





 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	DA/2021/1268			
<b>Address</b>	143 Annandale Street ANNANDALE NSW 2038			
<b>Proposal</b>	Alterations and additions to an existing dwelling house including rear first floor level			
<b>Date of Lodgement</b>	16 December 2021			
<b>Applicant</b>	Studio Prineas			
<b>Owner</b>	Mr Azeem Sadiq Ms Erin F McKenzie-McHarg			
<b>Number of Submissions</b>	11 - original plans 7 - amended plans			
<b>Value of works</b>	\$540,000.00			
<b>Reason for determination at Planning Panel</b>	Number of submissions			
<b>Main Issues</b>	Site Coverage Overshadowing Bulk			
<b>Recommendation</b>	Approved with Conditions			
<b>Attachment A</b>	Recommended conditions of consent			
<b>Attachment B</b>	Plans of proposed development			
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards			
<b>Attachment D</b>	Heritage Impact Statement			
				
LOCALITY MAP				
Subject Site		Objectors		 N
Notified Area		Supporters		
Note: Due to scale of map, not all objectors could be shown.				

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling house including rear first floor level at 143 Annandale Street Annandale.

The application was notified to surrounding properties and 11 submissions were received in response to notification. The amended plans the subject of this report were not required to be re-notified, however 7 submissions were received in response, although no formal re-notification occurred.

The main issues that have arisen from the application include:

- Overshadowing
- Bulk
- Heritage design/ Character
- Site Coverage

The non-compliances are acceptable given that amendments have been made to address these concerns and therefore the application is recommended for approval.

## 2. Proposal

The proposed development as contained in the amended plans the subject of this report involve alterations and additions to an existing dwelling house including:

- Demolition of existing shed and covered rear deck
- Extension to rear of the dwelling including enclosed hallway link to a two-storey addition at the rear boundary comprising a ground level living room with study above.
- Internal alteration to the existing dwelling kitchen, laundry, bathroom and additional bedroom and ensuite.

## 3. Site Description

The subject site is located on the western side of Annandale Street, between Booth Street and Collins Street. The site consists of one rectangular allotment with a total area of 218.6 sqm.

The site has a frontage to Annandale Street of 5.435 metres. The site is affected by a 2.44m wide Right-of-Way benefitting 141 Annandale Street which extends northerly from the rear of that property across the rear of several Annandale Street properties discharging to Booth Street.

The site supports a single-storey detached dwelling house and covered deck area at the rear boundary. The adjoining northern property 145 Annandale Street supports a single storey detached dwelling house. The adjoining eastern property 80 Booth Street supports a two storey commercial premises with rear yard area.

The adjoining southern property at 141 Annandale Street supports a single storey detached dwelling house which has been split into two dwellings fronting Annandale Street with a detached rear outbuilding which has also been divided internally and occupied as two dwellings. No Council records exist of consent to use this rear building as dwelling/s. On 26 May 2022 Council issued Order EPA/2022/0076 to stop using the rear building as habitable purposes and remove unauthorised works, including kitchens and bathroom.

The property is located within a conservation area. The site adjoins a Landscape Item of Heritage being the Trees located within the Annandale Street road reserve.

No significant trees are located within the site or within adjoining sites proximate to the site boundaries.



#### 4. Background

##### 4(a) Site history

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

##### Subject Site

Application	Proposal	Decision & Date
D/2007/275	Alterations and additions to existing single storey brick and tile dwelling plus detached cabana to rear of site	Approved 24/9/2007

**Surrounding properties**

Application	Proposal	Decision & Date
141 Annandale Street		
EPA/2022/0076	Enforcement	Order Issued 26/05/2022
BA/1965/7141	Enlarging kitchens, enclosing front verandah and renewing front wall and roofing	Approved 19/02/1969
145 Annandale Street		
T/2007/241	Removal of 1 X Eucalyptus nicholii in rear yard	Approved 30/07/2007
80 Booth Street		
D/2008/349	Alterations and additions to existing building at ground floor and use of premises for a ophthalmologists practice (Hospital) and extend car parking at rear of site to accommodate one (1) vehicle	Approved 6/04/2009

**4(b) Application history**

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

Date	Discussion / Letter / Additional Information
31/3/2022	Request for redesign/information
12/5/2022	Amended plans/information submitted

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

The following provides further discussion of the relevant issues:

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

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

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

Chapter 10 Sydney Harbour Catchment

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

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 5.21 - Flood Planning
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

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

The site is zoned LR1 under the *LLEP 2011*. 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 LR1 zone.

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.8:1 or 174.88sqm	0.595:1 or 130.1sqm	-	Yes
<b>Landscape Area</b> Minimum permissible: 15% or 32.79sqm	18.85% or 41.2sqm	-	Yes

<b>Site Coverage</b> Maximum permissible: 60% or 131.16sqm	63.5% 138.9sqm	or	7.74sqm or 5.9%	No
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Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A(3)(b) of the *Leichhardt Local Environment Plan 2013* by 5.9% (7.74sqm).

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the *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 development standard which is summarised as follows:

- The variation is minor.
- The proposed works include a link from the main building to the rear building providing shelter.
- The proposed works provide for a work from home arrangement taking pressure off existing infrastructure in the area.
- The proposed works do not adversely impact on adjoining properties.
- The proposed works are consistent with the objectives of the zone and standard.

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

It is considered the development is in the public interest because it is consistent with the objectives of the LR1, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

- To provide for the housing needs of the community.

The proposed works will provide for a contemporary addition and provide additional space catering for the needs for the owners.

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

The proposed works retain the existing dwelling ensuring a variety of housing types is provided within the area.

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

Not relevant.

- To improve opportunities to work from home.

The proposed works will provide for additional study space within the existing dwelling providing more opportunities to work from home.

- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas. The proposed works maintain the existing building at the front of the site ensuring the character of the local area is maintained.

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

The proposed works provide for a usable landscaped area for the enjoyment of the owners.

- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.

Not Relevant.

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

The proposed works will protect and enhance the amenity of the residents within the neighbourhood.

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

- To provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents

The proposed development provides for the minimum landscaped areas for tree planting.

- To maintain and encourage a landscaped corridor between adjoining properties.

The proposed works maintains a corridor to the rear.

- To ensure that development promotes the desired future character of the neighbourhood.

The proposed works are consistent with the desired future character of the neighbourhood, with the protection of the street façade, and providing a modern addition to the rear.

- To encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water.

Sufficient surface drainage is provided.

- To control site density.

The proposed works do not seek to increase site density.

- To limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

Sufficient space is provided to ensure minimum landscaped areas and private open space is provided.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Leichhardt Local Environment Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Site Coverage development standard and it is recommended the Clause 4.6 exception be granted.

### 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 (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 B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	n/a
B3.2 Events and Activities in the Public Domain (Special Events)	n/a



<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	n/a
C1.6 Subdivision	n/a
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	n/a
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	n/a
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Yes
C1.17 Minor Architectural Details	Yes
C1.18 Laneways	n/a
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	n/a
C1.20 Foreshore Land	n/a
C1.21 Green Roofs and Green Living Walls	n/a
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.1.4 Booth Street distinctive neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	n/a
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	n/a
C3.14 Adaptable Housing	n/a
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	n/a
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes

D2.4 Non-Residential Development	n/a
D2.5 Mixed Use Development	n/a
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	n/a
E1.1.5 Foreshore Risk Management Report	n/a
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	n/a
E1.2.5 Water Disposal	n/a
E1.2.6 Building in the vicinity of a Public Drainage System	n/a
E1.2.7 Wastewater Management	n/a
E1.3 Hazard Management	n/a
E1.3.1 Flood Risk Management	n/a
E1.3.2 Foreshore Risk Management	n/a
<b>Part F: Food</b>	
n/a	
<b>Part G: Site Specific Controls</b>	
n/a	

The following provides discussion of the relevant issues:

### C3.2 Site Layout and Building Design

The proposed hallway linking the main front dwelling with the proposed two-storey rear lounge/study area results in a technical breach of the rear Building Location Zone. In this regard it is noted that the proposed dwelling layout is similar to that of a detached dwelling with separate rear studio building which would not represent such a breach. The height of the proposed hallway link has been reduced in the amended plans the subject of this report so as to minimise any bulk impact to 141 Annandale Street. The height of the link is now intended to match the higher portion of the immediately abutting section of boundary fence.

The bulk of the rear two-storey lounge/study section of the additions incorporate generous internal ceiling heights. The height of this structure could be reduced by reducing the internal ceiling height of the upper level by 0.3m from the proposed 3.0m, to be 2.7m. This would reduce both the apparent bulk of the structure as viewed from neighbouring properties and also reduce overshadowing to 141 Annandale Street.

Despite this technical breach of the building location zone, the environmental impact of the breach is considered minor given the form of the development and as no significant adverse amenity impacts to neighbouring properties result.

The proposed rear addition to the dwelling results in a breach of the side setback control to both side boundaries. To the northern side boundary by 0.25m and to the southern side boundary by 0.15m. The proposed rear two-storey lounge/study area results in a breach of

the side setback control to both side boundaries. To the northern side boundary by 0.35m and to the southern side boundary by 1.9m. Despite the breaches, the environmental impact of the breach is minor as no significant adverse amenity impacts to neighbouring properties result.

### C3.9 Solar Access

The link and rear two-storey study would result in additional shadow impacts to north-facing side windows in the ground floor of the outbuilding at the rear of 141 Annandale Street. Despite multiple objections being received from this property, no record exists of the required consent to use this outbuilding for residential purposes. In this regard, an order (EPA/2022/0076) has been issued by Council to cease the unauthorised use of that outbuilding for residential purposes. The windows in that outbuilding are not to a living space of an approved dwelling and are therefore not protected under the provisions of the DCP. Despite this, the westernmost side window of the outbuilding would still retain access to sunlight. However, as noted elsewhere in this report, a condition of any consent reducing the overall height of the rear study by 300mm would act to mitigate the shadow impact between 9am-midday to that window. The amended plans, the subject of this report, have reduced the height of the rear link passage so as to maintain solar access to this window between midday and 3pm. As the two ground floor windows serve the same internal space in the outbuilding, this outcome is considered satisfactory in the circumstances.

Shadows currently falling to the rearmost side window in the northern dwelling within the front building on 141 Annandale Street would receive a minor increase in solar access between 10am and 2pm as a result of the proposed rear additions. The rear yard area of 141 Annandale Street, is aligned east-west, therefore requiring 2.5 hours of solar access to 50% of the area between 9am-3pm. The proposal will result in an increase in shadow impact to this area. This central paved yard area is currently overshadowed for a significant proportion of the day and would not achieve solar access to 50% of its area.

The proposed development would result in additional shadow impact between 9am-Midday, largely as a consequence of the proposed 32° pitched roof over the main rear addition to the existing dwelling. Therefore, resulting in a breach of the control. This breach arises from a pitched roof form sought by Council on heritage grounds in amended plans.

It is noted that the proposed shadow impacts are commensurate with impact of a previously approved development application for additions to the subject site (D/2007/275). However, despite this previous approval, it is considered that a reduction in shadow impact could be achieved through a condition of any consent reducing the pitch of this roof to no more than 25°.

The submitted shadow diagrams demonstrate that the south-facing rear yard of the adjoining property to the east of the site, 80 Booth Street, which is mixed use, would be affected by additional overshadowing after 1pm at mid-winter. However, that property would retain compliant required solar access of two hours to 50% of that area between 9am-1pm.

### C3.11 Visual Privacy

The proposed rear study eastern window has been modified in the current amended plans so as not to overhang the rear ROW. The window is shown to be fitted with a vertical privacy screen. Such a screen alignment would not act to limit downward view angles into the rear yard area of 80 Booth Street and 78 Booth Street beyond. Consequently, a condition is included in the recommendation requiring the placement of a permanently fixed horizontal privacy screen louveres to the eastern study window.

The western study window faces the subject dwelling. This window would also afford view lines into the rear yards of both 141 and 143 Annandale Street. Therefore, a condition is included in the recommendation requiring the placement of a permanently fixed horizontal privacy screen louvres to the eastern study window.

#### 5(e) The Likely Impacts

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

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

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

#### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Eleven (11) unique submissions were received in response to the notification.

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

- Bulk and Character
- Overshadowing
- Privacy

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

Issue: The proposal could result in damage to the side wall of the rear outbuilding at 141 Annandale Street.

Comment: Any consent is to include a requirement for a dilapidation report on 141 Annandale Street.

Issue: Submitted plans include outline of a previous development consent for alterations and additions to the property.

Comment: The inclusion of such information in documents submitted with amended plans the subject of this report contribute to the historical context of the site

Issue: Rear additions should not be visible from the street in the Conservation Area

Comment: The provisions of the DCP do not contain a restriction to this effect. The proposed rear additions would not be highly visible from the street.

Issue: Rear two storey study is out of character.

Comment: Council's heritage advisor has reviewed the amended plans and raises no such issue with proposal.

Issue: The gutter of 143 Annandale Street (subject of the easement along part of the northern boundary of 141) has consistently dribbled rusty water on the pathway at 141 Annandale Street for at least ten years. Therefore, it is requested that the gutter of their rear two storey building should be on courtyard side of 143 Annandale Street, not the easement side so that only they will be affected if the gutter is not maintained.

Comment: The proposal does not include gutters encroaching over adjoining lands. The subject sites are subject to easements and the matter of leaking gutter is a matter between the property owners.

Issue: The additions do not conform to the location requirements of the SEPP Exempt & Complying Development

Comment: The SEPP Exempt & Complying Development does not apply to the proposed development.

Issue: The additions do not conform to the requirements of the SEPP- 65 Design Quality of Residential Flat Buildings.

Comment: The SEPP- 65 Design Quality of Residential Flat Buildings does not apply to the proposed development.

#### 5(h) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Development Engineer

An overland flowpath is not required from the rear courtyard in this case as contours show that flows from external catchments/properties do not enter the site. On-site Detention is not required as the alterations and additions to the single dwelling do not increase the impervious area by more than 40sqm.

- Heritage Officer

The original plans were considered generally acceptable subject to amendments including the following matters:

- a. The height of the rear addition with the dining / kitchen, laundry and bedroom 3 must be reduced so it is no higher than the ridgeline of the main roof form (RL29.1). A higher roof form for the rear addition with the living and study may be considered where the roof form is redesigned in accordance with point b) below.
- b. The roof forms over the proposed dining / kitchen and the living / study are to be redesigned as hipped roof forms with a sympathetic pitch to the main hipped roof form of the dwelling.
- c. A skillion dormer window to the study may be considered where it is designed in accordance with the following:
  - i. set a minimum 300mm below the ridgeline;
  - ii. set a minimum of 500mm from the side walls; and
  - iii. set a minimum of 200mm up from the rear wall plate.
- d. Window openings G1.1 and G1.2 must be vertically proportioned, employing traditional design (timber sash) and materials (timber frame).
- e. Delete the window box proposed to east elevation of study. If the installation of sun shading devices / awnings are required, they must be in keeping with the age and architectural period of contributory buildings in the HCA. Awnings should be pitched at approximately 40°.
- f. Amended drawings that accurately show full elevations of the current proposal must be provided deleting the outlines of the rear additions approved as part of D/2007/275.
- g. The applicant is encouraged to retain:
  - i. the layout within the main building form, including bedrooms 1, 2 and 3 to the front, and relocate the proposed bathroom and ensuite to the rear addition; and
  - ii. utilise the existing bedroom 3 window as part of the reconfiguration. If additional window openings are desired (not required by the BCA for wet areas), they should be vertically proportioned.
- h. A revised Schedule of Materials and Finishes must be provided in accordance with the following:

- i. Replace the proposed Standing Sea, with a pre-coloured traditional corrugated steel for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”; and
- ii. Replace the proposed Dulux “Terrain” or “Coyote” to paint the main building form with Dulux “Pale Stone” or “York Stone”, or similar.

Amended plans were subsequently submitted to Council seeking to address the above matters and are the subject of this report. The amended plans were assessed by Council’s heritage officer with the following advice provided:

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

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$5,400 would be required for the development under the *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

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

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

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

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Site Coverage development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/1268 for alterations and additions to an existing dwelling house including rear first floor level subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

The development must be carried out in accordance with plans and documents listed below:

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
00-00/A	Transmittal Sheet	31/3/2022	Studio Prineas
02-00	Site Location	8/11/2021	Studio Prineas
02-01	Existing Site Plan	8/11/2021	Studio Prineas
02-02	Proposed Site Plan	8/11/2021	Studio Prineas
02-03	Site Analysis	8/11/2021	Studio Prineas
02-04	Ground Floor Plan	8/11/2021	Studio Prineas
02-05	First Floor Plan	8/11/2021	Studio Prineas
02-06	Roof Plan	8/11/2021	Studio Prineas
02-10/A	West Elevation	31/3/2022	Studio Prineas
02-11/A	East Elevation	21/4/2022	Studio Prineas
02-12/A	North Elevation	31/3/2022	Studio Prineas
02-13/A	South Elevation	31/3/2022	Studio Prineas
02-20/A	Section A	31/3/2022	Studio Prineas
02-21/A	Section B	31/3/2022	Studio Prineas



02-22/A	Section C	21/4/2022	Studio Prineas
02-23/A	Section D	21/4/2022	Studio Prineas
02-24/A	Section E	21/4/2022	Studio Prineas
03-01/A	Schedule of Material & Finishes	21/4/2022	Studio Prineas
03-02	Waste Management Plan	8/11/2021	Studio Prineas
03-03/A	Landscape Plan	31/1/2022	Studio Prineas
-	Heritage Impact Letter	3/5/2022	Weir Phillips
J5259	Heritage Impact Statement	Dec 2021	Weir Phillips
92753-D1/B	Stormwater Plan	21/3/2022	Kneebone & Beretta Consulting
A437074	BASIX Certificate	4/11/2021	Certified Energy
5178R20211202lm	Acoustical Report	2/12/2021	Koikas Acoustics

**FEES**

### 3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

**Security Deposit:** \$2,254.00

**Inspection Fee:** \$241.50

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

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

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

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

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

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

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

*Assessment Act 1979 and in accordance with 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\*:

\$5,400.00

\*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. Privacy**

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

- a. Indicating Window G1.3 (Eastern Study window) and window G1.2 (Western Study window) being fitted with a suitable fixed horizontal privacy screen with a minimum block out density of 75% up to a minimum level of 1.6 metres above the room floor level.

