






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/1103
Address	406 Young Street ANNANDALE NSW 2038
Proposal	Alterations and additions proposing a ground floor studio/garage structure with roof storage and associated works
Date of Lodgement	23 December 2020
Applicant	Anthony Cordato
Owner	Mr Anthony J Cordato
Number of Submissions	Initial: 12
Value of works	\$47,000.00
Reason for determination at Planning Panel	Number of submissions (12 Submissions) 10 Unique Submissions
Main Issues	Tree Removal; Solar Access
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions proposing a ground floor studio adjacent to the existing garage and associated works at 406 Young Street, Annandale.

The application was notified to surrounding properties and 12 submissions were received.

Originally Submitted Proposal

The originally submitted proposal was for alterations and a first floor studio over an existing garage and associated works. The following issues were raised with the originally submitted scheme:

- Non-compliance with FSR
- Unsympathetic 'Hip and Valley' roof form
- Laneway envelope controls
- Bulk and scale
- Insufficient shadow diagrams

As a result of the above issues, Council issued a request for further information.

Amended Proposal

The amended scheme is for alterations and additions proposing a ground floor studio/garage structure with roof storage and associated works. The originally submitted plans have been amended in the following way:

- Deletion of first-floor studio in lieu of attic storage;
- Propose studio and bathroom at ground floor adjacent to existing garage car space;
- Amend 'Hip and Valley' roof form to simple gable form; and
- Reduce height of structure from 5.63m to 5m.

The amended plans and additional information submitted form the basis of this assessment report.

The main issues that have arisen from the assessment of the amended application include:

- Tree Removal
- Solar Access

The identified non-compliances are acceptable subject to the imposition of appropriate conditions and therefore the application is recommended for approval.

2. Proposal

The proposed works include the following alterations to the existing site:

1. Demolish existing steps and retaining wall adjacent to garage;
2. Demolish existing northern wall of garage;
3. Extend width of existing rear structure to by 1m to northern boundary;
4. Increase maximum height of existing rear structure to 5m;

5. New window openings proposed to west, north and east elevations;
6. New internal wall to separate existing garage space and new studio and bath;
7. New retaining wall and concrete steps;
8. New timber paling boundary fence to southern boundary; and
9. Remove existing Palm Tree.

3. Site Description

The subject site is located on the western side of Young Street, between Gray Street and Hutchinson Street. The site consists of 2 allotments and is generally rectangular in shape with a total area of 306.6sqm and is legally described as Lot 6 and 6A in DP 1935.

The site has a frontage to Young Street of 10 metres and rear access to Hutchinson Lane.

The site presently supports a detached split-level dwelling with a detached garage accessed from the rear lane. The adjoining properties consist of split-level detached dwellings with large first floor balconies to the west. Cohen Park is located west of Hutchinson Lane.

The subject site is not listed as a heritage item. The property is located within a heritage conservation area. The site has an existing approval under determination D/2015/330 which granted a 5-year consent on 11 September 2015.

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

- *Phoenix canariensis* (Canary Island Date Palm) located at the rear of the subject site.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2019/249	Alterations and additions to an existing garage, including to provide a first floor studio over, and associated works, including new garden wall and steps.	Refused – 05 September 2019
D/2015/330	Alterations and additions to the existing dwelling including a two-storey rear extension and removal of 2 trees	Approved – 11 September 2015

Surrounding properties

Application	Proposal	Decision & Date
406 Young Street Annandale		
T/2002/27	Removal of 1 x <i>Aurecaria</i> (Pine) tree at the rear of the property.	Approved – 24 January 2002
DA/2020/0402	Demolish existing garage and construct new garage	Approved – 19 August 2020
MOD/2021/0074	Modify approved condition to allow a different colour to garage roof.	Approved – 30 April 2021

4(b) Application history

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

Date	Discussion / Letter / Additional Information
17 March 2021	Correspondence sent to the applicant requesting that the application be amended or withdrawn within 21 days. Concerns were raised regarding, <i>inter alia</i> : <ul style="list-style-type: none"> - Floor Space Ratio breach; - The proposal was not consistent with the Annandale Heritage Conservation Area (HCA) and the Young Street Distinctive neighbourhood objective or controls. It was stated that if a first floor studio design was proposed, the garage would need to be reduced in width to minimise bulk and amenity. - Two options provided including: <ul style="list-style-type: none"> - a) providing a ground floor studio within/adjacent to the existing garage - b) reduce width of garage and provide studio above which is compliant with applicable laneway controls. - The shadowing impacts to No. 404 Young Street. - Submissions received.
07 April 2021	The applicant requested an additional 2 days to submit the amended documentation which was granted
12 April 2021	The applicant submitted amended plans, however did not submit amended shadow diagrams to enable accurate assessment of the application. <p>The amended plans submitted propose the following changes to the originally submitted application:</p> <ul style="list-style-type: none"> • Deletion of first-floor studio in lieu of attic storage; • Propose studio and bathroom at ground floor adjacent to existing garage car space; • Amend ‘Hip and Valley’ roof form to simple gable form; and • Reduce height of structure from 5.63m to 5m;
13 April 2021	Council requested shadow diagrams to be submitted with the application.
20 April 2021	The applicant submitted the amended shadow diagrams.
The amended plans lodged did not require re-notification under the public consultation policy as they were considered to constitute a lesser development proposed in order to address the concerns raised by Council.	

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

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

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

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

The amended proposal now results in an estimated cost of works of \$47,000.00. As such, a BASIX Certificate is not required.

5(a)(iii) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application seeks the removal of vegetation from within the site and on Council land. The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

The applicant proposes to remove a small *Phoenix canariensis* (Canary Island Date Palm) located at the rear of the property. It is considered that this palm is most likely self-sown. No objection is raised to its removal subject to replacement planting.

Overall, the proposal is considered acceptable, having regard to the *Vegetation SEPP* and Council’s DCP, subject to the imposition of conditions, which have been included in the recommendation of this report.

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

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

Clause 1.2 - Aims of the Plan
 Clause 2.3 - Zone objectives and Land Use Table
 Clause 2.7 - Demolition
 Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
 Clause 4.4 – Floor Space Ratio
 Clause 5.10 - Heritage Conservation
 Clause 6.1 - Acid Sulfate Soils
 Clause 6.2 - Earthworks
 Clause 6.4 - Stormwater management
 Clause 6.8 - Development in areas subject to aircraft noise

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

The site is zoned R1 – General Residential under the *LLEP 2013* and the proposed works associated with the “*dwelling house*” are permitted with the consent within the zone. The development is consistent with the objectives of the R1 zone.

