








| <br>DEVELOPMENT ASSESSMENT REPORT |  |            |   |   |
|---|--|------------|---|---|
| <b>Application No.</b>  | DA/2021/1071   |            |   |   |
| <b>Address</b>  | 342 Annandale Street ANNANDALE NSW 2038  |            |   |   |
| <b>Proposal</b>   | Lower ground, ground and first floor alterations and additions to existing heritage-listed residence, new pool and garage and terrace over at rear, and associated works, including tree removal |            |   |   |
| <b>Date of Lodgement</b>  | 12 November 2021   |            |   |   |
| <b>Applicant</b>  | Andrew CP McCulloch  |            |   |   |
| <b>Owner</b>  | Andrew CP McCulloch  |            |   |   |
| <b>Number of Submissions</b>  | Two (2)  |            |   |   |
| <b>Value of works</b>   | \$850,000.00   |            |   |   |
| <b>Reason for determination at Planning Panel</b>   | Clause 4.6 variation exceeds 10%   |            |   |   |
| <b>Main Issues</b>  | Floor space ratio, site coverage, landscape area, heritage, building location zone, amenity impacts and tree management  |            |   |   |
| <b>Recommendation</b>   | Refusal  |            |   |   |
| <b>Attachment A</b>   | Reasons for refusal  |            |   |   |
| <b>Attachment B</b>   | Plans of proposed development  |            |   |   |
| <b>Attachment C</b>   | Clause 4.6 Exception to Floor Space Ratio Development Standard   |            |   |   |
| <b>Attachment D</b>   | Statement of Heritage Significance   |            |   |   |
| <b>Attachment E</b>   | Conditions should the application be approved  |            |   |   |
|                                 |  |            |   |   |
| <b>LOCALITY MAP</b>   |  |            |   |   |
| Subject Site  |   | Objectors  |  |  N |
| Notified Area   |   | Supporters |  |   |

## 1. Executive Summary

This report is an assessment of the application submitted to Council for lower ground, ground and first floor alterations and additions to existing heritage-listed residence, new pool and garage and terrace over at rear, and associated works, including tree removal at 342 Annandale Street Annandale.

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

The main issues that have arisen from the application include:

- The proposed development exceeds the maximum floor space ratio, site coverage, building location zone and setbacks and does not satisfy the minimum landscaped area permitted on the site;
- Clause 4.6 Variation Requests have not been submitted in support of the site coverage and landscaped area variations;
- The proposed development will result in unacceptable impacts on the heritage significance of the site;
- The proposed development will result in unreasonable visual and acoustic privacy impacts caused by the rooftop terrace; and
- The proposed development will result in unacceptable impacts on a neighbouring tree and will not achieve the minimum canopy cover required on the site.

Overall, the non-compliances are considered unacceptable and therefore the application is recommended for refusal.

## 2. Proposal

The proposed development seeks to demolish part of the premises and carry out lower, ground and first floor alterations and additions to the dwelling house including:

- New external works including a pool, two (2) car garage and terrace;
- Internal reconfiguration of the lower, ground and first floor levels;
- Tree removal; and
- Associated landscaping works.

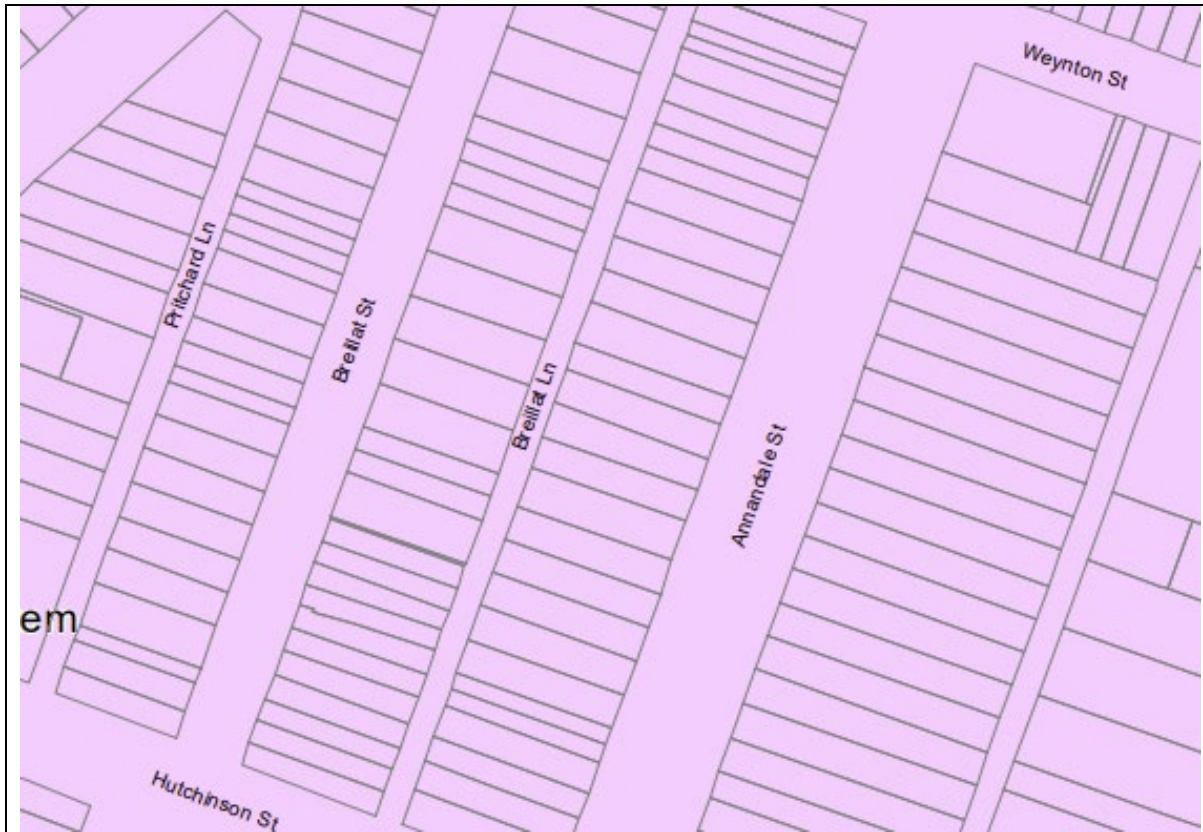
## 3. Site Description

The subject site is located on the western side of Annandale Street, between Weynton Street and Hutchinson Street. The site consists of one (1) allotment, is irregular in shape with a total area of 307.7sqm.

The site has a frontage to Annandale Street of 8.5 metres and a secondary frontage of approximate 9 metres to Breillat Lane.

The site supports a two (2) storey residential dwelling. The adjoining properties generally support single and two (2) storey dwelling houses.

The subject site is listed as Heritage Item No. 17, namely 'Semi-detached house, "Pen Dinas", including interiors'. The property is located within the Annandale Heritage Conservation Area (C1). The subject site is located within the R1 – General Residential zone.



#### 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     |
|---------------|---|---------------------|
| DA/2016/92    | Removal of one Archontophoenix cunninghamiana (Bangalow Palm) tree from the rear yard of the heritage-listed property | Approved 20/04/2016 |
| BA/1994/332   | Alterations and additions to a two storey free standing brick dwelling house  | Approved 22/06/1994 |
| BA/1982/21190 | Relocation of bathroom m/f  | Approved 16/09/1991 |
| BA/1982/20499 | Alter and add m/f   | Approved 12/05/1982 |
| BA/1968/8618  | Garage and storeroom  | Approved 05/03/1968 |
| BA/1967/8443  | Rebuilding kitchen bathroom   | Approved 28/11/1967 |

#### 4(b) Application history

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

| Date       | Discussion / Letter / Additional Information  |
|------------|---|
| 25/01/2022 | Request for information letter issued to requesting amendments to the application and additional information relating to the following: <ul style="list-style-type: none"> <li>• Heritage and design;</li> <li>• Compliance with key development standards;</li> <li>• Landscaping;</li> <li>• Bulk and scale;</li> <li>• Private open space;</li> <li>• Neighbouring amenity impacts (acoustic and visual privacy);</li> <li>• Shadow diagrams;</li> <li>• BASIX Certificate; and</li> <li>• Submissions.</li> </ul> |
| 01/03/2022 | Amended plans/additional information submitted to Council. It is considered that the amended plans and additional information did not adequately address Council's concerns and do not warrant approval of the proposed development.  |

### 5. Assessment

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

#### 5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

##### Chapter 4 Remediation of land

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

- “(a) it has considered whether the land is contaminated, and  
 (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and



*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

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

A BASIX Certificate was submitted with the application and is satisfactory.

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

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

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

The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

*One (1) Callistemon viminalis (Weeping Bottlebrush) was found on the adjacent property at 340 Annandale Rd. The application has failed to assess and protect this tree. No Tree Permit Application was found and the applicant has not provided evidence that proposed works will not impact on the tree, therefore works cannot be approved in their current form.*

*..... The canopy cover target for land zoned R2 Low Residential is 40%. This target is derived from the targets in the Greater Sydney Commission - District Plans. IWC Tree Management Controls, 5.4 C11, sets out minimum tree planting requirements for any development site, as a minimum of 2 trees for properties over 300m<sup>2</sup>. Control C12 provides that all development proposals must be designed to maintain or improve the urban forest value of the site.*

*Two (2) trees must be planted at the rear to offset canopy loss and to comply with Council canopy targets. Proposed plans do not allow for a canopy tree to be planted at the rear as there is not enough deep soil and there is not enough clearance from proposed structures (awning) for a tree to develop full size at maturity.*

Having regard to the above, the proposal fails to protect a neighbouring tree and does not provide for sufficient deep soil planting, as such the proposal is not considered acceptable having regard to the SEPP and Control C11 of the IWC Tree Management Controls.

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 2.3 - Zone objectives and Land Use Table
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

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

The site is zoned R1 under the LLEP 2013. The LLEP 2013 defines the development as:

*“dwelling house means a building containing only one dwelling”*

The development is permitted with consent within the land use table. 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 |
|--|---------------------|--------------------|----------|
| <b>Floor Space Ratio</b><br>Maximum permissible: 0.7:1 or 215.4sqm | 0.85:1 or 261.2 sqm | 45.75sqm or 21.23% | No       |
| <b>Landscape Area</b><br>Minimum permissible: 20% or 61.5sqm       | 66.83% or 205.3sqm  | 20.99sqm or 11.38% | No       |
| <b>Site Coverage</b><br>Maximum permissible: 60% or 184.6sqm       | 17.29% or 53.22sqm  | 8.34sqm or 13.55%  | No       |

Clause 4.6 Exceptions to Development Standards

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

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

The applicant seeks a variation to the landscaped area, site coverage and floor space ratio development standards under Clause 4.3A and Clause 4.4 of the *Leichhardt Local Environment Plan 2013* as identified in the table above.

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

It is noted that no written request has been received for the landscaped area and site coverage development standards and as such, the variations to these standards cannot be considered acceptable having regard to Clause 4.6. As such, no further assessment of the variation to these standards is undertaken below.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary with respect to the non-compliance with the FSR development standard, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the *Leichhardt Local Environment Plan 2013* below.

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

- The proposal is compatible with the desired future character of the area in terms of bulk and scale as it results in only a minor GFA increase from that already provided on site, with replacement of the existing garage and only minor increase in the rear of the building. The main works are replacement of existing;
- The landscape and site coverage provisions remain consistent with the LEP controls;
- Bulk and scale is minimised;
- Overshadowing analysis demonstrates that the impact is acceptable and does not impact the adjoining site to the south beyond the relevant provisions of the DCP; and

The proposal remains consistent with the additional provisions of the LEP in terms of site cover and landscaped area.

The applicant's written rationale does not adequately demonstrate that compliance with the development standard is unreasonable / unnecessary in the circumstances of the case, or that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is not in the public interest because it is not consistent with the objectives of the R1, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

- The proposed housing will be not compatible with the character and pattern of the surrounding buildings and landscaped areas;
- The proposed development does not provide adequate landscaped area for the use and enjoyment of existing future residents; and
- The proposed development will result in unreasonable impact to the amenity of existing and future residents and the neighbourhood as a result of the rooftop terrace.

It is considered the development is not in the public interest because it is not consistent with the objectives of the floor space development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

- The proposed development is not compatible with the desired future character of the area in relation to building bulk, form and scale; and
- The proposed development does not provide a suitable balance between landscaped areas and the built form; and
- The proposed development does not minimise the impact of the bulk and scale of the building.

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

The proposal thereby does not accord with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Leichhardt Local Environment Plan 2013*. For the reasons outlined above, there are insufficient planning grounds to justify the departure from the development standards and it is recommended that Clause 4.6 exception not be granted in this instance.

(ii) Clause 5.10 – Heritage Conservation

Pursuant to Clause 5.10 of LLEP 2013 the subject site is listed as Heritage Item No. 17, namely 'Semi-detached house, "Pen Dinas", including interiors'. The property is located within the Annandale Heritage Conservation Area (C1).

The application as lodged was referred to Council's Heritage Officer who raised concerns regarding the impact of the proposed alterations on the fabric of the existing heritage item and impact of the proposed additions on the significance of the item and within the context of the surrounding heritage conservation area.

Amended plans were received which generally satisfied these concerns with the exception of the rooftop terrace which is considered to be unsympathetic development in the laneway. Additionally, C13 of Part C1.18 of the LDCP 2013 states that roof forms for structures on laneways are to be either hipped roofs, gabled roofs pitched from the sides or skillion roofs located behind parapets where such development meets the laneway control envelope.

Given the above, the proposed development is not considered acceptable having regard to Clause 5.10 of LLEP 2013.

Overall, the proposal is not considered acceptable having regard to Clause 4.3A, Clause 4.4, Clause 4.6 and Clause 5.10 of LLEP 2013 and as such, the application has been recommended for refusal.

### 5(b) Draft Environmental Planning Instruments

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

| Draft Environmental Planning Instruments                             | Compliance |
|--|------------|
| Draft State Environmental Planning Policy (Environment) 2018         | Yes        |
| Draft State Environmental Planning Policy (Remediation of Land) 2018 | Yes        |
| Draft State Environmental Planning Policy (Environment) 2017         | Yes        |

### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

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

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

### 5(d) Development Control Plans

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

| LDCP2013  | Compliance                           |
|---|--------------------------------------|
| <b>Part A: Introductions</b>                              |                                      |
| Section 3 – Notification of Applications                  | Yes                                  |
|   |                                      |
| <b>Part C</b>   |                                      |
| C1.0 General Provisions                                   | Yes                                  |
| C1.1 Site and Context Analysis                            | Yes                                  |
| C1.2 Demolition   | Yes                                  |
| C1.3 Alterations and additions                            | Yes                                  |
| C1.4 Heritage Conservation Areas and Heritage Items       | No – see discussion in Part 5(a)(iv) |
| C1.7 Site Facilities                                      | Yes                                  |
| C1.8 Contamination  | Yes                                  |
| C1.9 Safety by Design                                     | Yes                                  |
| C1.10 Equity of Access and Mobility                       | Yes                                  |
| C1.11 Parking   | Yes                                  |
| C.18 Laneways   | No - see discussion in Part 5(a)(iv) |
|   |                                      |
| <b>Part C: Place – Section 3 – Residential Provisions</b> |                                      |
| C3.1 Residential General Provisions                       | Yes                                  |
| C3.2 Site Layout and Building Design                      | No – see discussion below            |
| C3.3 Elevation and Materials                              | Yes                                  |
| C3.5 Front Gardens and Dwelling Entries                   | Yes                                  |
| C3.7 Environmental Performance                            | Yes                                  |
| C3.8 Private Open Space                                   | Yes                                  |
| C3.9 Solar Access   | Yes                                  |
| C3.11 Visual Privacy                                      | No – see discussion below            |
| C3.12 Acoustic Privacy                                    | No – see discussion below            |



|   |     |
|---|-----|
|   |     |
| <b>Part D: Energy</b>                               |     |
| D2.1 General Requirements                           | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development                        | Yes |
|   |     |
| <b>Part E: Water</b>                                |     |
| E1.1.3 Stormwater Drainage Concept Plan             | Yes |

The following provides discussion of the relevant issues:

(i) C3.2 – Site Layout and Building Design

The proposal does not comply with the side boundary setbacks and building location zone prescribed in Part C3.2 of the LDCP 2013 and the requirements to gain support for these variations, which are outlined in C6 and C8 of Part C3.2 of the LDCP 2013, are not met.

