



DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2023/0333
Address	140 Young Street ANNANDALE
Proposal	Part demolition and alterations and additions an existing dwelling house
Date of Lodgement	13 June 2023
Applicant	David Jarvis
Owner	Ms Rachel C Budd
Number of Submissions	Initial: 0
Value of works	\$491,600.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10% (Maximum allowed FSR)
Main Issues	Departure from Floor Space Ratio development standard Departure from Site Coverage development standard
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for part demolition and alterations and additions an existing dwelling house at 140 Young Street Annandale.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Departure with Floor Space Ratio development standard pursuant to *the Inner West Local Environmental Plan 2022*
- Departure with Site Coverage development standard pursuant to the *Inner West Local Environmental Plan 2022*

The departure from the Floor Space Ratio (FSR) and Site Coverage (SC) development standards has been assessed to be acceptable as the proposal meets all heads of consideration under the provisions of Section 4.6 of the *Inner West Local Environmental Plan 2022* including the relevant zone and development standard objectives.

The proposal generally complies with the provisions of IWLEP 2022 and LDCP 2013.

With consideration of the above and other matters discussed in this assessment report, the application is recommended for approval.

2. Proposal

The proposal seeks to carry out works to the ground floor, new first floor level and associated landscape works. The works are as follows:

Ground Floor

- Demolition of existing internal walls of the existing dwelling, demolition of existing rear elevated deck, associated removal of pavers to the central courtyard and level alterations,
- Demolition of existing wall on the southern boundary, located near the centre of the subject site,
- New covered walkway connecting the main dwelling to the rear garage studio,
- New bathroom and sink to rear existing garage studio,
- Extending the rear ground floor addition to the southern side boundary and providing a greater rear setback,
- New stairs connecting the ground level to the new first floor level,
- Internal reconfiguration of the main dwelling,
- New rear extended ground floor living area,
- New side (northern) boundary fence,
- Associated landscape works to the central courtyard.

First Floor

- A new first floor addition to provide a new master bedroom, walk in robe and ensuite.
- New attic level storage area with bathroom within the existing roof space.

Roof Level

- New skylight above the new attic storage area,
- New low skillion roof above the rear ground floor kitchen, utility and covered walkway area.

3. Site Description

The subject site is located on the western side of Young Street and on the eastern side of Mayes Street, Annandale. The site consists of one (1) allotment and is generally rectangular in shape with a total area of 232.2 sqm.

The site has a frontage to Young Street of 7.6 metres and a rear frontage to Mayes Street of 7.62 metres.

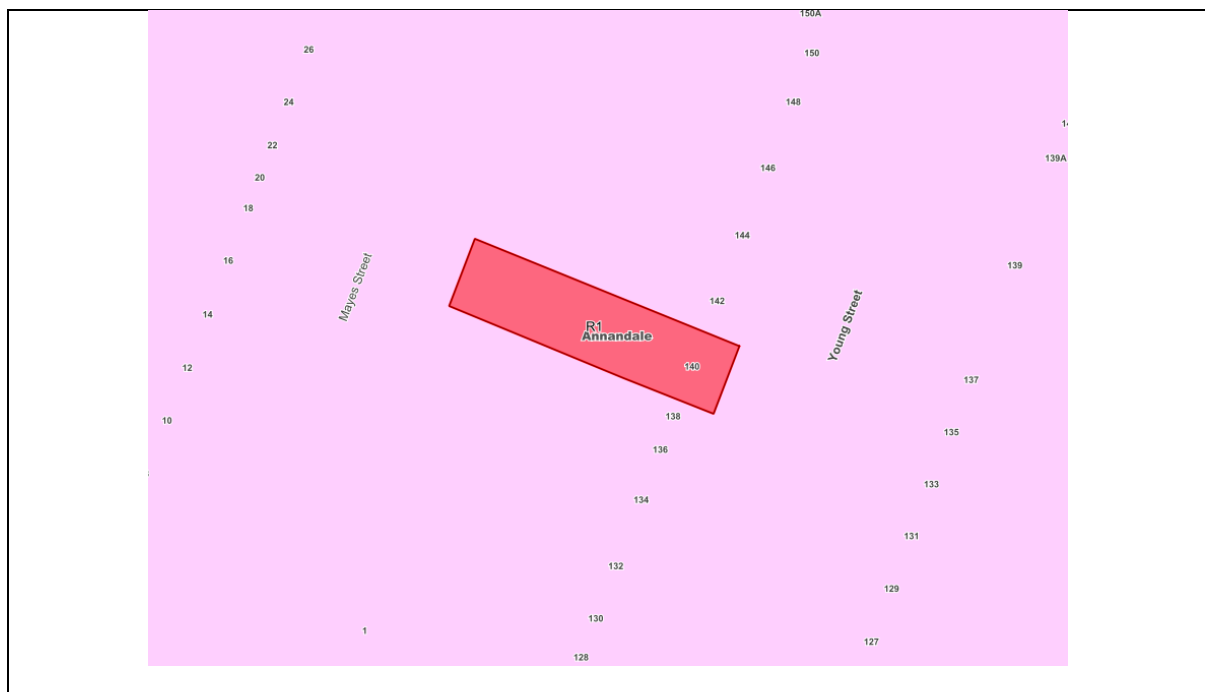
The site is affected by two of easements on the northern end for support as indicated in the survey plan submitted.

The site supports single storey dwelling house. The adjoining properties supports two storey semi-detached dwellings.

The property is located within a conservation area.

The following tree is located within the vicinity:

- *Corymbia citriodora* (Lemon Scented Gum) - adjacent to the northern boundary of the subject site and on the neighbouring property. It is noted that a separate Tree DA has been approved for its removal.



Zoning map indicating location within the R1 – General Residential zone

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
TREE/2022/0871	Tree Approval Application	Approved – 4/10/2022
PDA/2022/0123	Alterations and additions to existing dwelling with attached garage and studio	Letter Issued – 26/5/2022

Surrounding properties

142 Young Street Annandale

Application	Proposal	Decision & Date
DA/2023/0771	Removal of tree at rear of site	Approved – 10/10/2023
D/2017/666	Part demolition and alterations and additions to existing residence, and associated works.	Approved – 29/5/2017

138 Young Street Annandale

Application	Proposal	Decision & Date
DA/2020/1008	Alterations and additions including two storey addition to house, and separate garage with studio room over at rear of site.	Approved – 8/6/2021

4(b) Application history

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

Date	Discussion / Letter / Additional Information
8/9/2023	<p>Council sent a formal Request for Additional Information advising that the following additional / amended information was required:</p> <ul style="list-style-type: none"> Updated Statement of Environmental Effects which are consistent with the proposed plans, Updated Architectural Plans to clearly depict all new works in colour, Updated Shadow Diagrams in hourly increments in plan and elevation, A Boundary Survey Plan and plan of redefinition as recommended in the survey plan submitted, Window box to the western elevation be replaced with traditional awning / sun shading device, Rear existing garage to be depicted correctly with door to the garage opening outward and not inward, Arborist Report to ensure on-going health of neighbours tree at 142 Young Street.
10/9/2023	Applicant submitted the requested additional and updated information to Council, except for the arborist report as a Tree removal DA is active at 142 Young Street.

6/10/2023	Council advised the Applicant that an Arborist Report is not required as the Tree removal DA for 142 Young Street was to be approved.
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5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

Chapter 4 Remediation of land

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

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

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

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

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

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

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

Chapter 2 Vegetation in non-rural areas

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

The application does not seek the removal of vegetation from within the site. However, due to the neighbour's tree *Corymbia citriodora* (Lemon Scented Gum) located on No. 142 Young Street being in close proximity to the proposed works to the central courtyard, the application was referred to Council's Tree Management Officer who requested an Arboricultural Impact Assessment (AIA) report to be provided.

This request for an AIA was not actioned by Council's planning officer as a separate Tree removal DA was lodged by the owners of No. 142 Young Street shortly after this application and was confirmed by the Urban Forest team that the Lemon Scented Gum trees removal would be supported. The removal of that tree has since been granted.

Overall, the proposal is considered acceptable with regard to the SEPP and Tree Management DCP.

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

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

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 -General Residential under the IWLEP 2022.

The IWLEP 2022 defines the development as alterations and additions to a ***Dwelling House*** which is permissible with consent in the zone.