**8. Waste Management Plan**

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

**9. Erosion and Sediment Control**

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

**10. Standard Street Tree Protection**

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

**11. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION**

**12. Hoardings**

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

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

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

**13. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties 141 & 145 Annandale Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**14. Advising Neighbours Prior to Excavation**

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

**15. Construction Fencing**

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

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

**17. Amended Architectural Plans to Reflect Recommendations Below**

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

- a. The proposed alteration/additions must provide for a minimum 150mm step up between the rear courtyard surfaces and adjacent internal floor areas

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

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

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

- a. The stormwater drainage concept plan on Drawing No. 92753-D1 (Issue B) prepared by KNEEBONE & BEREETA and dated 21/3/22, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;
- g. As there is no overland flow/flood path available from the rear courtyard to the Annandale Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
  1. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
  2. The maximum water level over the sag pit shall not be less than 150mm/300mm below the floor level or damp course of the building; and
  3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

- h. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- i. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- j. No nuisance or concentration of flows to other properties;
- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- l. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- r. No impact to street tree(s);

#### **19. Structural Certificate for retained elements of the building**

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

#### **20. Sydney Water – Tap In**

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

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

#### **21. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant

provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **22. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

#### **23. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **24. 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.

#### **25. 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.

#### **26. 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 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 (including floor levels) indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

#### **27. Aircraft Noise –Alterations and Additions**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

#### **ADVISORY NOTES**

##### **Permits**

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

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

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

**Insurances**

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

**Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

- a. Application for any activity under that Act, including any erection of a hoarding;
  - b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
  - c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
  - d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
  - e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
  - f. Development Application for demolition if demolition is not approved by this consent;
- or

- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

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

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

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

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

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

#### **Dividing Fences Act**

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

#### **Permits from Council under Other Acts**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);

- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

#### **Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

#### **Lead-based Paint**

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

#### **Dial before you dig**

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

#### **Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm
	<a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>

Department of Fair Trading	13 32 20	<a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>
		Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100	<a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406	<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> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)		<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>

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.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

**REASONS FOR REFUSAL**

Attachment B – Plans of proposed development

Development Application  
143 Annandale Street, Annandale 2038

Studio Prineas

Document Transmittal

Studio Prineas  
143 Annandale Street, Annandale 2038  
T: 61 2 8332 2038 F: 61 2 8332 2038 E: info@studio-prineas.com.au

Name: McKenz-Saunders, Annandale  
Address: 143 Annandale Street, Annandale 2038  
Number: 20445  
Page: 1 of 1

Table with columns: Day, Year, By, Size, Revision. Contains revision details for sheets Q2-00 to Q2-24.

Table with columns: Sheet No., Sheet Title, Size, Revision. Lists sheets Q2-00 to Q2-24 with their respective titles and revision numbers.

Table with columns: Sheet No., Sheet Title, Size, Revision. Lists sheets Q2-25 to Q2-30 with their respective titles and revision numbers.

Table with columns: Name, Company/Organisation, Distribution. Lists Studio Prineas and Inner West Council.

Table with columns: Name, Company/Organisation, Distribution. Lists Studio Prineas and Inner West Council.

Approval: G. Gerny, X. Ho, P. Pichuga, T. Tomlinson  
D. Bepko, H. Hinchey, P. Pike, V. Vesterhagen  
F. Far, P. Hart, G. Gerny, E. E. E. E. E.

BASIX NOTES  
CERTIFICATE #A437074

Return and Systems

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.  
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.  
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.  
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Construction

The applicant must construct the new or altered construction (floor(s), walls and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2.  
b) insulation specified is not required for parts of altered construction where insulation already exists.

Table with columns: External wall framed (weatherboard, fibre, metal clad), External wall non-framed (brick, concrete block), External wall non-framed (brick, concrete block), External wall non-framed (brick, concrete block), External wall non-framed (brick, concrete block).

Windows and glazed doors

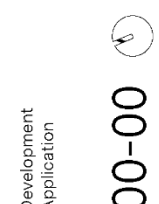
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table.  
Each window or glazed door with a maximum glazing area of 10m2 or more must be equipped with a shading device.  
Each window or glazed door with a maximum glazing area of 10m2 or more must be equipped with a shading device.  
Each window or glazed door with a maximum glazing area of 10m2 or more must be equipped with a shading device.

Table with columns: Windows / door Orientation of glass, Overheating Height / Distance, Shading device, Flame and glass type. Lists specifications for various window and door types.



Studio Prineas  
143 Annandale Street, Annandale 2038  
T: 61 2 8332 2038 F: 61 2 8332 2038 E: info@studio-prineas.com.au

Document Set ID: 36466439  
Version: 1, Version Date: 22/06/2022



Development Application  
00-00  
08/11/2021

2149  
McKenzie-Saunders  
Erin McKenzie & Adam Sedgwick  
Dunrobin Country, 143 Annandale Street, Annandale 2038

2149  
McKenzie-Saunders  
Erin McKenzie & Adam Sedgwick  
Dunrobin Country, 143 Annandale Street, Annandale 2038

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2149  
McKenzie-Saunders  
Erin McKenzie & Adam Sedgwick  
Dunrobin Country, 143 Annandale Street, Annandale 2038





1 Site Location  
NTS

Studio Primeas  
info@studioprimeas.com.au  
+61 2 8532 2028  
Studio 504  
6th Floor  
100 Boundary Street  
Bunnings Bay  
1507 201 Newcastle  
New South Wales  
Eoin-Miles Primeas  
13 97 418 6595

Revisions

Notes  
This drawing is Copyright © Studio Primeas and may not be reproduced without written permission of Studio Primeas or other related entities. Use of drawings, designs, or other information for any other purpose is prohibited. All work is to be carried out in accordance with the Australian Standards and relevant Australian Standards.

Abbreviations  
VOS Verify On Site  
FCL Finished Floor Level  
FLL Finished Ceiling Level  
MFL Mezzanine Floor Level  
NA Not Applicable  
AFS As Further Specified  
CL Construction  
EXS Existing

2149  
McKenzie-Scobie  
Eoin McKenzie & Aileen Scobie  
Dundas County, 413 Ammandale  
Street, Ammandale 2038

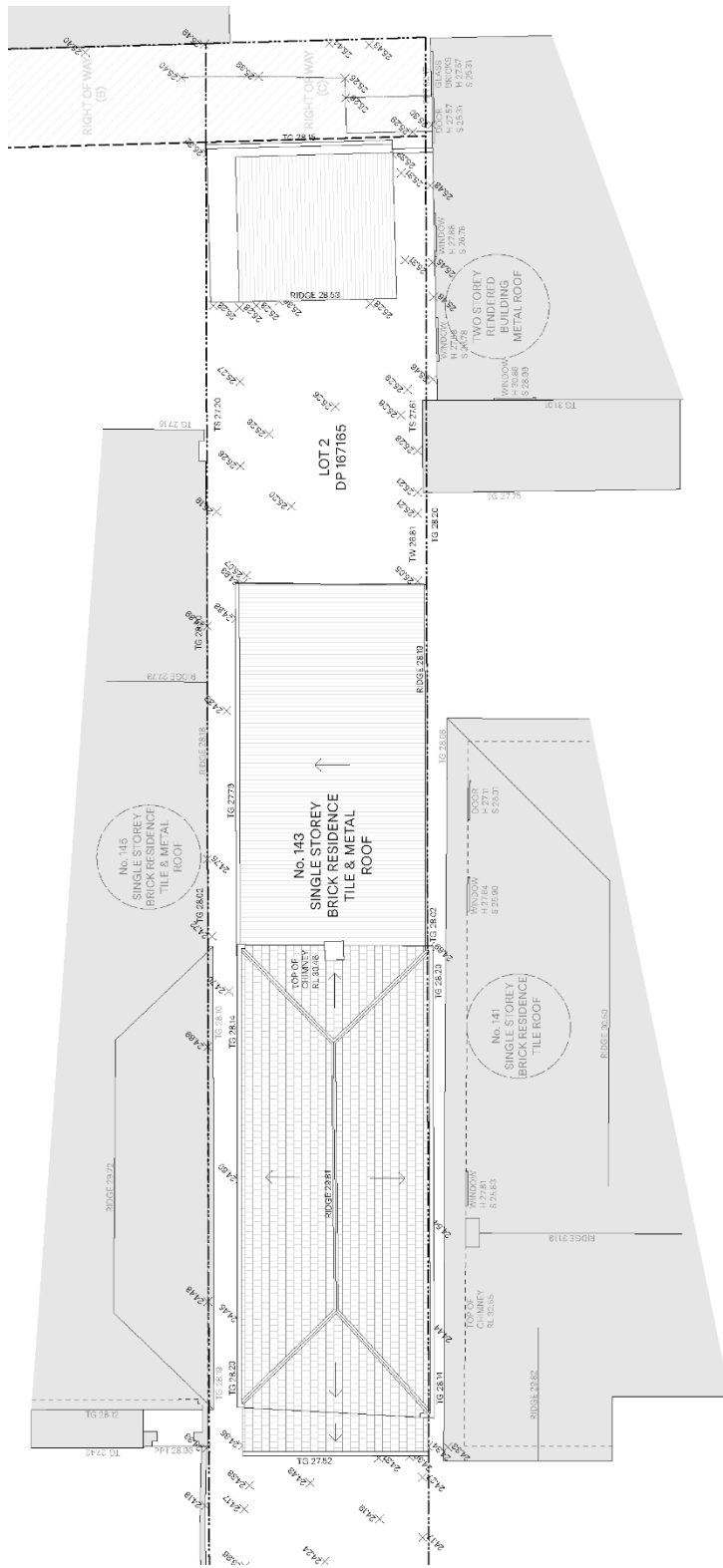
Drawing Title Site Location  
Scale NTS  
Drawn by AB  
Date 08/11/2021

Development Application  
02-00



Studio Primeas

Document Set ID: 36486459  
Version: 1, Version Date: 22/06/2022



1 Existing Site Plan  
1:100 @ A3

NOTE: ALL DIMENSIONS TO BE VERIFIED ON SITE

- KEY**
- BELOW GROUND
  - DIMENSIONED
  - EXISTING GROUND LINE
  - EXISTING WALLS
  - PROPOSED GLAZING
  - PROPOSED RL / FFL
  - PROPOSED DA
  - MINIMUM SETBACK
- MATERIAL KEY**
- CONCRETE
  - MASONRY
  - TIMBER
  - METAL
  - GLASS
  - TILES

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 Not a Registered Planner  
 Not a Registered Engineer

**Revisions**

No.	Description	Date
1	Issue for DA	08/11/2021

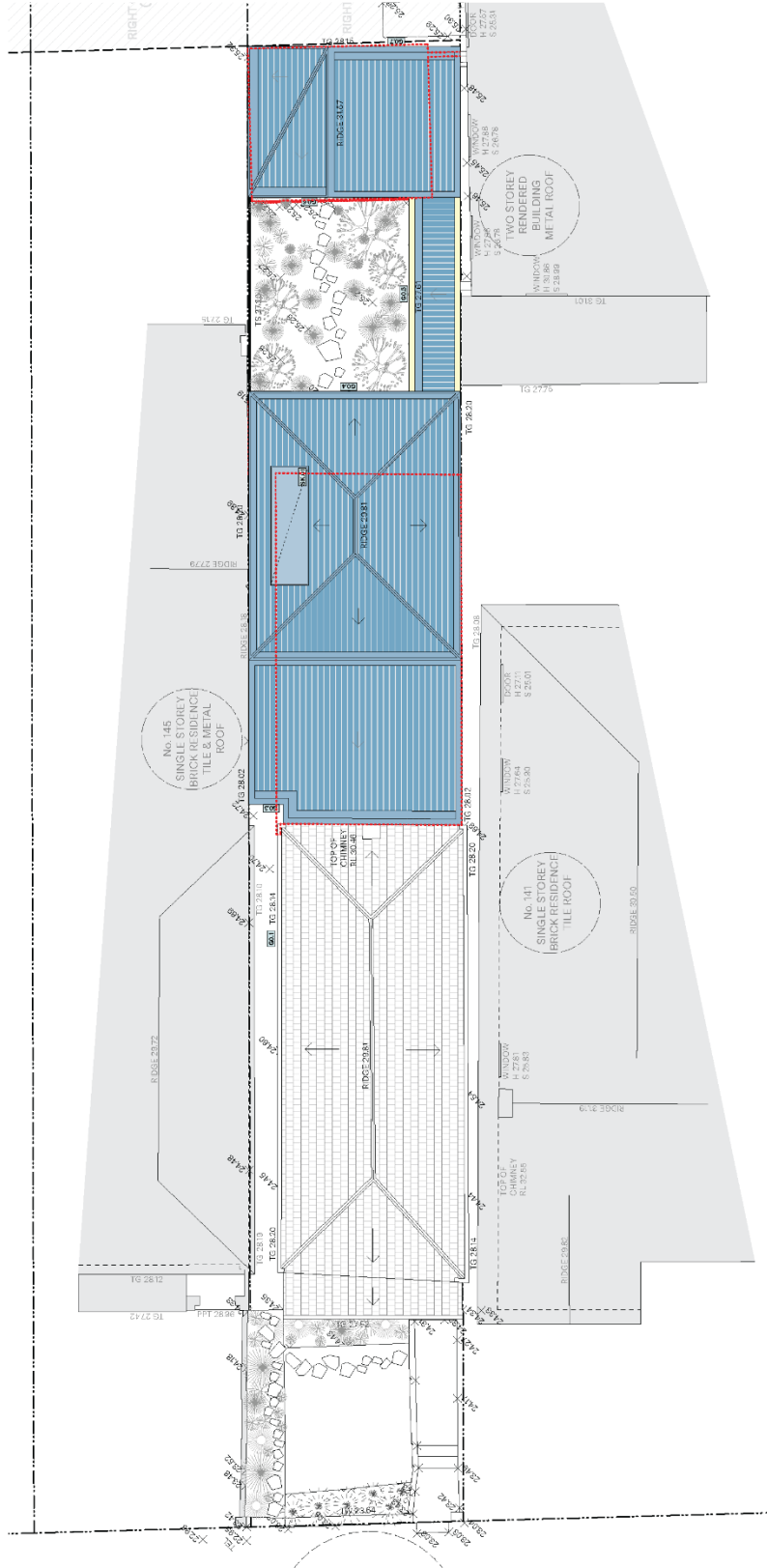
**Notes**

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**21249**  
 McKENZIE-STADIQ  
 Erin McKenzie & Azem Stadiq  
 Durrig Country, 142 Avonvale  
 Street, Avonvale QLD 4038

**Development Application**  
 02-01

Document Set ID: 36484659  
 Version: 1, Version Date: 22/06/2022



1 Proposed Site Plan  
1:100 @ A3

NOTE  
ALL DIMENSIONS TO BE VERIFIED ON SITE

**KEY**  
 - BELIEF GROUND  
 - EXISTING GROUND LINE  
 - EXISTING WALLS  
 - DEMOLISHED  
 - PROPOSED GLAZING  
 - PROPOSED RL / FFL  
 - APPROXIMATE  
 - MINIMUM SETBACK

**MATERIAL KEY**  
 CONCRETE MASONRY TIMBER METAL GLASS TILES

**Notes**  
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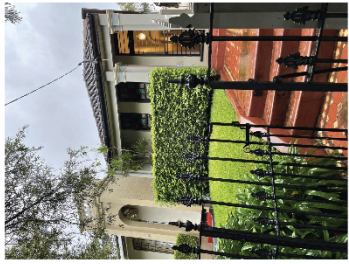
**Revisions**

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 Not a Public Architect  
 ERM Studio Pineas  
 NSW A19 6565

**21249**  
 McKenzies-Studio  
 Erin McKenzie & Azem Saqib  
 Durrig Country, 142 Amanaale  
 Street, Amanaale 2038

**Development Application**  
 Title: Proposed Site Plan  
 Scale: 1:100  
 Drawn By: AB  
 Date: 08/11/2021

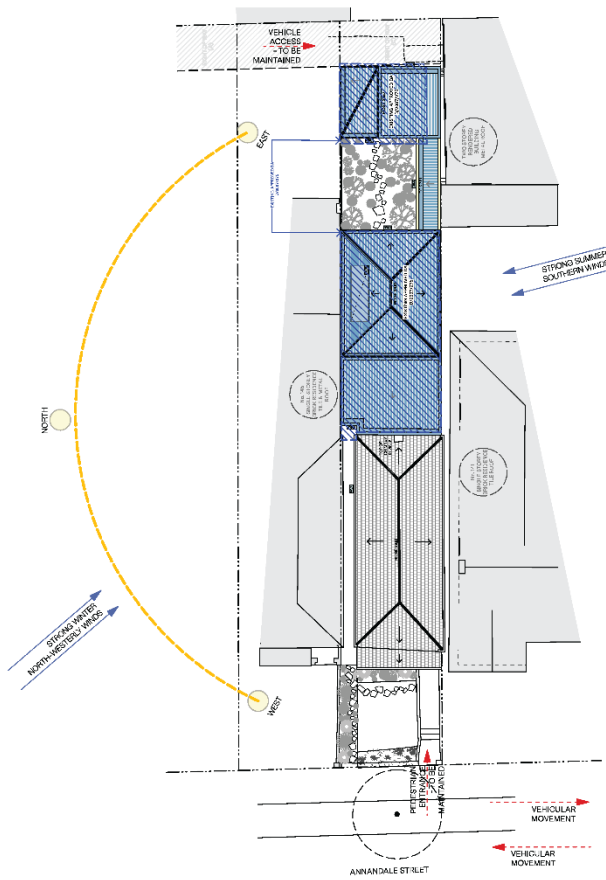
**02-02**



2 Existing Dwelling - West Facade  
NTS



3 Existing Dwelling - Rear Access  
NTS



1 Site Analysis  
1:200 @ A3

KEY

- BROWN: BELOW-GROUND
- RED: EXISTING GROUND LINE
- BLACK: EXISTING WALL
- RED DASHED: ENCLOSED
- BLACK DASHED: PROPOSED GLAZING
- BLACK: CONCRETE MASONRY/TIMBER
- GREEN: METAL
- BLUE: GLASS
- PURPLE: TILES
- ORANGE: APPROVED DA
- RED: MINIMUM STACK

MATERIAL KEY

5M  
2M  
1M  
0

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Stullis, QLD  
Rabbits Creek  
Rabbits Creek  
NSW 2011, Australia  
Nominated Architect  
Eye-Metric Prineas  
NSW ARCH 5866



Studio Prineas  
Owner  
Rabbits Creek  
Nominated Architect  
NSW ARCH 5866

Document Set ID: 28456565  
Version: 1, Version Date: 22/06/2022

Notes

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the written approval of the architect.  
The architect is not responsible for the  
accuracy of the information provided in  
this drawing.