The application proposes a rear setback of between 9.13-9.16m toward the western boundary. The average rear setbacks of the adjoining properties at 340 and 342A Annandale Street are approximately 9.41m (based on the information provided), however this has currently not considered the furthestmost rear alignment of 342A Annandale Street to the north.

The proposal fails to satisfy the requirements of C6 for the following reasons:

- Amenity to adjacent properties (privacy) is not protected;
- The proposed development (having particular regard to the garage and elevated terrace) is incompatible with the existing lanescape, desired future character and scale of surrounding development;
- The proposal is incompatible in terms of size, dimensions, privacy and landscaping;
- The proposal fails to retain existing significant vegetation on neighbouring sites and fails to provide opportunities for new significant vegetation; and
- The height of the development fails to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties

The proposal fails to satisfy the requirements of C8 in the following manner:

- The pattern of development within the laneway is compromised;
- The bulk and scale of development is excessive having regard to adjoining sites; and
- The impacts on amenity of adjoining properties, with regard visual and acoustic privacy and visual bulk and scale are not adequately addressed.

Given the above, the proposed development is not considered acceptable having regard to the proposed setbacks and building location zone.

(ii) C3.11 – Visual Privacy

Given the siting and scale of the proposed roof terrace, it is considered that it will result in unreasonable direct overlooking impacts to the neighbouring properties and is not acceptable having regard to C8 of Part C3.11 of LDCP 2013.

(iii) C3.12 – Acoustic Privacy

Given the siting and scale of the proposed roof terrace, it is considered that it will result in unreasonable acoustic impacts to the neighbouring properties and is not acceptable having regard to C3 of Part C3.12 of LDCP 2013. The proximity of the pool to the boundary and its elevated nature also has the potential to exacerbate these acoustic impacts.

### 5(e) The Likely Impacts

The above assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality having regard to:

- Tree Management;
- Floor Space Ratio;
- Site Coverage;
- Landscaped Area;
- Heritage Conservation;
- Setbacks and Building Location Zone; and
- Visual and Acoustic Privacy.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

### 5(g) Any submissions

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

Two (2) submissions were received in response to the initial notification.

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

- Loss of canopy cover and tree protection– see Part 5(a);
- Excessive bulk and scale including floor space ratio – see Part 5(a) & 5(b);
- Insufficient landscaped area – see Part 5(a); and
- Loss of privacy – see Part 5(b).

### 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 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; and
- Tree Management.

In addition, the application was referred to Council's Development Engineer who raised no objection, subject to the imposition of appropriate conditions.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

## 8. Conclusion

The proposal generally does not comply with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

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

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is 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*, refuse Development Application No. DA/2021/1071 for lower ground, ground and first floor alterations and additions to existing heritage-listed residence, new pool and garage and terrace over at rear, and associated works, including tree removal at 342 Annandale Street, Annandale for the following reasons listed in Attachment A:

## Attachment A – Reasons for refusal

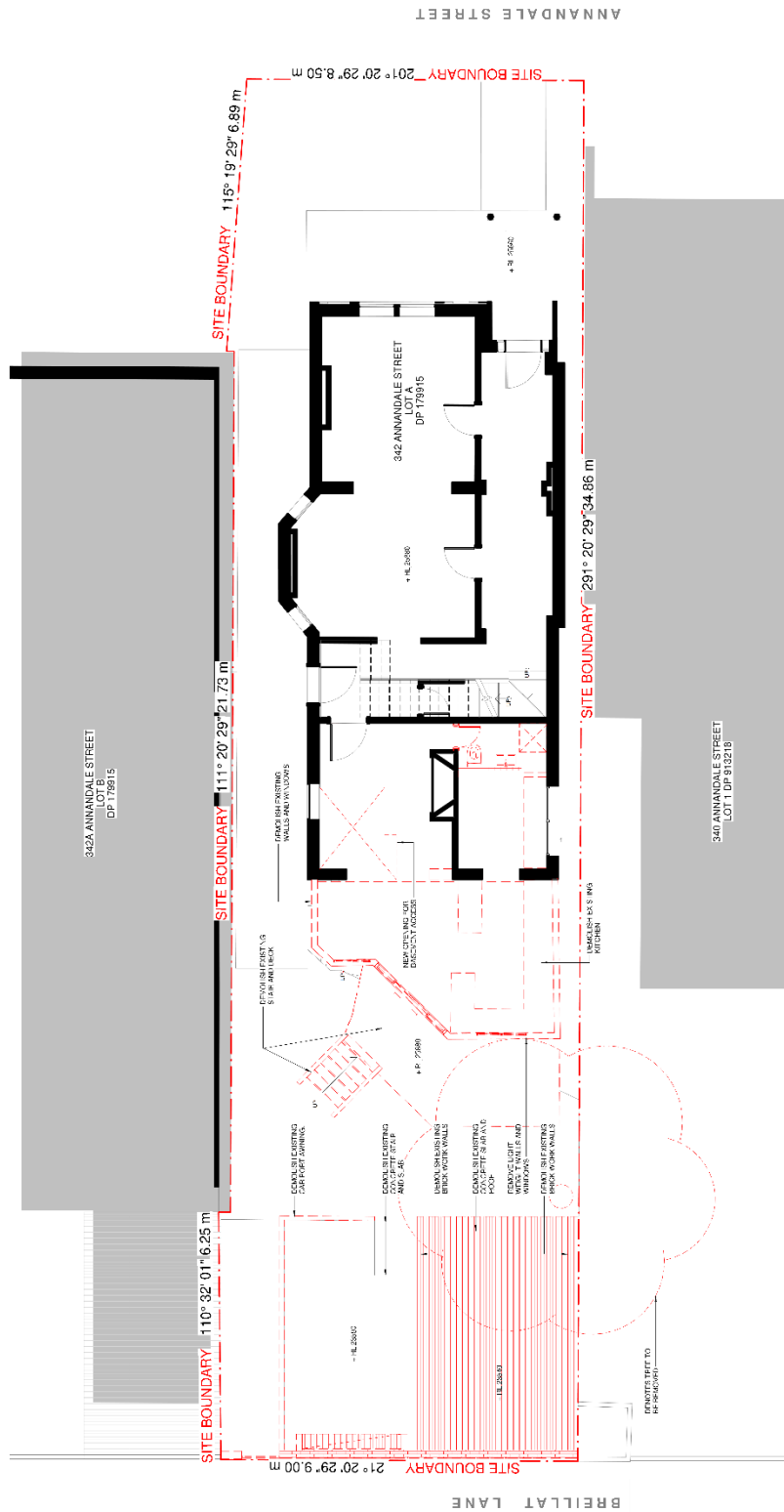
1. The proposed development is inconsistent with Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* in that the proposed development will result in unreasonable impacts on the neighbouring Weeping Bottlebrush tree.
2. The proposed development does not comply with Chapter 5.4, Control C11 and C12 of *Inner West Council Tree Management Controls* in that the proposed development is incapable of providing the required canopy cover and the proposed development has not been designed to maintain or improve the urban forest value of site.
3. The proposed development does not comply with Clause 4.3A(3)(a)-(b) of *Leichhardt Local Environmental Plan 2013* in that the proposed development does not provide sufficient landscape area and exceeds the maximum site coverage permitted. Additionally, no Clause 4.6 Variation Request has been submitted to support the variations, pursuant to Clause 4.6 of *Leichhardt Local Environmental Plan 2013*.
4. The proposed development does not comply with Clause 4.4(2B) of *Leichhardt Local Environmental Plan 2013* in that the proposed development exceeds the maximum floor space ratio permitted. The Clause 4.6 Variation Request fails to demonstrate that compliance with the standard is unnecessary in the circumstance of the case, nor are there sufficient environmental grounds to support the variation pursuant to Clause 4.6 of *Leichhardt Local Environmental Plan 2013*.
5. The proposed development does not comply with Clause 5.10 of *Leichhardt Local Environmental Plan 2013* and C1.4 – Heritage Conservation Areas and Heritage Items of the Leichhardt Development Control Plan 2013 in that the design, bulk and scale of the proposed development will result in unacceptable impacts to the heritage significance of the heritage item and the surrounding heritage conservation area.
6. The proposed height, siting, bulk and scale of the garage and elevated deck with pool does not comply with the following sections of the Leichhardt Development Control Plan 2013:
  - i. C1.4 – Heritage Conservation Areas and Heritage Items
  - ii. C1.18 – Laneways
  - iii. C3.2 – Site Layout and Building Design
  - iv. C3.11 – Visual Privacy
  - v. C3.12 – Acoustic Privacy

Having regard to the above the proposal will result in unacceptable amenity and lanescape impacts.

7. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
8. Having regard to the submissions received and the adverse environmental impacts of the proposal, the application as proposed is not in the public interest, pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.







**PRELIMINARY  
NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION**

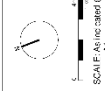
DRAWING TITLE:  
**GROUND - DEMOLITION**

ARCHITECT:  
**PLACE**

SHEET NUMBER:  
**DA-1001**

CLIENT:  
**ST. ANNANDALE**

PROJECT:  
#20210009  
**342 ANNANDALE  
ST, ANNANDALE**

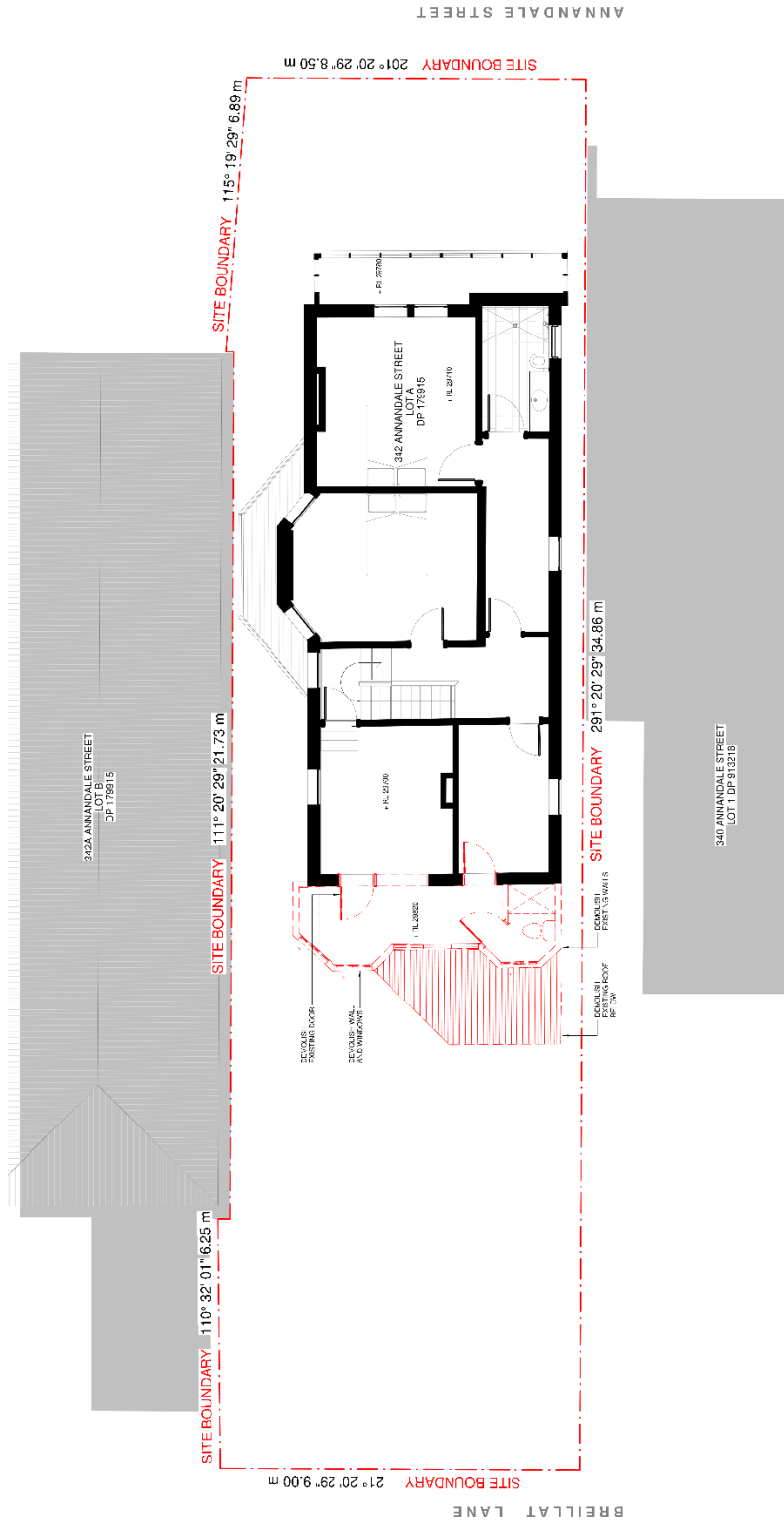


LEGEND:

|                    |                              |
|--------------------|------------------------------|
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| [Dotted red line]  | DEMOLITION PROPOSED INTERIOR |

