



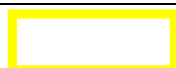

 DEVELOPMENT ASSESSMENT PANEL REPORT				
Application No.	DA/2023/0900			
Address	119 Booth Street ANNANDALE NSW 2038			
Proposal	The partial demolition of the former Commonwealth Bank building at 119 Booth Street and construction of a three-storey co-living development; and alterations and additions, site remediation and change of use to 'co-living' to an existing boarding house at 121-125 Booth Street, Annandale.			
Date of Lodgement	08 November 2023			
Applicant	Australian Village Management Pty Ltd			
Owner	Australian Village No.19 - 119 Booth St Pty Ltd Australian Village No 15 - 121 Booth St Pty Ltd			
Number of Submissions	5 (2 objections and 3 letters of support)			
Cost of works	\$1,868,200.00			
Reason for determination at Planning Panel	>10% variations to development standards (FSR, Landscaped Area and Site Coverage)			
Main Issues	Loss of existing affordable housing; Non-compliance with co-living housing requirements; FSR variation; Heritage and Urban Design			
Recommendation	Refusal			
Attachment A	Reasons for refusal			
Attachment B	Plans of proposed development			
Attachment C	Section 4.6 Exception to Development Standards			
Attachment D	Statement of Heritage Significance of Heritage Conservation Area			
Attachment E	Architectural Excellence and Design Review Panel Minutes			
				
FIGURE 1: LOCALITY MAP				
Subject Site		Objectors		 N
Notified Area		Supporters		
Note: Due to scale of map, not all submissions could be shown.				

1. Executive Summary

This report is an assessment of the application submitted to Council for the partial demolition of the former Commonwealth Bank building at 119 Booth Street, and construction of a three-storey co-living housing building containing 23 rooms; and alterations and additions and change of use of an existing four-storey boarding house to co-living housing containing 68 rooms at 121-125 Booth Street. Overall the new co-living housing development will provide 91 co-living rooms connected across the two sites with linking corridors and integrated communal indoor and outdoor spaces at 119 and 121-125 Booth Street, Annandale.

The application was notified to surrounding properties and 5 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Preconditions not satisfied to enable grant of consent under the Housing SEPP (minimum lot size/communal open space/building separation/insufficient communal living areas)
- Variations to the Landscaped Area, Site Coverage and FSR standards
- Loss of existing affordable housing
- Heritage and urban design

The proposal fails to satisfy several preconditions to grant of consent and, as such, there is no power to approve the development.

In addition, Council requested additional information on 31 January 2024 in relation to retention of existing affordable housing given the submitted Statement of Environmental Effects was silent on the requirements for retention of existing affordable housing under Chapter 2, Part 3 of SEPP (Housing) 2021. Council also met with the applicant on 11 April 2024 to outline several non-compliances requiring substantial re-design.

The applicant initially advised that the existing boarding house at 121-125 Booth Street had been operating as a 'new age boarding house'. The Applicant then submitted further information noting that the existing building was built as a 'house-let-in-lodgings', but that the proposal entails an increase of affordable housing.

However, the existing boarding house is a low-rental residential building (as defined) to which Chapter 2, Part 3 of the Housing SEPP applies, and the proposed change of use would result in the complete loss of existing affordable housing noting co-living housing is not a type of low-rental residential building that is afforded any protection under the Housing SEPP. As a result, the current application cannot be supported and any amended proposal would necessitate a new application to sever the proposed change of use and retain the existing boarding house use, as well as substantially re-design the co-living housing proposal at 119 Booth Street.

Having regard to the loss of affordable housing and numerous non-compliances with the applicable planning controls and associated social, heritage, urban design and amenity impacts, the application is recommended for refusal.

2. Proposal

The proposed development application seeks development consent for partial demolition of the former Commonwealth Bank building and construction of a new 3-storey co-living house building containing 23 rooms at 119 Booth Street, and conversion of an existing 4-storey boarding house to co-living housing containing 68 rooms (inclusive of manager's room) at 121-125 Booth Street to provide a total of 91 co-living rooms connected across the two sites at Levels 2 and 3 only.

Demolition works:

- Significant demolition of existing part-1, part-2 storey former Commonwealth Bank building with partial retention of northern, eastern and western facades and removal of existing at-grade parking area at the rear of 119 Booth Street.

Ground Floor:

- Convert existing office and reception to Manager's room for the overall co-living housing development adjacent to the existing ground floor car park and entry lobby and reconfigure existing 29 car spaces to accommodate 24 bicycle spaces at 121-125 Booth Street.
- Note, ground floor of 119 Booth Street is not connected to 121-125 Booth Street due to difference in ground levels across both sites.