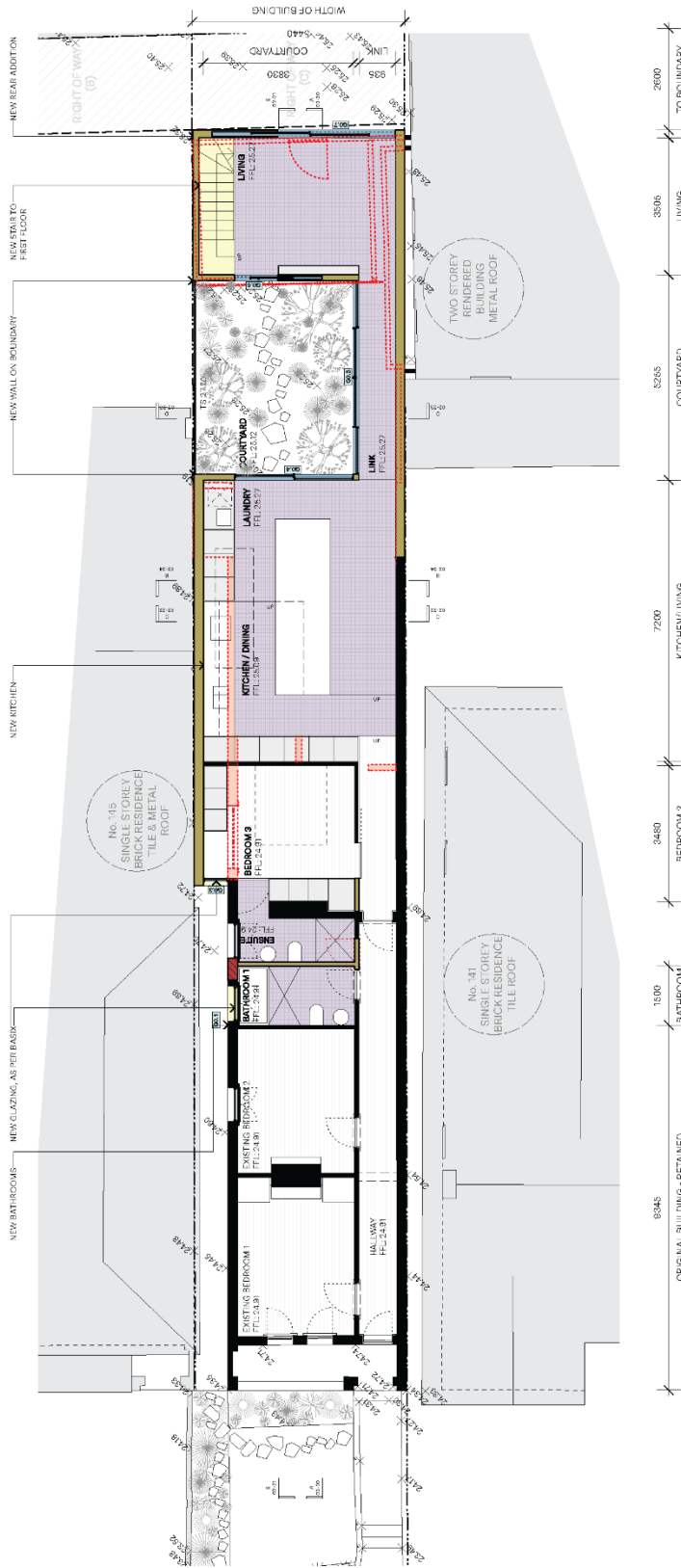
Abandonments

VDS: Verify On Site  
FCL: Filled Ceiling Level  
APFL: Above Finished Floor Level  
AFS: As Finish Specified  
EQ: Equal  
EXTD: Existing

27046  
Makrezia Saad  
Erin Makrezia & Azam Saad  
Dhaka, Country, AQ Architect  
Street, Annandale 2088

Drawing Title: Site Analysis  
Scale: 1:200  
Drawn By: AB  
Date: 08/11/2021

Development Application  
02-03

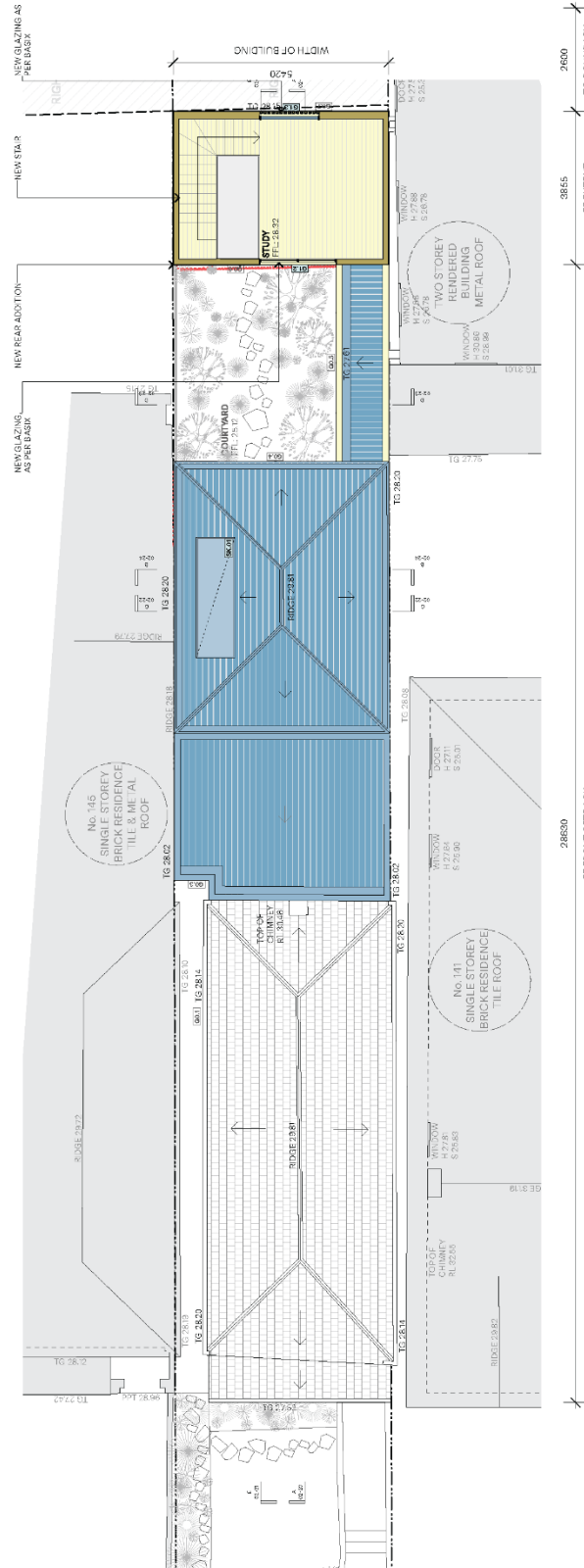


1 Ground Floor Plan  
1:100 @ A3

NOTE: ALL DIMENSIONS TO BE VERIFIED ON SITE



Document Set ID: 36464659  
Version: 1, Version Date: 22/06/2022



1 First Floor Plan  
1:100 @ A3

NOTE  
ALL DIMENSIONS TO BE VERIFIED ON SITE

- KEY**
- BELOW GROUND
  - DEMOLISHED
  - EXISTING WALLS
  - EXISTING GROUND LINE
  - PROPOSED GLAZING
  - PROPOSED RL / FL
- MATERIAL KEY**
- CONCRETE
  - MASONRY
  - TIMBER
  - METAL
  - GLASS
  - TILES
- Legend for drawing types: APPROVED DA, MINIMUM SETBACK, 5M, 2M, 0M.

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New Zealand  
New Zealand Architect  
Eva Marie Pineas  
NZ Reg No 6585

Revisions

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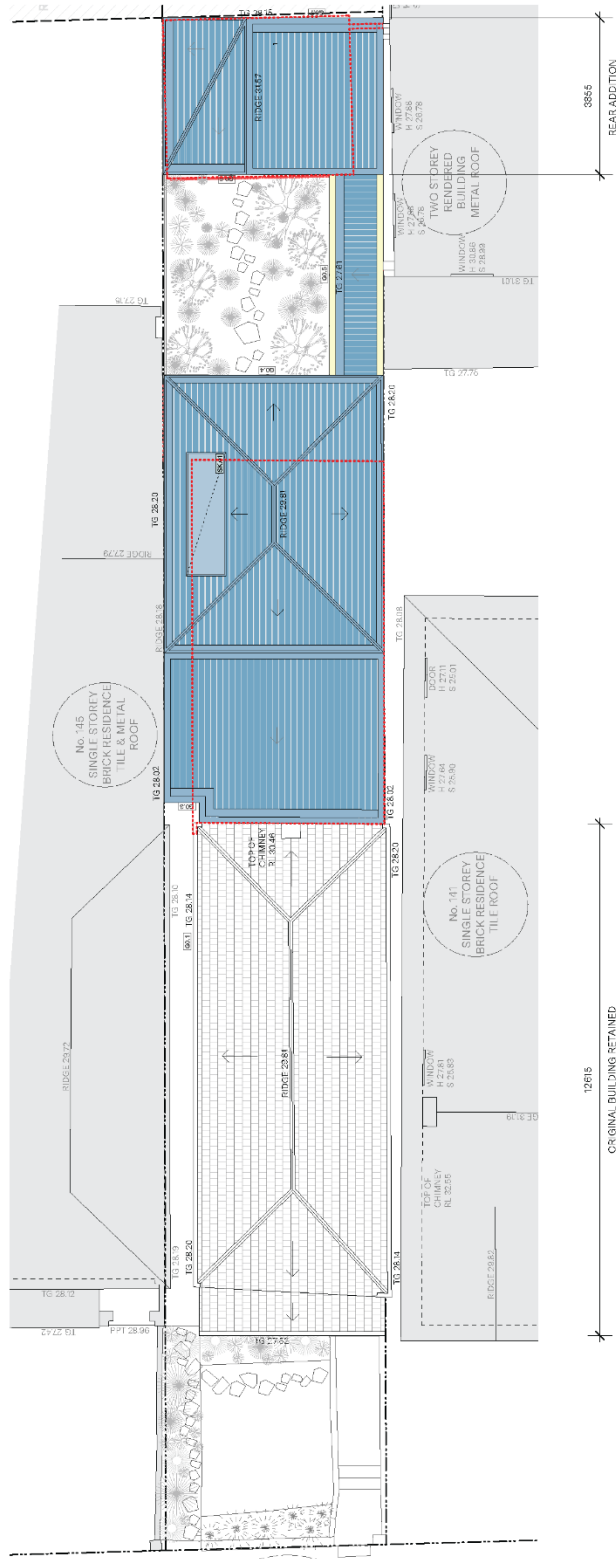
**Authorisation**  
VOS Verify On Site  
FCL Finished Floor Level  
FSL Finished Ceiling Level  
B.A. Not Applicable  
A/S All further specified  
C.C. Construction  
LX1G Lining

**21249**  
McKenzies Studio  
Elin McKenzie & Azem Saedi  
Dunedin City Council  
Dunedin City, 143 Avonhead  
Street, Avonhead 9038

**Drawings**  
Title First Floor Plan  
Scale 1:100  
Drawn By AB  
Date 08/11/2021

Development Application

02-05



1 Roof Plan  
1:100 @ A3

NOTE: ALL DIMENSIONS TO BE VERIFIED ON SITE

**KEY**  
 - - - BELOW GROUND  
 - - - DEMOLISHED  
 - - - EXISTING WALLS  
 - - - EXISTING GROUND LINE  
 - - - APPROVED DA  
 - - - MINIMUM SETBACK

**MATERIAL KEY**  
 CONCRETE MASONRY  
 THERM  
 METAL  
 GLASS  
 TILES

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 Not a Registered Architect  
 ERM 1446 Pineas  
 NSW ARB 6585

**Revisions**

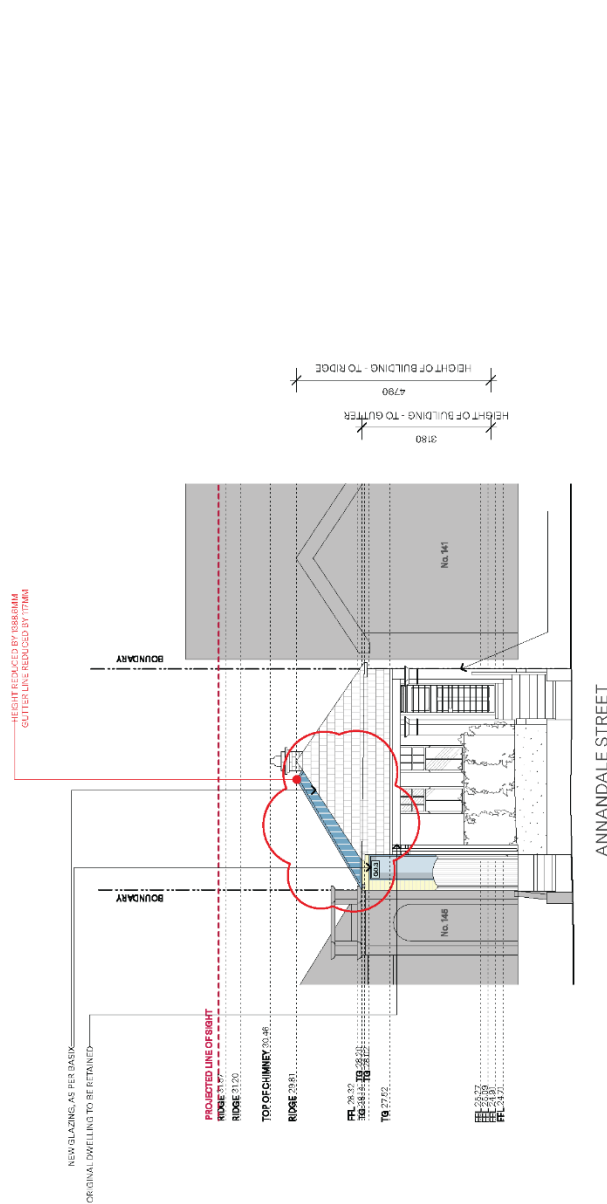
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**Attributes**  
 VOS Verify On Site  
 FFL Finished Floor Level  
 FCL Finished Ceiling Level  
 FPL Finished Floor Level  
 B.A. Not Applicable  
 A.T.S. All further Specified  
 C.L. Callout  
 L.X.T.G. Lining

**21249**  
 McKenzie-Studio  
 Erin McKenzie & Azem Saedi  
 Design Country, 142 Avonvale  
 Street, Annandale NSW 2038

**Drawings**  
 Title Roof Plan  
 Scale 1:100  
 Drawn By AB  
 Date 08/11/2021

Development Application  
**02-06**



1 West Elevation  
1:100 @ A3

NOTE  
ALL DIMENSIONS TO BE VERIFIED ON SITE

**KEY**

- BELOW GROUND
- EXISTING GROUND LINE
- EXISTING WALLS
- DEMOLISHED
- PROPOSED GLAZING
- PROPOSED RL / FFL

**MATERIAL KEY**

- CONCRETE
- MASONRY
- TIMBER
- METAL
- GLASS
- TILES

APPROX TO DA  
MINIMUM SETBACK

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**Erin Marie Pineas**  
NSW A19 6565

Revisions  
A 31/03/22

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**As instructed**  
VOS Verify On Site  
FFL Finished Floor Level  
FCL Finished Ceiling Level  
FSL Finished Sill Level  
FGL Finished Ground Level  
DA Datum  
A/S Not Applicable  
A/F All Future Specified  
C/C Construction  
EXTG Existing

**21249**  
McKenzies Studio  
Erin McKenzie & Azem Saedi  
Durrig Country, 143 Annandale Street, Annandale NSW 2038

**Drawings**  
Title West Elevation  
Scale 1:100  
Drawn By AB  
Date 08/11/2021

**Development Application**  
**02-10**



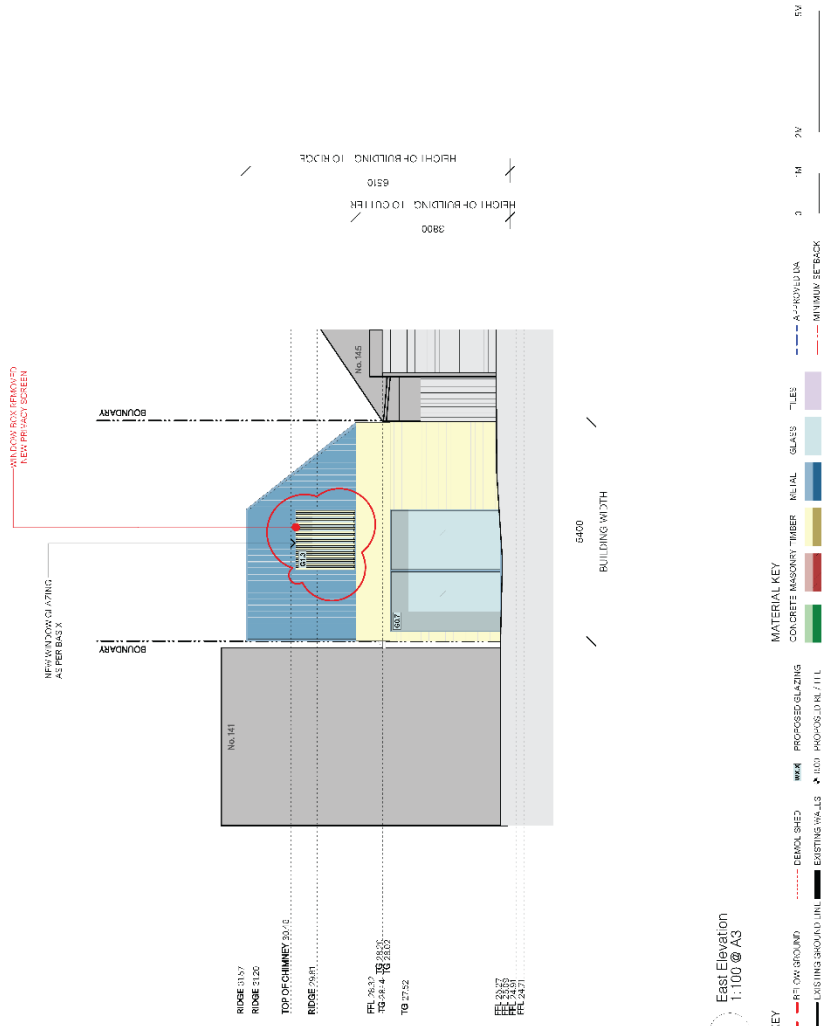




1 Visible Area of Approved DA Shaded in Blue  
NTS



2 Visible Area of Proposed Addition Shaded in Grey  
NTS



3 East Elevation  
1:100 @ AS

NOTE:  
X: TYPICALS TO BE VERIFIED ON SITE



Studio  
Prineas

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Email: info@studio-prineas.com.au  
NOV 2021 8876

Revision:  
A 21/02/22

WINDOW BOX  
OVER-HANGING THE  
ROOF LINE  
REMOVED TO REVEAL  
EXISTING BRICK  
WORK

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practices is required. All work to be  
completed in accordance with the relevant  
Australian Standards and relevant  
Australian Standards.