REVISION:

| NO. | DATE     | DESCRIPTION      |
|-----|----------|------------------|
| 1   | 20210901 | ISSUE FOR PERMIT |



**PRELIMINARY  
NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION**

DRAWING TITLE:  
**FIRST FLOOR -  
DEMOLITION**

ARCHITECT:  
**PLACE**

SHEET NUMBER:  
**DA-1002**

CLIENT:  
**ST. ANNANDALE**

PROJECT:  
**#20210009  
342 ANNANDALE  
ST, ANNANDALE**

SCALE: AS SHOWN @  
A1



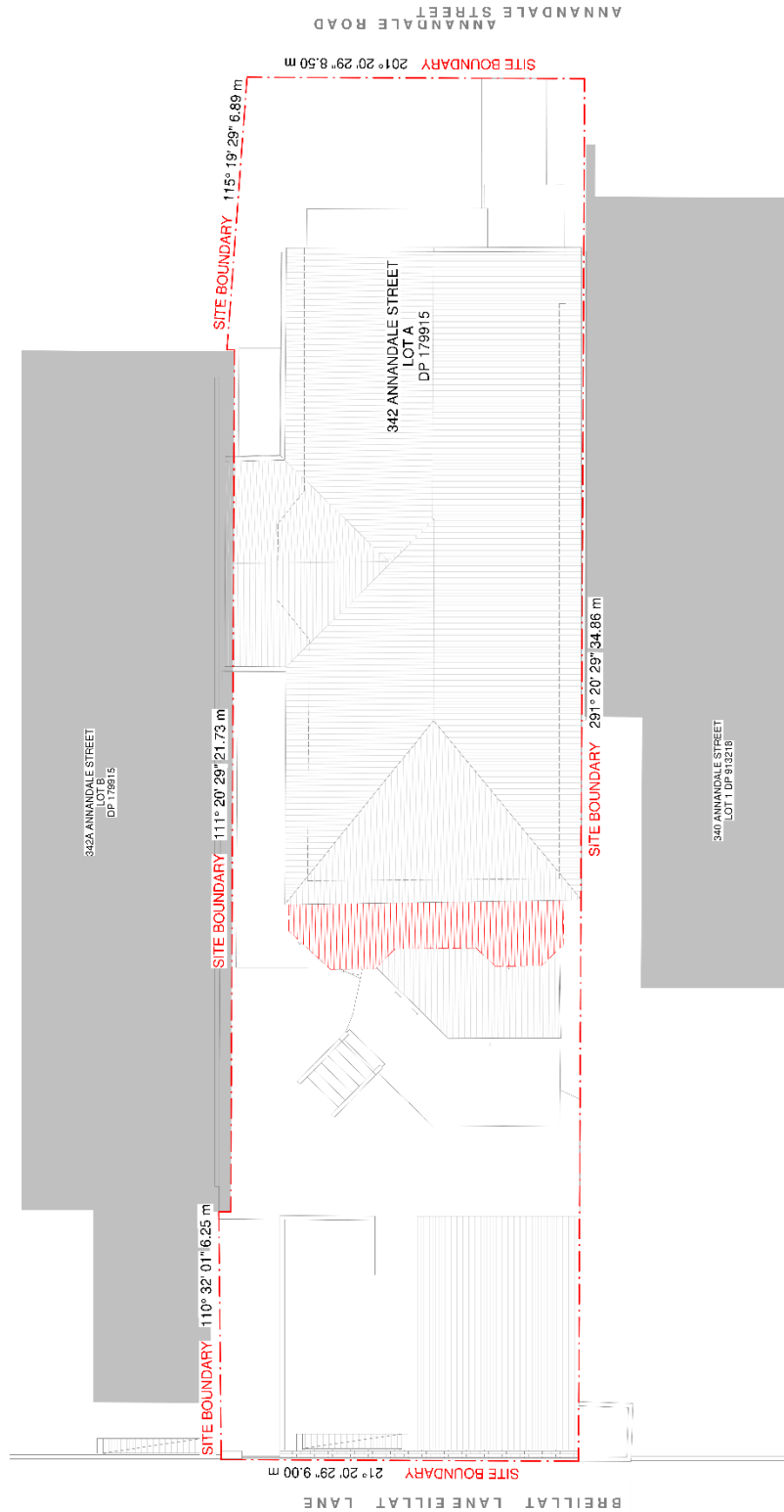
LEGEND:

- EXISTING CONCRETE STRUCTURE
- DEMOLITION PROPOSED STRUCTURE
- DEMOLITION PROPOSED STRUCTURE

REVISIONS:

| NO. | DATE       | DESCRIPTION       |
|-----|------------|-------------------|
| 1   | 10/11/2021 | ISSUED FOR PERMIT |
| 2   | 10/11/2021 | ISSUED FOR PERMIT |
| 3   | 10/11/2021 | ISSUED FOR PERMIT |

DATE: 10/11/2021  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN @ A1  
PROJECT: 342 ANNANDALE ST, ANNANDALE  
SHEET: DA-1002



PRELIMINARY  
NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION

DRAWING TITLE:  
**ROOF - DEMOLITION**

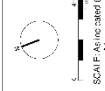
ARCHITECT:  
**PLACE**

SHEET NUMBER:  
**DA-1003**

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PROJECT:  
#20210009  
**342 ANNANDALE ST, ANNANDALE**

CLIENT:  
A



LEGEND:

EXISTING BUILDING STRUCTURE

DEMOLITION PROPOSED STRUCTURE

DEMOLITION PROPOSED SITE

REVISION:

| NO. | DATE       | DESCRIPTION       |
|-----|------------|-------------------|
| 1   | 10/11/2021 | ISSUED FOR PERMIT |

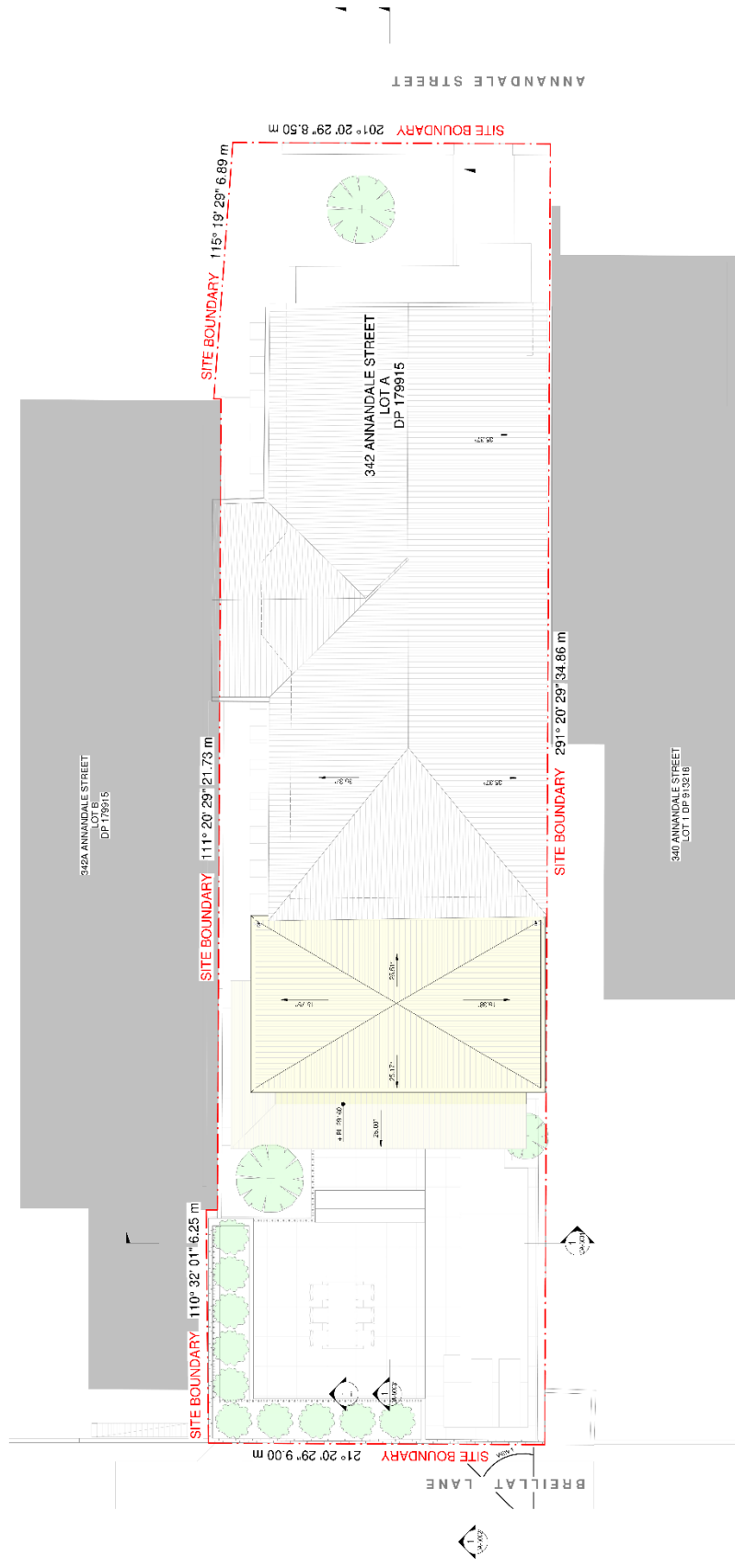
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 PROJECT NO: 20210009  
 SHEET NO: 3 OF 3  
 SCALE: AS SHOWN @ 1:100  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]







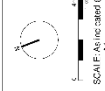




**PRELIMINARY  
NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION**

DRAWING TITLE: **ROOF PLAN**  
 ARCHITECT: **PLACE**  
 SHEET NUMBER: **DA-1013**  
 REV: 1

PROJECT: **#20210009  
342 ANNANDALE  
ST, ANNANDALE**  
 CLIENT: **ANNANDALE ST**

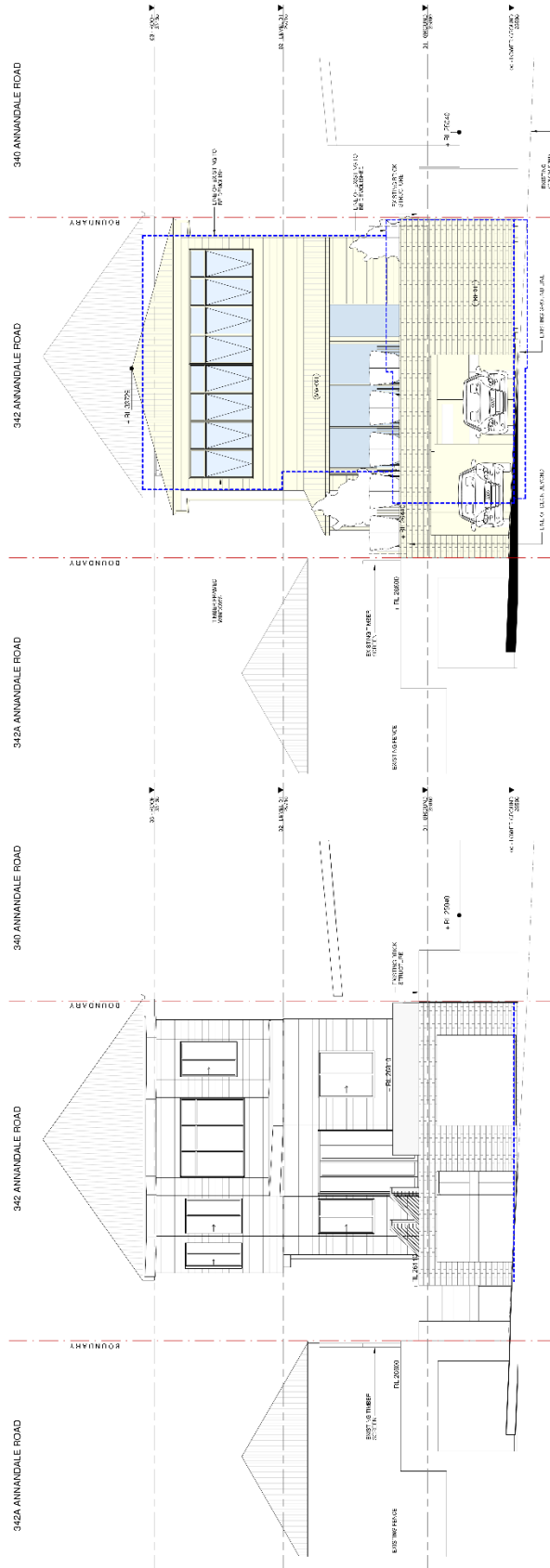


LEGEND:  
 UNCLIPPED GUTTERING: 100mm x 15mm  
 GUTTER PROPOSED DETAIL LINE  
 DIRECT IS (B-40) (S-40) (S) (W) (L) (H) (R)

REVISION:  
 NO. DATE BY DESCRIPTION  
 1 15/08/2021 JH Initial Design  
 2 15/08/2021 JH Final Design

DATE: 15/08/2021  
 DRAWING NO: DA-1013  
 PROJECT NO: #20210009  
 CLIENT: ANNANDALE ST  
 ARCHITECT: PLACE  
 SHEET NO: DA-1013  
 REV: 1





**PRELIMINARY  
NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION**

DRAWING TITLE: **ELEVATION - SHEET 2**  
 ARCHITECT: **PLICE**  
 SHEET NUMBER: **DA-4001**  
 REV: **1**  
 DATE: **2024-08-20**

PROJECT: **#20240009**  
**342 ANNANDALE ST, ANNANDALE**  
 CLIENT: **342 ANNANDALE ST**

SCALE: **AS SHOWN @ 1:1000**

PROPOSED REAR ELEVATION

EXISTING REAR ELEVATION

LEGEND:  
 BRICK  
 CONCRETE  
 UNPAINTED MASONRY  
 PAINTED MASONRY

REVISIONS:  
 NO. | DATE | DESCRIPTION









## Attachment C – Clause 4.6 Exception to Floor Space Ratio Development Standard

342 Annandale Street, Annandale | Statement of Environment Effects | 15 September 2021

---

### Appendix I:

Clause 4.6 Variation Request – Floor Space Area

## 1.0 INTRODUCTION

This clause 4.6 variation request has been prepared by Ethos Urban on behalf of the owner Cassie and Andrew McCullough. It is submitted to the Inner West Council (the Council) in support of a development application (DA) for alterations and additions to the existing dwelling at 342 Annandale Street, Annandale.

Clause 4.6 of the *Local Environmental Plan 2013* (LEP 2013) enables the consent authority to grant consent for development even though the development contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

The Floor Space Ratio (FSR) development standard under clause 4.4 of the LEP 2011 is 0.7:1. For the purposes of development pursuant to the LEP, gross floor area means:

**Gross Floor Area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (k) the area of a mezzanine, and
- (l) habitable rooms in a basement or an attic, and
- (m) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (n) any area for common vertical circulation, such as lifts and stairs, and
- (o) any basement:
  - (iii) storage, and
  - (iv) vehicular access, loading areas, garbage and services, and
- (p) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (q) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (r) any space used for the loading or unloading of goods (including access to it), and
- (s) terraces and balconies with outer walls less than 1.4 metres high, and
- (t) voids above a floor at the level of a storey or storey above.

Clauses 4.6 (3) requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard. Clause 4.6(4)(a) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied:

- (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,

The consent authority's satisfaction in respect of those matters must be informed by the objectives of clause 4.6, which are to provide an appropriate degree of flexibility in the application of the relevant controls and to achieve better outcomes for and from the development in question by allowing flexibility in particular circumstances.

This clause 4.6 variation request relates to the development standard for floor space ratio under clause 4.4 of the LEP 2013 and should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Ethos Urban.

This clause 4.6 variation request demonstrates that, notwithstanding the non-compliance with the FSR development standard:

- There are sufficient environmental planning grounds to justify the variation as the proposed FSR is compatible with its context, given the minor nature of the variation as well as the objectives of the zone;

- The proposal is in the public interest since it is consistent with the objectives of the zone and provides a built form that is consistent with its surrounds and minimises its impact.

Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the LLEP 2013.

## 2.0 DEVELOPMENT STANDARD TO BE VARIED

This clause 4.6 variation request seeks to justify contravention of the development standard set out in clause 4.4 of the PLEP 2011. Clause 4.4 provides that the floor space ratio of a building on any land is not to exceed the maximum shown for the land on the Floor Space Ratio Map.

Clause 4.4 of the PLEP 2011 is reproduced below in its entirety.

- (1) *The objectives of this clause are as follows—*
- (a) *to ensure that residential accommodation—*
- (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
  - (ii) *provides a suitable balance between landscaped areas and the built form, and*
  - (iii) *minimises the impact of the bulk and scale of buildings,*
- (b) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

## 3.0 NATURE OF VARIATION SOUGHT

The site is afforded a maximum floor space ratio of 0.7:1 in accordance with the LEP.

The proposed development seeks consent for a total GFA of 245.68m<sup>2</sup> resulting in a corresponding FSR of 0.798:1.

## 4.0 JUSTIFICATION FOR CONTRAVENTION OF THE DEVELOPMENT STANDARD

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827; and
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

The relevant matters contained in clause 4.6 of the LEP, with respect to the floor space ratio development standard, are each addressed below, including with regard to these decisions.

