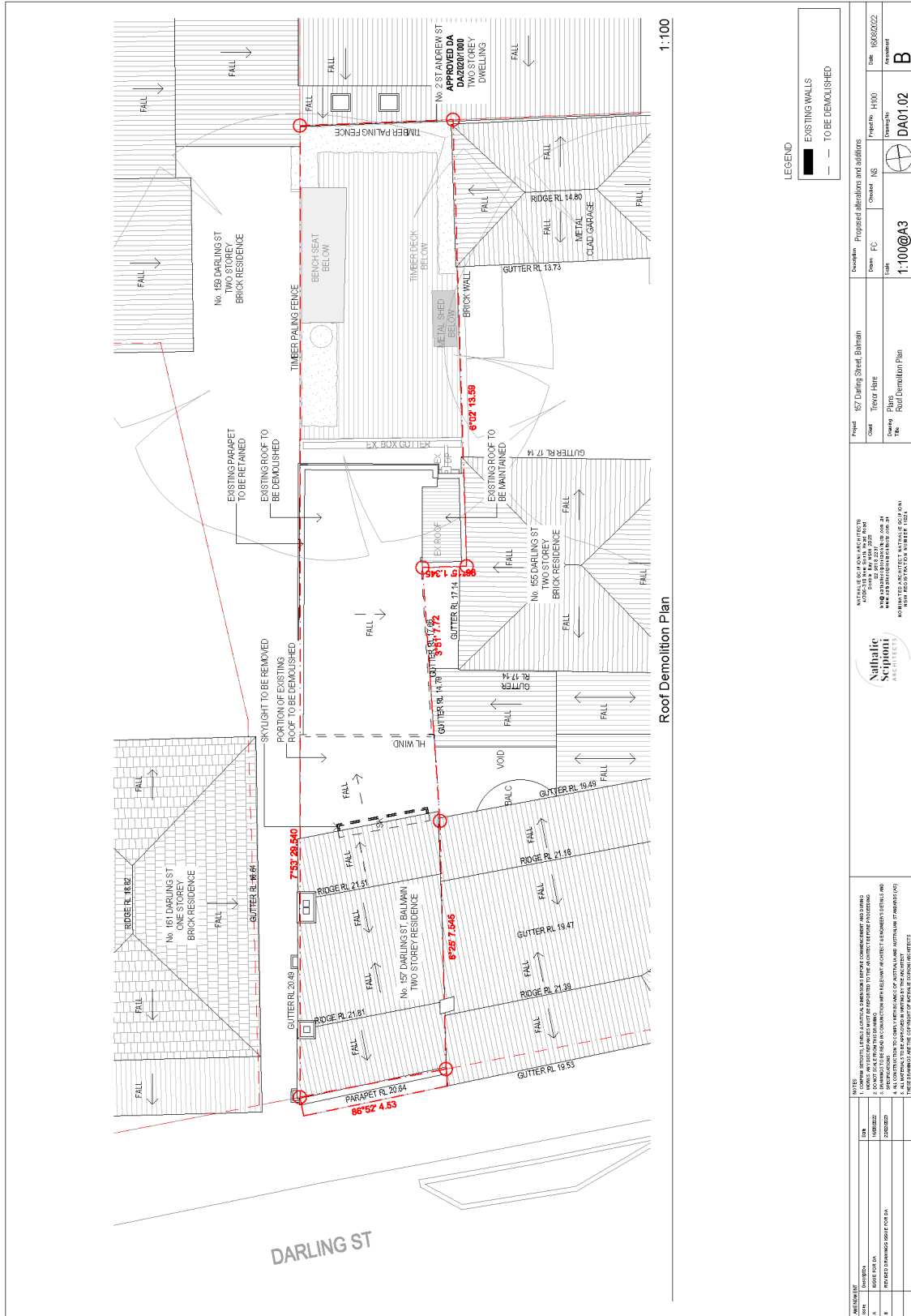
Drawn: NS
 Check: NS
 Date: 10/06/2022

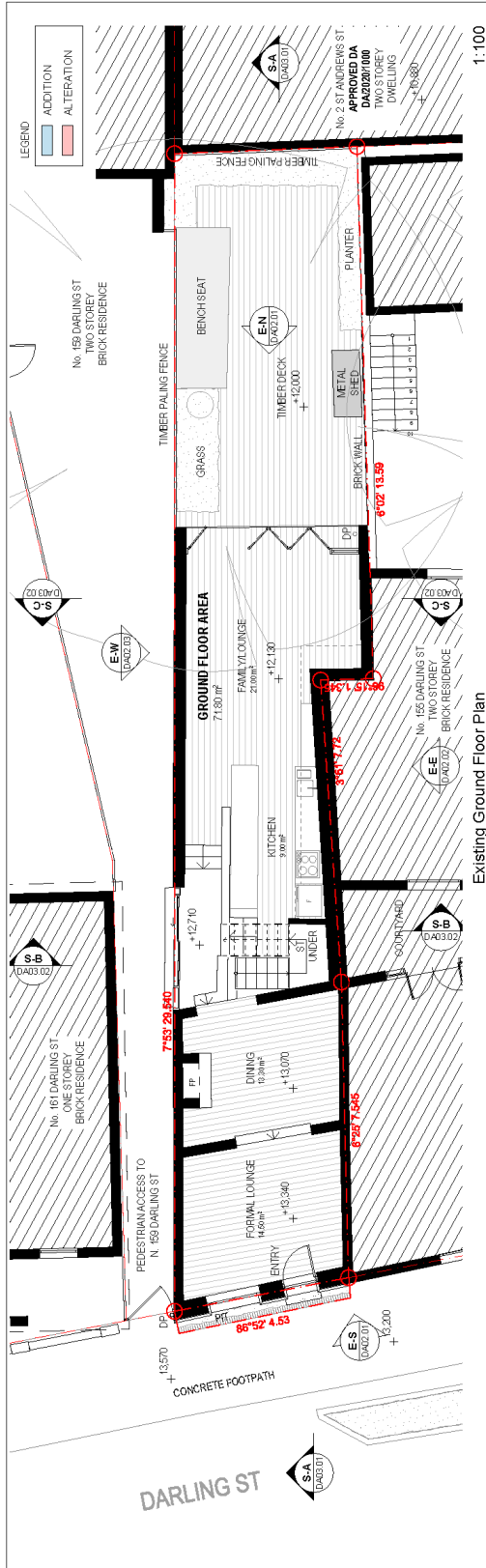
Project: H10
 Drawing: DA01.01
 Sheet: B

NOTES

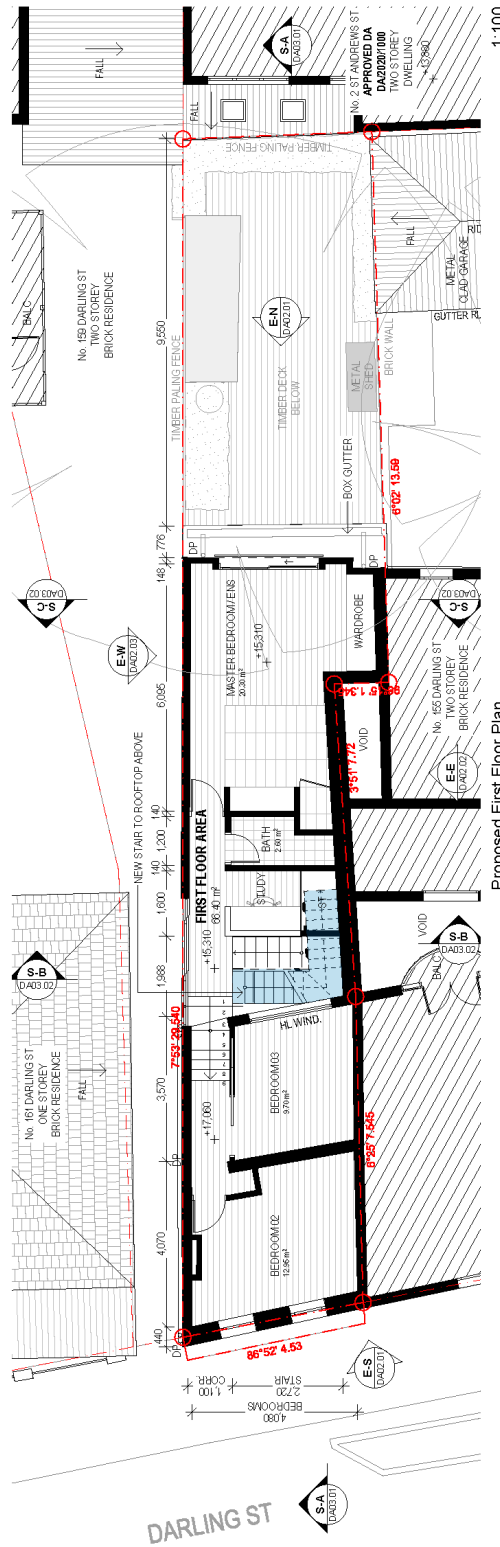
1. ALL WORK TO BE APPROVED BY THE LOCAL COUNCIL.
2. ALL WORK TO BE APPROVED BY THE LOCAL COUNCIL.
3. ALL WORK TO BE APPROVED BY THE LOCAL COUNCIL.
4. ALL WORK TO BE APPROVED BY THE LOCAL COUNCIL.