Section 4 Principal Development Standards

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

Control	Proposed		Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	15% or 34.83sqm	Yes
	Proposed	15.44% or 35.85sqm	
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 139.32sqm	No – however proposal reduces non-compliance.
	<i>Existing*</i>	<i>77.35% or 178.5sqm</i>	
	Proposed	76.01% or 176.5sqm	
	Variation	26.69% or 37.18sqm	
Section 4.4 Floor Space Ratio	Maximum	0.8:1 or 185.76sqm	No
	Proposed	0.9:1 or 208sqm	
	Variation	11.97% or 22.24sqm	

Section 4.6 Exceptions to Development Standards

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

- Section 4.3C(3)(b) – Site Coverage
- Section 4.4 – Floor space ratio

Section 4.3C(3)(b) – Site Coverage

The applicant seeks a variation to the Site Coverage development standard under Section 4.3C(3)(b) of the *IWLEP 2022* by 26.69% (37.18 sqm).

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below.

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

- *The landscaped area complies with the clause, providing a landscape area of 35.47m² or 15.3%. Moreover the main landscaped area is being increased, within the principal open space area to the rear of the site.*
- *It has been demonstrated that the proposal and its site coverage breach remains consistent with the objectives of the subject R1 General Residential Zone as well as Clause 4.3a and 4.6 of the Inner West LEP 2022, despite the numerical non-compliance.*
- *The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.*
- *The compliant landscaping and non-compliant site coverage does not result in any unreasonable visual or amenity impacts.*
- *The resultant works assist with providing improved amenity for residents.*

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

The objectives of the R1 General Residential zone are as follows:

- a) *To provide for the housing needs of the community.*
- b) *To provide for a variety of housing types and densities.*
- c) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- d) *To provide residential development that maintains the character of built and natural features in the surrounding area.*

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

- The proposed development improves the amenity of the rear private open space and results in an overall development which provides for the housing needs of the occupants.
- The proposed rear first floor addition will contribute to providing a variety of housing density.
- The proposed works are sited to the rear and provides for a residential development that maintains the character of built and natural features in the surrounding area.

The objectives of the Site Coverage development standard are as follows:

- a) *to provide landscaped areas 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 character of the neighbourhood,*
- d) *to encourage ecologically sustainable development,*
- e) *to control site density,*
- f) *to provide for landscaped areas and private open space.*

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 Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The proposal will provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and Landscaped Areas;
- The proposal will improve the existing landscaped area of the subject site, resulting in compliance with the Private Open Space (POS) provision and POS controls, and hence, results in acceptable on-site amenity outcomes and provides a suitable balance between Landscaped Area and built form;
- The footprint and scale of the development will be compatible with the pattern of development in the street and adjoining streets and the desired future character of the area;

- The breaches will not result in any undue adverse amenity impacts on adjoining properties.

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

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from site coverage development standard and it is recommended the Section 4.6 exception be granted.

Section 4.4 Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard by 11.97% or 22.24sqm, where it provides a FSR 0.9:1 or 208sqm.

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

The objectives of the R1 General Residential Zone have been previously identified under *Section 4.3C(3)(b)* above.

The objectives of the Floor Space Area development standard are as follows:

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

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

- *The bulk of the built form envelope is entirely reasonable. The new rear form is being provided generally within the footprint of the existing rear form. Additional floor space is provided within the existing roof space and above the ground floor footprint, effectively creating two storeys at the rear. The form will replicate the bulk of both adjoining dwellings and is contextually appropriate, creating a built form that will sit well with the adjoining dwellings.*
- *The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.*
- *The existing non-compliant FSR does not result in any unreasonable visual or amenity impacts.*
- *The existing non-compliant FSR does not result in any unreasonable overshadowing impacts, because the works retain the existing envelope.*
- *The existing non-compliance assists with providing improved amenity for residents.*
- *To seek a reduction in FSR by reducing the existing building envelope would be unreasonable and unnecessary and no benefits would result.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable 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 relevant objectives of the R1 zone and the objectives of the Floor Space Ratio development standard, in accordance with Section 4.6(4)(a)(ii) of the IWLEP 2022 for the following reasons:

- The proposed development will provide a significant contribution to the housing needs of the community and is of an appropriate density;
- The proposed development will continue to provide and enhance the existing dwelling house;
- The proposed development is not inconsistent in scale, form, setbacks and character with the existing and surrounding properties, whilst respecting the surrounding streetscape;
- The development will not result in any undue adverse amenity impacts on adjoining properties.

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

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the IWLEP 2022. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the floor space ratio and site coverage development standards and it is recommended the Section 4.6 exception be granted.

Section 5.10 – Heritage conservation

The subject property at 140 Young Street, Annandale, is a contributory dwelling located within the Annandale Heritage Conservation Area (C1 in Schedule 5 of the Inner West LEP 2022).

The drawings prepared by Jarvis Architecture, dated 31 March 2023, and the Statement of Environmental Effects prepared by Damian O'Toole Town Planning & Heritage Services, dated May 2023, were reviewed by Council's Heritage Specialist as part of this assessment.

It is noted that the current proposed development has been amended in accordance with the Pre-DA advice letter (PDA/2022/0123) as replicated below:

1. *It is recommended that the design be amended to incorporate the following design changes:*
 - a. *The rear roof plane of the main roof form must be retained in its entirety.*
 - b. *The existing 2 skylights in the rear roof plane must be retained. Additional skylights (to the proposed bathroom) or increased dimensions to the existing skylight openings will not be supported.*
 - c. *A link between the first floor rear addition and the attic space may be considered where:*
 - i. *It is designed in accordance with C16 of Part C1.3 of the DCP; in particular it must provide a link only; and*
 - ii. *The height must sit at least 300mm below the existing ridgeline of the main roof form.*
 - d. *The stairs must be relocated to within the rear addition and the proposed bathroom must be located wholly within the existing attic space or relocate to the rear addition*

- e. *The roof form of the first floor addition must be redesigned so it complements the skillion roof form approved for the first floor rear addition at No. 142, sloping to the rear of the site.*
 - f. *Openings in the rear façade and in the link must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame).*
 - g. *The privacy screen / window box around the bedroom window to the rear façade must be deleted. If an awning / sun shading devices are required on this elevation, they must be amended so that their pitch is approximately 40° to be consistent with complementary awnings.*
2. *The applicant is encouraged to retain and work with the existing layout within the main building form, including the fire places and chimney breasts to the existing living and dining rooms and the existing ceiling height.*
 3. *A colours and materials schedule will need to be submitted for consideration in accordance with the following:*
 - a. *The materials for the walls of the link must be horizontally laid timber weatherboards, FC sheeting, or a solid material finished in the same colour as the masonry side walls of the addition;*
 - b. *A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”; and*
 - c. *Greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used.*

In addition to the above, the applicant, as part of the amended plans submitted to Council has carried out the following design change to satisfy the heritage considerations of the proposal;

The window box proposed on the western elevation of the master bedroom must be deleted and replaced with traditional sloping awning / sun shading device with a pitch of approximately 40°.

Having regard to the amended scheme, the proposal is considered to be complimentary to the HCA.

For the reasons mentioned above, the proposal, as amended 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 Inner West LEP 2022 and the relevant objectives and controls in the Leichhardt DCP 2013.

Section 6.3 – Stormwater Management

Subject to standard conditions, the proposal will not result in any significant runoff to adjoining properties or the environment.

5(b) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes

Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion under Part 5(a)(iii) – Section 5.10 – Heritage Conservation
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes, subject to conditions
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.18 Laneways	Yes
Part C: Place – Section 2 Urban Character	
C2.2.1.1 Young Street Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes & No – see discussion
C3.3 Elevation and Materials	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes, as conditioned
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes, as conditioned
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and Additions and C2.2.1.1 Young Street Distinctive Neighbourhood

The proposed alterations and additions to the existing dwelling, as amended meets the objectives and requirements of C1.3 and C2.2.1.1 as it is considered the proposed development:

- a. Retains the original façade and retains the integrity of the original elevation treatment and roof form.
- b. Complements the scale, form and materials of the streetscape including wall height and roof form.
- c. Is sited to the rear of the existing dwelling and will not be readily visible from the public domain, thus retaining the streetscape presentation.
- d. Is compatible with neighbourhood character, including prevailing site layout.
- e. Protects existing residential amenity by providing adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to surrounding dwellings.
- f. Will not obstruct any significant views.
- g. The proposal as amended, provides appropriate materials and finishes sympathetic to the streetscape, desired future neighbourhood character and the surrounding HCA.

C3.2 Site Layout and Building Design

Building Envelope

The proposed rear ground and first floor additions will be sited at the rear and will not alter or breach the building envelope of the existing dwelling.

Building Location Zone (BLZ)

The proposal does not alter the rear ground floor building alignment; however, the proposal will create a new rear first floor level (indicated in blue) to the subject site which will be aligned with the rear first floor BLZ of No. 142 Young Street (indicated in green) but slightly further beyond the first floor BLZ at No. 138 Young Street as shown below.



Image 1. Existing and proposed rear first floor additions BLZ compared to adjoining properties.