### 1.5.1 Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary in the circumstances

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five ways in which it could be shown that a variation to a development standard was unreasonable or unnecessary. However, His Honour in that case (and subsequently in *Initial Action*) confirmed that these five ways are not exhaustive; they are merely the most commonly invoked ways. Further, an applicant does not need to establish all of the ways.

While *Wehbe* related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis may be of assistance in applying clause 4.6 given that subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]; *Initial Action* at [16]).

The five methods outlined in Wehbe include:

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

Of particular assistance in this matter is the **First Method** and **Fourth Method** in establishing that compliance with a development standard is unreasonable or unnecessary and the development standard has been virtually abandoned or destroyed by the Council's own actions in granting development consent for development which exceeds the FSR development standard in the vicinity of the site.

### 1.5.2 The underlying objectives or purposes of the development standard

The objectives of the development standard contained in clause 4.4 of the LEP are:

- (1) *The objectives of this clause are as follows—*
- (a) *to ensure that residential accommodation—*
- (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
  - (ii) *provides a suitable balance between landscaped areas and the built form, and*
  - (iii) *minimises the impact of the bulk and scale of buildings.*
- (b) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

### 1.5.3 The objectives of the standard are achieved notwithstanding non-compliance with the standard

The proposal is assessed against the objectives for the height of buildings development standard below:

- The proposal is compatible with the desired future character of the area in terms of bulk and scale as it results in only a minor GFA increase from that already provided on site, with replacement of the existing garage and only minor increase in the rear of the building. The main works are replacement of existing.
- The landscape and site coverage provisions remain consistent with the LEP controls.
- Bulk and scale is minimised.

### 1.6 Clause 4.6(3)(b): Environmental planning grounds to justify contravening the development standard

Clause 4.6(3)(b) of the LEP requires the consent authority to be satisfied that the applicant's written request has adequately addressed clause 4.6(3)(b), by demonstrating:

*That there are sufficient environmental planning grounds to justify contravening the development standard.*

The environmental planning grounds relied on in the written request under clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the

benefits of carrying out the development as a whole (Initial Action v Woollahra Municipal Council [24] and Turland v Wingecarribee Shire Council [42]).

In this instance, the relevant aspect of the development is for additional floor space that exceeds the development standard under the PLEP 2011.

There are sufficient environmental planning grounds to justify a flexible approach to the application of the floor space ratio control as it applies to the site. In *Four2Five*, the Court found that the environmental planning grounds advanced by the applicant in a clause 4.6 variation request must be particular to the circumstances of the proposed development on that site. The applicable circumstances that relate to the site are discussed below.

- Overshadowing analysis demonstrates that the impact is acceptable and does not impact the adjoining site to the south beyond the relevant provisions of the DCP;
- The proposal remains consistent with the additional provisions of the LEP in terms of site cover and landscaped area.

### 1.7 Consistency with the Objects of the Environmental Planning and Assessment Act 1979

In *Initial Action*, the Court stated that the phrase “environmental planning grounds” is not defined, but would refer grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in section 1.3 of the Act. While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, in **Table 3** we consider how the proposed development is consistent with each object, notwithstanding the proposed variation of the FSR development standard.

**Table 1 Assessment of proposed development against the Objects of the EP&A Act**

| Object   | Comment   |
|--|---|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,      | The proposed development will provide a better environment for the residents and renew out of character additions to a heritage item  |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The proposed development will facilitate sustainable development by allowing an appropriate development on an existing site and in a location that will have no negative impact on environmental and social considerations.   |
| (c) to promote the orderly and economic use and development of land,   | The proposed development will promote the orderly and economic use of land by allowing the redevelopment of the site to provide contemporary living conditions to the residents. The development will make improvements to the site without resulting in any adverse impacts to adjoining properties and renew outdated additions to a heritage item.                 |
| (d) to promote the delivery and maintenance of affordable housing,   | n/a   |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,                              | The proposed development will have no impact on threatened species or ecological communities.   |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),   | The proposed development will not result in any impact to surrounding heritage items but will renew outdated additions to the existing item. The proposal will replace an existing building extensions that are uncharacteristic and unsympathetic to the surrounding context and to the local heritage item and will be replaced with a more appropriate built form. |
| (g) to promote good design and amenity of the built environment,   | The proposed development has been designed by renowned architects who have specifically worked in the residential development. The development promotes good design in this regard.   |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,   | The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants.   |
| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,  | This object is not relevant to this proposed development  |

| Object   | Comment  |
|--|--|
| (j) to provide increased opportunity for community participation in environmental planning and assessment. | The proposed development will be publicly notified in accordance with the requirements of Council's DCP. |

**1.8 Clause 4.6(4)(a)(ii): the proposed development will be in the public interest**

This requirement requires consistency 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

**1.8.1 Consistency with objectives of the development standard**

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

**1.8.2 Consistency with objectives of the zone**

The proposed development is consistent with the objectives of the zone, as set out in 1.5.2 above.

**1.8.3 Overall public interest**

The proposed development updates and outdated addition to a heritage item and does not result in any environmental impact to neighbouring properties.

The development accords with all other remaining LEP and DCP controls and results in only a minor increase in GFA from that existing.

**1.9 Other Matters for Consideration**

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

- (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.*

The proposal does not raise any matters of state or regional significance and is in the public interest.

**2.0 Conclusion**

The assessment above demonstrates that compliance with the FSR development standard contained in clause 4.4 of the LEP is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a better outcome in planning terms.

The proposed variation of the maximum floor space ratio development standard does not result in an over development of the site or any adverse impacts.

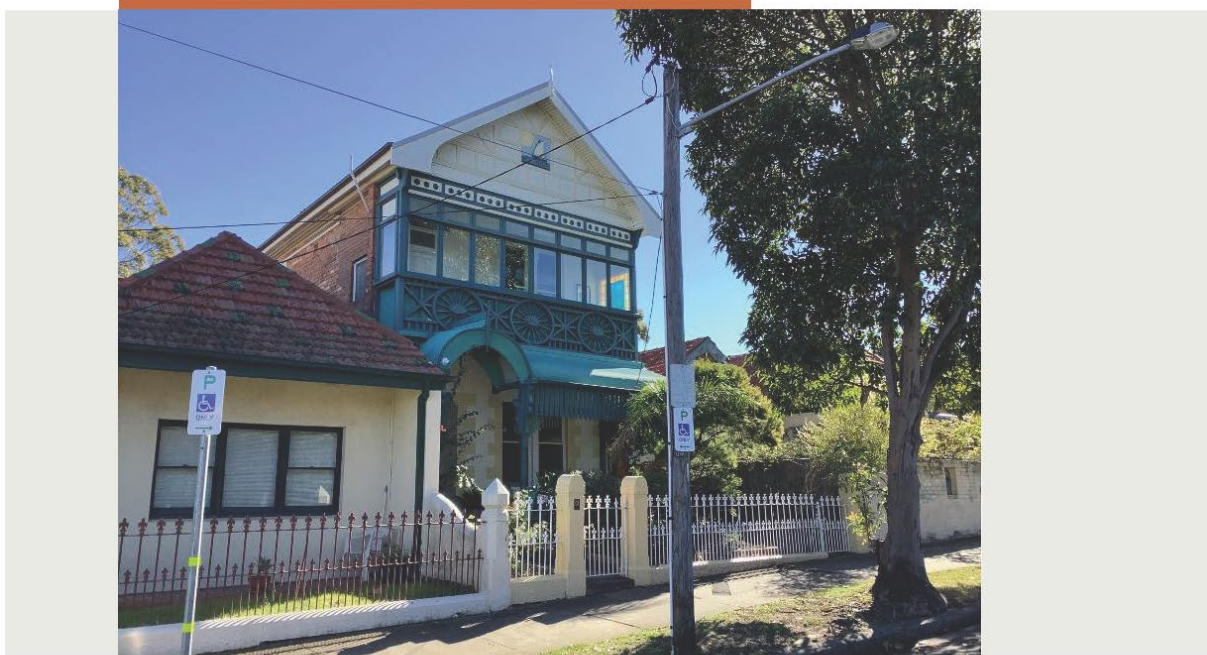
Consistent with the aim of Clause 4.6 to provide an appropriate degree of flexibility to achieve better outcomes for and from development, a departure from the FSR development standard is considered appropriate in these circumstances. Despite the numerical non-compliance with the 'maximum FSR' development standard, the proposed development is considered to satisfy the objectives of the development standard and the zone.

On this basis, the clause 4.6 variation is considered well founded and should be supported and the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the LEP.



Attachment D – Statement of Heritage Significance

**AMENDED  
HERITAGE  
IMPACT  
STATEMENT**



**342 Annandale Street, Annandale**  
February 2022 | J5010

**Weir  
Phillips**  
Heritage  
and Planning

Level 19, 100 William Street Woolloomooloo NSW 2011  
Phone: (02) 8076 5317

Document Set ID: 36344187  
Version: 1, Version Date: 20/05/2022

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## 1 INTRODUCTION

### 1.1 Preamble

This Amended Heritage Impact Statement (HIS) has been prepared in conjunction with a Development Application (DA/2021/1071) for alterations and additions to an existing dwelling at No. 342 Annandale Street, Annandale, New South Wales. The original DA submission was made in August 2021. This statement has been prepared to provide additional information about the site and address amended plans following initial comments from Council.

No. 342 Annandale Street is located within the Inner West Council area. The principal planning control for the site is the *Leichhardt LEP 2013 (LEP 2013)*. The site is listed as a Heritage Item by Schedule 5 Part 1 of the *LEP 2013*, where it is identified as 'Semi-detached house, "Pen Dinas", including interiors' (17). The site is ascribed local significance by this Schedule. The site also lies within the Annandale Heritage Conservation Area as defined by Schedule 5 Part 2 of this plan. Under Part 5.10 of the *LEP 2013*:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a Heritage Impact Statement (HIS). This statement is designed to be read in conjunction with the HIS that accompanied the initial DA application.

This statement has been prepared at the request of the owners of the site and accompanies plans prepared by Place Studio.

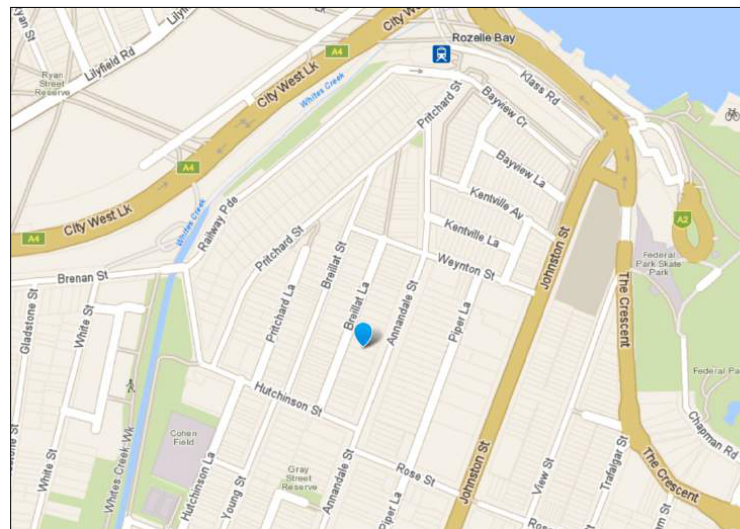
### 1.2 Authorship

The HIS prepared for the original DA application was prepared by Lachlan Paul Marshall, B.A. (His.), M.St. (Build.Hist.), (cand.), and James Phillips, B.Sc. (Arch.), B.Arch., M.Herit.Cons.(Hons), of Weir Phillips Heritage and Planning.

This amended HIS has been prepared by Alice Fuller, B.App.Sc.(CCM), M.Herit.Cons.(Hons.) of Weir Phillips Heritage and Planning.

### 1.3 Site Location

No. 342 Annandale Street is located on the western side of Annandale Street between Weynton Street and Hutchinson Street, Annandale. The site also has access to Breillat Lane (Figure 1). The site is identified as Lot A, D.P. 179915.



**Figure 1: No. 342 Annandale Street. The site location is outlined in red.**  
Whereis.com.au.

**2 BRIEF HISTORY**

For a history of the site and the surrounding area, refer to the IIS that accompanied the original application.

The site lies on the North Annandale Estate, which was subdivided from the late 1870s onwards. The existing dwelling on the site was erected in c.1894-5 for William Nicolas, a period of significant growth within the surrounding area. By 1909, the property was known as *Marble Hall*. In 1910, it was sold to Richard Morris Williams and renamed *Pen Denas*. By 1915, what is now No. 342a Annandale Street had been erected on Williams land, adjoining *Pen Danas*.

Williams subdivided Nos. 342 and 342a Annandale Street in 1926, selling No. 342 Annandale Street to engineer Thomas C. Magrath and Jane Ann Magrath (as joint tenants) on 17 December, 1926

The Magraths' ownership was relatively short-lived; the site was transferred to May Farley, wife of Errington Oliver Farley, a Camperdown manufacturer, on 15 November, 1929.<sup>8</sup>

The site was put up for sale in 1934 by the mortgagee exercising their power of sale. The Farleys may have been one of many Sydney families impacted upon by the Great Depression of the 1930s. An advertisement from this year describes the site in some detail. Refer to Figure 2. Note the reference to the two small balconettes; only the balcony on the northern side survives.

<sup>8</sup> Transfer noted on C.T. Volume 3995 Folio 19. NSW LPI.

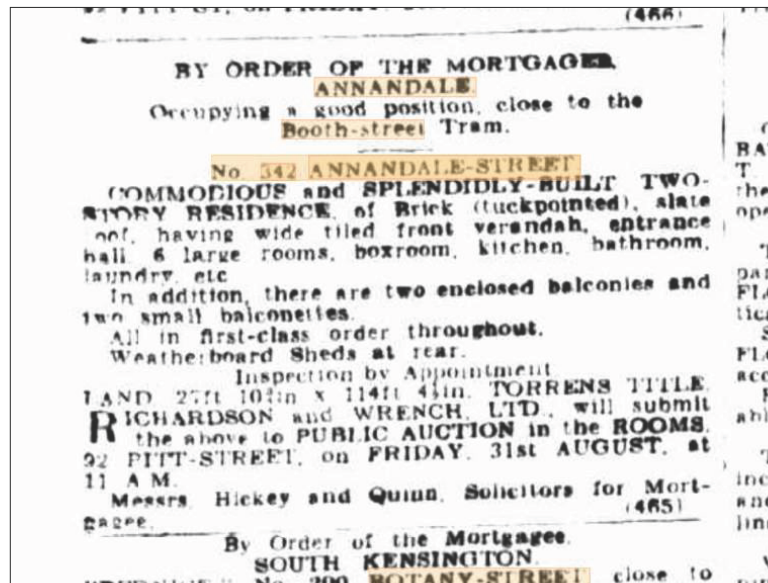


Figure 2: The Site in 1934.

'Advertising,' *The Sydney Morning Herald*, 29 August, 1934, p.22.

The site did not sell until 1937, when it was transferred to Lillian Josephine Asford, wife of Albert John Asford, retired, on 20 July 1937. Three years later, it was transferred to Sydney George Ashford, a machinist of Annandale, and Thelma Clare Ashford, his wife (as joint tenants) on 30 May, 1940.

A number of alterations are recorded by the State Heritage Inventory listing sheet including, a new garage and storeroom in 1968 (8618), alterations and additions in 1982 (20499), the relocation of a bathroom in 1982 (21190) and alterations and additions to a two storey freestanding brick dwelling house in 1994 (94/332) as well as an amendment to the plan in 1995 (94/332).