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.7:1 or 214.62sqm	0.7:1 or 214.26	-	Yes
Landscape Area Minimum permissible: 20% or 61.32 sqm	23.7% or 72.67sqm	-	Yes
Site Coverage Maximum permissible: 60% or 183.96sqm	55.13% or 169.04sqm	-	Yes

5(b) [Draft Inner West Local Environmental Plan 2020 \(Draft IWLEP 2020\)](#)

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

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

5(c) Development Control Plans

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

LDCP2013	Compliance
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes – see discussion
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes – see discussion
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes – see discussion
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.1.1 - Young Street Distinctive Neighbourhood	Yes – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes – see discussion

C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes – see discussion
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A

The following provides discussion of the relevant issues:

C1.2 Demolition, C1.4 Heritage Conservation Areas and Heritage Items and C.2.2.1.1: Young Street Distinctive Neighbourhood

Heritage Listing

The subject site is not listed as a heritage item on the Leichhardt LEP 2013. It is a contributory item to the 'Annandale Heritage Conservation Area' (C1).

There are no listed heritage items in close proximity that would be adversely affected by the proposal.

The subject site is part of the Young Street Distinctive Neighbourhood of the Leichhardt LEP 2013.

Heritage Significance

The subject site is occupied by a single storey dwelling that is contributory to the heritage conservation area. The statement of significance of the HCA is attached to this report.

Previous Comments

The previous comments by Council's heritage officer are copied below:

- *The addition of a second storey to the existing rear garage: would be visible from the public domain including the park across Hutchison lane. The proposal will be a visual impact to the streetscape and to the views from the park.*
- *The addition of a second storey to the existing garage will detract from the neighbouring garages that are all of one storey.*
- *Several submissions opposing the proposal were received from neighbours that attend daily Cohen Park.*
- *The materials proposed are corrugated metal for the roof and timber stud for the walls. The materials are sympathetic with the existing materials of the house.*

The proposal is not acceptable from a heritage perspective as it will detract from the neighbouring one level garages, being a visual impact to the streetscape and to the heritage significance of the Annandale Heritage Conservation Area.

Discussion

The architectural drawings and Statement of Environmental Effects prepared by ESNH Design Studio, dated April 2021, were reviewed as part of this assessment.

The proposal is for a single storey studio to the rear of the subject property with an attic roof storage.

The proposal complies with the Leichhardt Local Environmental Plan 2013 & Development Control Plan 2013, in particular with C1.18 of Part C of the Leichhardt DCP 2013.

A condition requiring the metal roof profile to be corrugated will be added.

Recommendation

The amended proposal is generally acceptable as it complies with relevant controls and policies.

Acceptable with the following conditions of consent:

5.X.

Metal Sheet Finish and Colour

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with plans indicating that new roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb in a colour equivalent to Colorbond's "Windspray", "Shale Grey", "Jasper" or "Wallaby."

C1.11 Parking

The proposal will retain the existing single car space on the site. The car space will comply with minimum parking dimensions in that the garage/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width). The application was referred to Council's Development Engineer who has stated the following:

"Garage works will require substantial reconstruction of garage beyond what is shown on the plans.

Dimensions of parking facilities as per plans have been reviewed and are consistent with existing.

Given works to garage are proposed and new studio along rear boundary including widening building along this boundary, kerb and gutter and vehicular crossing is required."

Council's Engineer supports the proposal subject to conditions.

C1.14 Tree Management

As discussed earlier the applicant proposed to remove a small *Phoenix canariensis* (Canary Island Date Palm) located at the rear of the property. No objection is raised to its removal subject to replacement planting.

C1.18 Laneways

The following laneway envelope controls are applicable to the site:

Where fronting a Medium Lane, (refer to Table C11 Laneway hierarchy) development shall C6 comply with a laneway envelope that has:

- a. a maximum side wall height of 3.6m;
- b. a 45 degree building envelope taken from the top of the side wall; and
- c. a maximum roof height of 6m.

The below figure shows the applicable laneway envelope (red) plotted over the proposal.

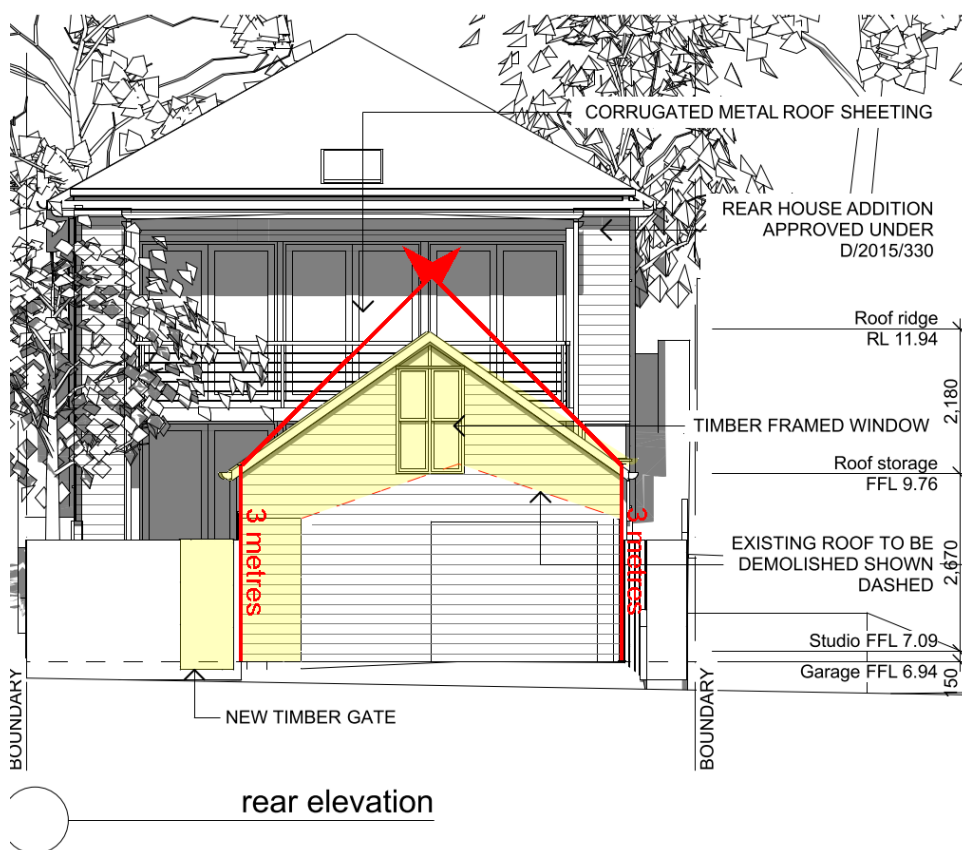


Figure 1: Laneway Envelope

The proposed structure is of a height, scale and envelope that is consistent with the applicable laneway envelope as demonstrated above. The structure is considered to comply with wider laneway objectives and controls as it respects the existing and desired future use, form and character of the laneway consistent with the laneway hierarchy, achieves an appropriate level of amenity, access, security and landscaping. The proposal includes minimal façade detailing and proposes a gable roof form consistent with Controls C4 and C13.