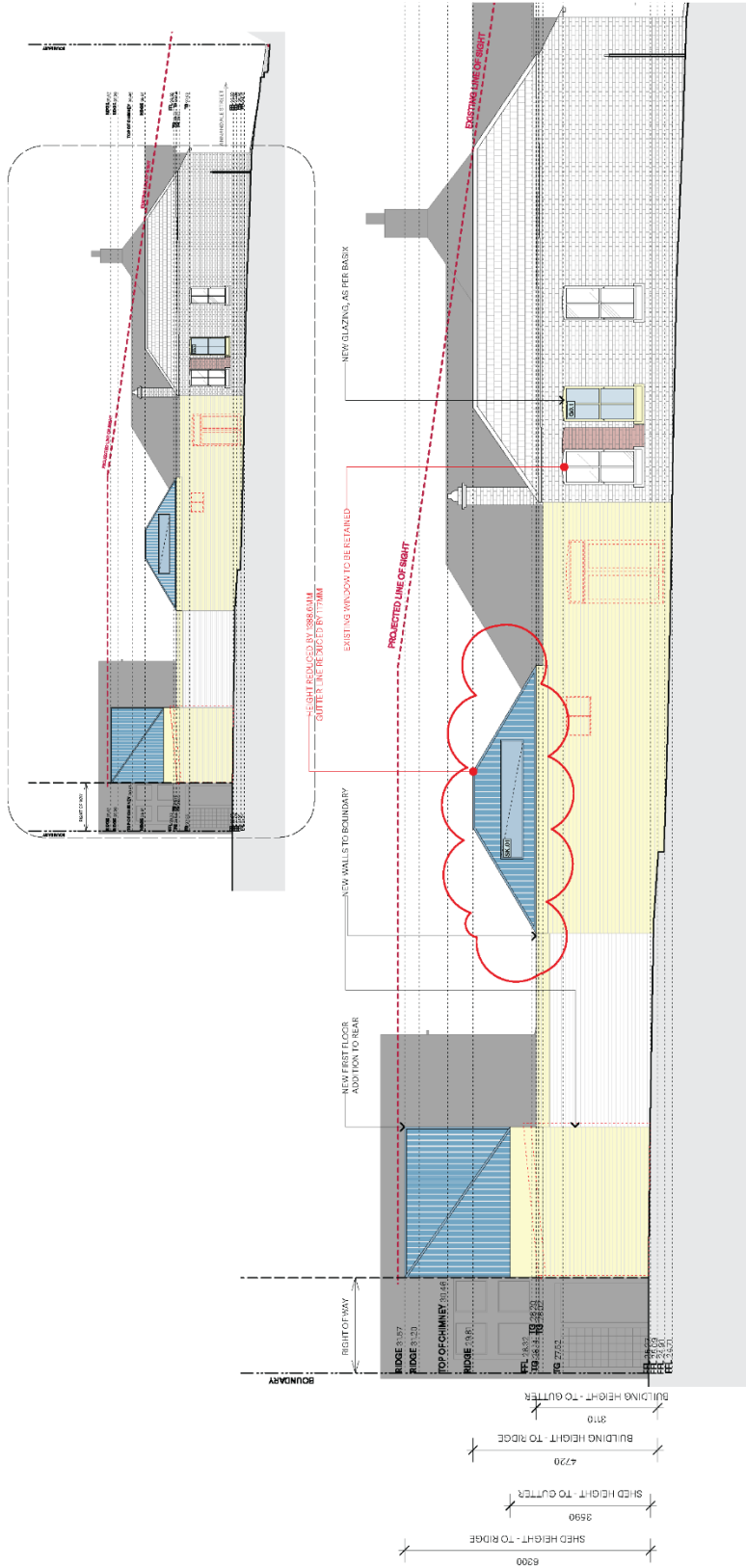
Abbreviations:  
VCS Verify On Site  
FFL Finished Floor Level  
CFL Finished Ceiling Level  
NLA Not Available  
NA Not Applicable  
AFS As Fabricated  
EQ Equal  
LX Lining  
X G Lining

21249  
McKenzie Saddle  
Erin McKenzie & Azcom Studio  
Dungog County, 143 Armadale  
Street, Armadale 2038

Drawing Title East Elevation  
Scale 1:100  
Drawn By AD  
Date 08/11/2021

Development  
Application  
02-11





1 North Elevation  
1:100 @ A3

NOTE  
ALL DIMENSIONS TO BE VERIFIED ON SITE

**KEY**  
 - BELOW GROUND  
 - EXISTING GROUND LINE  
 - EXISTING WALLS  
 - EXISTING ROOF  
 - DEMOLISHED  
 - PROPOSED GLAZING  
 - CONCRETE  
 - MASONRY  
 - THERM  
 - METAL  
 - GLASS  
 - TILES

**MATERIAL KEY**  
 CONCRETE  
 MASONRY  
 THERM  
 METAL  
 GLASS  
 TILES

**APPROXIMATE SCALE**  
 0 1M 2M 5M

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 Australia  
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**Revisions**  
 A 31/3/22  
 3886mm HEIGHT REDUCTION TO REAR LOWERING GUTTER TO MATCH EXISTING ROOF PITCH POINT BY 70MM AS PER TRIMMINGS PER HEIGHT REDUCTION TO MATCH EXISTING ROOF PITCH POINT

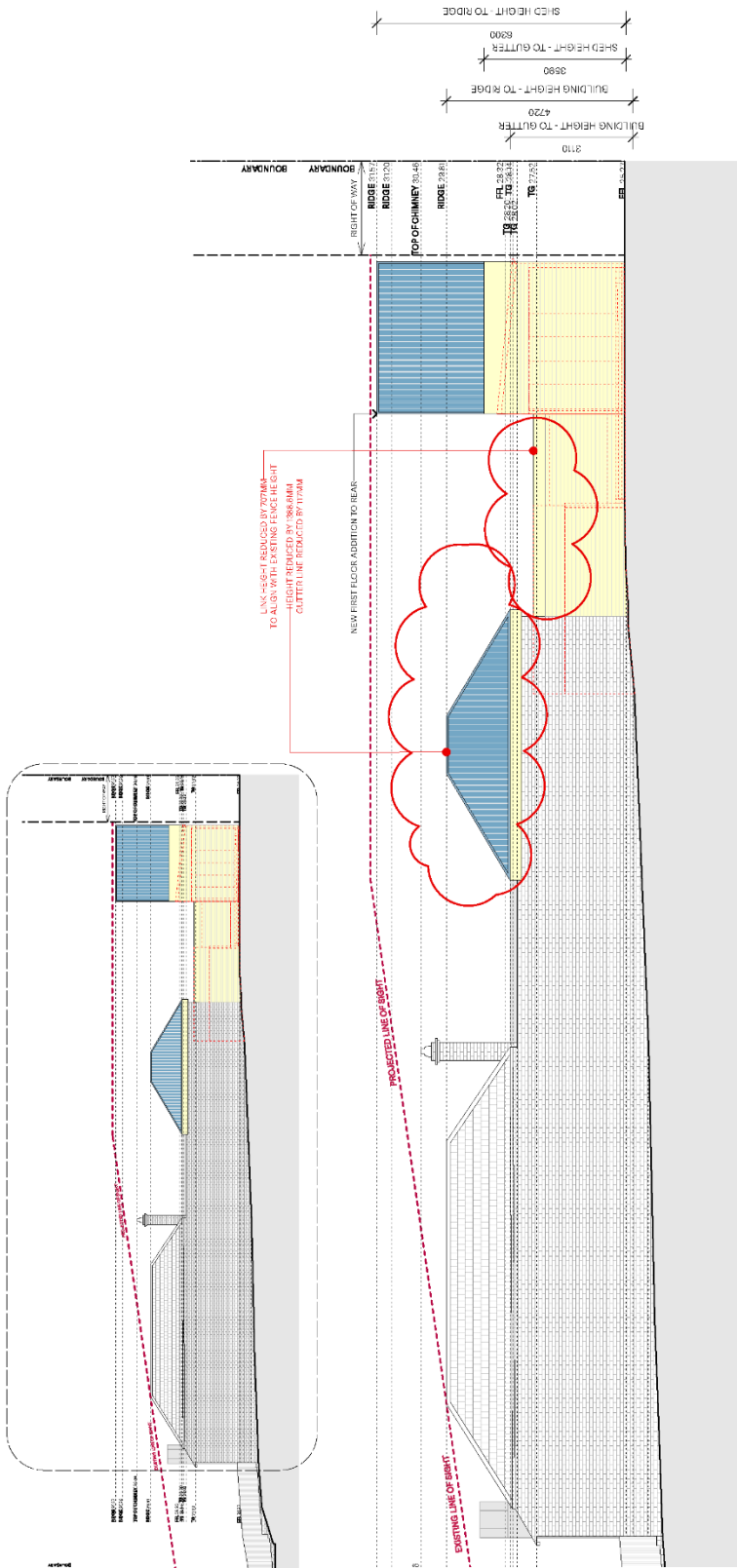
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**Attributes**  
 VOS Verify On Site  
 FFL Finished Floor Level  
 FCL Finished Ceiling Level  
 B.A. Not Applicable  
 A/S All Future Specified  
 C/L Ceiling  
 EXTS Existing

**21249**  
 McKenzie Studio  
 Erin McKenzie & Azem Saedi  
 Dwyer County, 142 Awanakale Street, Annandale NSW 2038

**Development Application**  
 Title North Elevation  
 Scale 1:100  
 Drawn By AB  
 Date 08/11/2021

**02-12**



1 South Elevation  
1:100 @ A3

NOTE: ALL DIMENSIONS TO BE VERIFIED ON SITE

KEY

- BELOW GROUND
- - - DEMOLISHED
- EXISTING WALLS
- EXISTING GROUND LINE
- EXISTING WALLS
- PROPOSED GLAZING
- GLASS
- TILES
- APPROXIMATE
- MINIMUM SETBACK

MATERIAL KEY

- CONCRETE
- MASONRY
- TIMBER
- METAL
- GLASS
- TILES

23280 ORIGINAL BUILDING - RETAINED

4955 ADDITION W/IN EXISTING FOOTPRINT

3855

0 1M 2M 3M 6M

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North Shore Auckland  
New Zealand  
Architect  
Eran Mulla Pineas  
NZ Reg No 2685

Revisions  
A 31/03/22  
3855mm HEIGHT RESTRICTION TO REAR EXISTING ROOF LOWERING GUTTER TO MATCH EXISTING TYPICALS PER HEIGHT RESTRICTION TO LINK-16-1 WITH 1.8M CLEARANCE

Notes  
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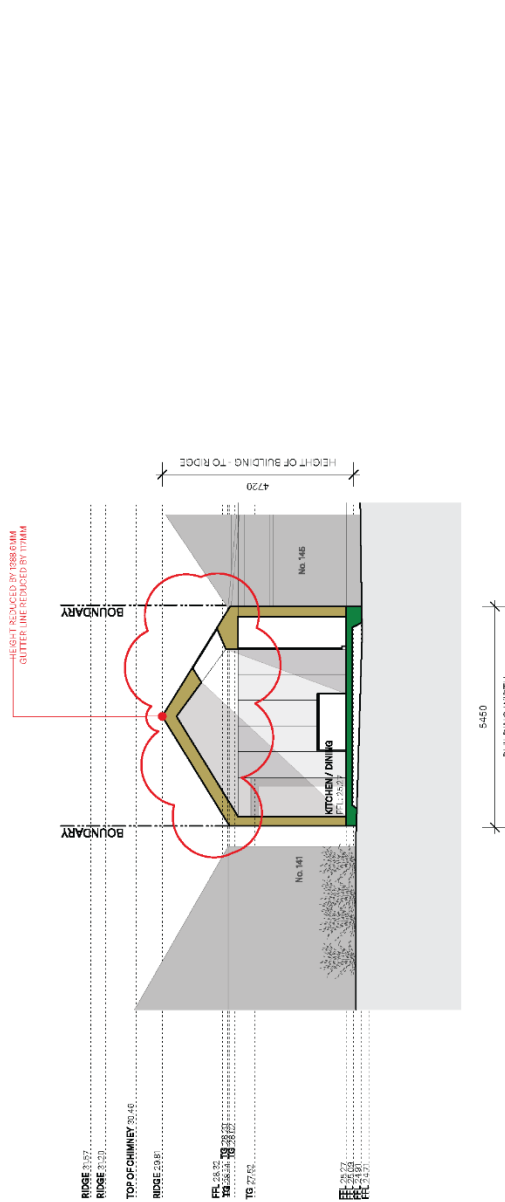
Abbreviations  
VOS Verify On Site  
FFL Finished Floor Level  
FCL Finished Ceiling Level  
FLL Finished Floor Level  
D.A. Not Applicable  
A/S All Future Specified  
C/L Centreline  
EXTG Existing

2149  
McKenzies Studio  
Eran McKenzie & Azeem Saadiq  
Dunedin Country, 142 Amanaesale Street, Amanaesale 2038

Drawing Title South Elevation  
Scale 1:100  
Drawn By AB  
Date 08/11/2021

Development Application  
02-13





1 Section B  
1:100 @ A3

NOTE  
ALL DIMENSIONS TO BE VERIFIED ON SITE



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Nava Ariq Gbabo

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New South Wales  
2223  
New South Wales  
New South Wales

Revisions

A	31/03/22	
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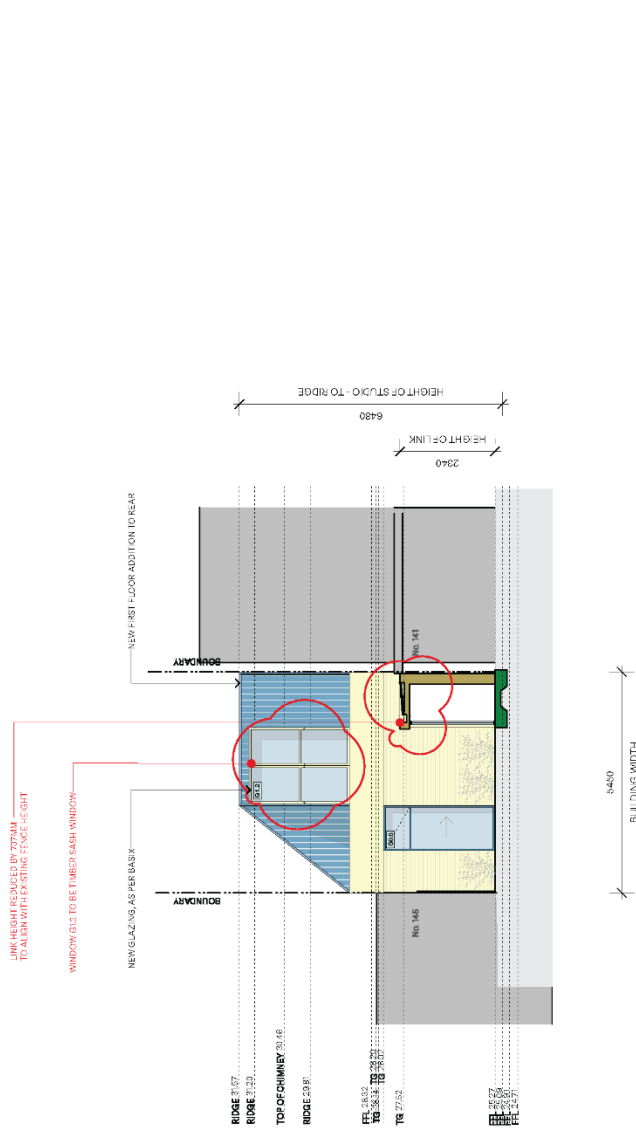
Materials  
VOS Verify On Site  
FFL Finished Floor Level  
FCL Finished Ceiling Level  
B.A. Not Applicable  
A/S All Future Specified  
C.C. Cast in place  
EXTG Existing  
LXL Existing

21249  
McKenzies Studio  
Ena McKenzie & Azeem Saadi  
Durrig Country, 142 Amanaale  
Street, Amanaale 2038

Drawings  
Title Section B  
Scale 1:100  
Drawn By AB  
Date 08/11/2021

Development Application  
02-21





1 Section D  
1:100 @ A3

NOTE  
ALL DIMENSIONS TO BE VERIFIED ON SITE

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Rosedale NSW  
1587  
New South Wales  
Not a Registered Architect  
Ena Marie Pineas  
NSW ARTG 6565