The site has had numerous owners since this time, as follows:

- Transfer to Giuseppe Russo, a factory hand from Annandale on 22 April, 1955.
- Transfer to Michael Marco Appino, a Dural farmer, and Giuseppina Appino, his wife, as joint tenants, 21 July, 1960.
- Transfer to Bartol Saric (?), a factory employee of Annadale, and his wife Milka Saric, as joint tenants, 8 August, 1962.
- The Saric (?) owned the property until at least 1975. The title has not been searched beyond this point.

### 3 SITE ASSESSMENT

Additional information and photographs have been added to this section of the IIS.

#### 3.1 The Site

For the following, refer to Figure 3, an aerial photograph over the site, and to the survey that accompanies this application.



**Figure 3: Aerial photograph of subject site.**

SIX Maps, 2021

The subject site comprises a narrow rectangular allotment with frontage to Annandale Street and rear access to Breillat Lane.

The front (east) boundary is 8.50m; the southern boundary is 34.86m; the rear (western) boundary is 9.00m; and the northern boundary is 34.87m. The total site area is 307.747m<sup>2</sup>. The site steps down to rear.

The dwelling, described below, occupies approximately half of the site. The front (east) elevation of the building is set back from Annandale Street, providing for a small front yard. The dwelling is set closer to the southern than northern boundary.

There is a palisade fence set on a stone base across the front boundary. The fence comprises full and half height rods with fleur-de-lis tops. Matching gates at either end of fence open on to stone and brick paths, which extend along the south and northern site boundaries. The front garden features shrubbery and no significant trees.

The garden to the rear of the site does not contain significant planting. The site steps down and is mostly occupied by a deck attached to the rear (west) elevation of the dwelling and a detached flat roofed double brick garage with two roller doors opening onto Breillat Lane. The remainder of the yard is brick paved with some planting.

Refer to Figures 4 –7 which illustrates the site. Additional photographs can be found in the original IIS.





**Figure 4:**  
View of the front of site  
from Annandale Street.



**Figure 5:**  
View of the front garden  
from the first floor of the  
dwelling.



**Figure 6:**  
The northern side of the rear yard,  
beside the garage, looking east  
towards the rear of the dwelling.



**Figure 7:**  
Looking into one side of the garage from the lane. This photograph was taken in 2021. The garage has since been re-roofed and painted.

### 3.2 The Dwelling

#### 3.2.1 Exterior

No. 342 Annandale Street is a detached (note: the SHH listing sheet describes the dwelling as attached, which is incorrect) two-storey late Federation style dwelling constructed from face and painted brick with rendered quoin detail to the front ground floor elevation and a hipped and gabled roof clad in corrugated metal, with a brick chimney to the rear. Windows and doors are timber framed.

The **front (east) elevation** of the dwelling lies under a gable with wide timber lined, eaves and timber barge boards. A two storey verandah runs across the elevation. The ground floor verandah has a bull-nosed roof, supported by turned timber posts, that arches above the entrance on the southern side. This roof extends forward of the first floor verandah above and has a deep timber frieze and corner brackets. The verandah floor is tiled. The front entrance lies on the southern side beneath the verandah. The front door is a timber panel door with glazed panels, top and side lights. It is inset, within a shallow porch. There is a pair of double hung sash windows on the northern side of this elevation. The porch opening, and windows have quoining to the corners. The brickwork of this elevation has been painted. There is evidence of tuck pointing beneath the paintwork.

The verandah has been enclosed at first floor level. The gable above extends over the verandah where is supported by turned timber posts. The balustrade detailing is unique and incorporates ship's wheels. The verandah has been enclosed with timber framed casement windows. The wide gable above has half-timbered and rendered details with a nautical theme. Behind the verandah, two French windows with one pane to each sash open onto the verandah, as well as a timber panel door (now locked closed) with toplight. This door has a marble lintel bearing the inscription 'Marble Hall.'

The **southern elevation** is built close to the southern boundary. The brickwork of this elevation is varied and has been patched, repaired and/or replaced in parts. Openings are variously sized and spaced. There is a later highlight opening fitted with two timber framed awning sash windows at the western end at ground floor level. At first floor level, two original timber framed double hung windows have been replaced with triple sets of timber framed awning windows. There is also a later louvred window at this level at the eastern end and a blocked in doorway off what is the stair landing. The original openings have rendered sills and lintels.

The **northern elevation** features three sided two storey face brick bay with a gabled roof. The windows at ground floor level within this bay are timber framed double hung sash windows with one pane to each sash. At first floor level, timber framed French



windows open onto a shallow balcony supported on cast iron brackets (and later timber brackets). The verandah has turned timber posts and a cast iron balustrade and frieze.

To the west of the bay and at ground floor level there is a door with top and side lights and window opening fitted with three timber framed awning sashes. At first floor level, there is a large fixed (originally double hung) sash window with six coloured panes to each sash over the door described below. This window lights the interior stairwell. There is also an original window opening fitted with awning sashes. Windows have rendered sills and lintels.

The ground floor has been extended to the rear. This section is clad in timber weatherboards and has bay windows fitted with casement windows and a metal roof. The original first floor verandah has been rebuilt or extensively modified and enclosed. It is weatherboard clad with timber framed casement windows.

Refer to Figures 8 to 20, which illustrate the exterior of the dwelling. Refer to the original HIS for additional photographs. Note: the southern elevation cannot be clearly photographed because of the proximity of the neighbouring dwelling.



Figure 8 and Figure 9: Front elevation.



**Figure 10:**  
Later brickwork and window at first floor level in the southern elevation. Note also the slatted eaves.



**Figure 11:**  
Western end of the southern elevation showing the later awning sash windows at ground floor level and the blocked in door opening, which once opened onto a small balcony.



Figure 12: Looking east along the northern elevation.



Figure 13: Detail of the balcony on the northern side at first floor level.

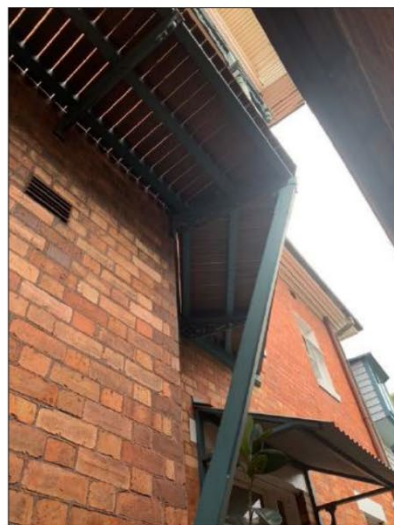


Figure 14: Underside of the above balcony with iron brackets and later timber supports. Note the tuckpointing on the brickwork.



Figure 15: Door with top and side lights on the northern side. Note the marble threshold and dentilated detailing. The tiling to the stairs is later. Note also the marble to the base of the wall.





**Figure 16:** Ground floor window on the northern side that has been replaced with three awning sashes.



**Figure 17:** Stairwell window on the northern side. This double hung sash window is now fixed in place.



**Figure 18:** Looking up towards the first floor window with two awning sashes fitted.



**Figure 19:** Western end of the northern elevation with ground floor extension and reconstructed and enclosed first floor verandah.



Figure 20:  
Rear elevation.  
Refer back to Figure 6 above.

3.2.2 Interior

For the following, refer to Figure 21, illustrating the ground and first floor layouts of the dwelling. The names for rooms given by this plan are used in the descriptions below.



Figure 21: Internal floorplan.  
Source: Belle Property

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### Basement Level

The basement has rendered and painted walls and a concrete floor. The ceilings are f/c sheet (or equivalent). Holes in the laundry indicate that there may be plain metal ceilings above. Where visible, they are incomplete and rusted.

The hallway steps down into the bathroom. The door into the bathroom is a Post World War II single panel door with an circular glazed panel. The window in the western wall is a fixed timber framed window. The tiling and fit out in this room are Post World War II in date and later.

There is fixed concrete tank in the former laundry and a bath raised on a base. The door between the laundry and the larger of the two stores is a cut down four panel door.

The door between the two store rooms is a timber ledged and braced door with central glazed panel. The window in the western store room is a fixed timber framed window. The hot water system is located in this room.

Storm water has inundated this level which is in poor condition.

Refer to Figures 22 to 29. The quality of the photographs is poor as there is no electricity. Photographs of the exterior of the rear wall, below deck level, are included. Note the non-original brickwork.



**Figure 22:**  
Looking under  
the deck towards  
the western wall  
of the basement.  
This is Post  
World War II  
brickwork.





Figure 23: Looking east into the passage way into the basement rooms from the rear yard. The door is a ledged and braced timber door with central glazed panel.



Figure 24: Looking west along the same passageway from the laundry.



Figure 25: Post World War II bathroom fit out.



Figure 26: Door into the bathroom and the fixed window in the western wall.



**Figure 27:**  
Mixed date fit out in the bathroom.



**Figure 28:** Eastern wall and the laundry with concrete tub.



**Figure 29:** Eastern wall of the laundry with raised bath tub.





**Figure 30: Cut down four panel door between the laundry and the larger store room.**  
**Figure 31: Vent in the northern wall of the larger store room.**



**Figure 32: Door between the two store rooms.**  
**Figure 33: Smaller store room with fixed pane window.**

**Ground Floor**

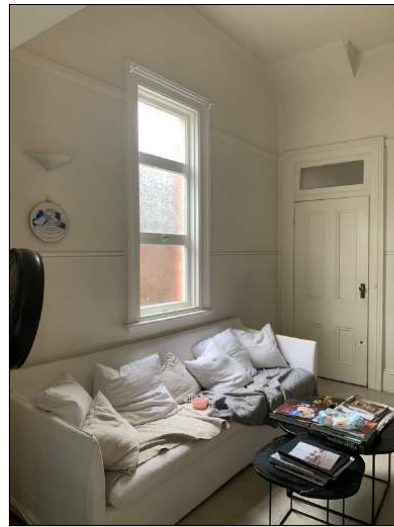
The front rooms are not described or illustrated for the purposes of this statement. No works are proposed to this part of the dwelling as part of this application. It is noted that this part of the dwelling is substantially intact or have been appropriately restored. Finishes include marble floors (hallway) or timber floors; plaster ceilings with deeply profiled or patterned cornices; profiled timber architraves to doors and windows; four panel timber doors, including a fine set of timber folding doors between the two main rooms, which can be folded and concealed in the cavity to either side; wall panelling to

dado height; and marble fireplaces with coal grates (modern replacements) and tiled hearths.

The following tables and photographs illustrate the rooms to which works are proposed at this level using the names provided by Figure 19 above.

| Date of Survey: Feb. 2022 |          |   |   |   | Room:<br>Living (former Kitchen)   | Date of Fabric  |
|---------------------------|----------|---|---|---|--|---|
| Element                   | Location |   |   |   | Comments   |   |
|                           | N        | S | E | W |  |   |
| Ceiling                   |          |   |   |   | Wide timber lining boards  | Likely c.1895.  |
| Cornice                   |          |   |   |   | Simply profiled timber   | Likely c.1895.  |
| Skirting                  | x        | x |   | x | High, profiled timber.<br>Lower, more simply profiled timber                       | Likely c.1895.<br>Likely c.1994-5.                                    |
| Floor                     |          |   |   |   | Modern lino over chipboard.  | Recent.   |
| Walls                     |          |   |   |   | Plaster, also indented line; simply profiled timber picture rail.                  | Plaster walls: Likely c.1895.<br>Picture rail: Interwar (?) or later. |
| Windows                   | x        |   |   |   | Profiled timber architraves; three timber framed awning sash windows.              | Architraves: Likely c.1895.<br>Awning sash window: c.1950s or later.  |
| Doors                     |          |   | x |   | Four panel timber door with toplight; profiled timber architraves.                 | Architraves: Likely c.1895.<br>Door: Possibly c.1895. Maybe later.    |
|                           |          | x |   |   | Blocked in opening. Toplight with profiled timber architraves visible above board. | Likely c.1895.  |
|                           |          | x |   |   | Narrow doorway with minimal architraves and narrow four panel timber door.         | Modern.   |
| Other Joinery             |          |   |   |   |  |   |
| Fireplace                 |          |   |   |   | Original kitchen hearth. Black marble hearth stone.                                | Likely c.1895. Marble hearth stone may be later.                      |
| Other                     |          |   |   |   |  |   |

Figures 30 to 39 illustrate this room.



**Figure 34: Window in the northern wall, also showing the indented line in the plaster and the later picture rail.**



**Figure 35: Detail of the window in the northern wall with the original architraves and later awning sashes.**



**Figure 36: Door in the eastern wall with toplight.**



**Figure 37: Narrow door leading to the bathroom.**



Figure 38: Fireplace.



Figure 39: Blocked in former opening in the southern wall.

| Location:                 |          | Room No: Bathroom |   | Date of Fabric |   |                    |
|---------------------------|----------|-------------------|---|----------------|---|--------------------|
| Date of Survey: Feb. 2022 |          |                   |   |                |   |                    |
| Element                   | Location |                   |   |                | Comments  |                    |
|                           | N        | S                 | E | W              |   |                    |
| Ceiling                   |          |                   |   |                | Plasterboard.                                   | c.1994-5 or later. |
| Cornice                   |          |                   |   |                | Quad.   | c.1994-5 or later. |
| Skirting                  |          |                   |   |                | None  |                    |
| Floor                     |          |                   |   |                | Modern tiles                                    | c.1994-5 or later. |
| Walls                     |          |                   |   |                | Modern tiles                                    | c.1994-5 or later. |
| Windows                   |          |                   |   |                | None.   |                    |
| Doors                     | x        |                   |   |                | Narrow four panel door with minimal architraves | c.1994-5 or later. |
| Other Joinery             |          |                   |   |                |   |                    |
| Fireplace                 |          |                   |   |                |   |                    |
| Other                     |          |                   |   |                |   |                    |

Figure 40 illustrates this room.



Figure 40:  
Bathroom.

| Location:<br>Date of Survey: Feb. 2022 |          | Room No: Dining Room |   |   |   | Date of Fabric     |
|--|----------|----------------------|---|---|---|--------------------|
| Element                                | Location |                      |   |   | Comments  |                    |
|  | N        | S                    | E | W |   |                    |
| Ceiling                                |          |                      |   |   | Plasterboard  | c.1994-5 or later. |
| Cornice                                |          |                      |   |   | Quad  | c.1994-5 or later. |
| Skirting                               |          |                      |   |   | Low profiled timber skirting matching the skirting board on the eastern wall of the living room | c.1994-5 or later. |
| Floor                                  |          |                      |   |   | Modern lino   | c.1994-5 or later. |
| Walls                                  |          |                      |   |   | Lined with plasterboard   | c.1994-5 or later. |
| Windows                                |          |                      |   | x | Timber framed casement windows  | c.1994-5 or later. |
| Doors                                  |          |                      |   | x | Timber framed and glazed  | c.1994-5 or later. |
| Other Joinery                          |          |                      |   |   |   |                    |
| Fireplace                              |          |                      |   |   |   |                    |
| Other                                  |          |                      |   |   | Modern kitchen fitout   | c.1994-5 or later. |

Figures 43 to 47 to illustrate this space.

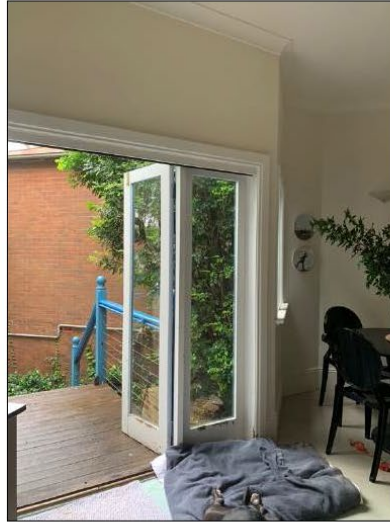


Figure 41: Doors in the western wall.