Additionally, the structure will not significantly diminish the dominance of the principal dwelling at the front of the property. The proposal will not result in the removal of on-street parking nor the increase in laneway parking as the existing provision of parking on site will be retained.

Given the above, the proposal is considered to comply with the suite of applicable objectives and controls having regard to Part 1.18 – Laneways.

C3.2 Site Layout and Building Design

Building Location Zone

Control C3 states that the BLZ is determined by having regard to only the main building on the adjacent properties. The location of front fences or intervening walls, ancillary sheds, garages, external laundries, toilets or other structures on the site is not relevant in determining the BLZ.

Side Boundary Setbacks

The proposal complies with the side setback controls as outlined in the table below:

Elevation	Proposed Maximum Height (m)	Wall	Required Setback (m)	Proposed Setback (m)	Complies
North Elevation	2.6m		Nil	3m	Yes
South Elevation	2.9m		Nil	0.9m	Yes

The proposal has demonstrated compliance with the site layout and building design objectives and controls.

C3.9 Solar Access

The Leichhardt DCP 2013 sets objectives for development to minimise overshadowing and the reduction of solar access and therefore protect the amenity of the neighbouring properties.

The subject site and adjoining properties are orientated east-west. As such, any proposed development will need to demonstrate compliance with the following:

Main living room glazing

- C12 Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.
- C15 - Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

Private Open Space

- C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 - Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

The submitted shadow diagrams illustrate the following:

- 9am – No change to existing shadows cast.
- 10am – Additional shadows cast to area adjacent to car space at No. 404 Young Street
- 11am – Additional shadows cast to area adjacent to car space at No. 404 Young Street
- 12pm – No significant additional overshadowing
- 1pm – Additional shadows to area beneath rear first floor balcony of No. 404 Young Street
- 2pm – Additional shadows to area beneath rear first floor balcony of No. 404 Young Street
- 3pm – Additional shadows to area beneath rear first floor balcony of No. 404 Young Street

Main living Room window

No main living room windows are impacted by the proposal.

POS

Given the topography of the land, the subject and neighbouring sites consist of split-level dwelling design which present as single storey to Young Street and a two-storey form with the introduction of lower ground levels to the rear. No. 404 Young Street has a grassed area adjacent to a car space at the lower ground level which is located off a study/family room. The internal configuration of No. 404 Young Street shows that the main living room is provided at the upper ground level with a large balcony located off this main living room.

The LDCP 2013 states that POS areas are to be located of main living room areas. Given these site characteristics and internal configurations particularly at No. 404 Young Street it is considered in this report that the main POS area of 404 Young Street is the rear upper ground balcony. Notwithstanding an assessment is provided for both areas below:

Lower Ground Grassed Area

Solar Access will be retained to 50% of this area from 11am to 2pm and as such will comply with Control C18.

Upper Ground Balcony (POS)

The shadow diagrams illustrate that there will be no change to the existing shadowing impact to the Balcony (POS) of No. 404 Young Street and as such will comply with Control C19.

Notwithstanding the above, given the unique characteristics of No. 404 Young Street, an assessment of the application against the solar access reasonableness tests is undertaken below:

In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;

Comment

The proposed development complies with the FSR, landscaped area and site coverage development standards. The development will comply with the BLZ and Side Boundary Setback requirements as well as the applicable laneway envelope controls. As such, the proposal is considered to be of an acceptable bulk and scale.

- b. site orientation;

Comment

The subject and adjoining sites are oriented east/west with west facing private open space. As such, new bulk to the rear (west) of the site will generally have an overshadowing impact to south/west adjoining glazing and/or POS. Whilst it is particularly difficult to protect solar access in this location the proposal has demonstrated compliance with the applicable controls and as such is acceptable.

- c. the relative levels at which the dwellings are constructed;

Comment

The proposal was amended to a single storey garage/studio structure attic/roof storage. As set out above, the proposal complies with the applicable objectives and controls which aim to controls bulk, scale and envelope.

d. the degree of skill employed in the design to minimise impact; and

Comment

The alterations and additions have been reasonably designed to reduce the overall impact of the development on the adjoining properties and are in the location of the existing garage and adjacent rear structures where a new structure can be reasonably expected to be located given the building typologies framework.

e. whether reasonably available alternative design solutions would produce a superior result.

Comment

The development complies with the suite of applicable objectives and controls and has been designed in accordance with Council's Building typologies framework. It is considered that that the amended design is a reasonable design solution.

The proposal will satisfy the above reasonableness tests.

Given the above, the proposal will comply with the applicable objectives and controls having regard to solar access.

C3.10 Views

A number of submissions raise concerns over the originally submitted application for the loss of views to the adjacent park.

The LDCP 2013 states that a reference to views is a reference to water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Sydney Tower). The objectives and controls do not have consideration of views to neighbourhood features such as parks and as such Council does not ordinarily consider this aspect under the LDCP 2013. In any event, the bulk, scale and location of the development will not result in any significant view loss implications having regard to the objectives and controls of C3.10 – Views.

Notwithstanding, the proposal has been amended to be a single storey structure including the alteration of the roof form and the reduction of the maximum height from 5.63m to 5m and these changes should help alleviate some of the concerns raised by neighbours.

C3.11 Visual Privacy

It is noted that some submissions raised visual privacy concerns having regard to the originally submitted studio above garage proposal. The amended proposal is for a rear single storey garage/studio structure. The layout and design of the development ensures that the visual privacy of the subject site's main living room, and the private open space of the subject site and nearby residential dwellings is maintained as assessed below:

North Elevation

Window and door openings located at the ground level serving the studio and bathroom. The windows will be partially obscured by an existing boundary fence and as such there will be no unreasonable visual privacy impacts.

South Elevation

No openings located on this elevation.

East Elevation

A small window opening is located serving the ground floor bathroom. The window looks to the POS area of the subject site and will not result in any unreasonable visual privacy impacts.

West (rear) Elevation

A window opening is located at the attic/roof storage level looking toward the public domain (Hutchinson Lane). The opening will not result in any unreasonable privacy impacts.

In terms of acoustic privacy, the development maintains its existing general residential use and is unlikely to result in any impacts to acoustic privacy beyond a typical residential use.

Given the above, the proposal as conditioned is considered to be satisfactory with respect to visual and acoustic privacy impacts and the provisions of Clause C3.11 and C3.12 of the LDCP2013.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. Twelve (12) submissions were received from eight (8) objecting properties in response to the initial notification. Of the 12 submissions submitted, 10 are considered to be unique submissions.

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

- Heritage Conservation/Desired Future Character – see Section 5 above.
- Parking – see Section 5 above.
- Solar Access/Overshadowing – see Section 5 above.
- View Loss – see Clause C3.10 – see Section 5 above.
- Visual Privacy – see Clause C3.11 – see Section 5 above.
- Tree Removal/Replacement – see Section 5 above.