Document Set ID: 36484659  
Version: 1, Version Date: 22/06/2022

KEY

- BELOW GROUND
- EXISTING GROUND LINE
- DEMOLISHED
- EXISTING WALLS
- PROPOSED GLAZING
- PROPOSED RL / FFL

MATERIAL KEY

- CONCRETE
- MASONRY
- TIMBER
- METAL
- GLASS
- TILES

APPROXIMATE MINIMUM SETBACK

2149  
McKenzies Studio  
Ena McKenzie & Azem Saedi  
Drawing Country, 148 Avonahale  
Street, Annahdale 2038

Drawing Title: Section D  
Scale: 1:100  
Drawn By: AB  
Date: 08/11/2021

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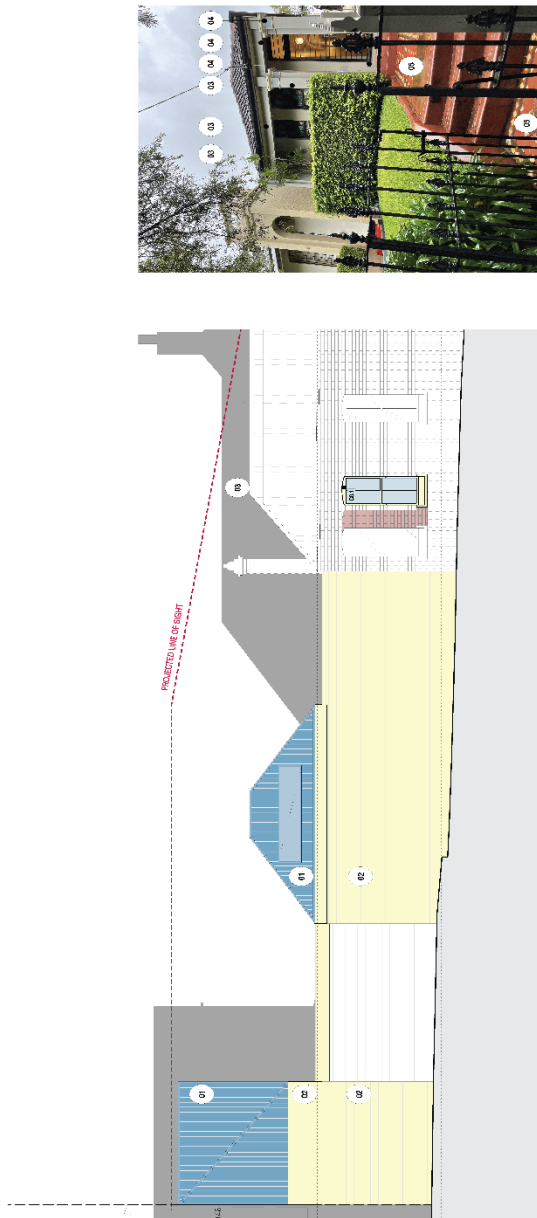
Abbreviations  
VOS: Verify On Site  
FFL: Finished Floor Level  
FCL: Finished Ceiling Level  
FSL: Finished Sill Level  
B.A.: Not Applicable  
A/S: All further Specified  
C/S: Callout  
EXTG: Existing

Revisions  
A 21/4/22  
70mm HSG-1  
REDUCTION TO LINK TO  
EXISTING FENCE

Development Application  
02-23







1 Schedule of Materials - Addition  
1:100 @ A3

2 Schedule of Materials - Existing Street Facade  
1:100 @ A3

01	02	03	04	05	06
<p><b>CONCRETE ROOF</b> CC CRETE'S 'MAGNETIC' COLOUR 50MM POLYURETHANE INSULATION SAR-AN-2000-2000-2000-2000 G.P. 1.5000-2000-2000-2000</p>	<p><b>WHITE HORIZONTAL CLADDING</b> RUMI POLYURETHANE INSULATION 50MM POLYURETHANE INSULATION SAR-AN-2000-2000-2000-2000 G.P. 1.5000-2000-2000-2000</p>	<p><b>DULUX ANTIQUE WHITE OR SIMILAR</b> DULUX ANTIQUE WHITE OR SIMILAR DULUX ANTIQUE WHITE OR SIMILAR DULUX ANTIQUE WHITE OR SIMILAR</p>	<p><b>DULUX ANTIQUE WHITE OR SIMILAR</b> DULUX ANTIQUE WHITE OR SIMILAR DULUX ANTIQUE WHITE OR SIMILAR DULUX ANTIQUE WHITE OR SIMILAR</p>	<p><b>DULUX AMERICAN MAHOOGANY OR SIMILAR</b> DULUX AMERICAN MAHOOGANY OR SIMILAR DULUX AMERICAN MAHOOGANY OR SIMILAR DULUX AMERICAN MAHOOGANY OR SIMILAR</p>	<p><b>BEHR BOASTING TILES</b> BEHR BOASTING TILES BEHR BOASTING TILES BEHR BOASTING TILES</p>



Document Set ID: 36966/659  
Version: 1, Version Date: 25/06/2022

**21948**  
Valley Road,  
City of Bayside, Council 204  
Shire of Bayside, Council 2028  
Shire of Bayside, Council 2028

**21948**  
Valley Road,  
City of Bayside, Council 204  
Shire of Bayside, Council 2028  
Shire of Bayside, Council 2028

**21948**  
Valley Road,  
City of Bayside, Council 204  
Shire of Bayside, Council 2028  
Shire of Bayside, Council 2028

**21948**  
Valley Road,  
City of Bayside, Council 204  
Shire of Bayside, Council 2028  
Shire of Bayside, Council 2028

**21948**  
Valley Road,  
City of Bayside, Council 204  
Shire of Bayside, Council 2028  
Shire of Bayside, Council 2028

03-01

**OBJECTIVES**  
To ensure that necessary measures are employed on the site that protect both the neighbouring amenity and the surrounding environment and minimise site degradation. The recycling of materials will reduce tipping costs and landfill.

**RESPONSIBILITY**  
The contractor will be responsible and liable for all works carried out on the site. This includes assuming responsibility for the actions of all subcontractors as well as achieving them of councils requirements when carrying out the work.

**CONTAINMENT OF SITE WASTE**  
Building materials must not be placed on site, demolition waste resulting from the works is not to be stored on footpaths, street gutters or roadways etc. All waste to be placed in rubbish skips or containers for collection.

**COUNCIL PROPERTY**  
Council property is not to be used for construction or storage activities unless prior written approval has been obtained. Council property is not to be damaged and is to be kept in a clean, safe and functional condition. The contractor is to be responsible for any damage to council property. Council property should any council property including footpaths be inadvertently damaged as a result of the works, council must be notified immediately.

**DUST CONTROL**  
Appropriate methods are to be used to prevent wind blown dust creating an unacceptable hazard or nuisance on the site or adjoining properties. Where dust is created as a result of the works or site exposure, the contractor is to be responsible for ensuring that the dust is kept under control by the contractor. All dust creating activities when the wind is strong enough to raise visible dust.

**BUILDING MATERIAL STOCKPILE**  
All no time any Building materials or stockpiles be situated on a public reserve, road gutter or footpath, the refuse building or demolition materials, waste containers, portable sheds, portable toilets and the like. All building materials are to be stored within the setback fence envelope of the subject site, all loose materials are to be stored within the site, for such storage of building materials, demolition waste, waste containers etc. As required. The feasibility of the nominated site for the stockpile must be confirmed prior to commencement.

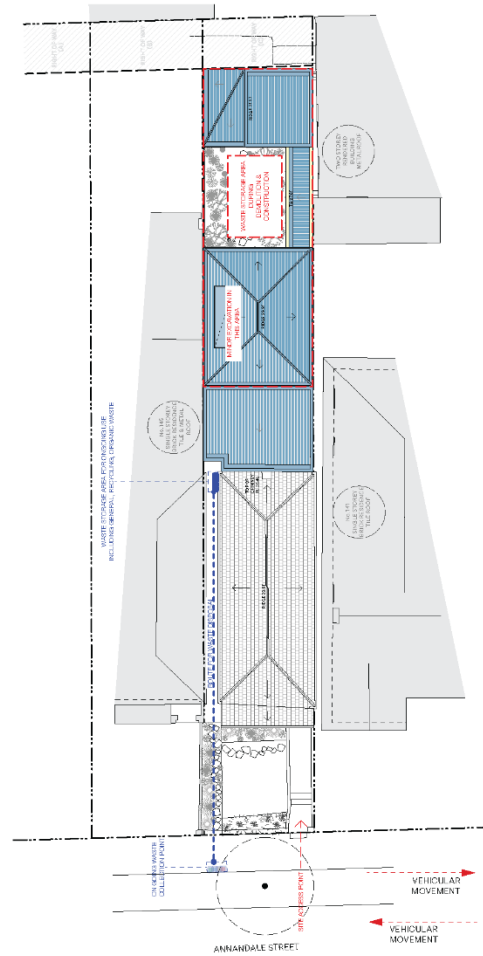
**OPERATING HOURS**  
To minimise noise for amenity, hours of work for demolition/ excavation/ construction are to be limited to the hours of the day and night. Hours of work for plant or machinery may move on or off the site outside of restricted hours of operations. Large excavation vehicles waiting for commencing work must be remotely located from the site so as not to affect the local amenity. The contractor is responsible for any contravention by subcontractors of these conditions.

**ACCESS POINT**  
To be used to the site and loading of material onto the street. All vehicles and plant equipment will use a single entry/exit point. A sediment control device is to be placed at the site access point to prevent sediment deposition on adjoining roads.

The contractor is responsible to remove any material deposited offsite as a result of spillage or vehicle movement, restore area to previous standard or equal. Form vehicles creating from 150 x50 hardwood planks, chamfered at ends, by over 150mm road base, lie with 100mm gaps at 600 c/c.

**VEHICLE MOVEMENTS**  
All vehicles visiting the site are to comply with the parking regulations in the area. All vehicles are to be washed down before leaving the site. All pollutants are to remain on site for treatment. All trucks and utilities must cover their loads. No vehicle visiting the site is to impede local area traffic flows. A licensed person will direct traffic and possessions when trucks enter the site.

**HAZARDOUS MATERIALS**  
Asbestos cement sheeting if encountered is to be wrapped lightly in plastic to comply with the Australian standard and work cover authorities requirements and taken to an approved landfill tip.

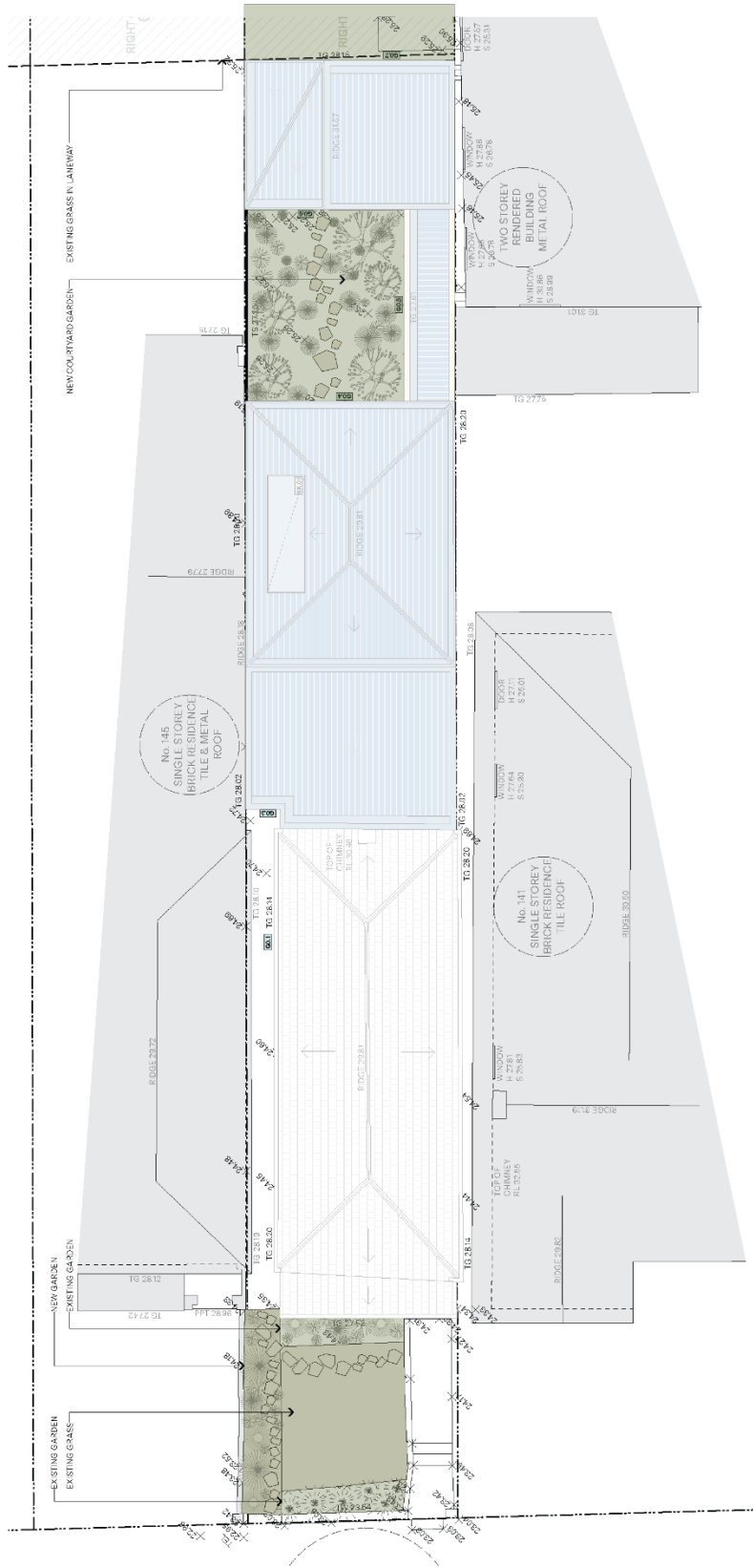


1 Waste Management Plan  
1:200 @ A3

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<b>21249</b> McKenzies-Studio Erin McKenzie & Azem Saqi Dwelling Country, 48 Awanahale Street, Annandale NSW 2038	<b>Drawing Title</b> Waste Management Plan	<b>Development Application</b>
<b>Authorisation</b> VOS Verify On Site FCL Finished Ceiling Level FLL Finished Floor Level B/A Not Applicable A/S All Future Specified C/C Construction EXTG Existing	<b>Scale</b> 1:200	<b>Drawn By</b> AB
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1 Landscape Plan  
1:100 @ A3

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Revised 11/22  
 Increasing Landscaped  
 area to meet of  
 compliance

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 done in accordance with the BCA  
 and relevant Australian Standards.

**Abbreviations**  
 VOS Verify On Site  
 FFL Finished Floor Level  
 FCL Finished Ceiling Level  
 FCL Finished Floor Level  
 FCL Finished Floor Level  
 A/S All Suitable  
 C/S Callout  
 LXTG Lining

**21249**  
 McKenzies Studio  
 Erin McKenzie & Azem Saedi  
 Durrig Country, 142 Awanahale  
 Street, Annandale, 2038

**Drawings**  
 Title Landscape Plan  
 Scale 1:100  
 Drawn By AB  
 Date 08/11/2021

**Development Application**  
 03-03



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 Version: 1, Version Date: 22/06/2022

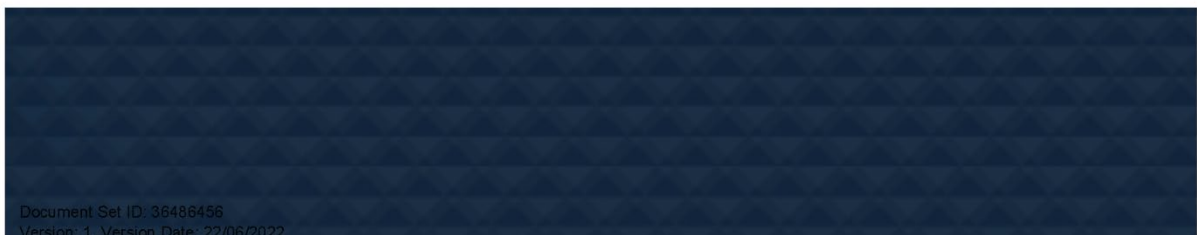
Attachment C- Clause 4.6 Exception to Development Standards



**CLAUSE 4.6 VARIATION REQUEST - Site Coverage**

---

143 Annandale St, Annandale



Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

## 1.0 The Proposal

This request is written in support of a Development Application that proposes the alterations and additions to the existing dwelling at 143 Annandale St, Annandale (**Site**).

This Clause 4.6 statement relates to a variation proposed to Council’s Maximum Site Coverage control as prescribed by Leichhardt Local Environmental Plan 2013 (**Leichhardt LEP 2013**).

## 1.1 Clause 4.6 and Relevant Case Law

The application has been assessed against Clause 4.6 of the Leichhardt Local Environmental Plan (LEP) 2013. Clause 4.6 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clause 4.6 (3) of the LEP provides:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- that there are sufficient environmental planning grounds to justify contravening the development standard.

Further Clause 4.6(4) provides that:

1. (4) Development consent must not be granted for development that contravenes a development standard unless—
  - a. the consent authority is satisfied that—
    - i. the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - ii. the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - b. the concurrence of the Planning Secretary has been obtained.

As discussed previously, the aim of the clause is to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

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 (the Court) and the NSW Court of Appeal in:



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Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827;
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
3. *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
4. *Brigham v Canterbury-Bankstown Council* [2018] NSWLEC 1406;
5. *Initial Action v Woollahra Municipal Council* [2018] NSWLEC 118; and
6. *Turland v Wingericarrabee Shire Council* [2018] NSWLEC 1511.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although *Wehbe* concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe* are equally applicable to cl 4.6 (*Initial Action* [16]):

1. The objectives of the development standard are achieved notwithstanding noncompliance with the standard;
2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
3. Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
4. The development standard has been abandoned by the council; or
5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

The environmental planning grounds relied on in the written request under cl 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* [24]).