Figure 42: Looking north towards the plasterboard wall.



Figure 43: Eastern wall, with the large opening cut into the living room.



Figure 44: Southern end of the eastern wall, looking into the pantry.

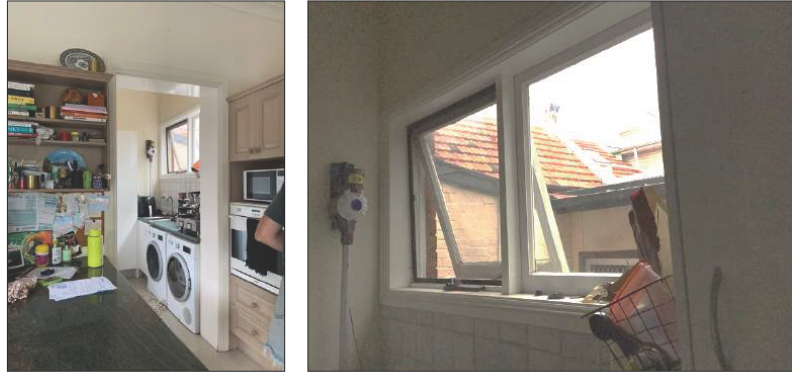


Figure 45:  
South western corner of the kitchen with modern fit out.

| Location:<br>Date of Survey: Feb. 2022 |          | Room No: Pantry |   |   |  | Date of Fabric     |
|--|----------|-----------------|---|---|--|--------------------|
| Element                                | Location |                 |   |   | Comments   |                    |
|  | N        | S               | E | W |  |                    |
| Ceiling                                |          |                 |   |   | Plasterboard.  | c.1994-5 or later. |
| Cornice                                |          |                 |   |   | Quad   | c.1994-5 or later. |
| Skirting                               |          |                 |   |   | None visible.  |                    |
| Floor                                  |          |                 |   |   | Modern lino  | Recent.            |
| Walls                                  |          |                 |   |   | Masonry  |                    |
| Windows                                |          | x               |   |   | High opening with two awning sash windows            | Post-World War II. |
| Doors                                  |          |                 |   | x | Opening with profiled timber cornices. No door panel | Likely c.1895.     |
| Other Joinery                          |          |                 |   |   | c.1994-5 or later.                                   | c.1994-5 or later. |
| Fireplace                              |          |                 |   |   |  |                    |
| Other                                  |          |                 |   |   |  |                    |



Figures 39 and 40 illustrate this space.



**Figure 46: Looking into the pantry from the kitchen.**

**Figure 47: Awning sash windows in the southern wall of the pantry.**

#### **First Floor**

No works are proposed to the stair hallway or the rooms to the east of the stair hallway which, with the exception of the replacement of non-original windows and the enclosure of the first floor verandah, are substantially intact. The only notable changes to these spaces are:

- Insertion of modern wardrobes.
- Insertion of a new opening in the southern wall of the bathroom. This opening is fitted with a louvre window.
- Removal of the double hung sashes in the hallway on the southern side and their replacement with three timber framed awning sashes.
- Infilling of a door/French window in the southern wall of the stair hall. The architraves have been retained and a bookcase inserted.

Refer to Figures 50 and 51.





Figure 48: Hallway on the southern side of the dwelling, east of the stair hallway.  
 Figure 49: Bathroom in the south eastern corner. It is proposed to replace the louvred window, which is a Post-World War II opening.

The following tables describe Bedrooms 3 and 4, the study and the rear bathroom, the areas at first floor level to which works are proposed.

| Location:                 |          | Room No: Bedroom 3 |   | Date of Fabric |  |  |
|---------------------------|----------|--------------------|---|----------------|--|--|
| Date of Survey: Feb. 2022 |          |                    |   |                |  |  |
| Element                   | Location |                    |   |                | Comments   |  |
|                           | N        | S                  | E | W              |  |  |
| Ceiling                   |          |                    |   |                | Square set; ceiling rose.  | Likely c.1895.   |
| Cornice                   |          |                    |   |                | None.  | Likely c.1895.   |
| Skirting                  |          |                    |   |                | High profiled timber. Same as Bedroom 4. Different from the stair hall.  | Likely c.1895.   |
| Floor                     |          |                    |   |                | Timber boards.   | Likely c.1895.   |
| Walls                     |          |                    |   |                | Plaster.   | Likely c.1895.   |
| Windows                   |          |                    |   |                | Replacement timber architraves; three awning sashes. Original opening.   | Opening is original. Window and architraves Post World War II in date. |
| Doors                     |          |                    | x |                | Four panel door with profiled timber architraves. Door and architraves modified. Fanlight blocked in. (?) date of opening. | Possibly c.1895 but modified.  |

| Location:<br>Date of Survey: Feb. 2022 |  |  |  |   | Room No: Bedroom 3  | Date of Fabric  |
|--|--|--|--|---|---|---|
|  |  |  |  | x | Four panel door with timber architraves which have been replaced/modified. Fanlight blocked in.<br><br>Fanlight mechanisms removed. | Post-World War II door panel. Architraves modified.   |
| <b>Other Joinery</b>                   |  |  |  |   | x   | Modern wardrobe. Recent.                              |
| <b>Fireplace</b>                       |  |  |  |   | x   | No fireplace, but narrow chimney flue. Likely c.1895. |
| <b>Other</b>                           |  |  |  |   |   |   |

Refer to Figures 52 and 53.



Figure 50: Later door panel into Room 3 with replaced/modified architraves. It is proposed to remove this door and widen the opening.



Figure 51: Fanlight to the above door. It is proposed to remove this door and widen the opening.

| Location:<br>Date of Survey: Feb. 2022 |          |   |   |   | Room No: Bedroom 4        | Date of Fabric |
|--|----------|---|---|---|---------------------------|----------------|
| Element                                | Location |   |   |   | Comments                  |                |
|  | N        | S | E | W |                           |                |
| <b>Ceiling</b>                         |          |   |   |   | Square set; ceiling rose. | Likely c.1895. |

| Location:<br>Date of Survey: Feb. 2022 |   |  |   |   | Room No: Bedroom 4  | Date of Fabric  |
|--|---|--|---|---|---|---|
| Cornice                                |   |  |   |   | None.   | Likely c.1895.  |
| Skirting                               |   |  |   |   | High profiled timber. Same as Bedroom 3. Different from the stair hall.                             | Likely c.1895.  |
| Floor                                  |   |  |   |   | Timber Boards.  | Likely c.1895.  |
| Walls                                  |   |  |   |   | Plaster.  | Likely c.1895.  |
| Windows                                | x |  |   |   | Profiled timber architraves; three awning sashes.   | Architraves likely c.1895. Window sashes Post World War II in date. |
| Doors                                  |   |  | x |   | Four panel door with profiled timber architraves. Fanlight blocked in.                              | Architraves likely c.1895; Post World War II door panel.            |
|  |   |  |   | x | Four panel door with profiled timber architraves. Fanlight blocked in. Fanlight mechanisms removed. | Door panel appears modern; architraves likely c.1895.               |
| Other Joinery                          |   |  |   |   |   |   |
| Fireplace                              |   |  |   |   |   |   |
| Other                                  |   |  |   |   |   |   |

Refer to Figures 54 to 56.



Figure 52:  
Bedroom 4, looking west.

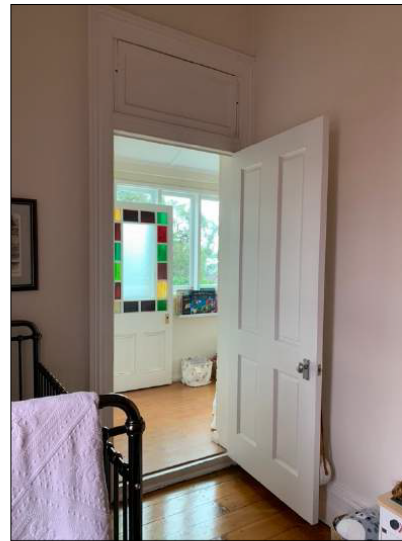


Figure 53: Window in the southern wall with original architraves and later awning sashes. It is proposed to replace the sashes with timber framed double hung windows.  
 Figure 54: Door in the western wall. Later door panel with original architraves and blocked in fanlight. It is proposed to remove this door.

| Location:                 |          | Room No: Study |   |   |  | Date of Fabric  |
|---------------------------|----------|----------------|---|---|--|---|
| Date of Survey: Feb. 2022 |          |                |   |   |  |   |
| Element                   | Location |                |   |   | Comments   |   |
|                           | N        | S              | E | W |  |   |
| Ceiling                   |          |                |   |   | F/c sheet or equivalent; battens.                                      | c.1994-5 or later.                                    |
| Cornice                   |          |                |   |   | Scotia moulding.   | c.1994-5 or later.                                    |
| Skirting                  |          |                |   |   | Modern, low timber with two planes.                                    | Recent.   |
| Floor                     |          |                |   |   | Modern lino.   | Recent.   |
| Walls                     | x        | x              | x | x | Painted brickwork.<br>Plasterboard.                                    | Likely c.1895.<br>c.1994-5 or later.                  |
| Windows                   |          |                |   | x | Timber framed casement windows.  | c.1994-5 or later.                                    |
| Doors                     |          |                |   | x | Four panel door with profiled timber architraves. Fanlight blocked in. | Likely c.1895 but modified.                           |
|                           |          |                |   | x | Four panel door with profiled timber architraves. Fanlight blocked in. | Door panel appears modern; architraves likely c.1895. |

|                                  |  |  |  |  |                       |                       |
|----------------------------------|--|--|--|--|-----------------------|-----------------------|
| <b>Location:</b>                 |  |  |  |  | <b>Room No: Study</b> | <b>Date of Fabric</b> |
| <b>Date of Survey: Feb. 2022</b> |  |  |  |  |                       |                       |
| <b>Other Joinery</b>             |  |  |  |  |                       |                       |
| <b>Fireplace</b>                 |  |  |  |  |                       |                       |
| <b>Other</b>                     |  |  |  |  |                       |                       |

Refer to Figures 57 to 59.



**Figure 55:**  
Looking north in the playroom.



**Figure 56:**  
Looking south in the playroom.



**Figure 57:**  
Door into the bathroom at the southern end.

| Location:                 |          | Room No: Bathroom |   |   |  | Date of Fabric                                       |
|---------------------------|----------|-------------------|---|---|--|--|
| Date of Survey: Feb. 2022 |          |                   |   |   |  |  |
| Element                   | Location |                   |   |   | Comments   |  |
|                           | N        | S                 | E | W |  |  |
| Ceiling                   |          |                   |   |   | F/c sheet or equivalent; battens.                    | c.1994-5 or later.                                   |
| Cornice                   |          |                   |   |   | Scotia moulding.                                     | c.1994-5 or later.                                   |
| Skirting                  |          |                   |   |   | None.  |  |
| Floor                     |          |                   |   |   | Modern tiles.  | c.1994-5 or later.                                   |
| Walls                     |          |                   |   |   | Modern tiles/ plasterboard                           | c.1994-5 or later.                                   |
| Windows                   |          |                   |   |   | Timber framed casement.                              | c.1994-5 or later.                                   |
| Doors                     | x        |                   |   |   | Timber panel with stained glass; modern architraves. | Possibly an older, relocated door, with later glass. |
| Other Joinery             |          |                   |   |   |  |  |
| Fireplace                 |          |                   |   |   |  |  |
| Other                     |          |                   |   |   |  |  |



Refer to Figures 60 and 61.

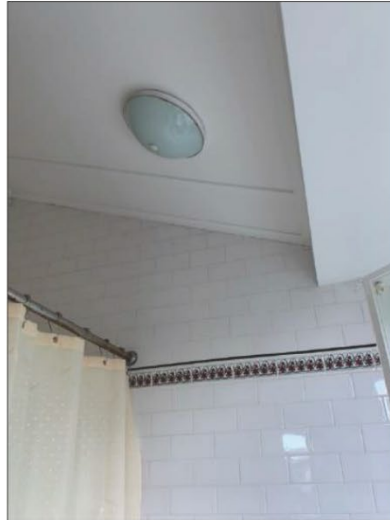


Figure 58: Rear bathroom.  
Figure 59: Rear bathroom.



3.3 The Setting

3.3.1 The General Area

For the following, refer to Figure 62, an aerial photograph of the site and its surrounds.



Figure 60: Aerial photograph of surrounding area. The site is identified by the white arrow.  
SIX Maps, 2021; annotation by WP Heritage and Planning.

The Annandale Heritage Conservation Area is identified as having the following significant characteristics according to the Inner West Council listing sheet produced by Gordon Mackay Logan

*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.*
- *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.*

### 3.3.2 Annandale Street

Refer to the original HIS for a description of Annandale Street.

### 3.3.3 Breillat Lane

This section is amended for the purposes of this HIS.

Breillat Lane runs north-south from Weynton Lane in the north to Hutchison Street in the south. Breillat Lane is essentially a service lane for properties addressing Breillat Street and Annandale Street. There is remnant sandstone kerbing within the street. Outside of the site, the kerbing has been replaced with concrete cross overs. There is one street tree (to the south of the site) and no footpaths.

The laneway is characterised by the high rear walls/fences and garages and garage/studios of properties fronting Breillat Street and Annandale Street. There is no consistency in the height of walls or fences. Some garages or rear walls have planting to the top or roof top

terraces. There is no consistency in the rear elevations of the dwellings as they are read from the lane. Refer to Figures 60 to 70.



**Figure 61:**  
Looking north along Breillat Lane. The arrow points to the site. Note the varied heights of rear walls/fences.



**Figure 62:**  
The site from the lane. The dwelling does not present as being of the Late Federation period to the laneway.



**Figure 63:**  
View looking south along Breillat Lane with the subject site marked by the arrow.





**Figure 64:**  
The rear of No. 340  
Annandale Street from  
Breillat Lane.



**Figure 65:**  
The rear of No. 342a  
Annandale Street from  
Breillat Lane.



**Figure 66:**  
Rear of the dwellings on  
the opposite side of the  
lane. Note the lack of  
consistency in form and  
pattern of openings.



**Figure 67:**  
 Roof top terrace further north along the lane from the site, showing how such a terrace can be readily integrated into the lanescape.



**Figure 68:**  
 What appear to be recent rear additions to the north of the site as they present to the rear lane. Note the contemporary character.

**4 ASSESSMENT OF SIGNIFICANCE**

**4.1 Summary of Statutory Heritage Listings**

No. 342 Annandale Street, Annandale:

- is listed as a Heritage Item by Schedule 5, Part 1 of the *LEP 2013*.
- is located within the Annandale Heritage Conservation Area as defined by Schedule 5, Part 2 of the *LEP 2013*.
- Is not listed on the State Heritage Register under the *NSW Heritage Act 1977*.

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#### 4.2 Heritage Items within the Vicinity of the Site

As set out in the original HIS, there are no heritage items in the vicinity of the site.

#### 4.3 Integrity

This section has been amended.

##### 4.3.1 The Site

The northern side of the original lot was subdivided in 1936 and the dwelling now No. 342a Annandale Street constructed.

The fencing along the front boundary is likely contemporary with the construction of the dwelling. The remaining fencing is Post World War II in date.

None of the planting on the site is of heritage significance.

The garage dates from 1968. It has been refurbished since this time.