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

Issue - On-street Parking Increase/Secondary Dwelling *“More rental apartments will mean more cars looking for parking in Hutchinson Lane and Young St which is already difficult - in particular on sports days”*

Comment

The proposal is for a single storey garage and studio. The studio is not a self-contained secondary dwelling, and a condition is recommended to be included on the consent to ensure it is not used as such. The existing garage space will not be altered and as such there is no change to the single off-street parking space is provided on site. There are no reasonable indicators which would suggest the proposal would result in an increase in parking on Hutchinson Lane and Young Street beyond current levels.

Issue – Single Storey Character *“Second storey developments will change the character of Hutchinson laneway which has so far retained its original look and feel. Currently there are NO 2 storey buildings along the laneway”*

Comment

Whilst a compliant 2 storey form can be considered to Hutchinson Lane, it is noted that the development has been amended to be single storey. As such, the above concern is no longer relevant. The application was referred to Council’s heritage Officer who supports the amended proposal and as such will not be out of character with the wider HCA.

Issue – Access/Safety of Hutchinson Lane *“Community access, safety and amenity. There are few if any other laneways in Annandale that regularly have as much recreational use as Hutchinson lane: Dog walkers, bike riders, school groups, parents taking children to playgrounds, sporting clubs etc. Having more dwellings will increase vehicle usage”*

Comment

As stated previously, there are no reasonable indicators which would suggest the proposal would result in an increase in traffic/parking on Hutchinson Lane and Young Street beyond current levels.

Issue – Inconsistencies between plans *“the height and scale of what is being proposed is unclear and inconsistent amongst the submitted documentation”*

Comment

It is noted that the submission references inconsistencies between plans. These inconsistencies are due to one set of plans being superseded. Notwithstanding the above, Council requested amendments to the application and further amended plans and additional information was submitted. Council is able to make an accurate assessment of this documentation and as such is acceptable.

Issue – Inadequate Clause 4.6 *“The applicant has failed to submit an adequate written request seeking to justify the contravention of the Floor Space Ratio development standard.”*

Comment

The proposal has been amended to a single-story garage and studio and as such will comply with the applicable development standards. A clause 4.6 request is not applicable to the amended application.

Issue - Non-compliance / Inconsistencies with Development Controls

Comment

The amended proposal will comply with the referenced sections including FSR, General Provisions, Laneway, Overshadowing and Bulk and Scale.

Issue – Bulk and Scale – *“my property will be hemmed in on the northern side by the main house extension which will overshadow my house, and a garage/studio which will be higher than my upstairs decking”*

Comment

The proposed development will comply with the FSR, landscaped area and site coverage development standards. The development will also comply with the BLZ and Side Boundary Setback requirements as well as the applicable laneway envelope controls. As such, the proposal is considered to be of an acceptable bulk and scale.

Issue – Urban Character *“This second storey extension would be inconsistent with the style of the lane, which is narrow and quaint, and would have an adverse visual impact on the lane from the parklands adjacent to it”*

Comment

Whilst a compliant 2 storey form could be considered to Hutchinson Lane, it is noted that the development has been amended to be single storey. As such, the above concern is no longer relevant. The application was referred to Council’s heritage Officer who supports the amended proposal and as such will not be out of character with the wider HCA.

Issue – Secondary Dwelling *“The likely purpose of the proposed garage/studio extension DA2020/1103 would be for letting as a rental. Although the owner of 406 Young Street has not applied for a kitchen in the development, it would not be difficult to apply for or add one later.”*

Comment

The application is for single storey garage and studio alterations and additions and has been assessed as such. The proposal is not a self-contained unit (secondary dwelling). A condition will be imposed on the consent to ensure the studio is not used as secondary dwelling without first obtaining relevant consents.

Issue – Increased laneway use – *“Not only would there be additional cars parking in the area, but there would also be more cars entering and exiting driveways along the laneway”*

Comment

As stated previously, there are no reasonable indicators which would suggest the proposal would result in an increase in traffic/parking on Hutchinson Lane and Young Street beyond current levels.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineer
- Heritage Officer
- Urban Forest

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed below:

- Ausgrid

“Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.”

The above notes provided by Ausgrid will be referenced in the conditions.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions and 7.12 levies are not payable for the proposal.

8. Conclusion

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

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/1103 for alterations and additions proposing a ground floor studio/garage structure with roof storage and associated works at 406 Young Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A – Recommended 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
Dwg No. 1501 DA11D	Floor Plans	April 2021	ESNH Design
Dwg No. 1501 DA12D	Elevations 1	April 2021	ESNH Design
Dwg No. 1501 DA13D	Elevations 2	April 2021	ESNH Design
Dwg No. 1501 DA14D	Sections	April 2021	ESNH Design
Dwg No. 1501 DA15B	Finishes Schedule	Dec 2020	ESHN Design
-	Site Waste Management Plan	07 Dec 2020	ESHN Design

As amended by the conditions of consent.

DESIGN CHANGE

2. Metal Sheet Finish and Colour

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with plans indicating that new roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb in a colour equivalent to Colorbond's "Windspray", "Shale Grey", "Jasper" or "Wallaby."

FEES

3. Security Deposit

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:	\$3,500
Inspection Fee:	\$236.70

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

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

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

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

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

4. Long Service Levy

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

GENERAL CONDITIONS

5. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered roof areas may be discharged to the kerb and gutter in Hutchinson Lane.

As there is no overland flow/flood path available from the rear courtyards to the Hutchinson Lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria:

- a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe
- b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
- c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

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.

6. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
<i>Phoenix canariensis</i> (Canary Island Date Palm) located at the rear of the property.	Removal

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.

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

7. Waste Management Plan

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

8. 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.

9. Works Outside the Property Boundary

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

10. Ad-Hoc General Condition 1

The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid's Network Standards can be sourced from Ausgrid's website, www.ausgrid.com.au Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au

11. Studio Use

The studio must not incorporate kitchen facilities. The studio shall not be separately leased. The studio is ancillary to the residential use of the premises and is not approved to be used as a separate domicile

PRIOR TO ANY DEMOLITION

12. Hoardings

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

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

13. Dilapidation Report

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

14. Advising Neighbors Prior to Excavation

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

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. Metal Sheet Finish and Colour

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans indicating that new roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb in a colour equivalent to Colorbond's "Windspray", "Shale Grey", "Jasper" or "Wallaby."

18. 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.

19. 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

20. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer;
- c. Installation of a stormwater outlet to the kerb and gutter.
- d. The approved plans will set the alignment level at the boundary.

All works must be completed prior to the issue of an Occupation Certificate.

DURING DEMOLITION AND CONSTRUCTION

21. 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.

22. 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

23. 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.