To calculate the average rear first floor setback of the subject site, the average rear setbacks of the immediate adjoining dwellings are used as per Figure C128: Building Location Zone shown below.

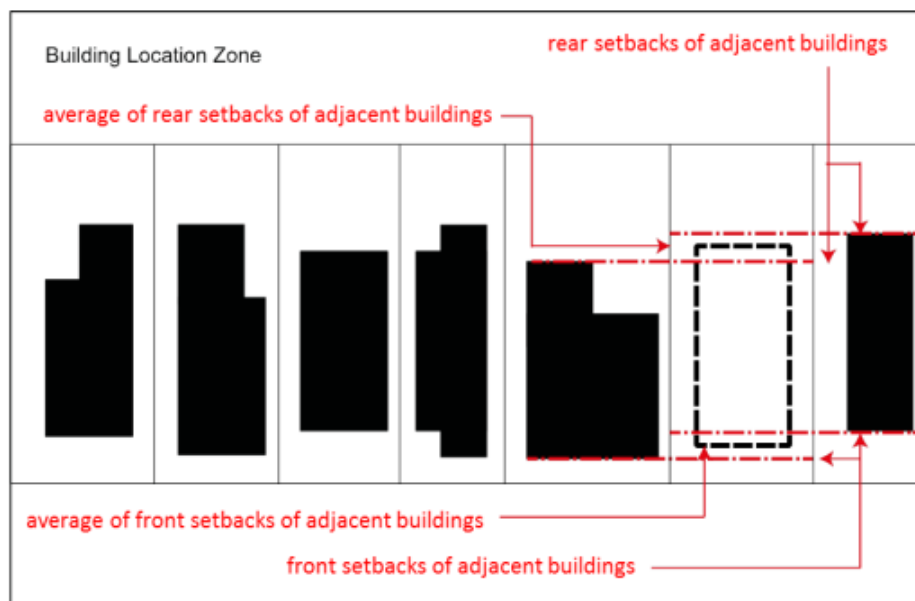


Figure C128: Building Location Zone

Pursuant to C6 of this part of the LDCP 2013, to gain support for the proposed rear first floor additions and its BLZ proposed, various requirements need to be demonstrated to be met. An assessment of the proposal against these tests is carried and is considered acceptable for the following reasons:

- The proposal reduces the existing shadows being cast onto the rear yard / private open space of No. 138 Young Street,
- No privacy or view loss impacts to the surrounding neighbouring properties,
- The rear first floor addition will not be out of character or pattern of development when viewed from Mayes Street,
- The rear first floor addition is stepped down to create a split level which ensures that the addition will be lower than the main dwelling and the first-floor addition at No. 142 Young Street to assist in minimising visual bulk, scale, and overshadowing impacts,
- The proposal provides adequate private open space, landscaping, and recreation area; and
- Does not remove any significant trees on the subject site.

In addition to the above and for the reasons mentioned in this report elsewhere, the siting of the first floor is considered acceptable and, in a location, where development would generally be carried out, resulting in the support for the proposed first floor BLZ.

Side Boundary Setback

The following is a compliance table assessed against the side setback control graph prescribed in Part C3.2 of the LDCP 2013 relating to the proposed rear ground and first floor additions:

Elevation	Wall height (m)	Required setback (m)	Proposed setback (m)	Complies
North – GF	3.1	0.1	Nil	No

North – FF	6.2	1.9	0-2.4	Yes (Roof Link) & No
South – FF	5.6 – 5.7	1.6	1.2 – 3.2	Yes (Roof Link) & No

As noted in the table above, the proposed rear ground floor addition will not comply with the side setback graph to the northern boundary, while the proposed first floor addition will not comply with the side boundary setback graph to both the northern and southern boundaries.

Pursuant to Clause C3.2 of the LDCP 2013, where a proposal seeks a variation to the Side Boundary Setbacks Graph, various tests need to be met. These tests are assessed below:

- The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP 2013 and complies with streetscape and desired future character controls.

Comment: The proposed rear ground and first floor addition is considered to be a satisfactory response to the Building Typology Statements. The proposal will be compatible with the existing and surrounding dwellings and the streetscape and will comply with desired future character controls of the LDCP 2013.

- The pattern of development is not adversely compromised.

Comment: The proposed rear ground and first floor additions are sited at the rear where additions are generally permitted to be carried out in accordance with relevant streetscape controls and amenity controls, and will have wall heights and setbacks that will be compatible with the existing dwelling and that will not be out of character with adjoining and nearby development. This test is therefore deemed to be met.

- The bulk and scale of the development has been minimised and is acceptable.

Comment: The proposal has been designed to reduce visual bulk and scale impacts when viewed from the neighbouring properties rear private open space by providing a lower wall height to the ground floor and an overall first floor addition which has a lower ridge height at the highest point when compared with the existing RL of the main dwelling and first floor addition of No. 142 Young Street. As a result, this test is therefore deemed to be met.

- The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.

Comment: For the reasons mentioned later in this Report, including under Parts C3.9 and C3.11 of the DCP, the proposal will result in minimal to no undue adverse privacy impacts and complies with solar access provision requirements and will not result in any undue adverse view loss implications.

- The proposal does not unduly obstruct adjoining properties for maintenance purposes.

Comment: The proposed development will not result in any obstruction of any lightweight walls at adjoining properties, and hence, will not result in maintenance issues for any neighbours.

In light of the above, and in consideration of the development's impact upon the streetscape and amenity impacts for adjoining properties, the proposal is considered to be satisfactory with respect to the provisions and objectives of Part C3.2 of the LDCP 2013.

C3.9 Solar Access

The subject site and its adjoining neighbouring properties to the north and south are all east west orientated with a west facing rear private open. As such, the following controls are applicable.

Retaining solar access to neighbouring dwellings main living room glazing

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

Retaining solar access to neighbouring dwellings private open space

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

The shadow diagrams submitted demonstrate that the proposal will only cast new shadows onto the roof structures No. 138 Young Street and will reduce the existing shadows currently being cast onto the rear yard and, roof and wall of No. 138 Young Street from 9am to 3pm during mid-winter. As a result, the proposal will comply with Control 12 and 18 as mentioned above and will comply with this Provision of the LDCP.

C3.11 Visual Privacy

As the proposal includes a new first floor addition with windows on the rear (western) elevation to service the Master bedroom and walk in robe, the following controls are applicable to the application.

- **C1** - *Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*
- **C8** - *Glazing to proposed bathrooms must be designed to ensure that they provide privacy to the subject bathroom, through the provision of obscure glazing or screening.*

Note: The privacy of bathrooms is not protected under the controls relating to development on surrounding properties.

The proposed rear facing first floor master bedroom window will have sightlines of roof structures and the rear yards of the subject and adjoining sites at Nos. 138 and 142 Young Street Annadale. As these windows are servicing a walk-in robe and a bedroom, the proposal will comply with Controls 1 as mentioned above as they are not highly trafficable spaces or entertainment rooms, resulting in minimal privacy impacts to the adjoining properties.

5(c) The Likely Impacts

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

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

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

5(e) Any submissions

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

No submissions were received in response to the notification.

5(f) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

Engineer

Acceptable subject to conditions

Heritage

Acceptable as amended.

Urban Forest

Acceptable subject to conditions

7. Section 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 \$4,916.00 would be required for the development under Inner West Local Infrastructure Contribution Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written requests pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio and Site Coverage development standards are unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedances are 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/2023/0333 for part demolition and alterations and additions an existing dwelling house at 140 Young Street, Annandale 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:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA01 B	Roof / site plan	12.12.22	Jarvis Architecture
DA02 B	Analysis / Strategy	12.12.22	Jarvis Architecture
DA04 A	Existing Floor Plan	20.10.22	Jarvis Architecture
DA200 A	Demolition Plan	6.2.23	Jarvis Architecture
DA05 F	Ground Floor Plan	18.9.23	Jarvis Architecture
DA06 C	First Floor Plan	12.12.22	Jarvis Architecture
DA10 F	North and east elevations	18.9.23	Jarvis Architecture
DA11 F	South and west elevations	18.9.23	Jarvis Architecture
DA12 E	Sections	13.9.23	Jarvis Architecture
LS01 A	Landscape	20.12.22	Jarvis Architecture
101122	Stormwater Drainage SHEET 1	Dec 2022	Stormwater Engineers PTY LTD
101122	Stormwater Drainage SHEET 2	Dec 2022	Stormwater Engineers PTY LTD
A482386_02	BASIX Certificate	6 May 2023	David Jarvis

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

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

Security Deposit:	\$5,600.00
Inspection Fee:	\$350.00

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

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

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

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

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

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

4. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **\$4,916.00** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

- C_{payment} = is the contribution at time of payment
- C_{consent} = is the contribution at the time of consent, as shown above
- CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].
- CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

GENERAL CONDITIONS

5. 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.