##### 4.3.2 The Dwelling

###### Exterior:

The exterior of the dwelling demonstrates moderate integrity, with known alterations and additions occurring in 1982 and 1994-5. The following is noted:

Front (eastern) elevation:

- The bullnosed awning at ground floor level of the front elevation is a modern addition.
- The front verandah has been enclosed at first floor level.
- The brickwork of the front elevation has been painted. There is tuckpointing visible beneath the paint.

Rear (western) elevation:

- The ground floor has been extended to the rear (kitchen and dining rooms) and a deck added (1994).
- The rear first floor verandah has been enclosed. The exterior fabric, including the windows, is modern (1994).
- The rear wall (basement level) beneath the deck is constructed of modern bricks.

Northern elevation:

- The original timber framed double hung sash windows to the west of the bay at ground and first floor levels in the northern elevation have been replaced with awning sash windows.
- The French windows opening onto the first floor balcony on the northern side have been replaced with appropriate windows. The balcony has modern brackets beneath and the decking has been replaced.
- The step to the ground floor side entrance has been modified with modern tiling. The awning is of an unknown date.

Southern elevation:

- The brickwork in this elevation has been altered and some replaced over time.
- The bathroom window at first floor level in the south eastern corner of the dwelling is a later addition. The brickwork surrounding this window is Post World War II in date.
- A door or French window has been blocked in at first floor level off the staircase landing. There was likely a balcony on this side (refer to the description



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provided by the historic advertisement, Figure 2), possibly removed when No. 342 Annandale Street was built in the 1930s.

- The pantry window at ground floor level is later opening and is fitted with awning sash windows (Post World War II).
- The surviving original window openings in this elevation have been fitted with awning sash windows. They would originally have been timber framed double hung sash windows with one pane to each sash (Post World War II).

**Interior:**

The interior demonstrates varied integrity. The following is noted:

**Basement:**

The layout of this level appears intact. There may be a plain metal ceiling may be above the existing ceiling. Where visible it is rusted and in poor condition. The space is subject to flooding.

**Ground Floor:**

- The front two rooms and hallway (including the rear hallway) demonstrate a high degree of integrity. No works are proposed in these spaces.
- The living room to the rear is likely the location of the original kitchen. As noted above, the skirting board has been replaced on the eastern wall; the window sashes in the northern wall have been replaced with awning sash windows; and a large opening has been cut in the western wall, being the original exterior wall. It is not clear if the marble hearthstone is original. The door to the bathroom is a later opening (c.1994?); there is a blocked in opening (the upper architraves have been retained) to one side of the fireplace. All mechanisms to fanlights have been removed.
- The dining room and kitchen are obtained wholly in the 1994-5 addition. The architraves to the pantry opening appear to be modern. The former rear brick wall has been sheeted in plasterboard.
- The pantry has a modern fit out, including ceiling. As noted above, the window in the southern wall is a later addition.

**First Floor:**

- The front two rooms at first floor level are substantially intact or otherwise have been appropriately restored. Wardrobes have been added. Note: the window in the northern elevation in this part of the dwelling has been replaced with awning sashes.
- The hallway on the southern side has modern wardrobes; the window sashes have been replaced in the southern elevation.
- The French door/window in the southern wall of the main stair hall has been blocked in with a bookcase. The architraves have been retained and the toplight infilled. The double hung sash window in the northern wall has been fixed in place.
- The doors to Bedrooms 3 and 4 appear to have been replaced. Fanlights have been blocked in and the mechanism removed. The double hung window sashes in these rooms have been replaced with awning sashes.
- With the exception of the eastern wall, which is of painted brick, the linings in the playroom date from c.1994, as does the rear bathroom fit out (or later).

**4.4 View Corridors**

The principal view corridors towards No. 342 Annandale Street are obtained when standing directly outside of it on Annandale Street. The proximity of the neighbouring dwellings limits some view corridors towards the site on approach from either direction. The upper south eastern and north eastern corners are, however, generally visible on approach from the south.

The dwelling has limited visibility from Breillat Lane. Views on approach are limited by the proximity of the adjoining dwellings and by vegetation.

The main view corridors from the subject site are to the east over Annandale Street and the west over Breillat Lane; both views are residential in character.

Refer to Figures 71 to 75, which illustrate view corridors. Arrows indicate the subject site.



**Figure 69:**  
View towards the site from the south.



**Figure 70:**  
View when closer to the site on approach from the south.



**Figure 71:**  
Oblique view of the subject site from Annandale Street, just north of the site.



**Figure 72:**  
Oblique view of the subject site from Breillat Lane when just north of the site.



**Figure 73:**  
View towards the rear of the site from the south. The dwelling is the most visible at this point.

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#### 4.5 Statement of Significance for the Site

The State Heritage Inventory provides the following Statement of Significance for this item:

*No. 342 Annandale Street is of historic and aesthetic significance as a good and intact example of a two storey Federation period dwelling constructed in 1890-1900. The building retains its early form and distinctive roof, verandah and balcony details which make a positive contribution to the Annandale Street streetscape.<sup>10</sup>*

This Statement of Significance is adopted for the purposes of this report.

#### 4.6 Statement of Significance for Annandale Heritage Conservation Area:

Inner West Council provides the following Statement of Significance for the Annandale Heritage Conservation Area:

*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 (i.e. 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.*

- *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 re-subdivision, 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 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*

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<sup>10</sup> Office of Environment & Heritage, 'Pen Dinas, semi-detached house', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940009>, accessed 7 February, 2021.

*for Annandale, in response to the market, from a suburb of middle class villas to one of terraces and semis for tradesmen and workers.<sup>11</sup>*

This statement is adopted for the purposes of this assessment.

## 5 AMENDED PLANS

The following should be read in conjunction with the amended plans prepared by Place Studio that accompany this submission.

Each of the heritage design amendments requested by Council's heritage specialist in a letter to Mr. Andrew C.P. McCulloch dated 25 January, 2022 is addressed below.

### 5.1 Proposed Roof Amendments

Council comments:

*The design of the proposed addition is similar to a pavilion style addition because of its physical separation from the main building form of the heritage item, albeit with a significantly wide link. This is a positive heritage outcome as the design enables the visual link between the old and new to be read with the recess between the existing and proposed built forms.*

*It is proposed to alter the existing original hipped roof form to the rear of the main building form of the heritage item to a gable. C10 of Part C1.3 of the DCP requires that where rear additions are visible from the public domain the original roof form must be maintained and new additions are to be sympathetic to the original roof. C3 b. and C6 of Part C1.4 of the DCP requires that development within HCAs retain whole roof forms. C6 of Part C1.4 of the DCP states that changes to the form of the existing roof or extension of the ridge cannot be supported.*

*The original roof form does not need to be altered as part of the proposal. The proposed gable roof form over the main building form of the heritage item must be deleted and the original hipped roof form to the rear elevation of the main building form must be retained. The link between the proposed rear addition and the main building form of the heritage item must be lowered so it sits at least 300mm below the existing eave and gutter on the western (rear) elevation of the heritage item.*

The following comments are made in response:

- The plans have been amended to retain the original roof form in full.
- The proposed addition is set well below the gutter line of the principal roof.
- The pavilion form has been further refined so that there is a clear flat roofed linking section that is well set in from the side boundaries of the original dwelling.
- The roof of the proposed pavilion has been amended to be a low pitched hipped roof that is clearly subservient to the original roof form. The hipped roof form relates to the hipped form of the principal roof to the rear and will have minimal visibility, if any, from the public domain.

Given the above, the proposed addition will be clearly distinguishable and subservient to the original dwelling.

<sup>11</sup> Inner West Council, 'Annandale C1', <https://www.innervest.nsw.gov.au/ArticleDocuments/1688/Annandale%20C1.pdf.aspx>, accessed 7 February, 2021.

## 5.2 Alterations to the Retained Dwelling

Council comments:

*The proposal includes numerous alterations to the main building form which will result in the incremental impact on the original building fabric and fenestration to the heritage item, which in turn will erode the item's heritage significance, being "...a good*

*and intact example of a two storey Federation period dwelling...". C3 a. of Part C1.4 of the DCP requires that development must not include the demolition of the internal walls of the front rooms within the main building form, the roof form, existing chimneys, fire places and chimney breasts.*

*The existing configuration within the main building form of the heritage item and its fenestration must be retained. The proposed amendments below are not supported and must be deleted from the proposal:*

- *Demolition of exterior northern wall to the store on the lower ground level. Retain northern wall to store on lower ground level;*
- *Demolition of the existing internal configuration to the storage area on the lower ground level. Retain existing configuration;*
- *Demolition of existing door in northern elevation of the side entry adjacent to the stairs at ground level and replace with a window (W03). The existing doorway and door must be retained and the proposed window W03 must be deleted;*
- *Removal of door between the existing living and side entry on ground level. Retain door;*
- *Demolition of floor in existing living room on ground level to accommodate stairs to the lower ground level. Retain floor and relocate proposed stairs to within rear addition;*
- *Demolition of wall between existing butler's pantry and bathroom on ground level. Retain wall;*
- *Filling in of windows in butler's pantry on ground level. Retain windows and window opening;*
- *Removal of door between bedroom 3 and landing adjacent to stairs on first floor level. Retain door;*
- *Demolition of wall between bedrooms 3 and 4 on first floor for new doorway; delete proposed opening;*
- *Demolition of wall and door between bedroom 4 and landing on first floor; retain existing wall and doorway;*
- *Demolition of door between bedroom 4 and study and wall and door between bedroom 3 and study on first floor; retain existing doorways and wall; and*
- *Removal of window and infill of window opening in southern elevation of bathroom on the first floor. Retain window and opening.*

The following comments are made in response:

- It is still proposed to remove a small section of the northern wall at basement level and remove internal walls at this level. It is not possible to locate the proposed new staircase within the later addition and achieve a practical floor plate.  
It is maintained the impact is acceptable for the following reasons:
  - This is the least significant level of the dwelling.
  - The existing finishes are in poor condition and have less significance than the more elaborate finishes at ground and first floor level. The layout of this part of the dwellings is not fundamental to understanding this dwelling as a fine example of the Federation period and style. Unlike the fireplaces and stained glass at ground and first floor level (for example), these finishes are not specific to the Federation period and could belong to



any era. This level is also regularly inundated with water and is not habitable.

- This work will be completely concealed from the public domain.
- The plans have been amended to retain the door in the northern elevation at ground floor level.
- The plans have been amended to retain the door between existing living room at the ground floor level and the side entry.
- It is still proposed to remove a section of the floor within the existing living room to accommodate the stair to the lower level. This is the best location for a staircase to achieve a practical floor plan. The impact is acceptable because in the hierarchy of rooms, this room is of secondary significance to the hallway and the rooms to the east. Additionally, it appears that the floor boards in this room have been removed and replaced with chipboard. The principal finishes within this room are all retained- the plastered walls, timber ceiling, fireplace and marble hearth and window architraves. The stairs will not impact upon the ability to understand the volume of the room. A good understanding of the original character of the room is retained. The awning sashes in the window will be replaced with double hung sashes, having a positive impact.
- It is still proposed to remove the wall between the bathroom and the butler's pantry. This work will have an acceptable impact. The bathroom and butler's pantry are minor spaces within the hierarchy of rooms with largely modern finishes. The ceilings are plasterboard ceilings with quad cornices. The door to be removed is not original; the architraves are modern in date. Removing this wall will not impact upon the ability to understand this dwelling as being of the Federation style and period.
- The plan has been amended to retain the butler's pantry window as requested. It is noted, however, that this is not an original opening or window.
- The plan has been amended to retain the door between Bedroom 3 and the stair landing.
- The plan has been amended to retain the wall between Bedrooms 3 and 4. The proposed opening has been deleted.
- It is still proposed to remove the door between Bedroom 4 and the study. The opening will be infilled.

It is still proposed remove the door and widen the opening between Bedroom 3 and the study.

It is maintained that this work will have an acceptable impact because this is the rear elevation of the dwelling. This elevation has been altered by past works, is not a primary elevation and is not visible from the public domain. The pattern of openings is not fundamental to the ability to understand the Federation Style of the dwelling. The doors have been replaced within the openings and the toplights infilled. A significant portion of the rear wall will be retained to clearly define the extent of the original dwelling.

Council comments continue:

*The modification includes part demolition of wall between proposed pantry and kitchen to create a new doorway to the pantry. This is not supported as the thickness*

*of this wall indicates it is original. The creation of the doorway will result in the removal of original building fabric which will impact on the significance of the heritage item. The opening between the proposed pantry and kitchen to create a doorway is to be deleted and access to the proposed pantry is to be via the existing doorway in the approved plans.*

The following comments are made in response:

- The wall between the proposed pantry and kitchen is retained. A small section of the rear wall will be removed from the existing living room to widen the existing opening. The impact is acceptable because this is the rear elevation, which has been altered by past works. It is not a primary elevation and is not visible from the public domain. The opening is not full height and sufficient wall will remain to clearly interpret the line of the original rear wall.

Additional notes:

It is proposed to replace the later awning sashes in original openings with timber framed double hung windows with two panes to each sash. This work will have a positive impact. The awning sashes are Post World War II alterations that detract from the Federation period character of the dwelling.

It is proposed to replace the louvre window to the bathroom at first floor level on the southern side with a larger timber framed double hung window. The impact is acceptable because the brickwork at first floor level at this end of the elevation has been replaced and is not original. The existing window is not original or characteristic of a Federation period dwelling. The proposed new window is of an appropriate style and demonstrates appropriate proportions.

**5.3 The Rear Addition**

Council Comments:

*The roof form of the rear addition is proposed to be a gable roof form. C15 a. of Part C1.3 of the DCP states that appropriate roof forms for rear additions depends on the context of the site, and may be pitched in form to match the predominant roof forms of the original property and / or its context. The proposed gable roof form is generally acceptable as it will be complementary to the front of the main roof form. A hipped or skillion roof form may also be considered.*

*C11 c. of Part C1.3 of the DCP requires that additions be subordinate to the existing building so that the additions do not dominate the building from the public domain. C6 of Part C1.4 of the DCP requires that roofs of additions should be subservient to the main roof (in scale, form, location and materials). The height of the addition is tall in respect to the overall height and form of the main building form of the heritage item.*

*The floor to ceiling height of the ground floor of the rear addition is 3.58m and 3.42m at first floor. The height of the addition must be lowered by at least 1m to no more than a total height of RL35.528. This may be achieved by lowered the floor to ceiling height on the ground floor to 3m and 2.7m on the first floor. The overall height of the rear addition must sit below the ridgeline of the main roof form of the heritage item.*

The following comments are made in response:

- The plans have been amended to provide a low hipped roof form that compliments the rear hipped form of the main roof.
- The height of the addition has been lowered so that it lies well below the ridge line of the original dwelling. As set out above, these amendments reduce the massing and scale of the proposed addition.

Council comment:

*The side setbacks of the rear addition must align with the established setbacks of the north and south elevations of the heritage item, e.g. delete the first floor cantilever to bedroom 3 over the ground floor living area, ensuring the first floor north elevation aligns with the ground floor north elevation of the living area below and of the north elevation of the main building form.*

The following comments are made in response:

- The southern elevation aligns with the established southern side setback.
- The northern elevation extends slightly beyond the line of the northern setback. It is maintained that this will have a minimal and acceptable impact because this work will not be visible from the public domain, within a significant view corridor or block view corridors towards significant elements. The narrow side setback between this dwelling and the adjoining dwelling, together with the existing first floor balcony will conceal the fact that the addition extends slightly beyond the established line from Annandale Street. There are no significant view corridors towards this elevation from within the site. The narrow link section between the existing dwelling and the pavilion and material differences make it clear what is and is not original.