## 1.2 Relevant Development Standard

The development standard to which this objection relates is Clause 4.3A (3) Site Coverage. Clause 4.3A(3) is set out below:



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Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

- (1) *The objectives of this clause are as follows—*
- a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
  - b) *to maintain and encourage a landscaped corridor between adjoining properties,*
  - c) *to ensure that development promotes the desired future character of the neighbourhood,*
  - d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
  - e) *to control site density,*
  - f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*
- (2) *This clause applies to development for the purpose of residential accommodation on land in Zone R1 General Residential.*
- (3) *Development consent must not be granted to development to which this clause applies unless—*
- (b) the site coverage does not exceed 60% of the site area.*
- (4) *For the purposes of subclause (3)—*
- (a) the site area is to be calculated under clause 4.5 (3), and*
  - (b) any area that—*
    - (i) has a length or a width of less than 1 metre, or*
    - (ii) is greater than 500mm above ground level (existing), is not to be included in calculating the proportion of landscaped area, and*
  - (c) any deck or balcony or the like (whether enclosed or unenclosed) is not to be included in calculating the site coverage if—*
    - (i) it is 2.4 metres or more above ground level (existing), as measured from the underside of the structure and the area below the structure is able to be landscaped or used for recreational purposes, or*
    - (ii) the finished floor level is 500mm or less above ground level (existing).*

#### Comment

The applicable site coverage for the site is 60%.

#### 1.3 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 1.4(1) of the EP&A Act as follows:

*“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are*



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Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

*specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: ...*

*(a) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,...*

**Comment:**

The site coverage control is clearly a development standard.

**2.0 The Contravention**

The proposal results in the following variation to Council’s Maximum Floor Space Ratio Control as demonstrated in the table below:

Table 1: Variation to Council’s Site Coverage Control		
	Control	Proposed
Site Coverage	60%	Site Coverage of 138.23m2 of 63.23%
Variation	-	5.4%

**3.0 Justification of the Contravention**

**3.1 Public Interest**

Clause 4.6(4)(a)(ii) of Leichhardt LEP 2013 requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Despite the proposed variation to the site coverage development standard, the proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.

**3.2 Consistency with the R1 General Residential Zone**

The consistency of the proposal against the objectives of the R1 General Residential zone is outlined below.

- **To provide for the housing needs of the community.**  
The proposed works will provide for a contemporary addition and provide additional space catering for the needs for the owners.





Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

- ***To provide for a variety of housing types and densities.***  
The proposed works retain the existing dwelling ensuring a variety of housing types is provided within the area.
- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***  
Not relevant.
- ***To improve opportunities to work from home.***  
The proposed works will provide for additional study space within the existing dwelling providing more opportunities to work from home.
- ***To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.***  
The proposed works maintain the existing building at the front of the site ensuring the character of the local area is maintained.
- ***To provide landscaped areas for the use and enjoyment of existing and future residents.***  
The proposed works provide for a usable landscaped area for the enjoyment of the owners.
- ***To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.***  
Not Relevant.
- ***To protect and enhance the amenity of existing and future residents and the neighbourhood.***  
The proposed works will protect and enhance the amenity of the residents within the neighbourhood.

### 3.3 Consistency with Objectives of the Site Coverage Development Standard

The consistency of the proposal against the objectives of the floor space ratio standard is outlined below.

- ***to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,***  
The proposed development provides for the minimum landscaped areas for tree planting.
- ***to maintain and encourage a landscaped corridor between adjoining properties,***  
The proposed works maintains a corridor to the rear.
- ***to ensure that development promotes the desired future character of the neighbourhood,***  
The proposed works are consistent with the desired future character of the neighbourhood, with the protection of the street façade, and providing a modern addition to the rear.



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Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

*to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*  
Sufficient surface drainage is provided.

- **to control site density,**  
The proposed works do not see to increase site density.
- **to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.**  
Sufficient space is provided to ensure minimum landscaped areas and private opens space is provided.

#### 4.0 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case (Clause 4.6(3)(a))?

Clause 4.6(3)(a) of Leichhardt LEP 2013 requires the departure from the development standard to be justified by demonstrating:

- **Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

#### Comment

The proposed variation to the Site coverage control is unnecessary in this instance because:

- The variation is minor and only 5.4%;
- The proposed works includes a link from the main building to the rear building providing shelter.
- The proposed works provide for a work from home arrangement taking pressure off existing infrastructure in the area.
- The proposed works do not adversely impact on adjoining properties.
- The proposed works are consistent with the objectives of the zone and standard.

#### 5.0 Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard (Clause 4.6(3)(b))?

Clause 4.6(3)(b) of Leichhardt LEP 2013 requires the departure from the development standard to be justified by demonstrating:

- **There are sufficient environmental planning grounds to justify contravening the development standard**



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Clause 4.6 Variation Request – Site Coverage – 143 Annandale St, Annandale

#### Comment

It is our opinion that there are sufficient environmental planning grounds to justify contravening the site coverage standard in this instance. These are as follows:

- The proposed development is consistent with the objectives of the zone and the objectives of the floor space ratio control; and
- The proposal does not result in any adverse or increased impacts on adjoining properties.

#### 6.0 Conclusion

The proposed contravention of the site coverage control is based on the reasons outlined in this request that are summarised as follows:

- It is considered that this proposal represents an individual circumstance in which Clause 4.6 was intended and to be available to set aside compliance with unreasonable or unnecessary development standards.
- The proposed development will not create an undesirable precedent.
- The proposed development is consistent with the objectives of Clause 4.3A and Clause 4.6 of Leichhardt LEP 2013 and therefore is in the public interest pursuant to clause 4.6(4).

In view of all of the above, the proposed variation is deemed to be reasonable and adequate rationale has been provided for Council's support to contravene the site coverage standard.





## CONTACT US

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Version: 1, Version Date: 22/06/2022

Attachment D – Statement of Heritage Significance

# HERITAGE IMPACT STATEMENT



*Development Application*

**143 Annandale Street, Annandale**

December 2021 | J5259

**Weir  
Phillips**  
Heritage  
and Planning

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

Document Set ID: 36486458  
Version: 1, Version Date: 22/06/2022

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## 1 INTRODUCTION

### 1.1 Preamble

This Heritage Impact Statement (HIS) has been prepared in conjunction with a Development Application for alterations and additions to an existing dwelling at No. 143 Annandale Street, Annandale, New South Wales.

The site is located within the Inner West Council area. The principal planning control for the site is the *Leichhardt LEP 2013 (LEP 2013)*. The site lies within the Annandale Heritage Conservation Area as defined by Schedule 5 Part 2 of the *LEP 2013*. It is not listed as a heritage item by Schedule 5 Part 1 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 has been prepared at the request of the owners of the site and accompanies plans prepared by Studio Prineas.

### 1.2 Authorship and Acknowledgements

This HIS 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.

### 1.3 Limitations

The history contained in this statement was prepared using the readily available resources listed under Section 1.6 below. Given that the site is not listed as a heritage item, a search of Council and NSW LPI records was not carried out.

An internal site visit was not carried due to Covid-19 restrictions. The photographs contained in this statement have been part supplied from Studio Prineas including all photos of the interior.

No Aboriginal or historical archaeology was carried out on the site.

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#### 1.4 Methodology

This assessment has been prepared with reference to the *NSW Heritage Manual* update *Statements of Heritage Impact* (2002) and with reference to the Council planning controls listed under Section 1.6.

#### 1.5 Physical Evidence

As noted above, a site visit was not carried due to Covid-19 restrictions. Unless otherwise stated, the photographs contained in this statement have been sourced from Studio Prineas or Google Maps.

#### 1.6 Documentary Evidence

##### 1.6.1 General References

- Inner West Council, 'Annandale C1', <https://www.innerwest.nsw.gov.au/ArticleDocuments/1688/Annandale%20C1.pdf.aspx>, accessed 7 November 2021.
- John Sands Ltd, *John Sands' Sydney and Suburban Directories*, Sydney, John Sands' Ltd, various dates.
- Keenan, D., *The Western Lines of the Sydney Tramway System* (Sydney: Transit Press, 1993).
- Lawrence, J., *Pictorial Memories Balmain to Glebe: The Leichhardt Municipality* (NSW: Atrand Books, 1985).
- Pike, D. (ed.), *Australian Dictionary of Biography, Volume 2: 1788-1850* (Carlton: Melbourne University Press, 1967).
- Solling, M. and Reynolds, P., *Leichhardt: On the Margins of the City* (Sydney: Allen and Unwin, 1997).
- *Sydney Morning Herald*, 'North Annandale Estate', 21 January 1878.

##### 1.6.2 Historic Plans and Photographs

- *Aerial Photograph of No. 143 Annandale Street* (1943). SIX Maps.
- *Plan of North Annandale* (1887). State Library of New South Wales.
- *Plan of the Parish of Petersham* (n.d.). State Library of New South Wales.
- NSW Lands Department, *Sydney Metropolitan Detail Series, Leichhardt, Section 10* (1892). State Library of New South Wales.
- *Subdivision Plan of North Annandale* (1887). State Library of New South Wales.

##### 1.6.3 Planning Documents

- *Leichhardt Local Environment Plan 2013*.
- *Leichhardt Development Control Plan 2013*.



**1.6.1 Site Location**

No. 143 Annandale Street is located on the eastern side of Annandale Street between Booth Street and Collins Street, Annandale. The site also has access to Chapman Lane (Figure 1). The site is identified as Lot 2, D.P. 167165.



**Figure 1: No. 143 Annandale Street. The site location is outlined in red.**  
SIX Maps.

**2 BRIEF OUTLINE OF THE HISTORICAL DEVELOPMENT OF THE SITE**

**2.1 Aboriginal History**

While an Aboriginal history is not provided for, it is acknowledged that the traditional custodians of the Annandale area are the Wangal people of the Dharug language group.

**2.2 Early European History**

The first European settlement was established on the shores of Sydney Cove in January 1788. Ignoring the presence of the Aboriginal people, all land was declared to the Crown Land. Finding the soils in the immediately surrounding area to be unsuitable for agriculture, a second settlement was established at Rose Hill (later Parramatta) in November 1788.

In 1789 Governor Phillip received instructions to set aside 400 acres near or within the township of Sydney for the maintenance of a minister of the Church. The following year, the Sydney Glebe Lands became the first grant near present-day Annandale (Figure 2).



Figure 2: Detail from plan of the Parish of Petersham, County of Cumberland (n.d.). NSW LPI

Governor Phillip established the official boundaries of the township of Sydney in December 1792; the subject site was located well outside these boundaries. From January 1793, successive governors granted land outside this boundary in order to further the purposes of settlement.

### 2.3 The Johnstons and Annandale

Some of the larger early land grants were made to the military. The subject stands stand on a grant of 290 acres made to George Johnston on 11 October 1794. George Johnston (1764-1823) had arrived in New South Wales in 1788 as a lieutenant in the Royal Marines. At 23, he was already a veteran of the American War. When the Marines were relieved in 1790, Johnston, now a Lieutenant Captain, had remained to raise a company annexed to the New South Wales Corps. Johnston frequently held positions of responsibility under Governors Phillip, Hunter, and King. In return for services, he was awarded a number of grants. In all, he received grants amounting to 4,162 acres.

Johnston's position did not, however, prevent bitter disagreements with successive Governors, in particularly Governor Bligh, whenever they interfered with Corps business. On 26 January 1800, Major Johnston arrested Bligh and assumed, in the absence of his superior, Colonel Patterson, the Lieutenant Governorship. For this action, Johnston was court-martialed in England in 1801. Although found guilty, he was merely cashiered. Curiously, he was not only provided with a passage to return to New South Wales, but also a directive from the Colonial Office to Governor Macquarie to treat him as he would any other 'ordinary Settler.'<sup>1</sup> Johnston subsequently established a close relationship with Governor Macquarie, a fellow veteran of the American War.

<sup>1</sup> Douglas Pike (ed.), *Australian Dictionary of Biography, Volume 2: 1788-1850*, Carlton, Melbourne University Press, 1967, pp. 20-22.

---

Johnston had a large family with Esther Abrahams, a convict who he had met on the voyage from England in 1787 and who he married twenty-five years later. Esther ably managed Johnston's estates during his absences from the colony. The family lived at 'Annandale House', on the southern side of Parramatta Road. The estate was named after Johnston's birthplace in Scotland.

The principal means of access to Annandale was the Parramatta Road, which began as a rough track cut through the bush between 1789 and 1791 to link Sydney and Rose Hill (Parramatta).

Annandale thrived under Johnston's ownership. In 1823, the estate was described as one of the most 'complete farms in the Sydney region.'<sup>2</sup> The property was self-contained, with corn mill, bakery, stores, blacksmith, a vineyard, extensive garden, and orange grove. Five acres were set aside as a brickfield and a pit and kiln maintained for manufacture and sale to the public.<sup>3</sup>

When George Johnston died in 1823, Annandale passed to Esther with the intention that it would be inherited by his surviving eldest son, Robert, following her death. Robert had accompanied his father to England in 1800. In 1807 he had become the first Australian born officer to join the Royal Navy, serving during the Napoleonic Wars and in the 1812 war with America. Esther's relationship with her son was strained. In 1829 Robert instigated court proceedings to have Esther declared insane, claiming she was eccentric, quick tempered, a heavy drinker and in the habit of riding 'most furiously through the streets.' While the jury did find in his favour, the court thwarted Robert's plans to control his mother's estates by appointing trustees. Robert continued to reside at Annandale; Esther, however, removed to the home of her youngest son, where she died in 1846.

By the time the Robert Johnston finally gained control of Annandale, Sydney had developed into more than a mere penal settlement. Major changes to the land grant system, the growth of free market forces, the end of transportation to New South Wales and the increasing number of free men and women provided a promising future for the colony. As the colony continued to expand, the value of land on the outskirts of Sydney began to increase, encouraging subdivision activity. While Robert Johnston continued to hold Annandale intact, the growth of Sydney nevertheless impacted upon the estate. The Sydney-Parramatta Railway cut through Annandale in 1855; in this year, the sub post office of Petersham (later Annandale, 1872) opened, serving a population of 300 people. The Municipality of Leichhardt, of which Annandale was a part, was formed in 1871.

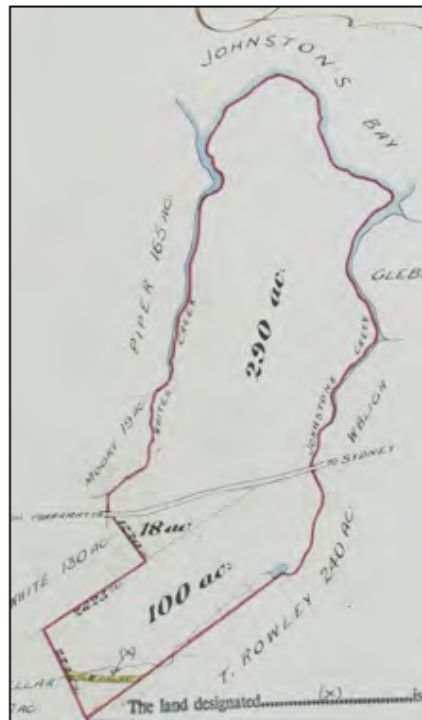
When Robert Johnston made an application to bring Annandale under the provisions of the *Real Property Act* in September 1867, the estate comprised 408 acres and was valued at £24,000. Refer to Figure 3. Part of Annandale was transferred to 'George Horatio Johnston, of Annandale, gentleman' on 9 June 1876.<sup>4</sup> Johnston was not the only occupant at the time. Light industries could also be found at Rozelle Bay on land leased from the estate, including the Sydney Salting Company (1862) and Chemical Copper World (1875).

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<sup>2</sup> Cited in Joan Lawrence, *Pictorial Memories Balmain to Glebe: The Leichhardt Municipality* (NSW: Atrand Books, 1985), p.94.

<sup>3</sup> Lawrence, *Pictorial Memories*, p.93.

<sup>4</sup> NSW LPI, Certificate of Title, Vol 64-Fol 222.



**Figure 3: Landholding of Robert Johnson in 1868.**  
 Source: Certificate of Title Vol 64-Fol 222, NSW LPI.

The first subdivision of the Annandale Estate was carried out in 1876. This subdivision, bounded by Parramatta Road and modern-day Johnston, Smith and Nelson Streets, took place at the beginning of a period of rapid growth within the wider area. At least twenty-nine subdivisions have been identified within the Municipality of Leichhardt during the period 1875 to 1906.<sup>2</sup>

Robert Johnson died in 1882. ‘Annandale House’ stood until 1904. The gates to the house were removed and, in 1977, re-erected near Annandale Public School on Johnston Street.

**2.4 North Annandale**

In 1877 John Young, a prominent building contractor in the late 19th century and Mayor of Leichhardt (1879-80 and 1884-86), consolidated 2000 acres within this area, largely of the Annandale Estate. In 1878 he formed the Sydney Freehold Land, Building and Investment Company Ltd and transferred the land into the Company’s name. The Company proceeded to subdivide and sell residential allotments over the next 30 years. The subject site is located on one of these subdivisions. Refer to Figure 4.

<sup>2</sup> Max Solling and Peter Reynolds, *Leichhardt: On the Margins of the City* (Sydney: Allen and Unwin, 1997), p. 76.