6. Waste Management Plan

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

7. 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.

8. 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.

9. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

10. 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.

11. 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 at Nos. 138 and 142 Young Street Annandale 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.

12. 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.

13. 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

14. 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.

15. 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. 101122 version (1) prepared by STORMWATER ENGINEERS and dated 8 May 2023, 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 other than to drain downpipes to the rainwater tank(s);
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;
- g. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- h. Drainage pipes must be designed at a minimum grade of 1%. Pipes under the floor slab must be designed straight between the upstream and downstream junction pits. Bends over the drainage pipe under the floor slab is not permitted.
- i. As there is no overland flow/flood path available from the rear and central courtyards to the Mayes 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 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.
- j. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- l. No nuisance or concentration of flows to other properties;
- m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;

- n. 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;
- o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- q. 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;
- r. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- s. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- t. No impact to street tree(s);

16. Changes to Levels

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

- a. A 150mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

17. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 2800 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space

complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;

- f. The pedestrian and garage door must not open inwards into the garage. The garage door must be replaced with a roller door to avoid opening inwards or outwards.
- g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- h. The external form and height of the approved structures must not be altered from the approved plans.

18. Structural Certificate for retained elements of the building

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

19. Sydney Water – Tap In

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

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

20. 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

21. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

22. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

23. Public Domain Works

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

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and
- c. Other works subject to the *Roads Act 1993* approval.

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

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. Light Duty Vehicle Crossing

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

27. Parking Signoff – Minor Developments

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

28. 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.

ON-GOING**29. Bin Storage**

All bins are to be stored within the site.

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.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

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

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

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.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation	Payments	131441	www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	www.environment.nsw.gov.au
Sydney Water		13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)			www.waterrating.gov.au
WorkCover Authority of NSW		13 10 50	www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

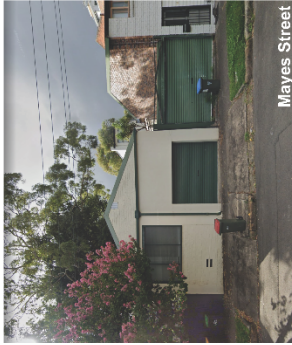
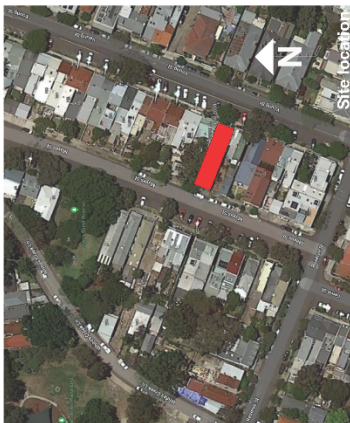
All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Attachment B – Plans of proposed development



Issue	Description	Date	Issue	Description	Date
B	Approval	31.3.22			
All dimensions to be verified on site prior to commencement. All discrepancies to be referred to the responsible party. Site plan prepared by Jarvis Architecture.					
Project: 140 Young Street Client: Josh and Rachael Budd Architect: JARVIS ARCHITECTURE Email: jason@jarvisarchitecture.com Phone: 02 9550 1234					
Drawing title: Roof / site plan Proposed Alterations and Additions			Scale: 1:100 Project number: 22-021		
Date: 31.3.22 Drawing number: DA01			Drawn: DJ Issue: B		

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 Version: 1, Version Date: 14/11/2023



Constraints and opportunities

Existing street frontages to Young Street and Mayes Street contribute to the character of the neighbourhood.

The site falls approximately 2.6m from Young Street to Mayes Street. Appropriate manipulation of level required to connect to open space and minimise impact of building mass.

Numerous changes in level within the existing building create disjointed living spaces that provide a poor level of amenity.

Existing living spaces relate poorly to the internal courtyard.

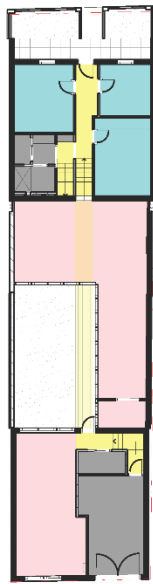
Restricted potential for solar access resulting from site orientation.

Main dwelling fronting Young Street is elevated above and detached from central courtyard.

Cellular nature of rooms within main dwelling fronting Young Street provide appropriate amenity for bed rooms.

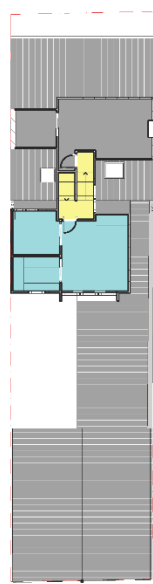
The southern neighbour is vulnerable to over shading from the existing building that impacts solar access to the rear yard of neighbour.

Mayes Street



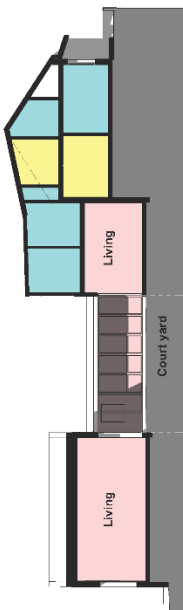
Young Street

Mayes Street



Young Street

Mayes Street



Building section

Design principles

The proposal has been developed to maintain and enhance to existing presentation to both Young Street and Mayes Street.

Additions to the dwelling have been located behind the primary dwelling fronting Young Street. The addition aligns with and connects to the recently approved development to the north (138 Young Street) so that the overall development that has been established by this recently approved development.

The upper level addition has been setback from its Southern neighbour to maintain the individual expression of both building forms and maintain the amenity of the existing dwelling to the south.

The building mass in the centre of the subject site has been reduced to provide improved solar access to the southern neighbour.

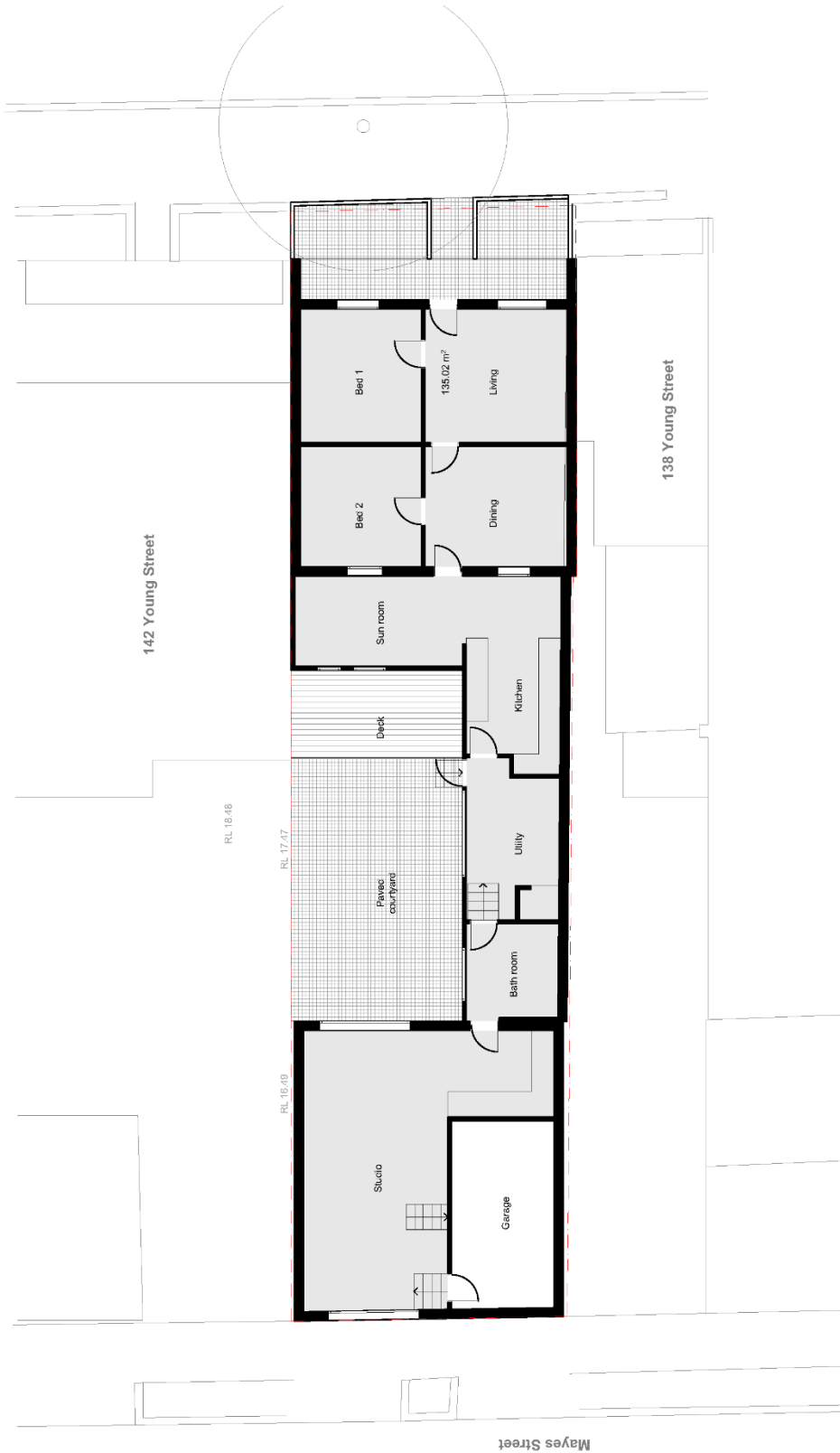
Living spaces have set at a consistent level and grouped around the central courtyard, providing a strong connection between indoor and outdoor spaces and maximise natural light.