24. Protect Sandstone Kerb

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

25. Light Duty Vehicle Crossing

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

26. Certification of Tree Planting

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

A minimum of 1 x seventy five (75) litre size additional tree, which will attain a minimum mature height of six (6) metres, must be planted in a more suitable location within the property at a minimum of 2.2m from any structure and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

27. Public Domain Works

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

- a. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
- c. Installation of a stormwater outlet to the kerb and gutter.
- d. Other works subject to the *Roads Act 1993* approval.

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

ON-GOING**28. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

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:

- 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;
- A concrete pump across the roadway/footpath;
- Mobile crane or any standing plant;

- Skip Bins;
- Scaffolding/Hoardings (fencing on public land);
- Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- Awning or street veranda over the footpath;
- Partial or full road closure; and
- 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.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

Tree Pruning or Removal (including root pruning/mapping)

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- the Council must be notified of the following particulars:
 - the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - the date the work is due to commence and the expected completion date; and
- 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.

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges

from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

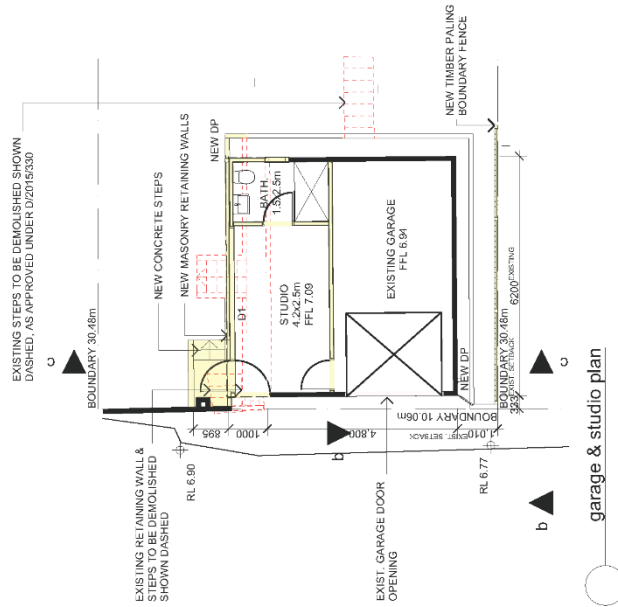
Attachment B – Plans of proposed development

BASIX COMMITMENTS
 CERTIFICATE NO. A401247

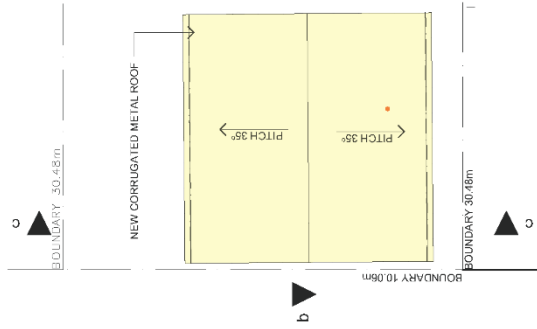
Construction
 Insulation Requirements
 suspended floor over garage: framed (R0.7)
 external wall: framed and clad
 raked ceiling, pitched/skillion roof/framed

Windows & Glazed Doors
 Windows are to be timber framed:
 Window W1 is to have single polyvic, low-e glass (U value: 3.99, SHGC:0.4)
 Window W2 is to have single clear glass (U value: 5.71, SHGC 0.66)
 Window W3 is to have single toned glass (U value: 5.67, SHGC 0.49)

Additional Insulation Required (R value)
 nil
 R1.30 (or R1.70 incl. construction)
 ceiling: R0.74 (up), roof: foil backed blanket (100mm)



garage & studio plan



garage & studio roof plan

NEW STUDIO HOUSE
 406 YOUNG STREET
 ANNANDALE

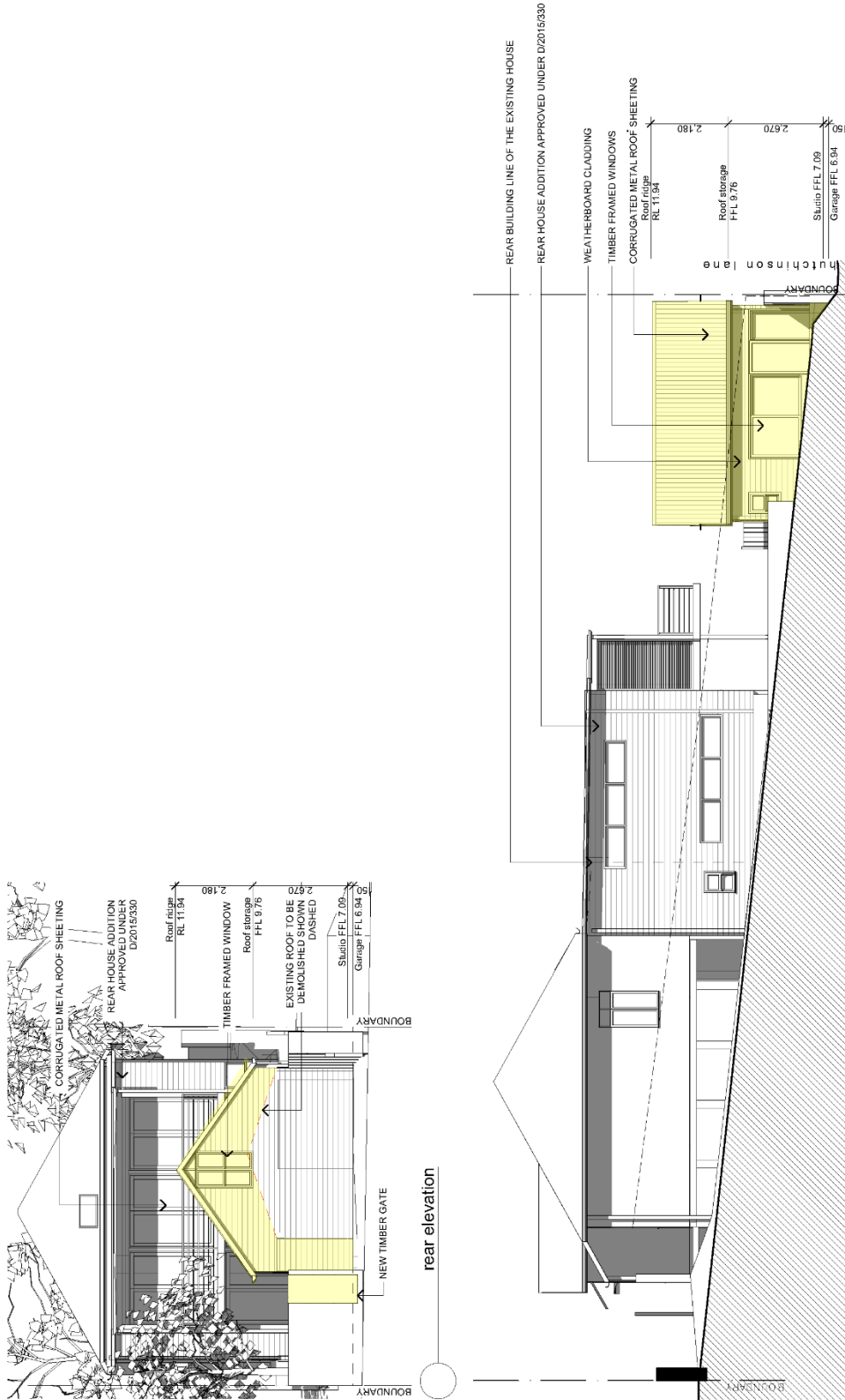
ENSH DESIGN PTY LTD
 P.O. Box 387
 Forestville NSW 2057
 Australia
 E: info@ensh.com.au
 ABN: 94 177 258 047
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1501 DA11D
 1:100
 April 2021
 amended DA