| DESCRIPTION | AREA | FRS |
|-------------------------|-----------------------|-----|
| 157 DARLING ST, BALMAIN | 126.5 m ² | 1:1 |
| AVAILABLE GFA | 126.5 m ² | |
| EXISTING | 71.80 m ² | |
| GROUND FLOOR AREA | 66.40 m ² | |
| FIRST FLOOR AREA | 138.2 m ² | |
| CURRENT GFA | 1:08:1 | |
| PROPOSED | | |
| NEW STAIR + LANDING GFA | 2.25 m ² | |
| PROPOSED TOTAL GFA | 140.45 m ² | |
| PROPOSED FSR | 1:11:1 | |



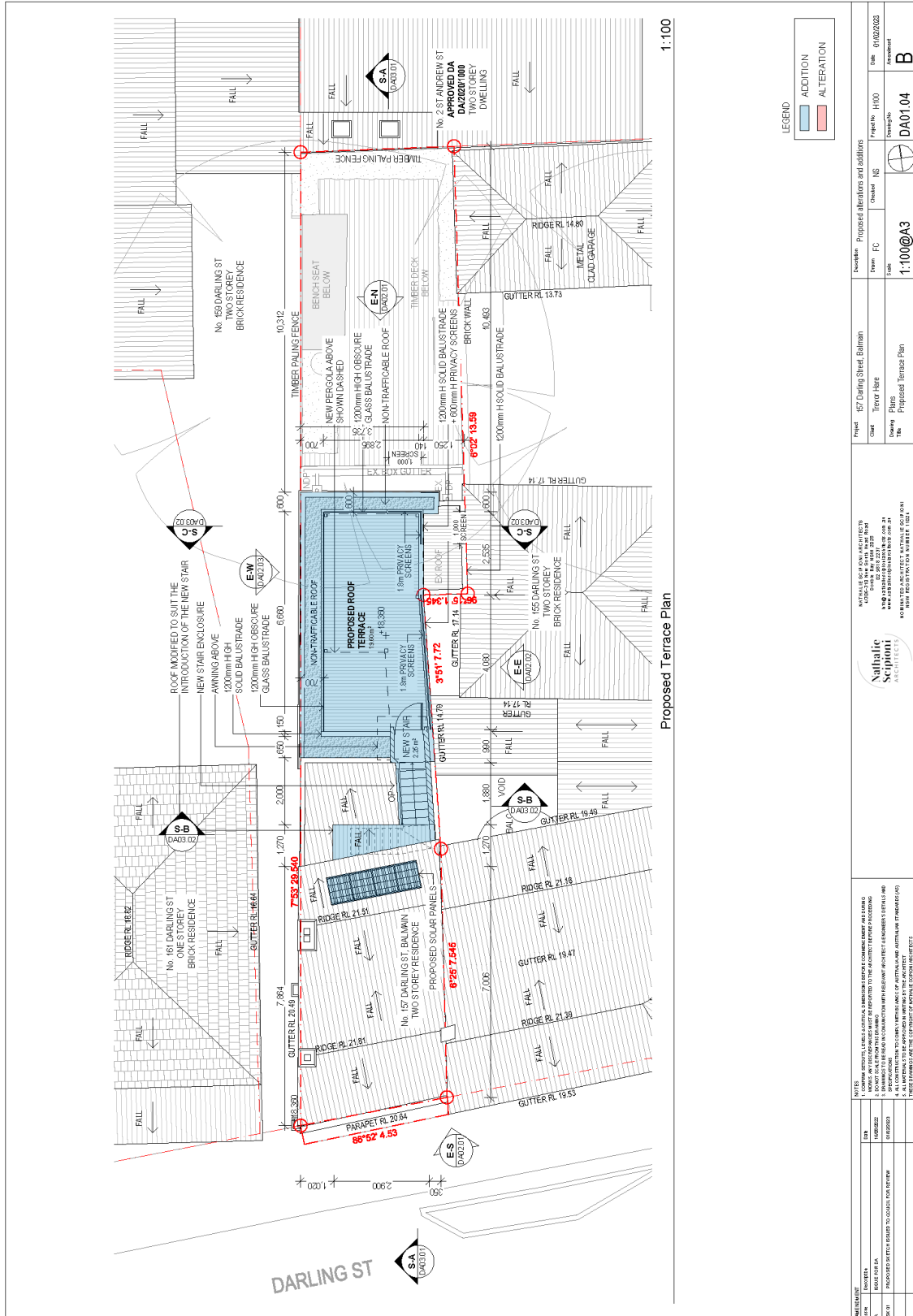


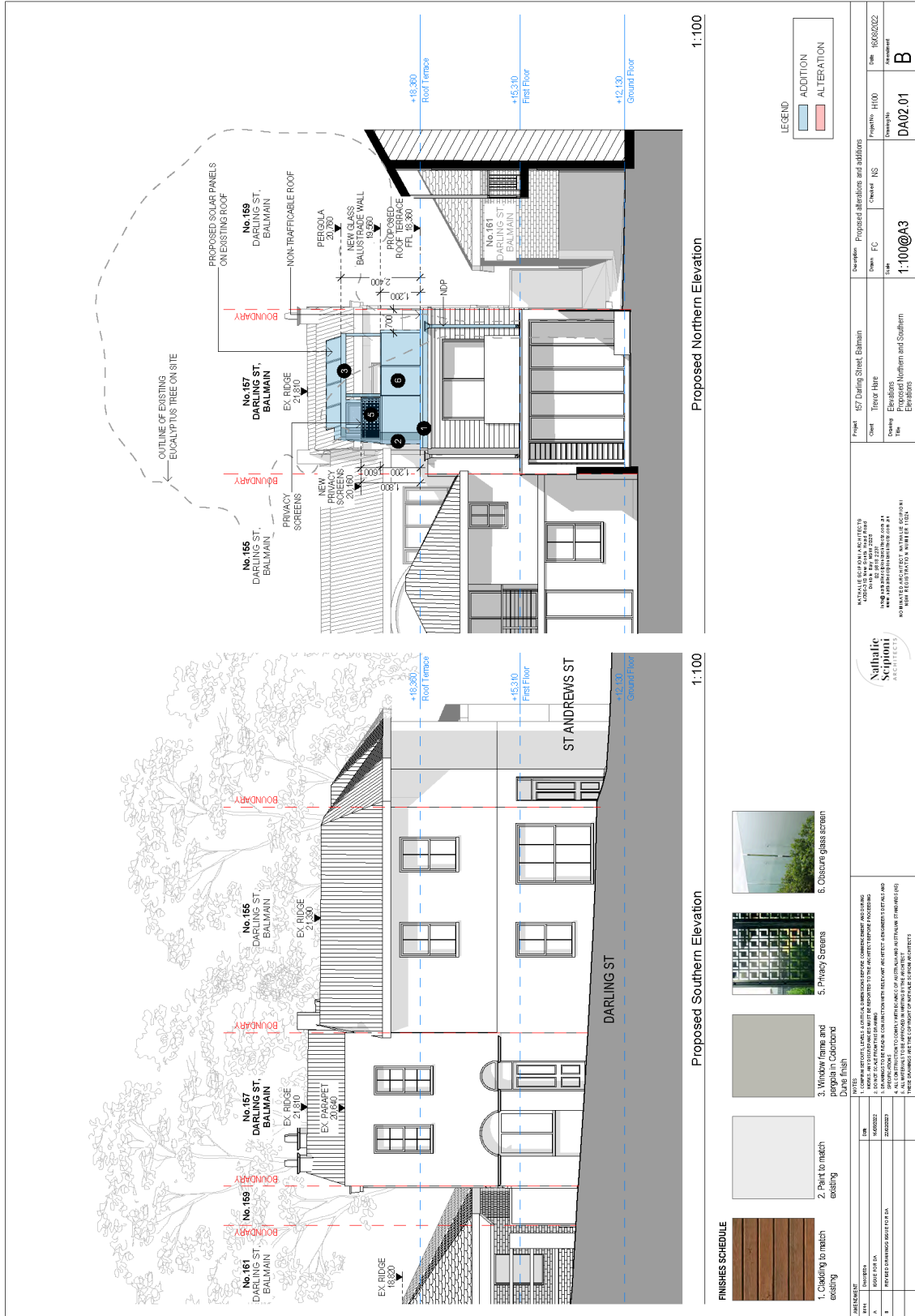
Existing Ground Floor Plan

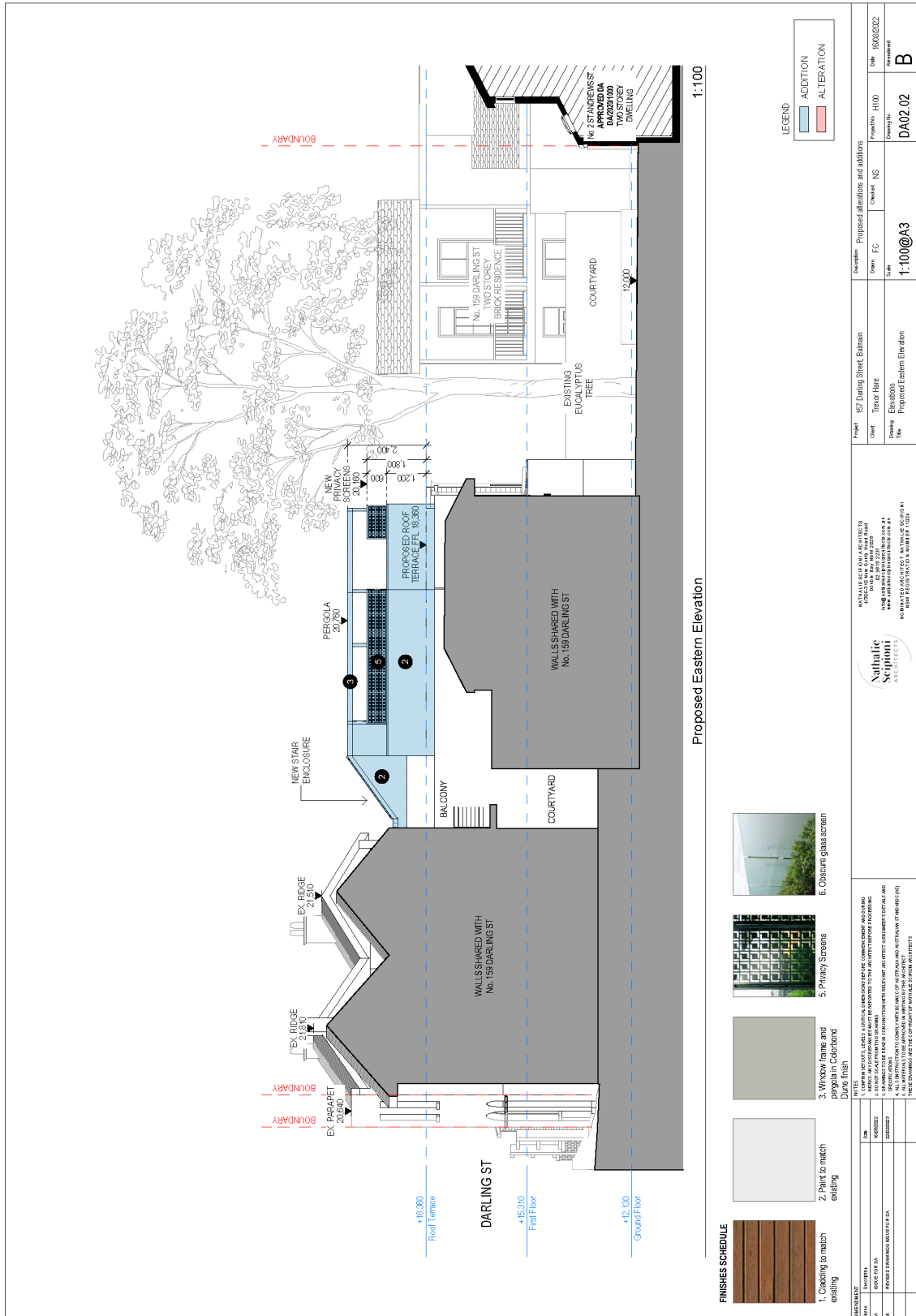


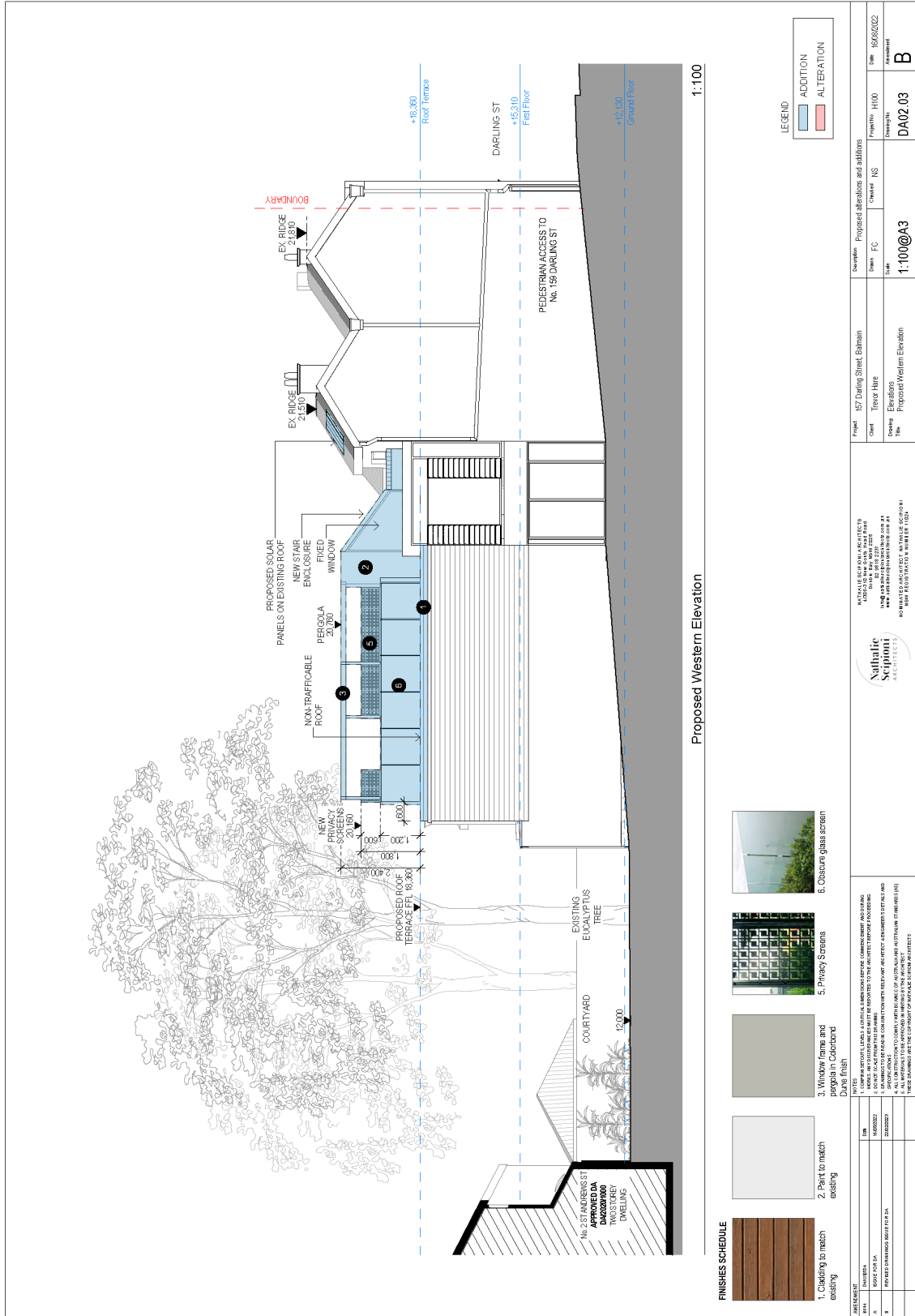
Proposed First Floor Plan

| | | | | | |
|---|---|---|---|---|---|
| APPLICANT MIR 15/06/2022 | DATE 15/06/2022 | PROJECT 157 Darling Street, Burmah | DESCRIPTION Proposed alterations and additions | SCALE 1:100@A3 | DATE 16/06/2022 |
| DESIGNER MIR | DATE 15/06/2022 | CLIENT Trent Hill | PROPOSAL NO. DA01.03 | SCALE 1:100@A3 | DATE 16/06/2022 |
| PROJECT NO. 157 DARING STREET BURMAH | PROJECT NO. 157 DARING STREET BURMAH | PROJECT NO. 157 DARING STREET BURMAH | PROJECT NO. 157 DARING STREET BURMAH | PROJECT NO. 157 DARING STREET BURMAH | PROJECT NO. 157 DARING STREET BURMAH |