Level 1:

- Convert existing Manager's suite and 20 boarding rooms, new private kitchen facilities to each boarding room and change of use to create 21 self-contained co-living housing rooms, retain existing common kitchen and laundry facilities, and new internal walls on Level 1 at 121-125 Booth Street.
- Rear and side ground floor additions with new western boundary wall adjacent to existing eastern boundary wall of 121-125 Booth Street, 5 self-contained co-living housing rooms, communal living room, WC, bin room, lift, stairs and new rear communal open space with landscaping and 6 bicycle spaces at 119 Booth Street.

Level 2:

- Remove existing common kitchen facilities and TV room to provide 2 additional rooms, new private kitchen facilities to each room, reduction to common laundry to convert 1 room to an accessible room and change of use to create 23 self-contained co-living housing rooms, and new internal walls at 121-125 Booth Street.
- Rear and side first floor additions to existing building, 9 self-contained co-living housing rooms, bin room, lift, and stairs at 119 Booth Street.
- New opening to existing eastern boundary wall of 121-125 Booth Street and connecting corridor across the common boundary for shared access to the lift at 119 Booth Street.

Level 3:

- Remove existing common kitchen to provide 1 additional room, new private kitchen facilities to each room, reduction to common laundry to convert 1 room to an accessible room and change of use to create 23 self-contained co-living housing rooms, and new internal walls at 121-125 Booth Street.

- Rear and side first floor additions to existing building, 9 self-contained co-living housing rooms, bin room, lift, and stairs at 119 Booth Street.
- New opening to existing eastern boundary wall of 121-125 Booth Street and connecting corridor across the common boundary for shared access to the lift at 119 Booth Street.

3. Site Description

The subject site is comprised of two properties located on the northern side of Booth Street, between Annandale Street and Johnston Street.

The site is irregular in shape with areas of 576.2sqm (119 Booth Street) and 1,140.8sqm (121-125 Booth Street) totalling 1,717sqm and is legally described as:

- Lot 1 in DP 404947 and Lot 1 in DP 131441 (119 Booth Street); and
- Lot 1 in DP 912129, Lot 17 in DP 654078 and Lot 1 in DP 916473 (121-125 Booth Street).

The site has an overall frontage to Booth Street of 54.605 metres and a variable lot depth of up to 40.225 metres.

The site supports an existing 1970's part-1, part-2 storey former Commonwealth bank building at 119 Booth Street and existing 1970's 4-storey boarding house at 121-125 Booth Street.

The adjoining properties support one and two storey commercial buildings to the east and west along Booth Street, with one and two storey dwellings to the north-west along Annandale Street and an existing Shell service station to the north-east.

The subject site contains two intrusive (non-contributory) buildings located within the Annandale Heritage Conservation Area and is adjacent to the heritage listed Annandale Post Office, including interiors, at 115-117 Booth Street (I12).

There are a number of mature trees along the southern frontage of the site and adjacent to the northern and western rear boundaries within the site and in the vicinity within adjoining properties.