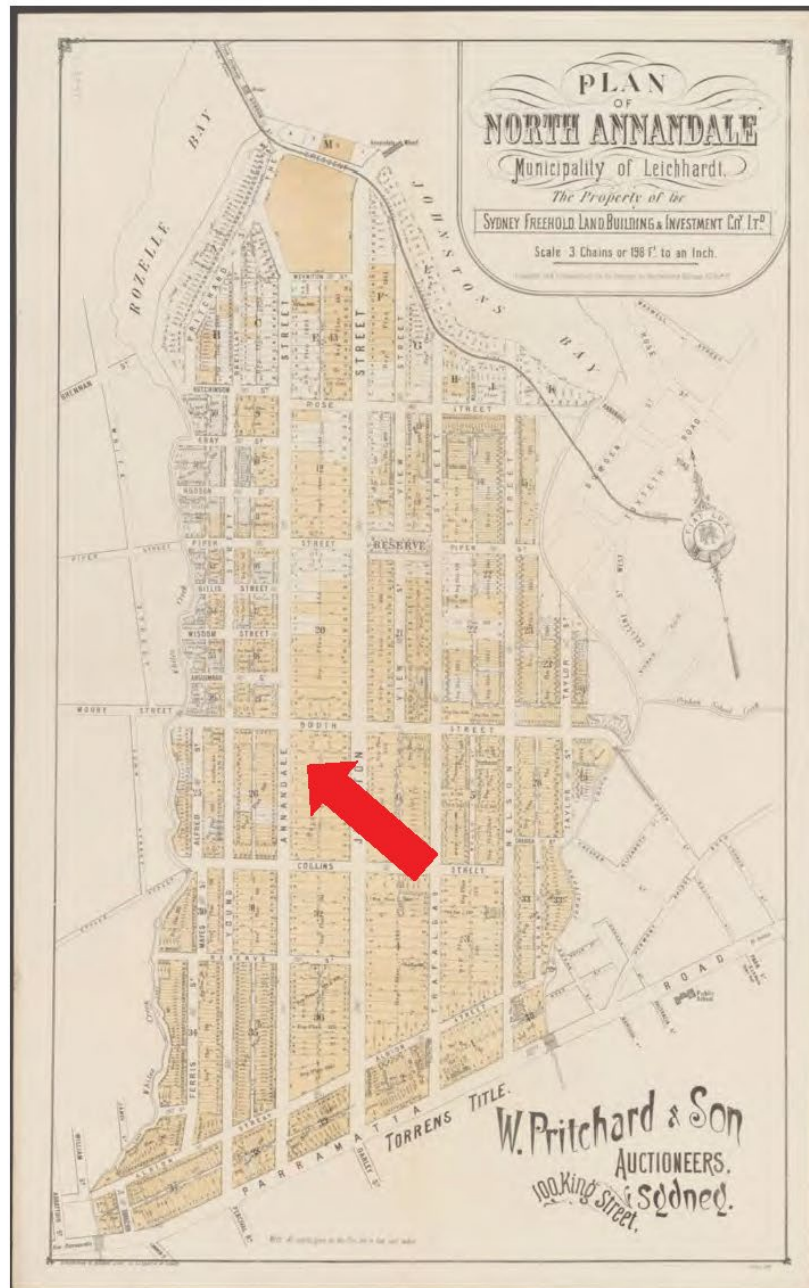


Figure 4: Plan of north Annandale: municipality of Leichhardt / the property of the Sydney Freehold, Land, Building & Investment Coy. Ltd. ca. 1900. W. Pritchard & Son, auctioneers, 100 King St, Sydney

Source: State Library of New South Wales

Annandale was initially designed by architect and surveyor Ferdinand Reuss as a “model township”. Young created the 100ft wide boulevard along the main ridge, Johnston Street, which was intended to be the finest street in the Colony and encouraged the symmetrical street grid pattern. Annandale Street was designed as a wide 80 ft street whilst Trafalgar, Nelson and Young Streets and the four cross streets, Collins, Booth, Piper and Rose Streets were designed with a 66 ft width:

“The plan comprehends large villa sections, business streets, and several localities for artisans’ residences. There are large reserves for churches, town hall, and public buildings recreative purposes and ample provisions for baths. It is contemplated to run a tramway through the estate to connect it with city communication.<sup>6</sup>”

Land sales were slow, particularly away from the higher ground along Johnston and Annandale Streets. The Company revised their lot sizes, offering smaller lots for sale.

By 1892, whilst there were few dwellings on the eastern side of Annandale Street, the subject site was still vacant land. The red arrow in Figure 5 points to the approximate location of the subject site. The remainder of Annandale would, as the original plan was modified, become a place for the working man and his family.

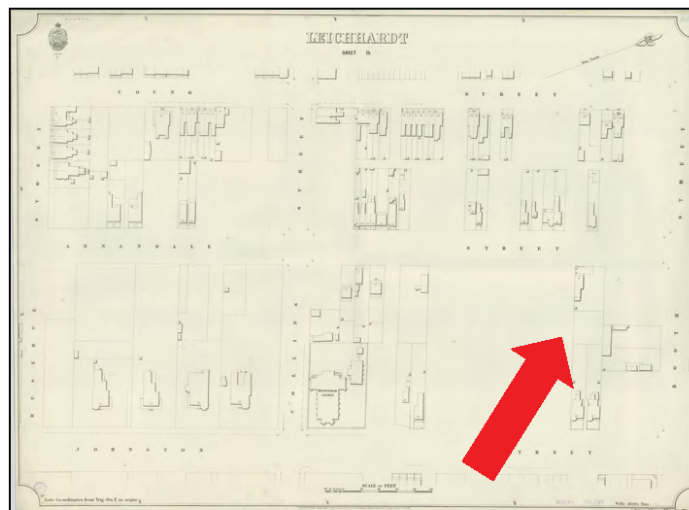


Figure 5: NSW Lands Department, *Sydney Metropolitan Detail Series, Leichhardt, Section 15, (1893). Detail only.*

The arrow indicates the approximate location of the subject site.

Source: State Library of New South Wales.

## 2.5 Development of No. 143 Annandale Street, Annandale

The first occupant of the site was Hartley Atkinson Feather who is first recorded at the property in the *John Sands' Sydney, Suburban and Country Commercial Directories* in 1898. Feather is identified as becoming a Magistrate in 1903.<sup>7</sup> A construction date of the late 1890s is consistent with the style of the dwelling. Feather's occupation was followed by a

<sup>6</sup> *Sydney Morning Herald*, 'North Annandale Estate', 21 January 1878.

<sup>7</sup> *The Australian Star*, Tue 17 Nov 1903, Page 6, New Magistrates

period when the property appeared as vacant. During Hardy's occupation the site is occasionally recorded as 'Brixton'.

**2.6 Late Nineteenth Century Annandale**

The subject dwelling was built during a period of change and growth within the area.

A significant factor in this growth was improved public transport. Prior to the introduction of tram and train lines and, more importantly, the introduction of subsidised public transport in the 1880s, working people were largely limited to living within walking distance of their place of employment. Improved transport made areas on the outer fringes of the city, such as Leichhardt, more attractive. Annandale was among those suburbs to benefit from the expansion of the tram system. In June 1883, a steam tramline opened along Parramatta Road to Johnston Street.<sup>8</sup>

The rate of growth experienced by Leichhardt Municipality during the final quarter of the nineteenth century was not unique. During this period, residential construction was the most important single source of capital investment in Sydney. In 1891, just before the onset of a severe economic depression, the building industry absorbed about one-third of all investment and directly employed around fourteen percent of the workforce. Over 61,000 permanent dwellings were constructed in Sydney between 1861 and 1891.

The rate of building construction slowed dramatically in many areas of Sydney around the time that the subject dwelling was constructed as the colony entered into a severe economic depression. In Annandale, however, building would appear to have continued relatively unabated. In 1891 there were 897 houses in Annandale. A further 764 houses were constructed in the ten-year period to 1901; by 1911, there were 2,363 houses in the suburb.<sup>9</sup>

The rate at which Leichhardt developed during the late nineteenth century imposed extreme pressures on Leichhardt Council as it sought to keep municipal improvements apace with suburbanisation. By the mid 1880s, the Council was heavily in debt. In 1891, concluding that they received too little benefit for their rates and carried to great a share of the liabilities, the residents of Annandale petitioned for the creation of a separate Borough. The new Borough of Annandale (later Municipality) was 336 acres in size and was bounded by Parramatta Road, Johnston's Creek and White's Creek. The Borough supported a population of 5,000 people. Annandale would remain a separate municipality until 1949, at which time it re-merged with Leichhardt. Annandale now forms part of the Inner West Council.

**2.7 Later Owners and Subdivision of the Site**

Hardy occupied No. 143 Annandale Street until 1923.

Other residents of the site recorded in *Sands' Directories* include the following. *Sands' Directories* ceased publication in 1932-3.

Year	Occupant
1898-1904	Hartley Atkinson Feather
1905-1907	Vacant
1908-23	James D. Hardy (House is recorded with the name 'Brixton')

<sup>8</sup> David R. Keenan, *The Western Lines of the Sydney Tramway System* (Sydney: Transit Press, 1993), p.5.

<sup>9</sup> Solling and Reynolds, *Leichhardt*, p. 86.

Year	Occupant
1924-27	Herbert Robin
1928-31	Wm. H. Bradley
1932/33	William Inskip

Ellen Hynes was the occupant at the time of her death in 1940.<sup>10</sup> No other references to who was occupying the site after this time have been located.

No historic photographs of the subject site at street level have been located. An aerial photograph of the subject site from 1943, Figure 9, shows that there have been relatively few changes to the principal building form of the dwelling, whereas the rear has been adapted and a structure along the southern boundary removed.

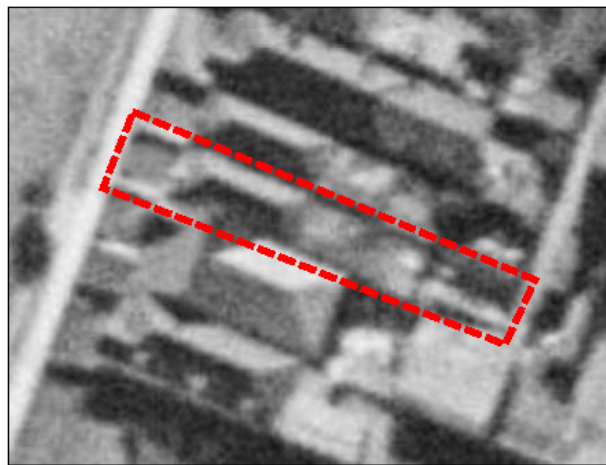


Figure 6: Aerial view of the site (1943).  
Source: SIX Maps.

In 2007 the property was subject to a Development Application (D/2007/275) for alterations and additions to the existing building and the cabana in the rear yard.

<sup>10</sup> The Sydney Morning Herald, Wed 3 Jul 1940, Page 10, Family Notices



### 3 SITE ASSESSMENT

#### 3.1 The Site

For the following, refer to Figure 10, an aerial photograph over the site, and to the survey that accompanies this application.



**Figure 7: Aerial photograph of subject site.**

SIX Maps, accessed September 2021; with annotations by WP Heritage and Planning.

The subject site comprises a narrow rectangular allotment with frontage to Annandale Street.

The front (west) boundary is 5.435m; the southern boundary is 40.235m; the rear (east) boundary is 5.435m; and the northern boundary is 40.235m. The total site area is 218.6m<sup>2</sup>. The site steps down at the front towards the street.

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 close to the side boundaries.

There is a metal palisade fence set on a stone base across the front boundary. The fence comprises full and half height rods with fleur-de-lis tops. There is a matching gate at the south end of the fence. The fence opens onto a tiled path, which leads to the front entrance. The front garden features shrubbery and grass. There are no significant trees.

The yard to the rear of the dwelling similarly contains no significant planting. There is lawn and a cabana built close to the rear boundary of the site. The side boundaries of the rear garden are defined by painted brick walling and horizontal timber boarding.

Refer to Figures 8 – 12, which illustrates the site and to the photographs in the following sections.



Figure 8: View of the front of site from Annandale Street, showing the front fence and planting in the front yard.



Figure 9: Encaustic tiles and concrete on the front pathway.



Figure 10: The rear garden looking towards the rear of the site.  
Domain.com.au

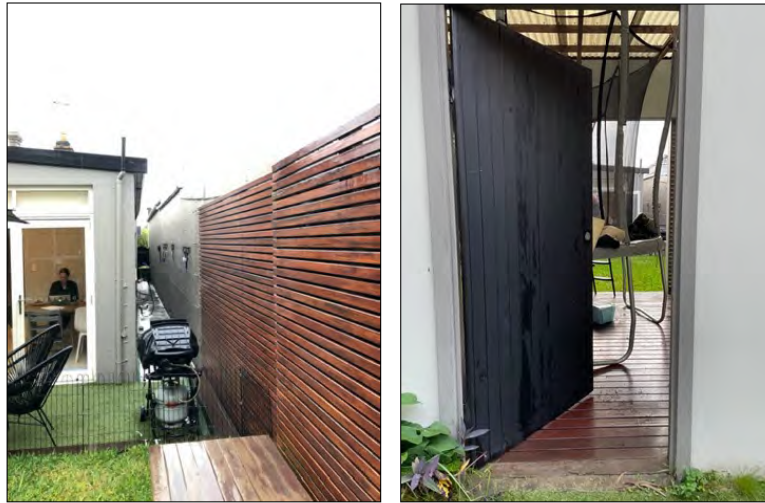


Figure 11: The northern side setback, looking back towards Annandale Street.  
 Figure 12: Access gate into the rear of the site from the rear access lane.

### 3.2 The Dwelling

#### 3.2.1 Exterior

The building on the site is a single storey detached Late Victorian/Federation era dwelling. It comprises a principal building form and two rear skillions.

##### *Principal Building Form*

The principal building form is constructed from rendered and painted masonry and painted brick. There is a chimney at the rear of the hip roof form; the front chimney has been removed. The hipped roof form is clad in painted terracotta tiles with matching ridge capping.

The **front elevation** lies under a verandah with a shallow skillion roof set below the gutter line of the principal roof form and supported by a squared masonry posts. The floor is finished in encaustic tiles, matching the front path.

There are three openings in the front elevation. The front door, located to the south of the front elevation, has nine small, glazed panes in the top section of the door leaf and a top light. There are two timber framed double hung sashes with coloured glass panes in the top sashes.

The **southern elevation** is constructed from painted brick. There are no windows along this elevation due to the close proximity of the neighbouring dwelling.

The **northern elevation** is also constructed from painted brick. There are four openings to this elevation including two double hung sash windows to the bedrooms, and a bi fold door which provides access to the living room.

##### **Rear Skillions**

The rearmost skillion is constructed of rendered and painted masonry and has a metal clad roof. A large bi-fold door in the rear elevation provides access to the rear garden.

Refer back to Figures 8 to 12 and to Figures 13 to 16. below, which illustrate the exterior of the dwelling.



Figure 13: The front elevation.



Figure 14: The entrance porch.

Figure 15: The northern boundary wall (formed by No. 145 Annandale Street and side setback).



Figure 16: The rear garden looking towards the rear of the dwelling.

### 3.2.2 Interior

For the following, refer to Figure 17, which illustrates the floor layout of the dwelling.

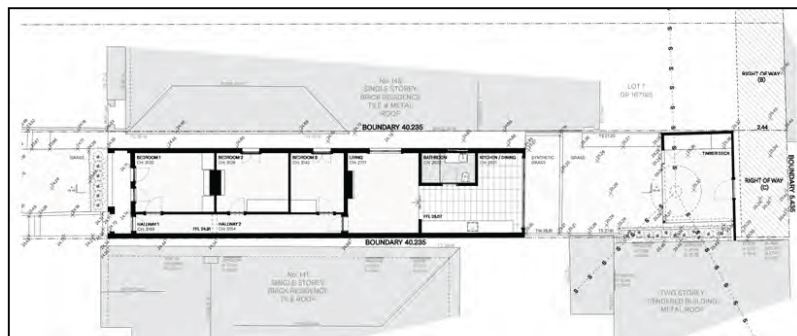


Figure 17: Internal floorplan.  
Studio Princes

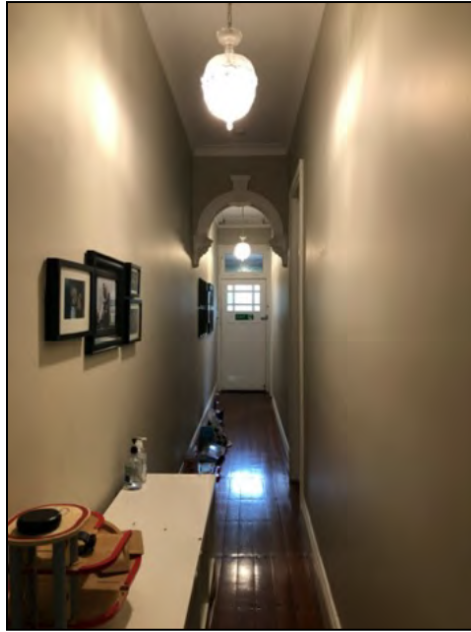
The front door opens directly into the main hallway on the southern side of the dwelling. The hall extends the length of the principal building form. An archway separates the front and middle part of the hall, which has plain, square set ceilings. The end of the hallway opens onto a lounge room with a fireplace in the east wall. Beyond, is a kitchen, dining room, and bathroom which completes the floor plan.

The three bedrooms within the principal building form have profiled painted timber picture rails, skirtings and architraves; four panel timber doors; and carpeted floors. Ceilings and cornices appear to be recent. There are fireplaces in the first two bedrooms with cast iron coal grates and painted wood mantelpieces. There is another third fireplace in the living room. The hallway and living room have timber floorboards and the kitchen,

which steps up from the living room, and the bathroom have modern floor and wall tiles. The ceilings, skirtings, and architraves are recent.

The finishes of the kitchen and bathroom at the rear are modern.

Refer to Figures 18 to 28, which illustrate the interior of the dwelling.



**Figure 18: The hallway within the principal building form, looking towards the front door.**



**Figure 19: Bedroom 1, showing the coloured panes to the double hung sash windows, the profiled timber architraves, skirting boards and picture rails. Note the decorative wall vents.**



Figure 20: Bedroom 1 showing the fireplace with timber mantelpiece and inset tiles within the cast iron coal grate. Note also the four panel door.



Figure 21: Detail view of bedroom 2, showing the edge of the fireplace and the toplight above the door.  
 Figure 22: Bedroom 3.



Figure 23: The kitchen and dining room at the rear of the building.



Figure 24: The living room showing the wall of the neighbouring dwelling to the north.