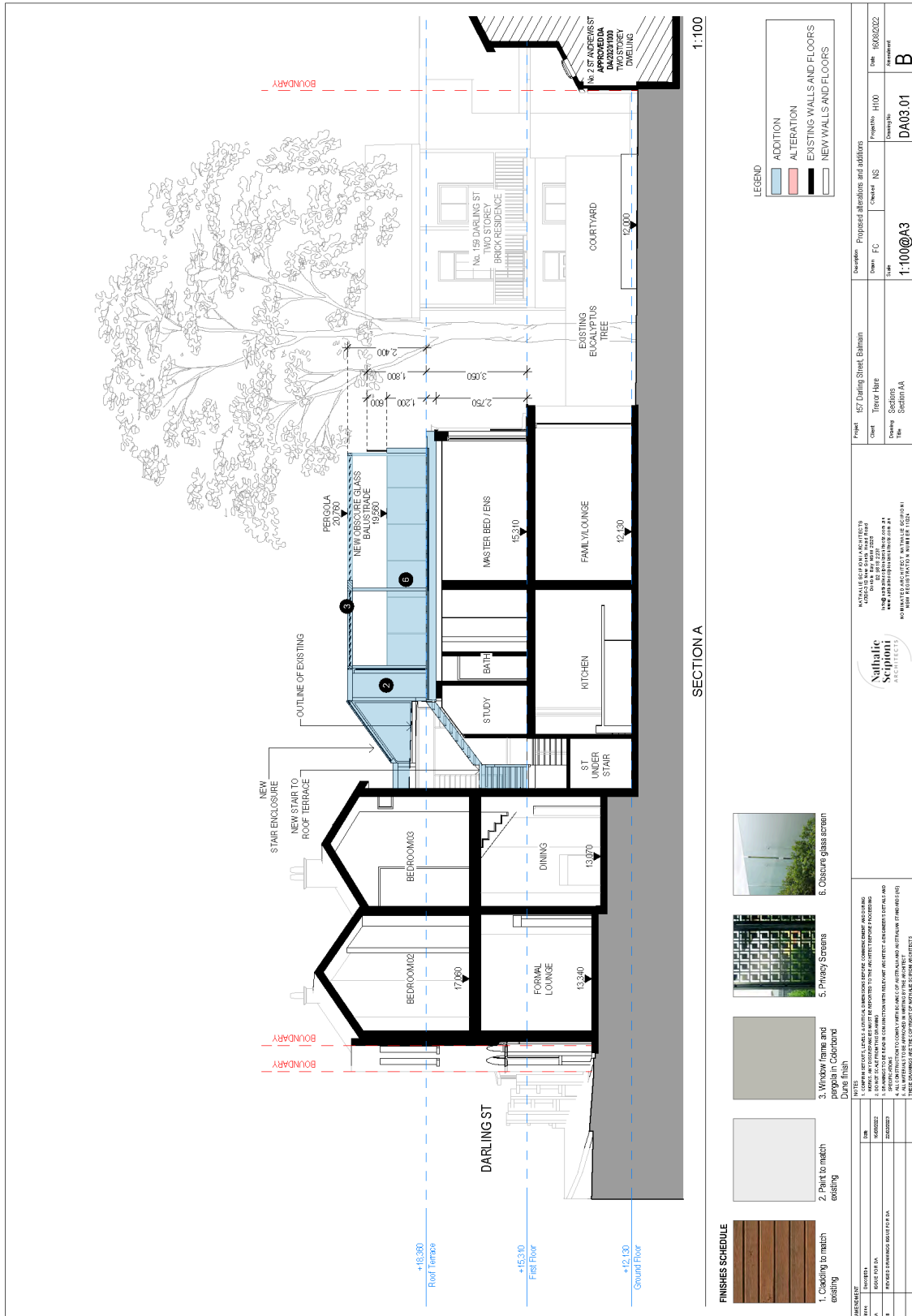
Indicative Perspective

Indicative Perspective


FINISHES SCHEDULE

- 1. Cladding to match ceiling
- 2. Paint to match ceiling
- 3. Window frame and Glaze Colour
- 4. Window frame and Glaze Colour
- 5. Privacy Screens
- 6. Obscure glass screen

| <p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>15/03/2022</td> <td>ISSUED FOR I.A.</td> </tr> <tr> <td>2</td> <td>15/03/2022</td> <td>REVISED DRAWING BASED ON I.A.</td> </tr> <tr> <td>3</td> <td>15/03/2022</td> <td>REVISED DRAWING BASED ON I.A.</td> </tr> </table> | | NO. | DATE | DESCRIPTION | 1 | 15/03/2022 | ISSUED FOR I.A. | 2 | 15/03/2022 | REVISED DRAWING BASED ON I.A. | 3 | 15/03/2022 | REVISED DRAWING BASED ON I.A. | <p>NOTES</p> <ol style="list-style-type: none"> ALL FINISHES SHALL BE MATCHED TO THE EXISTING BUILDING FINISHES. ALL FINISHES SHALL BE MATCHED TO THE EXISTING BUILDING FINISHES. ALL FINISHES SHALL BE MATCHED TO THE EXISTING BUILDING FINISHES. ALL FINISHES SHALL BE MATCHED TO THE EXISTING BUILDING FINISHES. ALL FINISHES SHALL BE MATCHED TO THE EXISTING BUILDING FINISHES. ALL FINISHES SHALL BE MATCHED TO THE EXISTING BUILDING FINISHES. | |
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| NO. | DATE | DESCRIPTION | | | | | | | | | | | | | |
| 1 | 15/03/2022 | ISSUED FOR I.A. | | | | | | | | | | | | | |
| 2 | 15/03/2022 | REVISED DRAWING BASED ON I.A. | | | | | | | | | | | | | |
| 3 | 15/03/2022 | REVISED DRAWING BASED ON I.A. | | | | | | | | | | | | | |
| <p>PROJECT INFORMATION</p> <p>Project: 457 Darling Street, Brisbane Date: 17/03/2022 Drawing No: 15/03/2022-01 Drawing Title: Elevations Schedule of Materials, Colours and Finishes</p> | | <p>PROPOSER INFORMATION</p> <p>Proposed Address and Address: Zone: FC Scale: @A3 Proposed NS: DA02.04 Proposed H100: B</p> | | | | | | | | | | | | | |
| <p>CLIENT INFORMATION</p> <p>Client: Naltatic 15/03/2022 15/03/2022</p> | | <p>ARCHITECT INFORMATION</p> <p>Architect: Naltatic 15/03/2022 15/03/2022</p> | | | | | | | | | | | | | |




Attachment C- Section 4.6 Exception to Development Standards



URBAN
PERSPECTIVES

Amended Clause 4.6 Request to vary standard



157 Darling Street Balmain



Declaration

Statement of Environmental Effects

prepared by:

Name:

Mary Nagle BArch MURbDes GCHeritCons MLLP

Address:

Urban Perspectives
Level 4, 88 Foveaux Street
SURRY HILLS NSW 2010
PO Box 4507 SYDNEY NSW 2001

In respect of:

Alterations and additions to construct a rooftop terrace and associated works at 157 Darling Street BALMAIN NSW 2041

Development application

Owner Name:

Mr Trevor Hare

Applicant Name:

Nathalie Scipioni MArch PHD

Applicant Address:

Nathalie Scipioni Architects Pty Ltd
Suite 4, 306-310 New South Head Road
DOUBLE BAY NSW 2028

Land on which activity to be carried out:

No 157 Darling Street BALMAIN NSW
Lot A DP 157294

Name:

Mary Nagle

Date:

Amended 6 March 2023



Contents

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| Maximum FSR control standard under Inner West LEP 2022 | 4 |
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Clause 4.6 Report

Exception request under Clause 4.6 in respect of Maximum FSR control standard under Inner West LEP 2022


1 Introduction

The proposed development entails the construction of a rooftop terrace and associated structures including also a landing for the stair access at the rear of an existing heritage listed semi-detached dwelling.