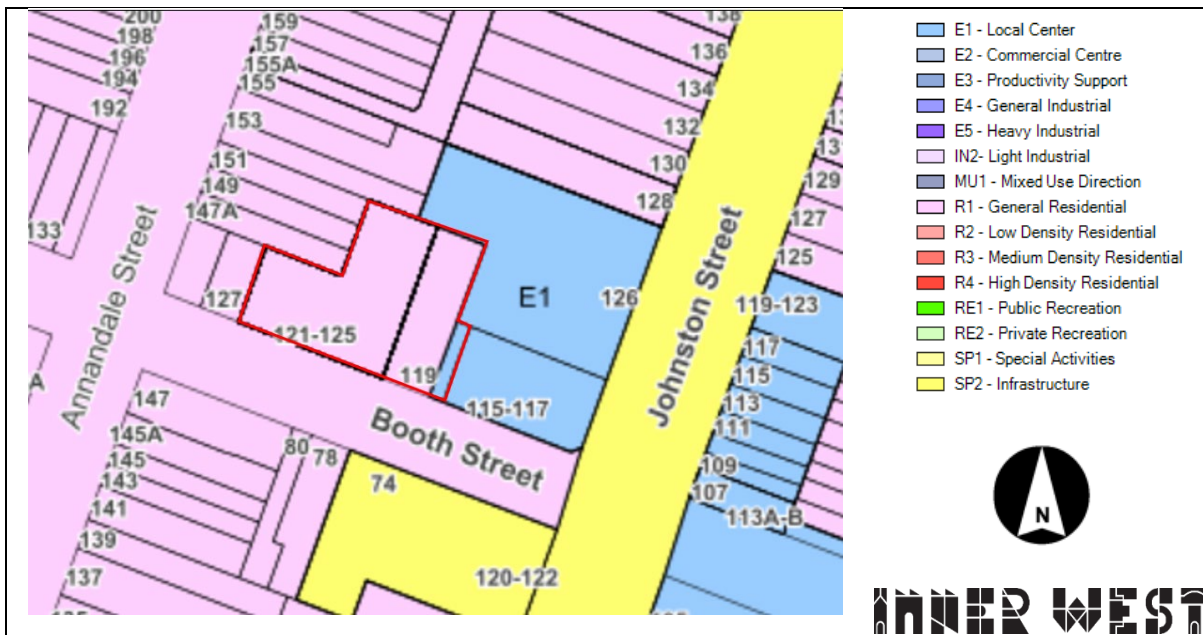


FIGURE 2: ZONING CONTEXT MAP



FIGURE 3: VIEW OF FORMER COMMONWEALTH BANK BUILDING AT 119 BOOTH STREET ANNANDALE



FIGURE 4: VIEW OF EXISTING BOARDING HOUSE AT 121-125 BOOTH STREET ANNANDALE

4. Background

Site history

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

Subject Site

119 Booth Street Annandale		
Application	Proposal	Decision & Date
BA/1975/14058	Demolition and erection of new bank building.	Approved – 6/9/1977
BA/1981/19434	Internal alterations.	Approved – 29/12/1982
BA/1995/782	Internal alterations.	Approved – 8/2/1996
BA/1996/95782	New ATM with awning.	Approved – 8/2/1996
DA/2023/0595	Alterations and additions to existing buildings to create an additional 23 co-living rooms and associated communal areas at 119 Booth Street in conjunction with alterations and additions to existing boarding house/co-living house at 121-125 Booth Street to provide a total of 91 co-living rooms connected across both sites.	Rejected – 4/8/2023

DA/2023/0820	Alterations and additions to existing buildings to create an additional 23 co-living rooms and associated communal areas at 119 Booth Street in conjunction with alterations and additions to existing boarding house/co-living house at 121-125 Booth Street to provide a total of 91 co-living rooms connected across both sites.	Rejected – 10/10/2023
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121-125 Booth Street Annandale		
Application	Proposal	Decision & Date
DA 3650	Six storey residential flat building comprising 36 flats.	Approved – 10/3/1970
Amended DA 3650	Lodging house for 9 single and 52 double bedrooms with bathroom and toilet. A common kitchen and laundry were provided on each floor and a common room and TV room within the building.	Approved – 21/7/1970
BA/1970/10234	3-storey house let-in-lodgings	Approved – 18/4/1972
BA/1977/15961	Construction of garage/store room and reduction in carparking from 38 to 37 car spaces.	Approved – 24/7/1980
DA 554/81	Conversion of the common room at first floor level into two additional lettings increasing the number of boarding rooms to 63.	Approved – 16/3/1982
BA/1991/148	Office and reception adjacent to ground floor lobby.	Approved – 5/9/1991
DA/77/1993	Change of use from house-let-in-lodgings to residential flat building, alterations and strata subdivision.	Refused – 22/9/1993
BA/1996/689	Installation of security gates to carpark	Approved – 11/10/1996
DA/2023/0595	As per 119 Booth Street above.	Rejected – 4/8/2023
DA/2023/0820	As per 119 Booth Street above.	Rejected – 10/10/2023

Surrounding properties

No recent relevant applications.