Council Comment:

*Large expanses of glass are not to be used in areas visible from the public domain, e.g. the large first floor sliding doors in the rear elevation of the proposed rear addition. Openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Dominancy must be given to masonry/solid elements rather than glazed areas.*

The following comments are made in response:

No doors are proposed at first floor level in the rear elevation. The proposed openings are timber framed casement windows which are vertically proportioned with toplights to compliment the style of the existing dwelling. The windows are broken into two groups. The impact on the rear lane is minimal and acceptable because there is no consistency in the rear forms and details of the rear elevations addressing the lane.

Council Comment:

*The detail of the proposed bullnose awning to the rear is not complementary to traditional verandah or porch roofs, including the bullnose verandah roof to the front elevation of the heritage item. It is important the awning roof form is complementary as it will be visible from the public domain. The bullnose awning to the rear elevation of the proposed rear addition must be pitched at least at 25o, not flat and the top of the awning must sit at least 300mm below the underside of the ground floor ceiling of*

*the addition. A skillion awning roof may be considered as an alternative to the bullnose profile.*

The following comments are made in response:

- The awning has been amended to be a skillion roof, which is more appropriate to the rear of a dwelling. It is noted that it will not read as being part of an intact lanescape or elevation.

#### 5.4 Double Garage and Roof Terrace

Council comment:

*C5 of Part C1.18 of the DCP requires that development shall have a maximum side wall height of 3m. The proposed wall height of the proposed garage is approximately 3.6m. The garage is to be redesigned so it has a maximum side wall height of 3m to ensure the structure does not dominate the laneway.*

*Garages along Breillat Lane mostly contain skillion roof forms. The proposed garage includes a roof terrace above, which is unsympathetic of development in the laneway. C13 of Part C1.18 of the DCP states that roof forms for structures on laneways are to be either hipped roofs, gabled roofs pitched from the sides or skillion roofs located behind parapets where such development meets the laneway control envelope. The roof terrace above the proposed garage is to be deleted and replaced with a gabled roof pitched from the sides and with a complementary pitch to other gable roof forms in the laneway or a skillion roof located behind a parapet to Breillat Lane.*

The following comments are made in response:

- The height of the proposed garage wall is lower than the existing rear wall.
- It is not proposed to remove the terrace from the proposal. It is maintained that the impact is acceptable because:
  - There is no consistency in the height of rear walls and fences in the lane; there is no consistency in rear building forms.
  - The proposed terrace will not block significant view corridors.
  - There is an existing roof top terrace to a property further north of No. 342 Annandale Street. This terrace, see Figure 69, demonstrates that it is possible to have a roof top terrace above this lane without negatively impacting upon it. As noted above, the lane demonstrates little integrity.

#### 5.5 Colours and Materials

Council comments:

##### Colours & Materials

*Materials, finishes, textures and colours must be complementary to the colour schemes of contributory dwellings within the streetscape. Dulux Vivid White proposed for all rendered finishes is to be replaced with a softer white, e.g. Dulux "Lime White" or "Regency White", or similar. Unpainted face brick surfaces are to remain unpainted.*

*The proposed façade treatment with the painted terracotta tiles (FAS-01) is not supported as it is not characteristic of finishes in the HCA and will be visible from the public domain. C8 of Part 2.2.1.2 of the DCP requires that the harmony/character of the neighbourhood is maintained by ensuring development is complementary in materials. This detail must be deleted and replaced with a painted, rendered masonry finish, or with horizontal timber weatherboard cladding. Colorbond "Surfmist" is proposed for the roof sheeting. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".*

The following comments are made:

- The painted terracotta tiles have been removed from the scheme and replaced with horizontal timber cladding.
- The colours have been amended in line with Council's comments.

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**6 CONCLUSION**

This HIS provides additional information to support an application for alterations and additions to an existing Federation period dwelling at No. 342 Annandale Street, Annandale. It addresses plans that have been amended following comments made by Council.

A fabric survey has been carried out to those areas that it is proposed to remove or alter. No works, aside from the replacement of inappropriate awning sash or louvre windows with more appropriate window types, are proposed to the front part of the dwelling. This part of the dwelling is substantially intact. The proposed window replacement will have a positive impact.

The proposed works are located to the rear of the dwelling and at basement level. A number of amendments have been made in line with Council recommendations. It is maintained, however, that changes to the layout of the basement and of openings in the rear wall will have an acceptable impact. These are areas of lesser significance; the rear elevation has been altered. Neither is visible from the public domain. The design of the addition has been reduced in height and amended to become a 'true' pavilion style addition. It will be clearly identifiable as new work and subservient to the retained dwelling.

The proposed garage and roof top terrace will have a minimal and acceptable impact on the laneway that has no consistency in the height of rear fencing/walls or the rear elevations of dwellings visible from the lane.

**Attachment E – Conditions Should the Application be Approved**



## CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

### A. Tree Planting Plan

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a detailed Landscape Plan prepared by a qualified Landscape Architect/Landscape Designer as per C1.12 of LDCP 2013. The plan must include:

- a. Location of existing and proposed structures on the site including, but not limited to: existing and proposed trees, paved areas and planted areas;
- b. Details of any earthworks, changes to existing grade and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees;
- c. The design must provide a minimum 40% canopy cover across the entire site in accordance with Council's Tree Management Controls;
- d. Location, numbers, type and supply of trees, with reference to AS2303:2018—*Tree stock for landscape use* (if applicable);
- e. A minimum of one (1) x 75L new tree must be included in the design at rear. The tree species must attain a minimum mature height of six (6) metres.
- f. Fruit trees, palms, tree species of C7 Tree Minor Works list of the Development Control Plan and species recognised to have a short life span are not acceptable in satisfaction of this condition.
- g. New trees must be planted in natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's *Development Fact Sheet—Trees on Development Sites* for further information). Planter boxes will not be accepted for tree planting;
- h. New tree must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction. The tree should not be planted less than 2.5m from a dwelling house or garage, and may not be planted less than 1m from other structures or services
- i. Details of planting specification and maintenance programme.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

**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-1000 Rev B                | Lower Ground Demolition  | 03/09/2021  | Place Studio AU |
| DA-1001 Rev B                | Ground - Demolition      | 03/09/2021  | Place Studio AU |
| DA-1002 Rev B                | First Floor - Demolition | 03/09/2021  | Place Studio AU |
| DA-1003 Rev B                | Roof - Demolition        | 03/09/2021  | Place Studio AU |
| DA-1010 Rev B                | Lower Ground Plan        | 03/09/2021  | Place Studio AU |
| DA-1011 Rev B                | Ground Floor Plan        | 03/09/2021  | Place Studio AU |
| DA-1012 Rev B                | First Floor Plan         | 03/09/2021  | Place Studio AU |
| DA-1013 Rev B                | Roof Plan                | 03/09/2021  | Place Studio AU |
| DA-4000 Rev B                | Elevation - Sheet 1      | 03/09/2021  | Place Studio AU |
| DA-4001 Rev B                | Elevation - Sheet 2      | 03/09/2021  | Place Studio AU |
| DA-4002 Rev B                | Elevation - Sheet 3      | 03/09/2021  | Place Studio AU |
| DA-4003 Rev B                | Elevation - Sheet 4      | 03/09/2021  | Place Studio AU |
| DA-5000 Rev B                | Sections - Sheet 1       | 03/09/2021  | Place Studio AU |
| A426051_02                   | BASIX Certificate        | 01/03/2022  | Place Studio AU |

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. The removal of the wall between the existing butler's pantry and bathroom on ground level must ensure the retention of 300mm wall nibs and bulkhead.
- b. The roof terrace above the proposed garage must be deleted and replaced with a gabled roof pitched from the northern and southern sides and with a 30° roof pitch. Alternatively, a skillion roof form may be located behind a parapet to the western elevation to Breillat Lane.

**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.

|                          |            |
|--------------------------|------------|
| <b>Security Deposit:</b> | \$2,254.00 |
| <b>Inspection Fee:</b>   | \$241.50   |

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

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

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

restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

#### **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\*:

\$8,500.00

\*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a**

minimum of 2 business days for the invoice to be issued before payment can be accepted.

#### 5. Long Service Levy

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

### GENERAL CONDITIONS

#### 6. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

#### 7. Revised Finishes Schedule

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a revised Finishes Schedule with the following amendments:

- a. the wall cladding to the north and west elevations of the rear addition must be clad in a horizontal timber weatherboard finish and painted in a Dulux "Lime White" or "Regency Cream".
- b. A pre-coloured traditional corrugated steel shall be used for the roofing to the rear addition, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".
- c. The profile of the guttering must match the ogee gutter profile on the main roof form and downpipes must be circular in profile.
- d. Dulux Vivid White proposed for all rendered finishes is to be replaced with a softer white, e.g. Dulux "Lime White" or "Regency White", or similar.
- e. Unpainted face brick surfaces are to remain unpainted.

#### 8. Tree Protection

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

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

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

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

#### 9. 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 |
|--|----------------|
| T2 - <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Rear | Removal        |
| T3 - <i>Murraya paniculata</i> (Murraya) - Rear                | Removal        |

#### 10. 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.

#### 11. 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.

#### 12. Works Outside the Property Boundary

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



### **13. Noise Levels and Enclosure of Pool/spa Pumping Units**

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

### **PRIOR TO ANY DEMOLITION**

#### **14. 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.

#### **15. 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 property/ies 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.

#### **16. 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.

#### **17. 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**

#### **18. 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.

#### **19. Stormwater Drainage System – Minor Developments (OSD is required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road via the OSD/OSR tanks as necessary;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- f. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the

proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;

- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- h. Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the storage tank. The overflow from the OSD/OSR can be connected to the kerb and gutter of a public road by gravity, a discharge control device is not required;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. An overland flow path must be provided within the setback to the northern side boundary between the rear of the dwelling and the Annandale Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flow path;
- k. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- l. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- m. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- n. No nuisance or concentration of flows to other properties;
- o. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- p. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- s. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;

- t. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- u. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- v. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system;
- w. No impact to street tree(s).

#### 20. Amended Architectural Plans to Address Requirements of this Condition

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the the following recommendations:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 5400 mm (length x width) and a door opening width of 5300 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS2890.1-2004. The design of structural barriers must be certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications;
- f. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004.

### 21. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

### 22. Changes to Levels

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

- a. A 150 mm step up must be provided between the finished surface level of the external are and the finished floor level of the internal rooms.

### 23. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a amended and detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

The trees identified below are to be protected throughout the development:

| Tree No. | Botanical/Common Name                                       | Location                  |
|----------|---|---------------------------|
| 1        | <i>Lophostemon confertus</i><br>(Brush Box)                 | Council verge             |
| -        | <i>Jacaranda mimosifolia</i> (Jacaranda)                    | Council verge             |
| -        | <i>Callistemon viminalis</i> (Weeping Bottlebrush)          | Rear at 340 Annandale Rd. |
| 4        | <i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint) | Rear at 27 Breillat St.   |

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

**24. Amended Arboricultural Impact Assessment Report**

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided an amended Arboricultural Impact Assessment Report demonstrating that demolition and construction works for the proposed pool within the specified radius of the trunk of the following tree will not have a detrimental impact on the tree.

| Tree No. | Botanical/Common Name   | Radius in Metres |
|----------|---|------------------|
| -        | <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Rear at 340 Annandale Rd | 2m               |

**25. 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.

#### **26. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

### **DURING DEMOLITION AND CONSTRUCTION**

#### **27. Replacement of doorway with window to bedroom 4**

During construction work, the window proposed between the bedroom 4 and the study must be inserted within the existing opening. The existing timber architraves surrounding the doorway and the fanlight above must be retained in situ.

#### **28. Insertion of bathroom within the main building form of the heritage item**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with detailed architectural drawings at a scale of 1:50 showing the bathroom proposed within the existing bedroom 4 being installed so that it is reversible, so it can be easily removed in the future. This can be achieved with a low nib wall running around the existing walls for reticulation on a raised floor with a step for the new bathroom pod. There must only be one drainage point to minimise disturbance of the existing timber floor.

#### **29. Replacement Bathroom Window**

The replacement window in the southern elevation of the first floor bathroom must be vertically proportioned, set wholly within the existing opening and employ traditional design (timber sash) and materials (timber frame).

**30. Tree Protection**

To protect the following trees, trunk and branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

| Tree No. | Botanical/Common Name/Location  |
|----------|---|
| 1        | <i>Lophostemon confertus</i> (Brush Box) - Council verge                              |
| -        | <i>Jacaranda mimosifolia</i> (Jacaranda)  |
| -        | <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Rear at 340 Annandale Rd.        |
| 4        | <i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint) - Rear at 27 Breillat St. |

**31. Inspections by Project Arborist**

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

| Tree No./ Botanical/ Common Name/ Location  | Time of Inspection             | Key stage/ Hold point  |
|---|--------------------------------|--|
| 1 - <i>Lophostemon confertus</i> (Brush Box) - Council verge<br>Jacaranda <i>mimosifolia</i> (Jacaranda) - Council verge<br><i>Callistemon viminalis</i> (Weeping Bottlebrush) - Rear at 340 Annandale Rd.<br>4 - <i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint) - Rear at 27 Breillat St. | Prior to commencement of works | <ul style="list-style-type: none"> <li>• Inspection and sign off installation of tree protection measures.</li> </ul>  |
|   | During Works                   | <ul style="list-style-type: none"> <li>• Supervise all site preparation and demolition works within the TPZ;</li> <li>• Supervise all works inside or above the TPZ;</li> <li>• Supervise all excavation,</li> </ul> |

|  |  |   |
|--|--|---|
|  |  | trenching works, landscaping works and tree/planting replenishment within the TPZ; <ul style="list-style-type: none"> <li>• Supervise all tree work.</li> </ul> |
|--|--|---|

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

**32. Limited Root Pruning**

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk of the following tree must be severed or injured in the process of any works during the construction period:

| Tree No. | Botanical/Common Name  | Radius in metres |
|----------|--|------------------|
| -        | <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Rear at 340 Annandale Rd. | 2m               |

All excavation within the specified radius of the trunk of the tree being hand dug to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

**33. 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.

**34. 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****35. 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. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and
- c. 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".

**36. 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.

**37. 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.

**38. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and

- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

### **39. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

### **40. 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.

### **41. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

### **42. Project Arborist Certification**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan, replacement tree and the role of the project arborist have been complied with.

**ON-GOING****43. Operation and Management Plan**

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**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.



**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.

**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:

- 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.

**Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

**Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;

- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

#### **Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

#### **National Construction Code (Building Code of Australia)**

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

#### **Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

#### **Swimming Pools**

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

#### 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.

#### Dial before you dig

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

**Useful Contacts**

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| BASIX Information                      | 1300 650 908 weekdays 2:00pm - 5:00pm<br><a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>  |
| Department of Fair Trading             | 13 32 20<br><a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a><br>Enquiries relating to Owner Builder Permits and Home Warranty Insurance.                       |
| Dial Prior to You Dig                  | 1100<br><a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>   |
| Landcom                                | 9841 8660<br>To purchase copies of Volume One of "Soils and Construction"  |
| Long Service Payments Corporation      | 131441<br><a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>   |
| NSW Food Authority                     | 1300 552 406<br><a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>   |
| NSW Government                         | <a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a><br><a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a><br>Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage | 131 555<br><a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>  |
| Sydney Water                           | 13 20 92<br><a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>   |

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

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

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

Enquiries relating to work safety and asbestos removal and disposal.

#### 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.