The development will result in an increase in floor space and this in turn will result in a higher than permissible Floor Space Ratio for the site.

The consent authority is not able to approve the application unless it considers matters under Clause 4.6. Clause 4.6 requires a written request for exception to the standard from the Applicant, which demonstrates that strict compliance with the relevant standard in the circumstances of the case is unreasonable or unnecessary.

This report is a request for an exception to the FSR development standard under clause 4.6 of the Inner West LEP 2022. It submits that the consent authority should not refuse the proposed development by way of this non-compliance with the maximum FSR development standard, as compliance in this instance would be unreasonable or unnecessary, and there are sufficient environmental planning grounds to justify contravening the development.

Photographs and images in this report are by the author unless otherwise stated. Within these illustrations, where the location of the site is not immediately obvious a yellow arrow () marks its location unless otherwise indicated.

This report was amended to reflect the further amendments to the design following feedback from Council's officers and lodged March 2023.

2. Requirements of Clause 4.6

The relevant requirements of clause 4.6 of Inner West Local Environment Plan 2022 are extracted here:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

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



- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (a) the consent authority is satisfied that—*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- ...

2.1 Methodology

In *Initial Action Pty Limited v Woollahra Municipal Council [2018] NSW LEC 118 (Initial Action)*, Preston CJ confirmed the operation and correct application of Clause 4.6 which his Honour had previously outlined in *Randwick City Council v Micaul Holdings Pty Limited [2016] NSWLEC 7 (Micaul)*. In general terms, a summary of the methodology outlined by Preston CJ is as follows:

1. Note the objectives of Clause 4.6
2. Identify the standard to be excluded and the objectives of the standard
3. Take above into account and address the requirements of Clause 4.6(3)
4. In addressing the requirements of Clause 4.6(3) justify contravention by demonstrating that strict compliance with development standard would be unreasonable or unnecessary and identify sufficient environmental planning grounds to justify contravention.
5. In demonstrating that strict compliance is unreasonable or unnecessary, in the particular case, Preston CJ referred to his earlier judgment in *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)* which set out the 5 most common ways that this might be demonstrated.

Further, Preston CJ outlined what the consent authority must do upon receiving this written objection and this is summarised as follows:

1. *Address the preconditions set out in Clause 4.6(4) which are to form 2 positive opinions as to:*
 - a) the matters stipulated in Clause 4.6(3)(a)(i) and (ii) be satisfied that the grounds relied upon by the applicant are sufficient environmental planning grounds.*



- b) that the proposed development is in the public interest because it is consistent with the contravened development standard and the objectives of the zone in which it is located.*
2. *Obtain the concurrence of the Secretary (which has been granted to each consent authority for exceptions to development standards by way of notice dated 21 February 2018).*

The subject request to vary the maximum FSR standard is made under clause 4.6(3).

In *Micaul Preston CJ* held that the consent authority or Court is not required to be directly satisfied of the matters in clause 4.6(3)(a) and (b) but indirectly satisfied that the applicant's written request addressed these matters.

This report is a written request to allow the relevant standard variation in this case and it addresses the matters stipulated under Clause 4.6(3)(a) and (b). The report follows the above methodology set out by *Preston CJ*.

2.2 Objectives of Clause 4.6

The objectives of Clause 4.6 which are set out in Subclause (1) as follows:

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

This written request to allow the non-compliance with the development standard will enable the objectives of this clause to be met should the consent authority allow the proposed departure from the standard.

3 The site

The site is legally described as Lot A DP 157294. It is an irregular lot that has a 4.53m street frontage to Darling Street to the south, and an area of approximately 126.5 pl by title.

The building on site is a semi-detached terrace house which has undergone a series of substantial alterations and additions. The original portion is a Regency sandstone building fronting Darling Street, and externally it remains largely intact. Internally it has undergone changes in its layout and floor finishes, and in the relocation of the internal stairs that access each level, but the original sandstone envelope remains.

The original portion was augmented with alterations and additions at the rear to create a two storey brick and clad extension with metal roof, that provides utility and living space which opens onto a small timber decked yard. The yard contains a small metal shed, a bench, a small grassed area onto which is planted a eucalypt, and minimal perimeter planting.

The site borders No 155 Darling Street to the east, that is part of the original Regency sandstone terrace along with No 157 Darling Street, and which was subdivided to form 2 lots in the mid-1900s. This property is on the corner of St Andrews Street and has a substantial two storey rendered brick extension at the rear opening onto a rendered brick wall enclosed yard beyond which is a clad garage with metal roof.



Adjoining this garage and the rear of the property at No 157 Darling Street is No 2 St Andrews Street, to the north. Currently on that site is a one storey weatherboard dwelling with metal roof, which however has received approval for demolition and the construction of a two storey dwelling house in its place.

Adjoining the property to the west is No 161 fronting Darling Street, and to the rear of that, No 159 Darling Street. No 159 is a two storey sandstone dwelling house with tile roof and a balcony facing No 157 over a small yard. No 161 is a single storey brick dwelling house, constructed or undergone substantial alterations in the post WWII era while it retains what appears to be the original cottage outline in subsequent clad form. A walkway off Darling Street separates No 157 from No 161 and gives access to No 159 Darling Street, and the side at the rear of No 157 Darling Street.

Whereas the living area and rear yard of the site faces north, it is overshadowed and overlooked upon by its neighbours, and this effect will be exacerbated when the approval to demolish the existing single storey dwelling house and construct a two storey dwelling house at No 2 St Andrews Street, is enacted.

An extract of the site survey is included in **Figure 1** which illustrates the constraints of the site.

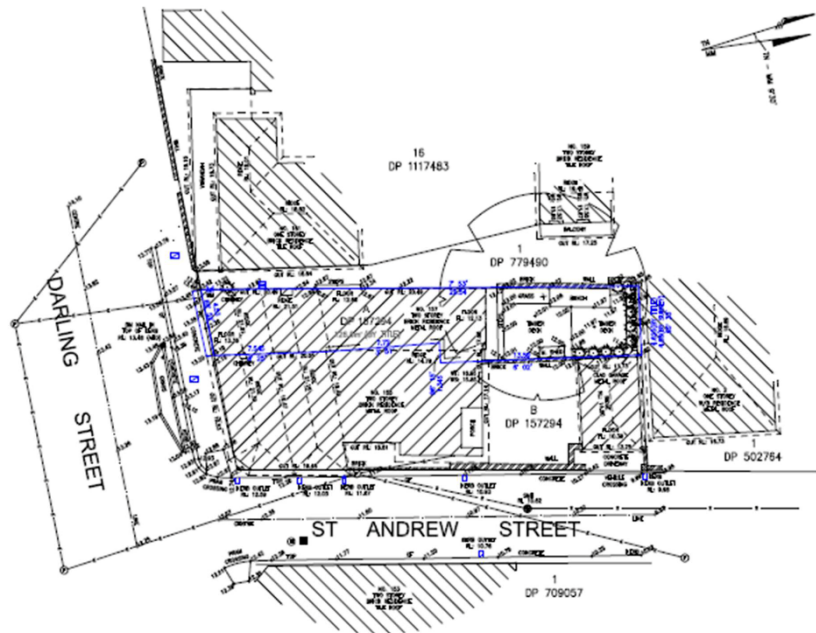


Figure 1 Site survey
Source: RGM Property Surveys



4 The Proposed Development

The proposed development is to construct a rooftop terrace and associated stair access and landing to the rear of the sandstone portion of the building, over the modern brick extension.

It is proposed also to install solar panels on the rear of the second gable roof which faces north. As this part of the proposal does not result in any FSR increase, it is not addressed here.

The proposed rooftop addition will be accessed by an extension to the existing internal stair that is situated between the original sandstone section and the newer brick section of the dwelling.

As indicated in the Statement of Environmental Effects (SEE), the proposed work entails the following:

Ground Floor

- No changes proposed

First Floor

- Extension of the existing stair to access proposed roof terrace.

Roof Level

- New rooftop terrace with associated screening and operable verandah accessed from landing of proposed stair extension
- The proposed new terrace will be above a portion of the existing rear extension which is built to the eastern and western boundaries
- Installation of solar panels on north facing rear side of existing gable roof.