Sleeping zones have been separated from living zones to maximise privacy and amenity

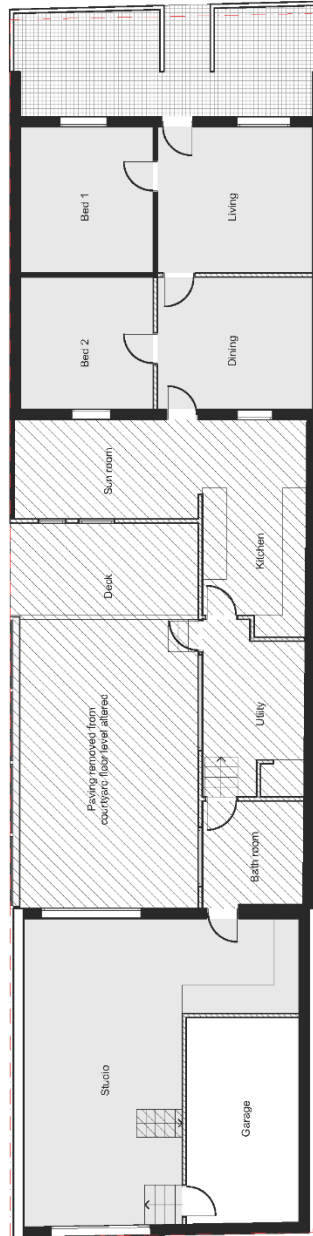
The vertical circulation core is purposely located within the link created between the existing house and the new addition to maximise the quality of space available at both ground and first floor.

Issue Description B DA02	Date Issue 12/11/22	Description	Date	Issue Description B DA02
All dimensions to be verified on site prior to commencement. All discrepancies to be referred to the superintendent prior to proceeding with work.		Project 140 Young Street Client Josh and Rachael Budd	Drawn by ANALYSIS / STRATEGY Proposed Alterations and Additions	Scale DA02
JARVIS ARCHITECTURE www.jarvisarchitecture.com.au		Project number 22-021	Scale DA02	Scale B

Document Set ID: 35335241
Version: 1, Version Date: 14/11/2023



Issue	Description	Date	Issue	Description	Date	Drawn by	Checked by
A	DRAFT CA	23/10/22				DJ	
Drawn for the EXISTING FLOOR PLAN Proposed Alterations and Additions		Scale 1:100	Date 31.3.22	Drawn by DJA	Checked by A		
Project 140 Young Street Client Josh and Rachael Budd		Project number 22-021	Drawing number DA04				
JARVIS ARCHITECTURE Email: jarvis@jarvisarch.com Website: www.jarvisarch.com							
All dimensions to be verified on site prior to commencement. All discrepancies to be referred to the supervising engineer prior to proceed with work.							
Document ID: 28535241 Version: 1, Version Date: 14/11/2023							



Legend

 Structure to be demolished (walls, floor, steps)

 Existing walls to be retained

Issue Description	Issue	Date	Scale	Date	Drawn
Issue 1: DA	Issue 1: DA	14/11/2023	1:100	31.3.22	DJ
<p>Dimensions to be varied or the plan is compromised. All dimensions are correct as shown in the plan and to be proceeded with work.</p>			Project number	Drawing number	Issue
<p>JARVIS ARCHITECTURE <small>140 Young Street, North Sydney NSW 1585 Phone: 02 9387 1000 Email: info@jarvisarchitect.com.au</small></p>			22-021	DA200	A
<p>Project: 140 Young Street Client: Josh and Rachael Budd</p>			<p>Drawing title: Proposed Alterations and Additions</p>		

Document Set ID: 38535241
 Version: 1, Version Date: 14/11/2023



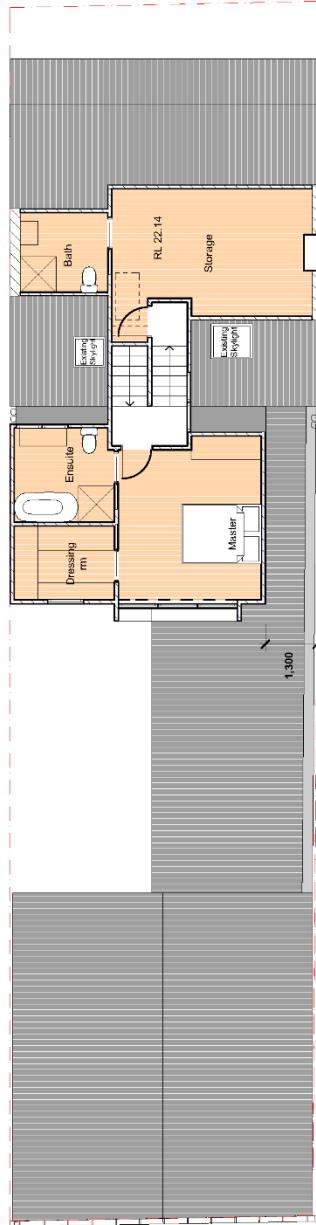
Issue	Description	Date	Issue	Description	Date
S	Drawn	12.11.22			
D	Drawn DA	12.11.22			
C	DA withdrawn	12.11.22			
F	DA issues, additional info. Council request	13.12.22			
F	DA issues, additional info. Council request	18.12.22			

Scale	1:100	Issue	31.3.22	Drawn	DJ
Project number	22-021	Project	140 Young Street	Issue	F
		Client	Jesh and Rachael Budd		
Drawing for GROUND FLOOR PLAN Proposed Alterations and Additions					

All dimensions to be verified on site prior to commencement. We warrant to the satisfaction prior to proceeding with work.
JARVIS ARCHITECTURE
 Email: j.arch@jarvisarch.com.au
 Phone: 02 9550 2000

Document Set ID: 33308441
 Version: 1, Version Date: 20/03/2023

RELOCATE BATH ROOM

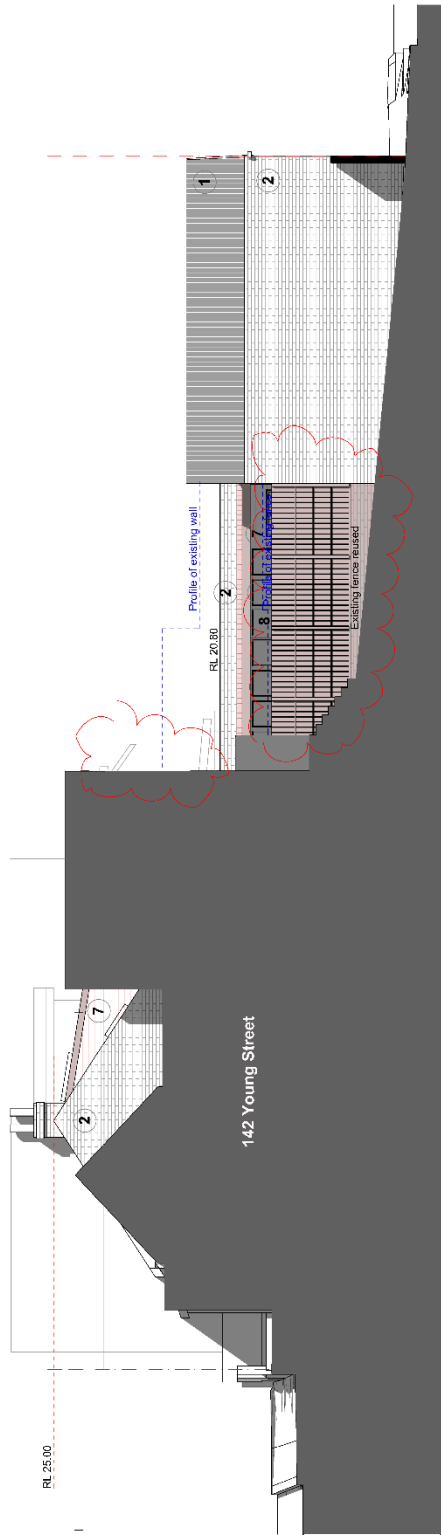


Issue	Description	Date	Issue	Description	Date	Scale	Drawn
A	Final DA	21/11/22				1:100	DJ
B	DA Review	22/12/22				22-021	DA06
C	DA Review						