Application history

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

Date	Discussion / Letter / Additional Information
31/1/2024	Council requested further information in relation to the likely loss of existing affordable housing given the submitted Statement of Environmental Effects was silent on the requirements for retention of existing affordable housing under Chapter 2, Part 3 of SEPP (Housing) 2021.
5/2/2024	The applicant advised that the existing boarding house at 121-125 Booth Street had been operating as a 'new age boarding house' and did not meet the definition of affordable housing as it pre-dated the current definition of a boarding house.
11/4/2024	<p>Council met with the applicant to discuss the following matters:</p> <ul style="list-style-type: none"> • Retention of existing affordable rental housing – no assessment provided as previously requested for the alterations and additions / change of use of the existing boarding house under Chapter 2, Part 3 of the Housing SEPP. • Co-living housing requirements under Chapter 3, Part 3 of the Housing SEPP are to be addressed, noting: <ul style="list-style-type: none"> ○ 10% bonus FSR only applies to the portion of the site zoned R1 general residential. It does not apply to the land zoned E1 local centre because residential flat buildings are not permitted in the E1 zone. ○ 91 rooms generates a communal living area requirement of 200sqm (30sqm + (2 x 85)). ○ A communal open space area of 343.512sqm is required based on 20% of the site area of 1,717sqm. ○ Calculation diagrams required to show the area of each room excluding private kitchen or bathroom facilities. ○ Appropriate workspace for the manager is to be provided. ○ Co-living housing is prohibited on the ground floor of the building within the E1 local centre zoned portion of the site. ○ The building has at least 3 storeys and fails to comply with the minimum separation distances specified in the Apartment Design Guide. • Desired future character controls under Part C2.2.1.4 Booth Street Distinctive Neighbourhood of Leichhardt DCP 2013 are to be addressed, noting a maximum 6m building wall height is applicable along this section of Booth Street. • Updated FSR calculation diagrams are required to provide separate FSR calculations for each zone and the Clause 4.6 request for FSR is to be updated to address each FSR requirement separately. • Landscape and site coverage calculation diagrams are required for the area of R1 zoned land only and the Clause 4.6 request for Landscape Area and Site Coverage is to be

	<p>updated to identify the area of land zoned R1 only and exclude the E1 zoned land to which the standard does not apply.</p> <ul style="list-style-type: none"> • Fire Safety matters • Architectural Design Review Panel matters • Heritage matters • Waste management matters • Engineering matters • Environmental health matters • Urban forest matters
16/5/2024	<p>The applicant submitted an updated Statement of Environmental Effects addressing Chapter 2, Part 3 of SEPP (Housing) 2021. The applicant advised that no loss of existing affordable housing would occur as the proposed change of use would increase affordable housing in the area and that “it is intended that existing residents will largely be retained on site or brought back in once construction is complete”.</p> <p>The applicant also submitted amended plans seeking to re-design the proposal to address some of the design issues raised. However, the amendments did not resolve the design issues raised or the loss of existing affordable housing and involved significant re-design that would have necessitated renotification and amended plans fees. In addition, the updated Clause 4.6 request to vary the FSR standards still failed to address each FSR requirement within the R1 zone and E1 zone separately as required.</p>
12/6/2024	<p>The applicant confirmed that the existing building at 121-125 Booth Street was built as a ‘house-let-in-lodgings’.</p>
10/7/2024	<p>Council requested the withdrawal of the application as the proposal is unsupportable based on the information submitted given any amended proposal would necessitate a new application involving co-living housing at 119 Booth Street and no change of use to the existing boarding house at 121-125 Booth Street.</p>
11/7/2024	<p>The applicant requested that the application be determined.</p>
12/7/2024	<p>Council formally notified the applicant via the Planning Portal that the amended plans were not accepted and that Council would proceed to determine the application based on the originally submitted plans.</p>

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)*.

Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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, the site is located adjacent to an existing service station, which is a potential source of contamination, and the proposal involves a change of use from commercial premises to residential accommodation.

A Detailed Site Investigation and Remediation Action Plan prepared by EI Australia, was submitted with the application which advises that the site will be made suitable for the proposed use following the removal of identified bonded asbestos in fill at two sampling sites.

However, Council's Environmental Health Section has reviewed the proposal and raised concern in relation to the lack of sampling between the two buildings to properly identify the likely extent of remediation required. Council considers the extent of sampling to be unsatisfactory and that further investigation is required between the existing buildings to satisfactorily address potential exposure due to removal of portions of the concrete slab.

Therefore, it is considered that the consent authority cannot be satisfied based on the information submitted that the land will be suitable for the proposed use.

SEPP (Sustainable Buildings) 2022

Whilst the proposal is a type of residential accommodation, it is not defined as BASIX development given a BASIX building (as defined) expressly excludes a boarding house, hostel or co-living housing that accommodates more than 12 residents or has a gross floor area exceeding 300 square metres. Therefore, a BASIX Certificate is not required for the proposed development.