The alterations and additions to provide the rooftop terrace and associated operable pergola and access are needed for the creation of private open space and a liveable sheltered space that has direct solar access, noting that the existing rear yard and living area are in a near constant shade and readily overlooked upon by the existing neighbours. As indicated herein, it is anticipated that the approved development at No 2 St Andrews Street, will exacerbate this.

Figure 2 contains an extract of the layout and roof plan of the proposed development, which is to be situated over the existing building on site.



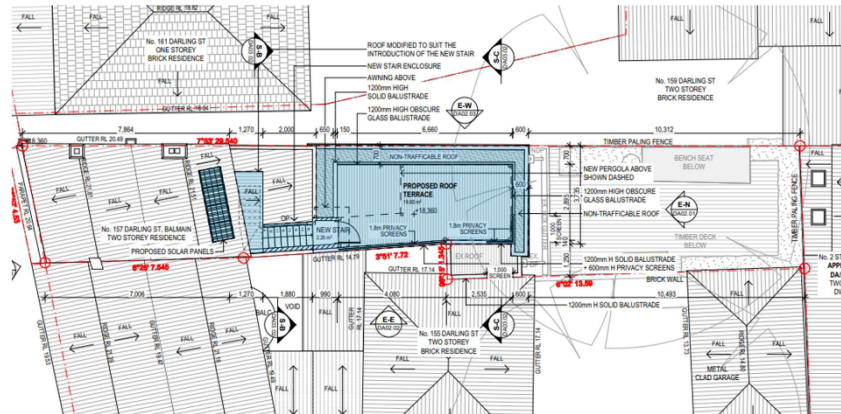


Figure 2 Amended proposed development layout
Source: Nathalie Scipioni Architects

Figure 3 (a) to (c) below contains a series of views towards adjoining properties from the location of the proposed development. These views will be minimised by the distance created from the side and rear boundaries of the proposed terrace due to the wide perimeter setbacks, and further screened by the proposed screens and glass balustrades.

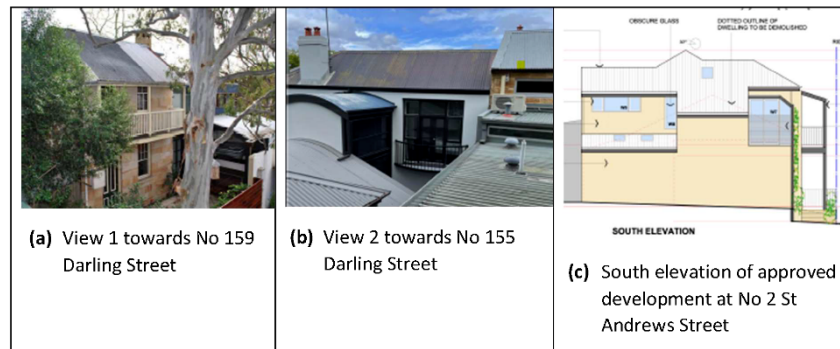


Figure 3 Views to adjoining properties from existing roof top
Source: Nathalie Scipioni Architects

The proposed rooftop terrace will be placed above the section of the existing roof shown in Figure 3 (b). In order to ensure the neighbouring properties do not experience loss of amenity, the design of the rooftop terrace incorporates wide setbacks to create distance and lightweight screens and obscure / translucent glass balustrades to ensure there is no increase in bulk.



The proposal will facilitate solar access and provide useable private open space that is accessible from the operable pergola landing area. The operable pergola in turn will provide sheltered space that will enjoy the northerly aspect and associated solar access.

The existing floor space is 138.2m² with a current FSR of 1.09:1. The proposal will result in an increase of floor space by 2.25m² this being a total area of 140.45m², and a resulting FSR of approximately 1.11:1.

5 The Zone

The site is zoned R1 General Residential under Inner West LEP 2022, where alterations and additions to semi-detached dwellings are permitted with consent. The objectives of the zone are:

- *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 proposed development meets the objectives of this zone in that if approved it will:

- provide for the specific housing need of useable open space and associated living area
- not impact on the variety of housing types and densities available in the in the area
- provide space for the day to day needs of these residents
- maintain and not impact on the built character of the surrounding area and be consistent with the emerging character, and style of development on the street while not affecting the orientation and pattern, or the natural features.
- protect and enhance amenity of current and future residents in the area.

6 The Development standard sought to be varied

The standard sought to be varied is the Floor Space Ratio.

The standard is set out in Clause 4.4 of Inner West LEP 2022. The objectives of this standard are as follows:

4.4 Floor space ratio

- (1) *The objectives of this clause are as follows—*
- (a) *to establish a maximum floor space ratio to enable appropriate development density.*
 - (b) *to ensure development density reflects its locality,*
 - (c) *to provide an appropriate transition between development of different densities,*
 - (d) *to minimise adverse impacts on local amenity,*
 - (e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

Clause 4.4(2) states:



(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.

....
 (2B) The maximum floor space ratio for development for the purpose of residential accommodation is as follows—

....
 (b) on land shown edged orange or green on the Floor Space Ratio Map is
 in the case of development on a site area of less than 150m² the maximum FSR is 1.0:1

An extract of the Inner West LEP 2022 FSR Map is included in **Figure 4**. This indicates that the site which is identified by the yellow arrow is within land shown edged orange.

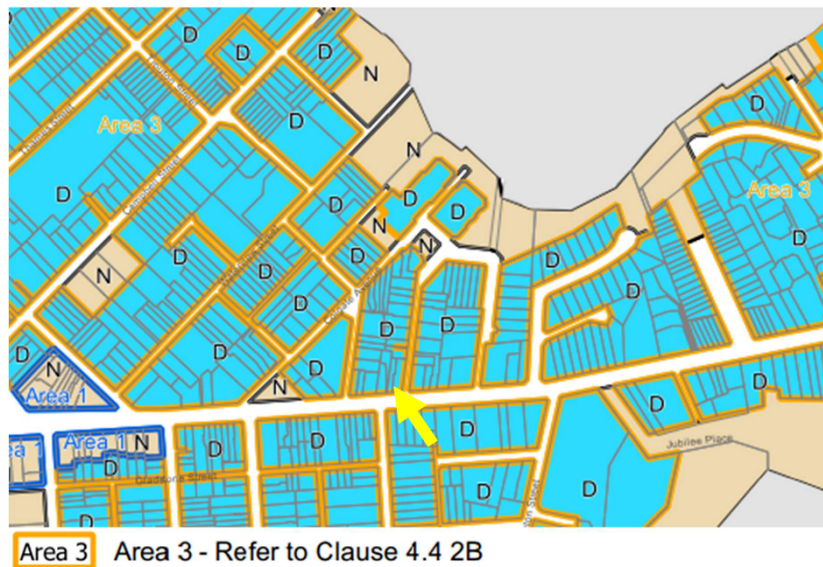


Figure 4 Floor Space Ratio
 Source: Inner West LEP 2022 FSR Map accessed 23/08/2022

As the site is approximately 126.5 m² by title, the applicable FSR for the site is therefore 1.0:1. However the existing FSR for the site is 1.09:1.

The proposed development will increase this FSR to 1.11:1. The variation is 11% above the maximum permissible standard.

This Clause 4.6 report demonstrates that the objectives of the development standard are met notwithstanding the non-compliance with the standard.



6.1 Address of objectives of Clause 4.4 – FSR Development Standard

The objectives of the FSR development standard as set out in Clause 4.4 Subclause (1) are addressed as follows:

(a) to establish a maximum floor space ratio to enable appropriate development density

The proposal will not alter the density of the development.

(b) to ensure development density reflects its locality

As indicated in the Statement of Environmental Effects accompanying this Development Application, the existing development density is consistent with that of the locality and it will remain unchanged by way of this proposed work.

(c) to provide an appropriate transition between development of different densities

The density of this development will not impact on that of the surroundings as it will remain visibly unchanged in terms of scale, bulk, and building occupancy.

(d) to minimise adverse impacts on local amenity,

The Statement of Environmental Effects which accompanies this Development Application, demonstrates that the proposed development:

- Is compatible with the emerging character roof the locality, noting that there are multiple rooftop terraces in the vicinity of Darling Street.
- Is of scale and form that is minimal and subservient to the heritage item which is the building on site.
- Provides much needed usable private open space for the residents of the property, which property at the moment is lacking sufficient amenity due to the existing site constraints that will be exacerbated once the approved development at No 2 St Andrews Street is built.
- Minimises the impact of bulk and scale by use of lightweight elements and the screens to the rooftop terrace.

(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

The existing tree on site and its canopy will not be impacted, and any trees on adjoining sites will not be adversely affected by way of this development, as the construction works will be sufficiently away from these.