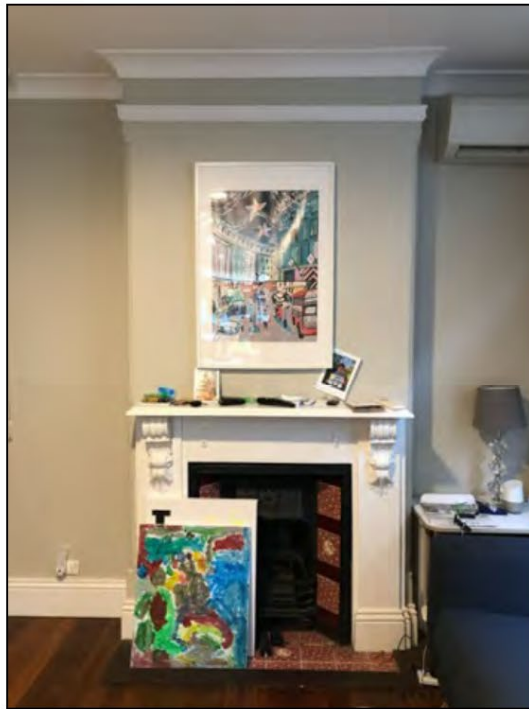


Figure 25: The fireplace with timber mantelpiece in the living room. Note the later plasterboard ceiling and cornice.



Figure 26: The dining room and kitchen with a view out towards the rear garden.



Figure 27: The kitchen looking back towards the dining room. Note the plasterboard ceiling and quad cornice and the modern fit out and finishes.

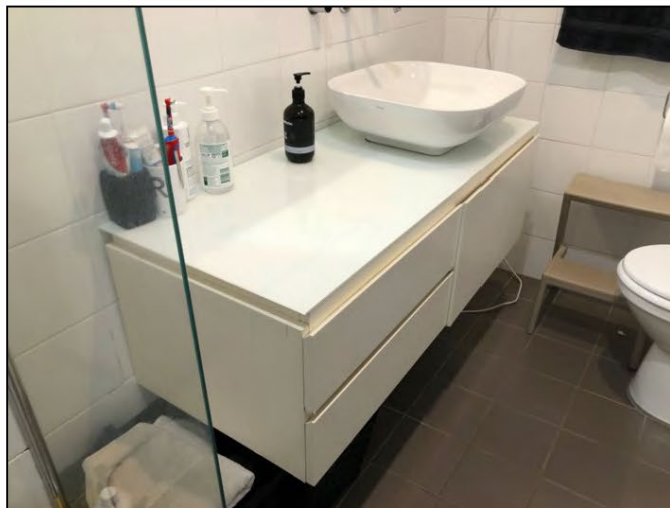


Figure 28: Detail of the bathroom, showing all modern fitout and finishes.

### 3.3 The General Area

For the following, refer to Figure 29, an aerial photograph of the site and its surrounds.



**Figure 29: Aerial photograph of surrounding area. The site location is identified by the red arrow.**

SIX Maps, 2021

The Annandale Heritage Conservation Area is identified as having the following significant characteristics by the listing sheet available through the Inner West Council website:

*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.<sup>11</sup>*

### 3.4 Annandale Street

Annandale Street runs north-south from Parramatta Road to Pritchard Street. The section of the street in which the site is located is residential in character, with detached and attached one and two-storey Victorian and Federation period dwellings. It is wide and carries two-way traffic, with provision for parking on both sides. There are concrete footpaths with grass nature strips and regularly spaced street trees to both sides of the street. As illustrated below, these street trees partially screen views towards the site and its neighbours. As identified below, these street trees are heritage listed.

To the north of the site, lies No. 145 Annandale Street. The dwelling on this site is a detached single storey Late Victorian/Federation period rendered and painted dwelling. Some detailing, notably the cornicing and encaustic tiles closely correspond to those of the subject dwelling. To the south of the site lies No. 141 Annandale Street. The dwelling on this site is a detached single storey Federation period face brick dwelling. Both of the neighbouring properties have similar front setbacks with narrow side setbacks and have been extended to the rear.

Directly opposite the site, on the western side of Annandale Street, lie the side gardens of No. 188a and No. 188 Annandale Street, both of which are detached one-storey Victorian dwellings.

Refer to Figures 55 to 64, which illustrate Annandale Street in the vicinity of the site.

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



Figure 30: Annandale Street looking north. The arrow indicates the site.

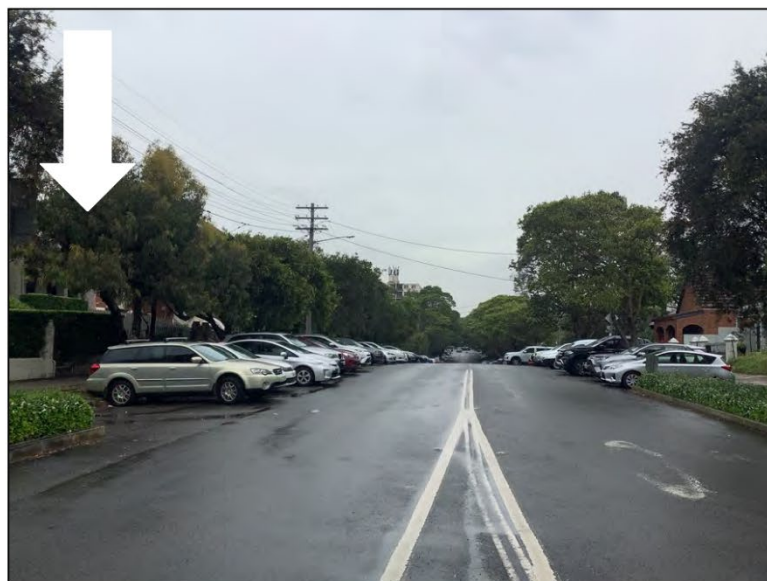


Figure 31: Annandale Street looking south. The arrow indicates the site.



Figure 32: Showing the relationship of No. 143 Annandale Street to its neighbours to either side.

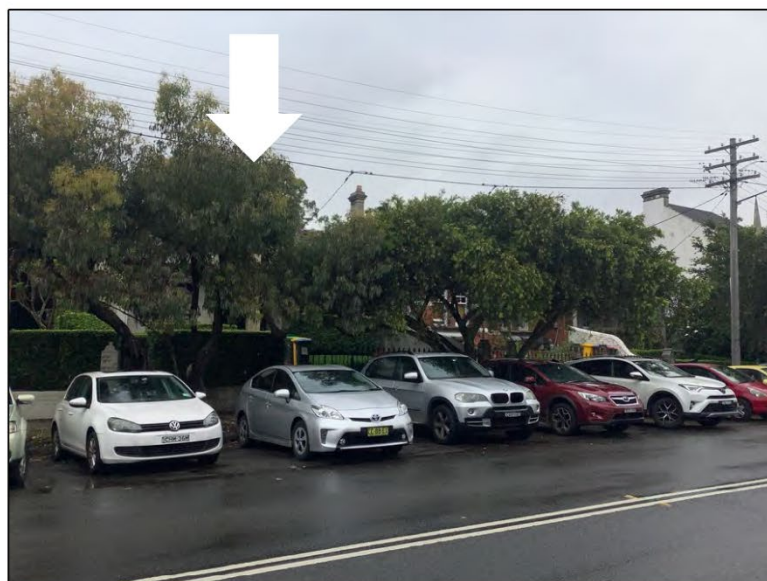


Figure 33: View of the street vegetation on Annandale Street which obscures the front of the subject site and neighbouring site to the south at No. 141 Annandale Street. The arrow indicates the site.



Figure 34: No. 188 and No. 188a Annandale Street, opposite the site.



Figure 35: No. 188a Annandale Street, opposite the site.

**4 ASSESSMENT OF SIGNIFICANCE**

**4.1 Summary of Statutory Heritage Listings**

No. 143 Annandale Street, Annandale:

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

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

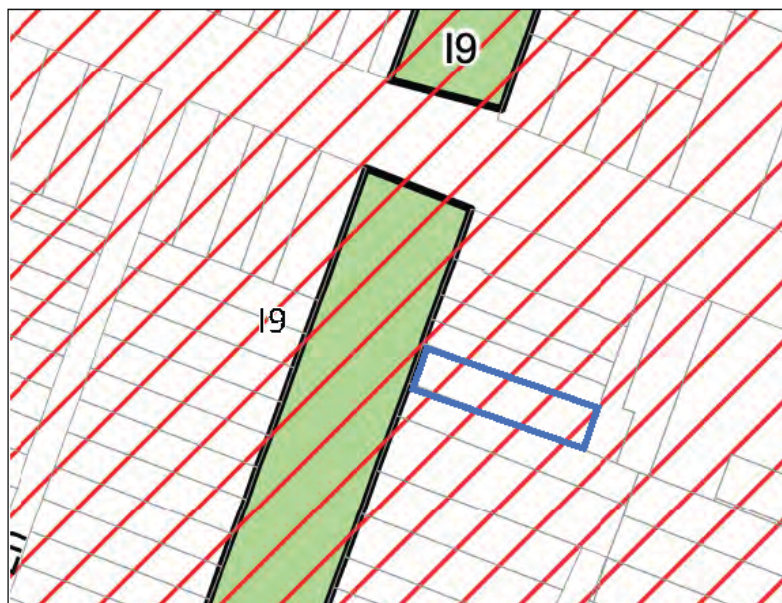
For the following, 'within the vicinity' has been determined with reference to physical proximity, existing and potential view corridors, and the nature of the proposed works.

**4.3 NSW Heritage Act 1977**

There are no heritage items within the vicinity of the site listed by the State Heritage Register under the *NSW Heritage Act 1977*.

**4.4 Leichhardt LEP 2013**

Refer to Figure 23 below, which provides a detail from the heritage map of the *LEP 2013*. In this plan, heritage items are coloured brown and numbered and Conservation Areas are hatched red. The subject site is outlined in blue.



**Figure 36: Detail of Plan HER\_009 showing heritage items and Conservation Areas in relation to the subject site. The subject site is outlined in blue.**

Source: *Leichhardt LEP 2013*.

There is one Heritage Item listed by Schedule 5 Part 1 of the *LEP 2013* within the vicinity of the site.



- **'Street trees', Annandale Street, Annandale**

This item is located to the west of the subject site and extends to the north and south. It is marked '19' in Figure 19 above.

Refer to Figure 24.



**Figure 37: Street Trees (19) on Annandale Street.**

The principal view corridors towards this item are obtained as they are approached along Annandale Street.

The State Heritage Inventory does not provide a Statement of Significance for this item. The trees are likely to have historic and aesthetic significance as part of the suburban development of Annandale.

#### 4.6 View Corridors

The principal view corridors towards No. 143 Annandale Street are obtained when standing directly in front of the site on Annandale Street. Views towards the dwelling are partially screened by street trees.

The dwelling on the site has limited visibility as approached along Annandale Street from the north and south. On approach, the front of the dwelling is generally obscured by street vegetation and closely spaced adjacent dwellings.

The principal view corridors from the subject site are to the west across Annandale Street.

Refer to Figures 38 to 42, which illustrate view corridors. Arrows indicate the subject site.



Figure 38: View of the subject site from the other side of Annandale Street.



Figure 39: View towards the site from Annandale Street looking northeast. There is an oblique angled view across the front elevation; the front part of the roof is visible.



Figure 40: View towards the site from Annandale Street looking southeast.

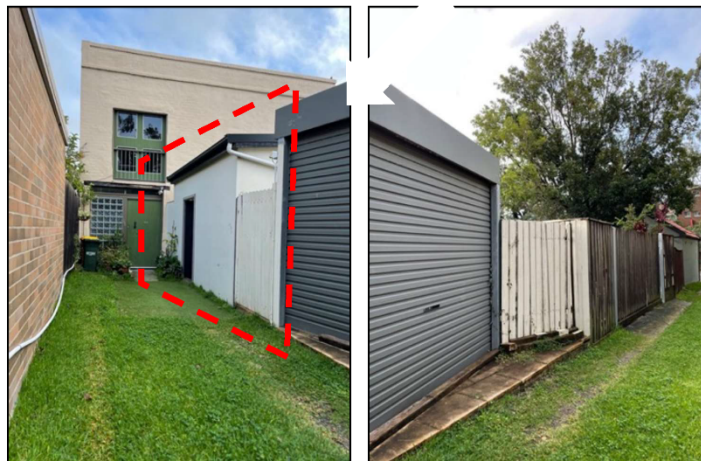


Figure 41: The rear of the site (circled) from an unnamed access lane.

Figure 42: View of the unnamed access lane.

**4.8 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 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>12</sup>*

This statement is adopted for the purposes of this assessment.

#### 4.9 Contribution of the Site to the Conservation Area

No. 143 Annandale Street is an example of a Late Victorian period dwelling that was constructed during one of the key periods of subdivision in the Annandale Heritage Conservation Area. While it has been altered, the dwelling makes a positive contribution to the Conservation Area through its detached, single-storey form, hipped roof form, and detailing to the front elevation.

#### 5 THE PROPOSAL

For the following, refer to the plans prepared by Studio Prineas and to the survey that accompanies this statement:

It is proposed to retain the principal building form of the dwelling, including the front elevation and hip roof, remove the rear skillion and construct a new single storey rear addition. The addition will be finished with white horizontal weatherboard cladding and the hipped roof form will be clad in a standing seam metal roof (colour: 'Terrain'). There will be a clerestory window in the eastern face of the new hip roof form.

It is proposed to construct a studio building on the rear boundary in the same materials as the rear extension. The studio will have a habitable room within the attic of the half hip roof.

The front of the building fronting onto Annandale Street will be painted in the colour scheme provided and the existing tiles at the front of the building will be repaired if possible or replaced like for like if repair is not possible.

The rear garden will be landscaped.

<sup>12</sup> Inner West Council, 'Annandale C1', <https://www.innerwest.nsw.gov.au/ArticleDocuments/1688/Annandale%20C1.pdf.aspx>, accessed 7 February 2021.

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The interior of the existing building will be altered to create a new bedroom and bathroom with the open plan living area extending to the rear.

## 6 EFFECT OF WORK

### 6.1 Methods of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with Council's numerical controls except where non-compliance would result in a heritage impact. Refer to the Statement of Environmental Effects that accompanies this application. The following assessment is made with an understanding of the objectives and controls provided by the *Leichhardt LEP 2013* and the *Leichhardt DCP 2013*.

### 6.2 Effect of Work on the Annandale Heritage Conservation Area

The proposed works will have an acceptable impact on the Annandale Heritage Conservation Area for the following reasons:

#### Site

- The lot boundaries are retained. There will be no impact on the subdivision pattern or on the topography of the site.
- No changes are proposed to the front yard and fence and provision is made for the repair of the encaustic tiled path. These elements will continue to make a positive contribution to the Conservation Area.
- The proposed landscaping to the rear will not be visible within significant view corridors towards the site.

#### Dwelling

- The principal building form, principal roof, front elevation and rear chimney will be retained and will remain the dominant elements on the site as seen from the Annandale Street. These are the elements that allow the dwelling to be read as a Late Victorian period dwelling and that contribute most to the Conservation Area.
- The removal of the rear skillion will be acceptable as it is not visible from significant view corridors and has been previously altered by past works and does not contribute to the ability to understand the dwelling as being of the Late Victorian period. It therefore makes no contribution to the Conservation Area.
- The proposed internal modifications to the principal form will have an acceptable impact as the understanding of the original floor plan within the principal building form as comprising a narrow hallway with rooms to one side is retained.
- The proposed insertion of windows to the side of the principal building form will be acceptable as they will not be readily visible from the public domain in the Heritage Conservation Area as they will be set well back and blocked from view by the narrow side setbacks.
- The proposed new works are located to the rear of the principal building form and will not dominate it because:
  - The principal building form will be retained in full.
  - Whilst they will extend beyond the side of the principal building form on the northern side, this will not be readily apparent from the street because of its deep recession into the site and because the narrow side setback between Nos. 66 and 64 Cardigan Street, existing street trees and the massing and scale of the neighbouring dwellings, will limit view corridors towards the rear of the site.
  - The street context is one of primarily single-storey dwellings, some of which have two-storey rear additions. The massing, height and scale of the proposed addition will be consistent with the existing form of the building and that of other rear additions in the immediate area.

- The roof forms of the proposed extension and studio will be acceptable as they are located to the rear of the site and will be separated from the principal building form.

#### Studio

- The proposed two-storey studio building will be constructed to the rear boundary. This structure will be in keeping with other structures fronting onto the rear access lane and will correspond in mass and scale to the adjacent building at No. 80a Annandale Street.
- The proposed studio at the rear of the site will not be visible from significant view corridors in the Heritage Conservation Area. The proposed studio will only be visible at the rear from the unnamed access laneway, which was never intended to be a significant view corridor towards the site and has not become a significant view corridor.

Given the above, No. 143 Annandale Street will continue to read and contribute to the Conservation Area as a one-storey Late Victorian/Federation period dwelling.

#### 6.3 Effect of Work on the Heritage Item within the Vicinity of the Site

The proposed works will have no impact on the Street Trees on Annandale Street for the following reasons:

- There will be no physical impact on the trees.
- The proposed works will not block view corridors towards the trees.
- The proposed works will not block or reduce significant view corridors towards this item because the new works are located to the rear and will not generally be visible from Annandale Street.
- The setting of the trees as lying within a street of Late Victorian/Federation period dwellings is retained.

#### 7 CONCLUSION

This Heritage Impact Statement has been prepared to accompany a Development Application for alterations and additions to No. 143 Annandale Street, Annandale. The site lies within the Annandale Heritage Conservation Area as defined by Schedule 5 Part 2 of the *LEP 2013*. The site makes a positive contribution to the Conservation Area because the dwelling upon it was built in c.1898 and is typical of the type and standard of dwelling erected within the Conservation Area at this time. The Late Victorian period is one of the significant periods for this Conservation Area.

The proposed works retain the positive contribution that the site makes to the Conservation Area by retaining those elements that contribute to it, namely the front fence, front pathway and principal building form, as it is read from the public domain. The proposed addition is located to the rear and will lie outside of the principal view corridors towards the site. There will be no impact on the heritage listed street trees outside of the site.

The proposed work fulfils the aims and objectives of the *Leichhardt LEP 2013* and the *Leichhardt DCP 2013* by increasing the quality of housing in Annandale while respecting the heritage significance of the Heritage Item within the vicinity and the Annandale Heritage Conservation Area in which it lies.