DWG NO.
 SCALE
 DATE
 ISSUE

floor plans



E S N H
 DESIGN PTY LTD
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 Forestville NSW 2087
 T: 04 18 487 366
 A: 91 51 27 328 07
 E: info@esnhd.com.au

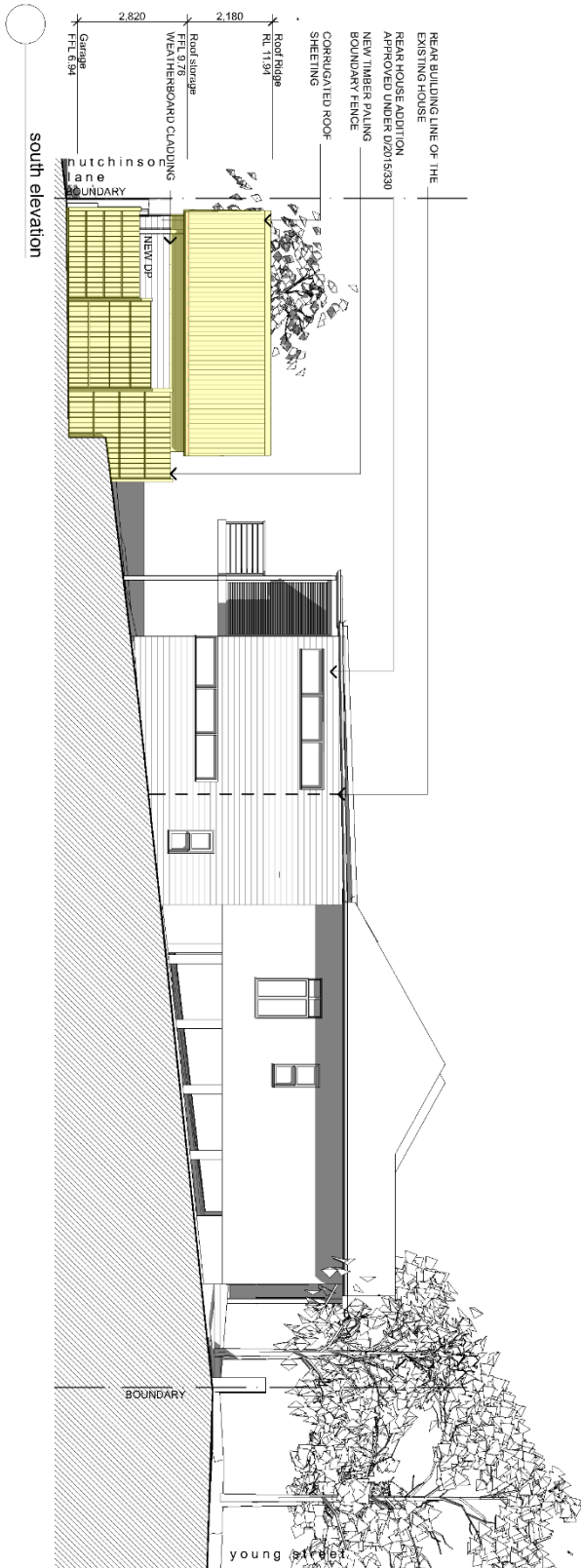
1501 DA12D
 1/1/20
 April 2021
 amended DA