Drawing Title: FIRST FLOOR PLAN Proposed Alterations and Additions	Project: 140 Young Street Client: Josh and Rachael Budd	Drawing Number: DA06	Sheet: C
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JARVIS ARCHITECTURE 140 Young Street Sydney NSW 1585 Phone: 02 9550 1234 Email: info@jarvisarch.com.au	All dimensions to be verified on site prior to commencement. All alterations to be referred to the Superintendent as or to be referred to the architect.
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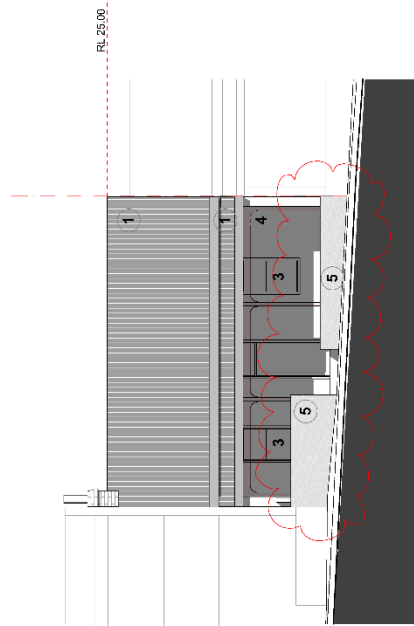
Document Set ID: 38335241
 Version: 1, Version Date: 14/11/2023



North elevation
Scale 1:100

Legend

- 1 Existing profile metal roof
 - 2 Existing face brick, paint finish
 - 3 Existing timber frame windows
 - 4 Fete work restore
 - 5 Retain existing masonry fence
 - 6 Proposed profile metal roof, colour bond windspray or similar
 - 7 Proposed weather board, FC with paint finish, duke china white or similar
 - 8 Proposed aluminum framed windows, duke monument or similar
- Note: new works to elevations depicted in colour



East elevation
Scale 1:100

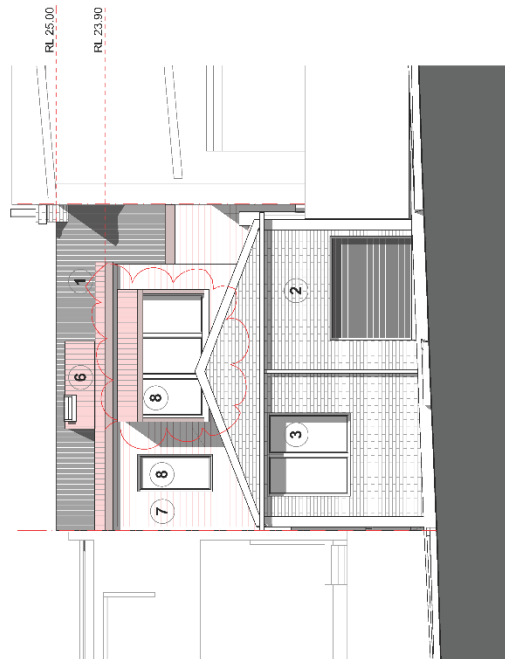
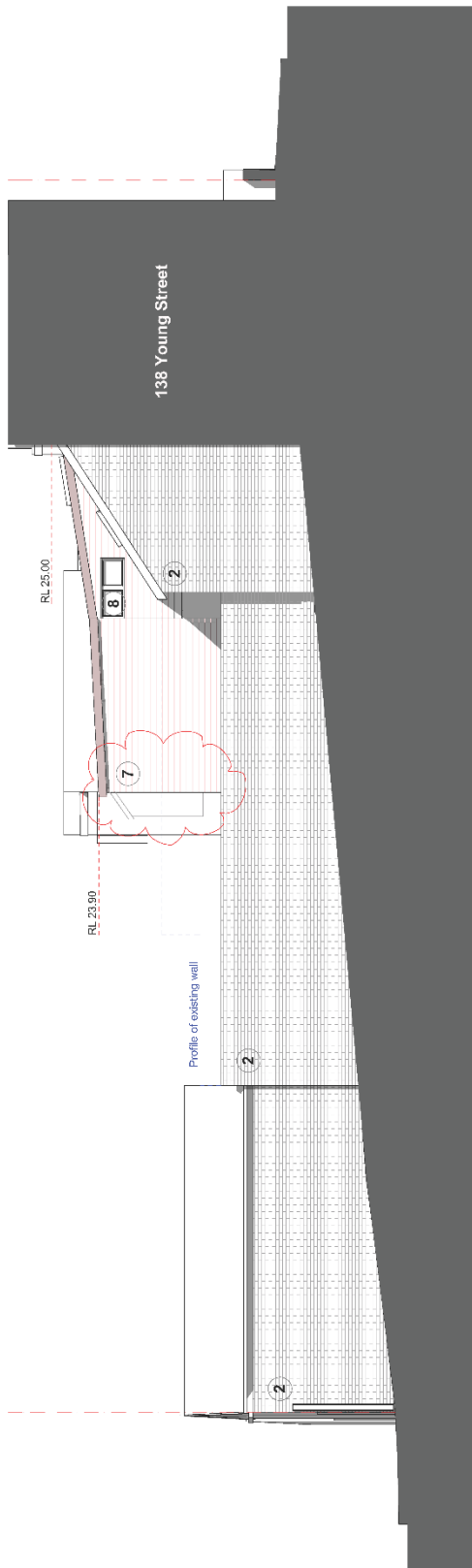
Issue	Description	Date	Issue	Description	Date
A	Initial design	10/1/22			
B	Site plan, L2, L3, L4	15/1/22			
C	Final design, address, info Council request	18/3/22			
D	Final design, address, info Council request	18/3/22			
E	Final design, address, info Council request	18/3/22			
F	Final design, address, info Council request	18/3/22			

<p>Project: 140 Young Street</p> <p>Client: Josh and Rachael Budd</p>		<p>Scale: 1:100</p> <p>Project number: 22-021</p>		<p>Drawn: DJ</p> <p>Issue: F</p>	
<p>Showing this: North and east elevations</p> <p>Proposed Alterations and Additions</p>		<p>Date: 20/10/22</p> <p>Drawing number: DA10</p>		<p>Scale: 1:100</p> <p>Project number: 22-021</p>	

JARVIS ARCHITECTURE
 Email: j.arvis@jarvisarch.com.au
 Website: www.jarvisarch.com.au

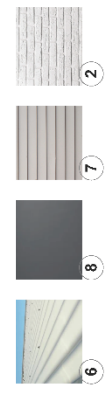
All elevations to be submitted for approval to the Council prior to construction. All alterations to be approved by the Council prior to construction.

Document Set ID: 33308443
 Version: 1, Version Date: 20/09/2023



Legend

- 1 Existing profile metal roof
 - 2 Existing face brick, paint finish
 - 3 Existing timber frame windows
 - 4 Fete work restore
 - 5 Brick fence (paint finish, dulux china white or similar with wrought iron railings (balux ravens flight or similar)
 - 6 Proposed profile metal roof, colour bond windspray or similar
 - 7 Proposed weather board, FC with paint finish, dulux china white or similar
 - 8 Proposed aluminium framed windows, dulux monument or similar
- Note: new works to elevations depicted in colour