As indicated proposed development is not inconsistent with any of the objectives of the FSR development standard.

It is concluded that the proposal therefore meets the objectives of the FSR development standard, notwithstanding the proposed exceedance of this standard.



7. Amount of variation sought to be allowed

The proposed FSR is 1.11:1, while the maximum stipulated FSR for the site is 1.0:1. The variation from the standard is 0.11 or approximately 11%.

In the matter of *Bettar*, Preston CJ said (at 43) that:

... development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. ... if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

It is submitted that the proposed development proffers an alternative means of achieving the objectives of the development standard and therefore strict compliance would be unreasonable or unnecessary as discussed herein.

7. Compliance with standard is unreasonable or unnecessary

A written request is required from the applicant under Clause 4.6(3) that seeks to justify the contravention of the development standard, by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The question of whether strict compliance with the relevant standard is unreasonable or unnecessary in the circumstances of the case is further addressed here.

Case law has set out a series of 5 tests to be undertaken when determining whether compliance with a development standard in a particular instance is unreasonable or unnecessary. The series of tests were set out by Preston CJ in respect of SEPP 1, the predecessor of clause 4.6, in the case of *Wehbe* and are still applicable in respect to Clause 4.6. The relevant test in this instance is **Test 1** and is addressed here as follows:

Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard.

As demonstrated in the Statement of Environmental Effects and herein, the proposal meets the objectives of the zone and those of the relevant development standard, or otherwise is not inconsistent with them.

These objectives are achieved by the proposed development notwithstanding the non-compliance with the standard.

8. Sufficient environmental planning grounds to justify contravention

A written request is required from the applicant under Clause 4.6(3) that seeks to justify the contravention of the development standard by demonstrating:

...



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

In order to demonstrate that there are sufficient environmental planning grounds to justify standard contravention the following need to be demonstrated:

- that sufficient environmental planning grounds had to be particular to the site and could not be generic to any development (Commissioner Pearson in *Four2Five Pty Limited v Ashfield Council [2015] NSWLEC 1009*).
- that environmental planning grounds must be specific to the contravention of the standard and not the development as a whole (Preston CJ at 24 in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*).

The environmental planning grounds supporting the deviation from the maximum FSR standard that are relevant to the case include the following:

- The relevant environmental planning grounds are sufficient and particular to the site

The site is constrained by its position amongst its neighbours. Whereas the living area and yard are orientated to the north, these spaces do not receive sufficient solar access due to the size, bulk, and location of the adjoining properties. The minimal solar access achieved under the current conditions will likely be further minimised once the approved two storey dwelling house is constructed to the north of the site, at No 2 St Andrews Street, Balmain.

The adjoining neighbours also currently overlook into the rear yard of No 157 Darling Street. This might be exacerbated once the approved dwelling house to the north is constructed, notwithstanding that one set of windows facing south is a highlight window.

The existing rear yard therefore lacks in privacy and sufficient amenity.

For this reason, and in order to also achieve better ventilation and liveability, the owners seek to create a casual outdoor living area, that is sheltered by the proposed operable pergola. The increase in FSR is directly attributable to the extension of the stair, and its landing area, which provides access to this usable private open space, from the existing internal circulation areas.

- The environmental planning grounds are specific to the contravention of the standard and not the development as a whole

The proposed additional floor area is minimal in size, in that it is sufficient to accommodate the stair extension and its landing that provides access to the rooftop terrace. The sheltered area of the rooftop terrace is under the operable pergola which is open on its sides and screened with perforated screens and glass balustrade.

The landing and part of the increase in stair area constitute the resultant increase in the FSR.

Without this marginal increase, it would not be possible to access the amenity that is to be provided by the proposed rooftop terrace.

It is noted that the increase in FSR will not be perceivable from the public domain by way of any increase in bulk of the property.



Further, the proposed development, notwithstanding the contravention with the FSR standard, is not inconsistent with the objects of the *Environmental Planning and Assessment Act 1979*, as set out in section 1.3 of this act.

There are demonstratively, therefore, sufficient environmental planning grounds to justify the contravention.

9. Whether the consent authority can be satisfied that the written request adequately addresses the matters stipulated in Clause 4.6(3)

Clause 4.6(4)(a)(i) states that:

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (a) *the consent authority is satisfied that—*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
-

The consent authority is required under Clause 4.6(4)(a)(i) to be satisfied that the applicant's written request has adequately addressed the matters stipulated in Clause 4.6(3).

For the written request to vary the standard, in order to adequately address the matters required to be demonstrated under Clause 4.6(3)(a) and (b), it needs to demonstrate the achievement of outcomes (Preston CJ in *Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*).

It is submitted that this written request has considered the objectives of the development standard and demonstrated that compliance with the objectives can be achieved, notwithstanding the non-compliance with the numeric development standard.

This written request has also outlined the circumstances of this case as demonstrated by the relevant site-specific factors which render strict compliance with the numeric standard as unreasonable or unnecessary in this instance.

Further the written request has outlined several environmental planning grounds that justify the non-compliance with the standard. Notably, the proposed development:

- Will achieve better liveability and amenity for the occupants of the property as it will facilitate the provision of better ventilation, solar access, and usable private open space
- Will facilitate a more ecologically sustainable development on site due to the inclusion of the solar panels, and the enhanced ventilation and solar access by way of the rooftop terrace
- Will encompass good design and enhance the amenity of the property
- Will not adversely impact on the amenity of neighbouring properties
- Will not adversely impact on the amenity of the locality
- Will not adversely impact on the existing and emerging character of the locality
- Will not detract from the heritage significance of the heritage item or the heritage conservation area within which the property is situated, but sustainably manage the heritage value of the property.



It is respectfully submitted that the consent authority may be satisfied that the subject written request under Clause 4.6, for an exemption to the development standard stipulating maximum FSR, has adequately addressed the matters indicated in Clause 4.6(3).

10. The proposed development will be in the public interest

Clause 4.6(4)(a)(ii) states that:

- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
- ...
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The written request has set out the objects of the particular standard. The objectives for development within the zone in which the development is proposed to be carried out are also set out and addressed herein.

It is respectfully submitted that the consent authority may be satisfied that the proposed development will be in the public interest, as it meets the objectives of the zone and the development standard notwithstanding the exceedance of the later. Further, the proposed development is not contrary to the aims and objectives of the *Environmental Planning and Assessment Act 1979*.

11. The concurrence of the Secretary has been obtained

Clause 4.6(4)(b) states that:

- (4) Development consent must not be granted for development that contravenes a development standard unless—
- ...
- (b) the concurrence of the Planning Secretary has been obtained.

The concurrence of the Secretary is required under this clause. Commissioner Tuor affirmed in *Moskovich v Waverley Council [2016] NSWLEC 1015* at 70, that the consent authority may assume that it has the concurrence of the Secretary.

Planning Circular PS 19-003 titled *Variations to development standards* and dated 21 February 2018 further clarified this assumption of concurrence. The circular included notice from the Secretary of the Department of Planning and Environment indicating that concurrence for clause 4.6 exception requests may be assumed for consent authorities which are not the delegate of the consent authority. The notice allows a Local Planning Panel to assume concurrence of the Secretary.

In *Initial Action* Preston CJ confirmed that the circular may be accepted by the consent authority as the Secretary's concurrence.



10. **Contravention of the development standard raises no matters of significance to State or regional planning and the public benefit of maintaining standard**

Clause 4.6(5) states that:

- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

It is submitted that exceeding the subject development standard in this instance is unlikely to raise any matter of significance to State or regional environmental planning. Any possible resulting environmental impacts, if any, are likely to be minimal and acceptable. The present and future character of the area in which the development is proposed to be carried out, will not be diminished if the proposed development is approved. The amenity of the surrounding residential area will not be adversely impacted upon by way of this proposal. There will be no likely adverse impact on the heritage significance of the property or the heritage conservation area within which it is situated.

The circumstances of this case are particular to the site. The non-compliance with the development standard arises from the peculiarities of the site. The streetscape will not be adversely impacted upon by way of the proposal which is a set of very modest alterations and additions. The extension to the stair and its landing, which result in non-compliance with the FSR standard, will not result in any discernible additional loss to solar access, nor any loss of view corridors currently enjoyed by neighbouring properties, nor any adverse visual impact will likely be experienced in the streetscape.

Further, the balance of the development standards are complied with, within the limitations of the site, notwithstanding the existing zero side setbacks, so the proposal will be generally in accordance with the objectives and development standards of the zone.