DWG NO.
 SCALE
 DATE
 ISSUE

NEW STUDIO HOUSE
 CORDATO HOUSE
 406 YOUNG STREET
 ANNANDALE

elevations sheet 1 of 2

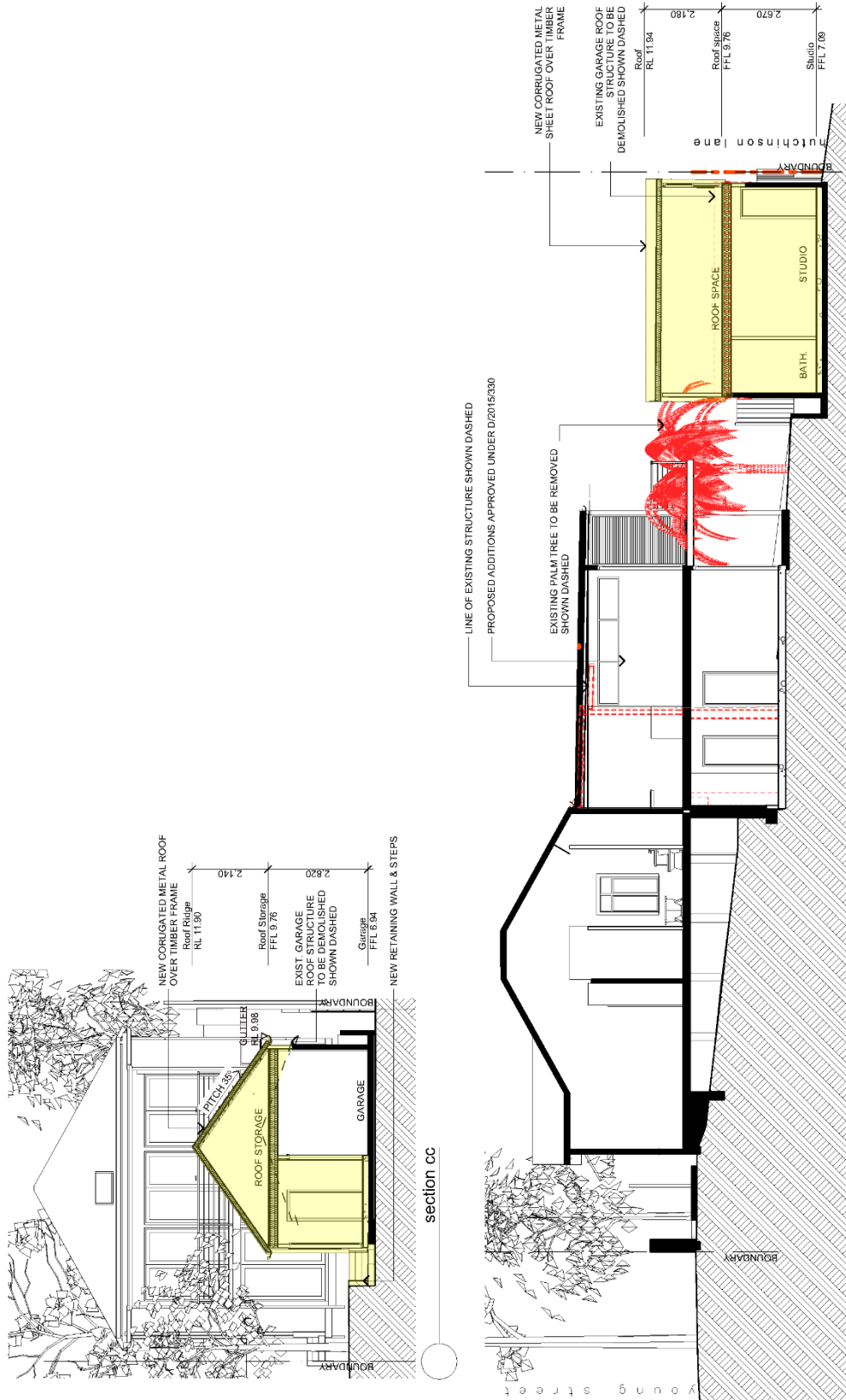
NEW STUDIO ADDITION
 406 YOUNG STREET
 ANNANDALE



elevations sheet 2 of 2

DWG NO. 1501 DA13D
 SCALE 1:100
 DATE April 2021
 ISSUE amended DA

ESNH
 DESIGN PTY LTD
 P.O. BOX 232
 110418 487 366
 E: info@esnhd.com.au
 A/N: 74 27 628 557
 Approved under the Act 2016



ALTERATIONS AND ADDITIONS
CORDATO HOUSE
406 YOUNG STREET
ANNANDALE

sections

DWG NO. 1501 DA14D
SCALE 1:100
DATE April 2021
ISSUE amended DA

ESNH
DESIGN Pty Ltd
P.O. Box 337
North Sydney NSW 1585
T 61 61 939 4873 666
E enquiries@esnhd.com.au
ABN 54 127 528 007
Esnh - 2019 1001 1001 001

Attachment C – Statement of Heritage Significance

Godden Mackay Logan

Area 18 Annandale Conservation Area

Landform

A wide ridge of land between Whites Creek and Johnstons Creek running due north to Rozelle Bay, with views from cross streets, and from the northern end of the suburb to the harbour, Anzac Bridge and the city, and west towards Leichhardt.



Figure 18.1 Annandale Conservation Area Map.

History

George Johnston, a marine officer of the First Fleet, received a grant of 290 acres on the northern side of Parramatta Road in 1799, an area now known as Annandale, named after Johnston's home town in Dumfriesshire, Scotland where he was born in 1764. Annandale House, designed in the Georgian style, was occupied by the Johnston family from 1800, and despite development closing in on all sides, their Annandale estate remained intact until 1876.

The first subdivision of 1876 reveals a grid of streets and allotments covering the land bounded by Parramatta Road, Johnston, Collins and Nelson Streets. Robert Johnston transferred this portion to his son, George Horatio, in June 1876 who sold off 75 lots to John Young, who then purchased the remainder of the estate for 121,000 pounds in October 1877. Young then sold the land to the Sydney Freehold Land and Building Investment Co Ltd, which he formed in 1878 to subdivide and sell the 280 acre estate. Building contractor and entrepreneur John Young, the company's chairman for the rest of its life, and its second largest shareholder, left an indelible impression on Annandale's development. Other directors of the company were politicians Samuel Gray and Robert Wisdom, developers John North and AW Gillies, soap and candle manufacturer WA Hutchinson and Henry Hudson.

Architect and surveyor Ferdinand Reuss junior won a prize of 150 pounds offered by the company for the best design for the subdivisional layout for Annandale

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and designed many of the houses. Reuss widened Johnston Street, a major design feature which followed the spine of the ridge from 66ft to 100ft and the topography of the estate encouraged the symmetrical street grid pattern.

Annandale Street, 80 feet wide, almost rivalled Johnston Street, but its opposite number, Trafalgar Street, retained the 66ft width determined by the 1876 plan. On the western side, Young Street matched the 66ft wide Nelson Street, which for topographical reasons terminated at Booth Street. The four cross-streets, Collins, Booth, Piper and Rose Streets were also 66ft wide. The centrepiece of the plan was an open space at the junction of Johnston and Piper Streets, which became Hinsby Reserve. The plan also featured two other large reserves and six smaller ones. The company's original policy of 'no back lanes' was an enlightened planning policy: access for night soil collection was to be by side passage from the front street. Terrace housing was therefore not part of their plans, indicating that they were aiming for a middle class market. Even the lesser streets were 50ft wide, still above the standard widths of other suburban streets.

The majority of the building lots were generous, directed again to a middle class market: 66ft frontages with depths of about 90ft, ideal for freestanding houses. Most of the allotments sold up to 1881 were in Johnston and Annandale Streets. Allotments on the slopes above the creeks were largely ignored. Though extension of the tram track along Parramatta Road reached the junction of Annandale's main artery in 1883, the track was not built along Johnston Street. Land sales were sluggish and in 1882 the company was forced to revise its original policy on lot sizes. Though Johnston and Annandale Streets remained typical of the kind of middle class suburb the company originally envisaged, elsewhere a proliferation of small lots were created by resubdivisions. The company began with land on the creek slopes near Parramatta Road, re-subdividing sections 26 and 30 (creating Mayes Street), 34 (Ferris Street) and 37 on the western side, and eastern sections 28 and 33. The smaller lots did attract working class buyers, largely missing before 1882.

Between 1884 and 1886 more sections were resubdivided, increasing the number of sales up to 1889. Section 25, creating Alfred Street, and 35 were resubdivided, and sections 9-11 and 16-19 were halved to create sections 50 and 56 (along the banks of Whites Creek). The company undertook further resubdivisions in 1887 and 1888 involving sections 13, 21, 22, 24, 29, 39 and 40. As land sales reached their peak Annandale ratepayers began petitioning to secede from Leichhardt Council and incorporate the new Borough of Annandale which occurred in 1894. Between 1894 and 1930 Annandale Council was filled with self-employed local businessmen - timber merchants, builders and contractors, printers, grocers, butchers and a long serving carrier. They provided social leadership in their community. Many of the builders of the suburb's physical fabric possessed local addresses. The number of Annandale's builders and contractors rose from one in 1884 to fourteen in 1886 to seventeen in 1889. Apart from John Young, a partnership comprising John Wise, Herbert Bartrop and John Rawson was especially active in 1881/2, making twenty-five separate purchases. Other prominent local builders of Annandale's houses were Robert Shannon, William Nicholls, William Baker, Albert Packer, Owen Ridge,

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George McDonald, George Bates, Hans Christensen, Cornelius Gorton, William Wells and Phillip Newland.