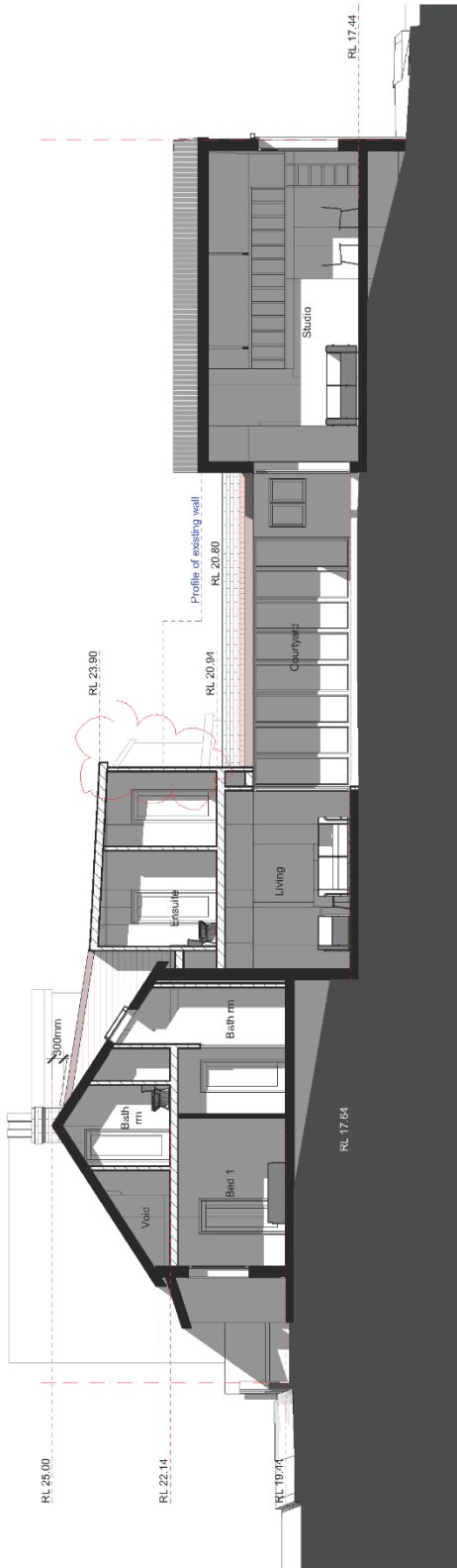


Issue	Description	Date	Issue	Description	Date
A	SKETCH DESIGN	26.12.22			
B	SKETCH DESIGN	26.12.22			
C	DA ISSUE	12.12.22			
D	SKETCH DESIGN	12.12.22			
E	DA ISSUE, additional info Council request	13.12.23			

All elevations to be verified on site prior to commencing. All elevations to be provided to the registered client prior to proceeding with work.

Project	Client	Project number	Scale	Date	Drawn
140 Young Street	Josh and Rachael Budd	22-021	1:100	20.10.22	DJ
Drawing title: South and west elevations Proposed Alterations and Additions				Drawn by: DJ	Issue:
JARVIS ARCHITECTURE Email: jarvis@jarvisarch.com.au www.jarvisarch.com.au				Project number: 22-021	Issue: E

Document Set ID: 39536543
Version: 1, Version Date: 20/09/2023



Section BB
Scale 1:100

Issue	Description	Date	Issue	Description	Date
A	Issue 1: Initial Design	08.11.22			
B	Issue 2: Final Design	12.12.22			
C	Issue 3: Additional Info. Client Request	13.01.23			
D	Issue 4: Additional Info. Client Request	13.02.23			
E	Issue 5: Additional Info. Client Request	13.03.23			

All dimensions to be verified on site prior to commencement. All discrepancies to be referred to the superintendent prior to commencement of work.

Project: 140 Young Street
Client: Josh and Rachael Budd

Project: Proposed Alterations and Additions

Scale: 1:100
Property number: 22-021

Date: 20.10.22
Drawing number: DA12

Drawn: DJ
Issue: E

Document Set ID: 31818344
Version: 1, Version Date: 20/09/2023



1. *Lepidosperma polyphyllum*



2. *Coprosma glaucosens* (daisy)



3. *Correa lily*



4. Birna Japanese Hedge



5. Red Rose - Standards



Issue	Description	Date	Issue	Description	Date
A		20/12/22			
Drawing Title: LANDSCAPE Proposed Alterations and Additions		Scale: 1:100	Date: 30.11.22	Drawn: DJ	
Project: 140 Young Street Client: Josh and Rachael Budd		Project number: 22-071	Drawing number: LS01	Issue:	
				A	

A) dimensions to be verified on site prior to commencement
 A) dimensions to be related to the upper internal floor to existing ground level

Document SR/LD/38335241
 Version: 1, Version Date: 14/11/2023

Attachment C- Section 4.6 Exception to Development Standards

140 Young Street Annandale

**REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO
CLAUSE 4.6 OF INNER WEST LOCAL ENVIRONMENTAL PLAN 2022**

**TO ACCOMPANY A DEVELOPMENT APPLICATION TO
INNER WEST COUNCIL FOR ALTERATIONS AND ADDITIONS TO A DWELLING**

Property: 140 Young Street, Annandale.

Proposal: Alterations to a dwelling.

Zoning: R1 General Residential.

Development standard to which the request to vary the standard is taken: Clause 4.4 of the Inner West LEP 2022 (LEP 2022) prescribes a maximum floor space ratio of 0.8:1 applying to the site.

The Aim of the request: To allow the site to provide a FSR of 0.88:1.

Clause 4.6 of LEP 2022 allows the applicant to provide a request to vary the non-compliance with a development standard.

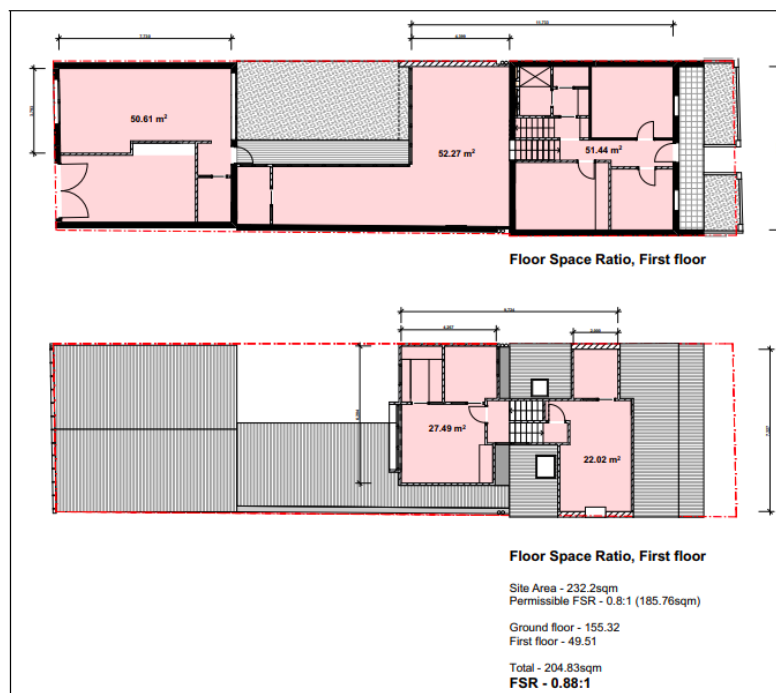


Fig 1 – GFA/FSR calculations are provided in the diagram above.

Application and Assessment of Clause 4.6 Exceptions to development standards

Clause 4.6 of LEP 2022 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
4. Moskovich v Waverley Council [2016] NSWLEC 1015
6. Hansimikali v Bayside Council [2019] NSWLEC 1353
7. Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

In the assessment of using Clause 4.6 it is particularly relevant to address parts (3) and (4) of the clause, being,

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.

In assessment of the proposal against parts 3(a), 3(b) and 4(ii) the following is offered.

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in Wehbe v Pittwater Council [2007] NSW LEC 827. Under Wehbe, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met

140 Young Street Annandale

the objectives of the standard regardless of the non-compliance. Under Four2Five, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a).

The five part test described in Wehbe is therefore appropriately considered in this context.

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

(a) to ensure that residential accommodation:

(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and

(ii) provides a suitable balance between landscaped areas and the built form, and

(iii) minimises the impact of the bulk and scale of buildings,

(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

The works are considered to be consistent with the objectives for this clause noted above because;

- The bulk of the built form envelope is entirely reasonable. The new rear form is being provided generally within the footprint of the existing rear form. Additional floor space is provided within the existing roof space and above the ground floor footprint, effectively creating two storeys at the rear. The form will replicate the bulk of both adjoining dwellings (see Fig.2 below) and is contextually appropriate, creating a built form that will sit well with the adjoining dwellings.



Figure 2: Existing rear facade to the main house and internal courtyard, noting two storey form of the adjoining dwellings.

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140 Young Street Annandale

- Accordingly, the proposal does not appear as an overdevelopment of the site and is consistent with the future character of the area because its bulk is consistent with neighbouring development, and is consistent with objective (i).
- The proposal complies with building envelope and setbacks requirements and complying areas of open space to allow for good amenity, and is consistent with objective (ii).
- The street appearance of the site is maintained with the new works not being visible from Young Street.
- The amenity to neighbours is not affected. Solar access is maintained to adjoining dwellings. No private view is impacted. No unreasonable privacy impact will occur, and is consistent with objective (iii).
- The existing and maintained building bulk is entirely appropriate within the context of the site.