The particular circumstances of this case are such that the resultant non-compliance with the relevant standard will not diminish the public benefit of generally otherwise maintaining the standards.

13. **Conclusion**

Clause 4.6(4) enables the consent authority to allow a proposed variation from a particular standard in a particular case, upon written request from the applicant to do so, and upon having considered that the applicant has adequately addressed the matters set out in Sub Clause (3), and upon being satisfied as to the other matters set out in the Clause.

This request to allow the proposed variation to the maximum FSR standard has addressed the requirements of Clause 4.6 and submits that:

- The existing open space is not suitable for the needs of the owner, noting that it is not private and lacks solar access, whereas the proposed development is intended to be suitable for the needs of the owner, and if approved will be consistent with the objectives of the zone.



- Strict compliance with the relevant standard in this instance will not bring about more enhanced environmental outcomes, but will limit the potential of the subject property to provide the amenity and private open space it seeks, and a more liveable and efficient environment for the residents.
- Notwithstanding the non-compliance with the maximum FSR standard, the proposal largely meets the objectives of the zone and the standard, and would result in a development that is consistent with the emerging character of the location.
- No adverse impacts on the amenity of the neighbouring properties or the streetscape would result by way of this non-compliance with the standard.
- The heritage significance of the property and the heritage conservation area within which it is situated will not be diminished by way of this development.
- Whereas the standard is well intentioned, in this particular case, it is unnecessary or unreasonable to insist on strict adherence to this standard.

It is therefore respectfully requested that the proposed development not be refused by way of the non-compliance with the particular development standard.



Attachment D- Statement of Heritage Significance

Item Details

Name
House, including interiors
SHR/LEP/S170
House, including interiors
Address
2 Duke Street BALMAIN EAST NSW 2041
Local Govt Area
Inner West
Local Aboriginal Land Council
Unknown

Item Type
Built
Group/Collection
Residential buildings (private)
Category
House

All Addresses

Addresses

Records Retrieved: 1

| Street No | Street Name | Suburb/Town/Postcode | Local Govt. Area | LALC | Parish | County | Electorate | Address Type |
|-----------|-------------|-----------------------|------------------|---------|--------|--------|------------|-----------------|
| 2 | Duke Street | BALMAIN EAST/NSW/2041 | Inner West | Unknown | | | Unknown | Primary Address |

Significance

Statement Of Significance

No.2 Duke Street is of local historic significance as a representative example of an early, single storey cottage constructed in the 1840s. The building retains its simple and modest scale and form but has lost some significance due to the use of unsympathetic cladding.

Note: This inventory sheet is not intended to be a definitive study of the heritage item, therefore information may not be accurate and complete. The information should be regarded as a general guide. Further research is always recommended as part of the preparation of development proposals for heritage items.

Council's Library Service has identified photos and/or subdivision plans relating to this item which may be viewed online through the council website at <http://www.leichhardt.nsw.gov.au/> Select Library & Local History to get to the Library online catalogue and keyword search "Duke Street" for results.

Criteria a)

Historical Significance

The building and site are of local historic significance as part of an early subdivision and c. 1840s development of the local area.

Criteria b)

Historical Association Significance

The site and building are associated with a number of local early land speculators and developers.

Criteria g)

Representative

The building is a representative example single storey early cottage constructed in the 1840s.

Integrity/Intactness

medium to low

Owners

| Organisation | Stakeholder Category | Date Ownership Updated |
|------------------|----------------------|------------------------|
| No Results Found | | |

Records Retrieved: 0

Description

Designer

Builder/Maker

Document Set ID: 37722036
Version: 1, Version Date: 15/05/2023

Physical Description

Single storey original stone cottage with hipped roof clad in corrugated steel. The front façade now appears to consist of a small portion of painted stone with the rest of the façade clad in fibre cement sheets and timber boards. It is unclear if the original walls behind the cladding are of timber or stone. The front door is located on the street façade with a large timber framed double hung window each side. There is another large timber framed double hung window in the stone façade at the front. There are patterned metal screens on the windows and door. The side elevations have no windows. There is a small timber single storey skillion extension at the rear.
The building is located right on the street boundary with a single concrete step up to the front door.

Updated

Physical Condition

Fair

Updated 08/02/2010

Modifications And Dates

The corrugated roof is rusting.

Further Comments

Current Use

Former Use

Listings

| Listings | | Records Retrieved: 1 | |
|--------------------------|--|----------------------|------------------------|
| Heritage Listing | Listing Title | Listing Number | Gazette Date |
| Local Environmental Plan | Leichhardt Local Environmental Plan 2013 | 1419 | 12/23/2013 12:00:00 AM |
| | | Gazette Number | Gazette Page |

Procedures/Exemptions

Document Set ID: 37722036
Version: 1, Version Date: 15/05/2023

| Section of Act | Description | Title | Comments | Action Date | Outcome |
|------------------|-------------|-------|----------|-------------|---------|
| No Results Found | | | | | |

Records Retrieved: 0

History

Historical Notes or Provenance

Updated

Surgeon William Balmain was granted 550 acres and most of the area now encompassing Balmain in 1800. In 1801 the entire grant was transferred to fellow surgeon John Gilchrist. Gilchrist never actually lived in NSW and advertised the land for sale in 1823. However, the sale was not a success. He gave power of attorney to his Sydney-based agent and merchant, Frank Parbury, who commissioned Surveyor John Armstrong to subdivide part of the land. In 1836 22, 2-4 acres lots were auctioned for sale by Parbury on behalf of the absentee landowner, Gilchrist.

Captain John Nicholson, the Colony's first Master Attendant and Harbour Master purchased lots 15 and 18 of the subdivision in 1836. This purchase comprised of an area of approximately 8 acres of prime residential land fronting two major streets with deep sheltered waterfront. At this time he and his large family resided in Durham Cottage in Fort Street, however, by the end of the 1830s he was busy constructing his new much larger home, Durham House, on the crown of the hill on his Balmain estate. The house faced the street, which later was to bear his name, and the Harbour where he had worked for many years. The financial depression of the 1840s, however, forced him to subdivide and sell off part of the land and to rent his house.

In May 1841 Michael Fitzpatrick, clerk in the Lands Office, purchased part of Nicholson's land on the corner of Darling and Duke Streets. Fitzpatrick sold a small portion of the land to seaman James Dyball in 1849. It already had a stone cottage on it (2 Dukes Street) which was built between 1841-44.

Historic Themes

| National Theme | State Theme | Local Theme |
|--|---------------|-------------|
| 4. Settlement | Accommodation | Unknown |
| Building settlements, towns and cities | Agriculture | Unknown |
| Building settlements, towns and cities | Agriculture | Unknown |

Records Retrieved: 3

Recommended Management

Management Summary

The following is recommended:

- the existing single storey scale and form of the original building should be retained and conserved;
- any further alterations should include the removal or replacement of the fibre cement cladding with a sympathetic material.

| | | |
|----------------------------|------------------------|----------------------|
| Management | | Records Retrieved: 0 |
| Management Category | Management Name | Date Updated |
| | No Results Found | |

Report/Study

| Heritage Studies | | | | | | Records Retrieved: 3 |
|--|-------------------|-------------------|-------------------|--------------|---|-----------------------------|
| Report/Study Name | Report/Study Code | Report/Study Type | Report/Study Year | Organisation | Author | |
| Leichhardt Municipality Heritage Study | | | 1990 | | McDonald McPhee P/L | |
| Leichhardt Municipality Heritage Study | | | 1990 | | McDonald McPhee Pty Ltd (Craig Burton, Wendy Thorp) | |
| Leichhardt Municipality Heritage Study | | | 1990 | | McDonald McPhee Pty Ltd (Craig Burton, Wendy Thorp) | |

Reference & Internet Links

| References | | | | | Records Retrieved: 4 |
|-------------------|--------------------------------|------|---|------|-----------------------------|
| Type | Author | Year | Title | Link | |
| Written | Max Solling and Peter Reynolds | | 1997 Leichhardt: On the Margins of the City | | |
| Written | Max Solling and Peter Reynolds | | 1997 Leichhardt: On the Margins of the City | | |
| Written | Peter Reynolds | | 1984 Leichhart historical Journal No.13 | | |
| Written | Peter Reynolds | | 1984 Leichhart historical Journal No.13 | | |

Data Source

The information for this entry comes from the following source:
 Document Set ID: 37722036
 Version: 1, Version Date: 15/05/2023

| Data Source | Record Owner | Heritage Item ID |
|--------------------|---------------------|-------------------------|
| Local Government | Inner West Council | 1940438 |

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