State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable housing, Part 3 Retention of existing affordable housing

Council requested additional information on 31 January 2024 in relation to retention of existing affordable housing given the submitted Statement of Environmental Effects was silent on the requirements for retention of existing affordable housing under Chapter 2, Part 3 of SEPP (Housing) 2021. Council also met with the applicant on 11 April 2024 to outline several non-compliances requiring substantial re-design in addition to loss of affordable housing.

The applicant initially advised on 5 February 2024 that the existing boarding house at 121-125 Booth Street had been operating as a ‘new age boarding house’ and did not meet the definition of affordable housing as it pre-dated the current definition of a boarding house. The Applicant then submitted further information on 16 May 2024 and 12 June 2024 noting that the existing building was built as a ‘house-let-in-lodgings’, but that no loss of affordable housing would arise as the proposal would result in an increase of affordable housing.

However, the existing boarding house is a low-rental residential building (as defined) to which Chapter 2, Part 3 of the Housing SEPP applies, and the proposed change of use would result in the complete loss of existing affordable housing noting co-living housing is not a type of low-rental residential building that is afforded any protection under the Housing SEPP.

As a result, the current application cannot be supported and any amended proposal would necessitate a new application to sever the proposed change of use and retain the existing boarding house at 121-125 Booth Street.

The following provides an assessment of the relevant sections and considerations:

Section	Proposed	Compliance
47 Reduction of availability of affordable housing		
(1) Development for the following purposes, in relation to a building to which this Part applies, is permitted with development consent— (a) demolishing the building, (b) altering or adding to the structure or fabric of the inside or outside of the building, (c) changing the use of the building to another use, (d) if the building is a residential flat building—strata subdivision of the building.	The existing boarding house at 121-125 Booth Street has been used within the relevant period, commencing 5 years before the day (8 November 2023) on which the development application involving the building was lodged and ending on that day, and as such, is a low-rental residential building to which this Part applies. The proposal involves “altering or adding to the structure or fabric of the inside or outside of the existing building” and change of use of the building to another use.	Noted
(2) In determining whether to grant development consent, the consent authority must take into account the <i>Guidelines for the Retention of Existing Affordable Rental Housing</i> , published by	The Guidelines state that where overall impact is major and adverse and cannot be adequately mitigated, serious consideration should be given to refusal. In this instance, the proposed change of use would result in the complete loss of 63	No

<p>the Department in October 2009 and the following—</p> <ul style="list-style-type: none"> (a) whether the development will reduce the amount of affordable housing in the area, (b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation, (c) whether the development is likely to result in adverse social and economic effects on the general community, (d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation, (e) the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area, (f) whether the building is structurally sound, including— (i) the extent to which the building complies with relevant fire safety requirements, and (ii) the estimated cost of carrying out work necessary to ensure the building is structurally sound and complies with relevant fire safety requirements, (g) whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development, (h) for a boarding house—the financial viability of the continued use of the boarding house. 	<p>existing boarding rooms, which is a major and adverse impact given co-living housing is not a type of low-rental residential building that is afforded any status as affordable housing or future protection under the Housing SEPP. Further, the proposal results in a reduction of total occupancy from 9 single rooms and 54 double rooms (equating to a total occupancy of 117 persons) to 67 single rooms (67 persons) excluding the manager’s room within 121-125 Booth Street.</p> <p>In addition, the applicant has failed to address the proposed alterations and additions to the existing boarding house structure or fabric being upgraded to a higher standard, such as replacing shared kitchen facilities with individual facilities, or comprehensive refurbishment of the building intended to raise the standard of accommodation and enable an increase in rents.</p> <p>The proposal cannot be supported given a condition requiring a monetary payment would not adequately mitigate the reduction of affordable housing in circumstances where the development will result in the complete loss of 63 existing boarding rooms in the area, there is not sufficient comparable low-cost boarding house accommodation to satisfy the demand for the accommodation, there are likely to be adverse social and economic effects on the general community, and no arrangements have been made to assist existing residents likely to be displaced.</p>	
<p>(3) Sufficient comparable accommodation is conclusively taken not to be available if, for the 3 months occurring immediately before the development application is lodged, the average vacancy rate in private rental accommodation for Sydney, as published monthly by the Real Estate Institute of New South Wales, is less than 3%.</p>	<p>The rental vacancy rate is below 3%.</p>	<p>Noted</p>
<p>(4) The continued use of a boarding house is financially viable if the</p>	<p>The applicant has not provided any detail in relation to the actual income and</p>	<p>Noted</p>

rental yield of the boarding house, as determined under section 48(4), is at least 6%.	outgoings. However, this is only applicable in the event a condition is imposed requiring the payment of a monetary contribution to mitigate the reduction of affordable housing under clause 48.	
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Chapter 3 Diverse housing, Part 3 Co-living housing

The proposal is for co-living housing comprising a total of 91 rooms across two buildings connected by linking corridors at Levels 2 and 3 at 119 and 121-125 Booth Street. As such, the proposed co-living housing is permissible subject to the consent authority being satisfied that the both the site and design are suitable in accordance with the SEPP and that the development meets the relevant development standards under Chapter 3 Part 3 of the SEPP.