The Sydney Freehold Land and Building Investment Co Ltd, after thirty-eight years of having a controlling interest in Annandale, went into liquidation in 1916. The remaining unsold lots which were, in the main, located at the suburb's northern end, were bought by the Intercolonial Investment Land and Building Co Ltd. Annandale's last major land sales began in 1909 when Young's Kentville Estate was subdivided into ninety allotments.

By 1893, of Annandale's 1,189 residences, 906 were constructed of brick and 250 of weatherboard. The whole process of building up the streets of Annandale stretched over a long time. At the 1901 census there were 1,729 houses increasing to 2,363 by 1911 and reaching 2,825 in 1921. Annandale had 3,265 residences at the 1947 census.

The bubonic plague first appeared in The Rocks in 1901, and led to quarantine areas in Glebe and other inner areas. It affected attitudes to inner city/suburban housing, so that by 1910 those who could afford to were moving out, particularly to the railway suburbs. Inner suburban areas such as Annandale began to be seen as slums. It was at this time, and particularly after World War I, that industry began to appear in peripheral areas, along Johnstons and Whites creeks and in the swampy head of Rozelle Bay (later to be reclaimed).

John Young, with architectural and engineering experience in England including as superintendent for Crystal Palace, purchased the North Annandale land, established the Sydney Freehold Land & Building Investment Co to lay out the subdivision and finance the residential building.

The subdivision in the 1870s was premature, forcing the company to re-subdivide many of the large 'villa' allotments along Annandale Street and Trafalgar Street for smaller scale housing attracting working class residents. Johnston Street for the most part still exhibits the single villa ideals envisaged by the company for the three main streets.

Sources

Information provided by Max Solling.

Significant Characteristics

- Close relationship between landform and layout of the suburb with widest street along ridge top.
- The highest land has the widest streets and the largest buildings with the deeper setbacks
- Streets, buildings and setbacks diminish in size towards creeks.
- Important civic, ecclesiastical and educational buildings sited on top of the ridge facing Johnston Street, giving spire of Hunter Bailey Church high visibility from wide arch of Sydney suburbs.

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- A notable group of buildings, 'the witches hats' sited on northern edge of Johnston Street ridge as it falls towards Rozelle Bay.
- Tree-lined streets, particularly of brush box, planted within the carriageway.
- Industrial buildings occur randomly, but generally marginalised to creek edges, the northern end of Annandale and round Booth Street.
- Variety of domestic buildings 1880s-1930s including single and double-fronted freestanding, semidetached and terrace houses and pre-World War II flats from one to three storeys.
- Small collection of weatherboard dwellings.
- Victorian Italianate boom period villas generally along southern end of Johnston Street, nearer to Parramatta Road.
- Uninterrupted commercial buildings with attached dwelling along Parramatta Road, with parapets and balconies or suspended awnings and some original shop fronts.
- Group of shops, pub, post office, church at intersection of Booth Street.
- Occasional corner shops throughout suburb.
- Skyline of chimneys, decorative fire wall dividers on terraces, ridge capping and finials.
- Wealth of decorative elements – iron fences, coloured tiles in paths, steps and verandahs, plaster moulding finishes above door and window openings, coloured glass, chimneys, verandah awnings.
- Walls of rendered brick (1870s and 1880s), and dry pressed face brick (available from c1890s).
- Roof cladding of terracotta tiles, slate, and some iron, particularly on verandahs.
- Irregular occurrence of back lanes.
- Iron palisade fences on low sandstone plinth.
- Continuous kerbs and gutters – many of sandstone.
- Rock outcrops within footpath and road alignments.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important as a well planned nineteenth-century suburb, and for illustrating development particularly from 1880s-1890s, aimed initially at the middle class market. The surviving development from this period forms the major element of its identity along with an area of 1910s-1930s development at its northern end.

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- Demonstrates the vision of John Young, architect, engineer and property entrepreneur.
- Demonstrates, arguably, the best and most extensive example of the planning and architectural skills of Ferdinand Reuss, a designer of a number of Sydney's Victorian suburbs, including South Leichhardt (the Excelsior Estate) and Birchgrove.
- Clearly illustrates all the layers of its suburban development from 1878, through the 1880s boom and resubdivision, the 1900 slump and the appearance of industry, and the last subdivision around Kentville/Pritchard Streets to the 1930s, with the early 1880s best illustrated along Johnston and Annandale Streets.
- Demonstrates a close relationship between landform and the physical and social fabric of the suburb.
- In its now rare weatherboard buildings it can continue to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around Rozelle Bay and their effect on the building of the suburbs of Leichhardt.
- Displays a fine collection of large detached Victorian Italianate boom-period villas with most decorative details still intact, set in gardens.
- Displays fine collection of densely developed Victorian commercial buildings.
- Through the absence/presence of back lanes, changes in the subdivision pattern, and the range of existing buildings it illustrates the evolution of the grand plan for Annandale, in response to the market, from a suburb of middle class villas to one of terraces and semis for tradesmen and workers.

Management of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- All pre-1939 buildings and structures because they are important to understanding the history of the growth of this suburb.
- All weatherboard buildings, their rarity adds to their significance.
- Green garden space to all residential buildings – an important part of the character of Annandale.
- Original plastered walls (generally belonging to pre-1890s buildings).
- Original dry pressed face brick walls (generally belonging to post-1890s buildings).

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- All original architectural details.
- Original iron palisade fences.
- Back lanes in their early configuration.
- Brush box tree planting, replace where necessary in original position within the alignment of the carriageway.
- All sandstone kerbs and gutter uninterrupted by vehicular access.

Avoid

- Amalgamation to create any more wider allotments that would further disrupt the Victorian pattern of development.
- Demolition of any pre-1939 building unless it is so compromised that it can no longer contribute to an understanding of the history of the area.
- Plastering or painting of face brick walls.
- Removal of plaster from walls originally sealed with plaster.
- Removal of original architectural details.
- Changes to the form of the original house. Second or third storey additions.
- Posted verandahs over footpaths to commercial premises or former commercial premises where no evidence can be provided to support their reconstruction.
- Additional architectural detail for which there is no evidence.
- High masonry walls or new palisade fences on high brick bases.
- Alteration to back laneways.
- Road chicanes which cut diagonally across the line of the streets.

Further Work

Use Water Board Detailed Survey of 1890 to identify which buildings remain from that time.

Compile photographic record of the conservation area from photos available since the late nineteenth century to the present time, as a means of assisting in appropriate reconstruction/'restoration'.