In light of the above, this request provides that the non-compliant FSR satisfies the objective in question.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The exception request does not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and

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140 Young Street Annandale

external amenity outcome than a complying development. For the subject application, the proposed development which seeks to also vary the FSR standard, achieves a better response to the objectives of the subject R1 – General Residential Zone in that it provides a high level of amenity for occupants and because the street appearance of the dwelling is improved and building bulk is not affected.

Additionally, the LEP 2022 objectives for the R1 General Residential Zoning are noted as,

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide residential development that maintains the character of built and natural features in the surrounding area.

The works are considered consistent with the objectives for the zone as the works will improve amenity on the site and allow for improved use of the dwelling by the owner-occupiers, without having any unreasonable adverse impact to the amenity of adjoining neighbours or to the visual amenity of the area.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

Sufficient environmental planning grounds to justify the contravention

This request provides that there is sufficient environmental planning ground to justify the contravention. Such grounds include:

It has been demonstrated that the proposal and its FSR breach remains consistent with the objectives of the subject R1 General Residential Zone as well as Clause 4.4 and 4.6 of the Inner West LEP 2022, despite the numerical non-compliance.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

The existing non-compliant FSR does not result in any unreasonable visual or amenity impacts.

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140 Young Street Annandale

The existing non-compliant FSR does not result in any unreasonable overshadowing impacts, because the works retain the existing envelope.

The existing non-compliance assists with providing improved amenity for residents.

To seek a reduction in FSR by reducing the existing building envelope would be unreasonable and unnecessary and no benefits would result.

Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest. The proposal is considered to be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the standard have been addressed above and are demonstrated to be satisfied. The works are consistent with the requirements for the General Residential Zone because of significant improvements to the amenity of the dwelling that will arise following the works, with an improved design and the wider improvement to the amenity of the housing stock on the site.

Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Inner West LEP 2022, that:

Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

The development achieves and is consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

140 Young Street Annandale

Prepared by Damian O'Toole Town Planning Pty Ltd



Damian O'Toole
Director
MA Town Planning
Grad Dip Heritage Conservation

May 2023

140 Young Street Annandale

**REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO
CLAUSE 4.6 OF INNER WEST LOCAL ENVIRONMENTAL PLAN 2022**

**TO ACCOMPANY A DEVELOPMENT APPLICATION TO
INNER WEST COUNCIL FOR ALTERATIONS AND ADDITIONS TO A DWELLING**

Property: 140 Young Street, Annandale.

Proposal: Alterations to a dwelling.

Zoning: R1 General Residential.

Development standard to which the request to vary the standard is taken: Clause 4.3A of the Inner West LEP 2022 (LEP 2022) prescribes a minimum landscaped area of 15% for the site and a site coverage not to exceed 60%.

The landscape area is 35.47m² or 15.3% and is complied with.

Site coverage is maintained at 178.6m² or 76.9% and is not complied with.

The Aim of the request: To allow the site coverage area of 178.6m² or 76.9% to be provided (retained). The landscaped area is complied with.

Clause 4.6 of LEP 2022 allows the applicant to provide a request to vary the non-compliance with a development standard.

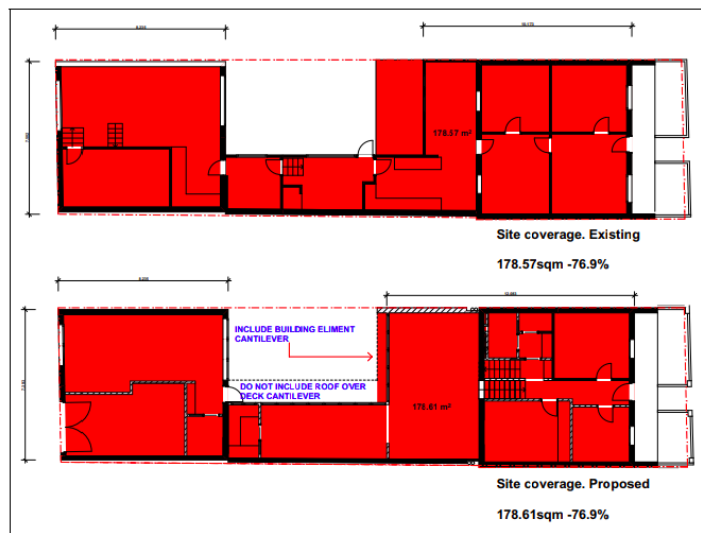


Fig 1 – Site coverage calculations are provided in the diagram above, noting that the site coverage of 76.9% is maintained on the site.

Application and Assessment of Clause 4.6 Exceptions to development standards

Clause 4.6 of LEP 2022 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
4. Moskovich v Waverley Council [2016] NSWLEC 1015
6. Hansimikali v Bayside Council [2019] NSWLEC 1353
7. Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

In the assessment of using Clause 4.6 it is particularly relevant to address parts (3) and (4) of the clause, being,

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.

In assessment of the proposal against parts 3(a), 3(b) and 4(ii) the following is offered.

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in Wehbe v Pittwater Council [2007] NSW LEC 827. Under Wehbe, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met

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the objectives of the standard regardless of the non-compliance. Under Four2Five, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a).

The five part test described in Wehbe are therefore appropriately considered in this context.

(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.*

The works are considered to be consistent with the objectives for this clause noted above because;

- The landscaped area complies with the clause, providing a landscape area of 35.47m² or 15.3%. Moreover the main landscaped area is being increased, within the principal open space area to the rear of the site.
- Consequently the landscaped qualities of the site are increasing and improving consistent with objectives (a) and (b).
- No significant vegetation will be affected, only new vegetation is provided.
- The desired future character of the area will be enhanced with the building works that improve the detracting appearance of the existing dwelling, and provide a built form that sits well with the adjoining properties, consistent with objective (c).
- On site detention will be maintained and improved with the additional landscaping provided, consistent with objective (d).
- The overall building bulk including compliance with building envelope control is complained with, consistent with objectives (e) and (f).

In light of the above, this request provides that the compliant landscaping and non-compliant site coverage satisfies the objective in question.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

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The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The exception request does not rely on this reason.

5. The compliance with development standards is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. For the subject application, the proposed development which seeks to also vary the landscaping and site coverage standard, achieves a better response to the objectives of the subject R1 – General Residential Zone in that it provides a higher level of amenity for occupants by allowing for improved amenity on the site.

Additionally, the LEP 2022 objectives for the R1 General Residential Zoning are noted as,

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To improve 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.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- 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.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

The works are considered consistent to be with the objectives for the zone as the works will increase landscaped areas and improve amenity on the site and allow for improved use of the dwelling by the owner-occupiers, without having any unreasonable adverse impact to the amenity of adjoining neighbours or to the visual amenity of the area.

4

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

Sufficient environmental planning grounds to justify the contravention

This request provides that there is sufficient environmental planning ground to justify the contravention. Such grounds include:

It has been demonstrated that the proposal and its site coverage breach remains consistent with the objectives of the subject R1 General Residential Zone as well as Clause 4.3a and 4.6 of the Inner West LEP 2022, despite the numerical non-compliance.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

The compliant landscaping and non-compliant site coverage does not result in any unreasonable visual or amenity impacts.

The resultant works assist with providing improved amenity for residents.

Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest. The proposal is considered to be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the standard have been addressed above and are demonstrated to be satisfied. The works are consistent with the requirements for the General Residential Zone because of significant improvements to the amenity of the dwelling that will arise following the works, with a substantially improved design and the wider improvement to the amenity of the housing stock on the site.

Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Inner West LEP 2022, that:

Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

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The development achieves and is consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

Prepared by Damian O'Toole Town Planning Pty Ltd



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June 2023

Attachment D – Statement of Heritage Significance

Godden Mackay Logan

Area 18 Annandale Conservation Area

Landform

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



Figure 18.1 Annandale Conservation Area Map.

History

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

The first subdivision of 1876 reveals a grid of streets and allotments covering the land bounded by Parramatta Road, Johnston, Collins and Nelson Streets. Robert Johnston transferred this portion to his son, George Horatio, in June 1876 who sold off 75 lots to John Young, who then purchased the remainder of the estate for 121,000 pounds in October 1877. Young then sold the land to the Sydney Freehold Land and Building Investment Co Ltd, which he formed in 1878 to subdivide and sell the 260 acre estate. Building contractor and entrepreneur John Young, the company's chairman for the rest of its life, and its second largest shareholder, left an indelible impression on Annandale's development. Other directors of the company were politicians Samuel Gray and Robert Wisdom, developers John North and AW Gillies, soap and candle manufacturer WA Hutchinson and Henry Hudson.

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

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

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

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

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

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

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

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

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

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

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

Sources

Information provided by Max Solling.

Significant Characteristics

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

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

Statement of Significance or Why the Area is Important

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

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

Management of Heritage Values

Generally

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

Retain

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

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

Avoid

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

Further Work

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

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