The following provides an assessment of the relevant sections and considerations:

Section	Proposed	Compliance
67 Co-living housing may be carried out on certain land with consent		
Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.	Pursuant to <i>Inner West Local Environmental Plan 2022 (IWLEP 2022)</i> the site is in Zone R1 General Residential and E1 Local Centre. Co-living housing is permissible with consent.	Yes
68 Non-discretionary development standards – the Act, s4.15		
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	NA
(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing— (a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,	Residential flat buildings are permitted in the R1 zone, but not permitted in the E1 zone. Therefore, the R1 zoned portion of the site with an area of 1,647.4sqm has a maximum permitted FSR of 0.6:1 + 10% (0.66:1), while the portion of the site zoned E1 (69.6sqm) has a maximum permitted FSR of 1:1 with no bonus. A maximum gross floor area (GFA) of 69.6sqm is permitted with the E1 zoned land. The proposed GFA of 105sqm or FSR of 1.51:1 on the E1 zoned land equates to a variation of 50.86%. A maximum gross floor area of 1,087.284sqm is permitted within the R1 zoned land. The proposed GFA of 2,681sqm or FSR of 1.63:1	No, refer to Clause 4.6 assessment under IWLEP

	<p>on the R1 zoned land equates to a variation of 146.5%.</p> <p>The proposed overall gross floor area is 2,786sqm, which equates to an aggregated overall variation of 1,629.116sqm (or 140.81%).</p>	
<p>(c) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>The proposal requires a communal living area of 200sqm (30sqm + (2 x 85)).</p> <p>The proposed design includes 64sqm of communal living area, which equates to a variation of 68% (or 136sqm shortfall).</p>	No
<p>(d) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p>	<p>Required: 343.4sqm.</p> <p>Provided: 156sqm.</p> <p>Variation of 54.57% (or 187.4sqm shortfall)</p>	No
<p>(e) unless a relevant planning instrument specifies a lower number—</p> <p>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p>	<p>(e)(i) applies as the land is in an accessible area.</p> <p>Required: 18.2 car parking spaces.</p> <p>Provided: 29 car spaces (within 121-125 Booth Street).</p>	Yes
<p>(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>	<p>The subject site is zoned R1 General Residential and E1 Local Centre, therefore (f) and (g) do not apply.</p>	N/A
<p>69 Standards for co-living housing</p>		
<p>(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than—</p> <p>(i) for a private room intended to be used by a single occupant—12m², or</p> <p>(ii) otherwise—16m², and</p>	<p>Several rooms within the new co-living housing building at 119 Booth Street fail to provide a floor area (excluding areas for bathroom facilities or private kitchen) of at least 12sqm and room C.1.1 (being the former Manager’s suite) exceeds the maximum of 25sqm.</p> <p>Accordingly, the proposal fails to satisfy this precondition to grant of consent.</p>	No
<p>(b) the minimum lot size for the co-living housing is not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential—600m², or</p> <p>(ii) for development on other land—800m², and</p>	<p>The minimum lot size of 800sqm applies given the R1 and E1 zoning.</p> <p>Whilst the overall site has an area of 1717sqm comprised of 5 existing lots, it is noted that lot consolidation</p>	No

	<p>does not form part of the proposal and that 119 Booth Street has an area of 576.2sqm.</p> <p>Therefore, whilst 121-125 Booth Street is capable of compliance, the proposed co-living housing building at 119 Booth Street fails to comply with the minimum lot size.</p> <p>Accordingly, the proposal fails to satisfy this precondition to grant of consent.</p>	
<p>(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and</p>	<p>The site is zoned R1 General Residential and E1 Local Centre, therefore this standard does not apply.</p>	<p>N/A</p>
<p>(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and</p>	<p>The proposed Manager’s room provided adjacent to the car park and entry lobby on the western side of 121-125 Booth Street fails to provide an appropriate workspace for the proposed co-living housing at 119 Booth Street.</p> <p>Accordingly, the proposal fails to satisfy this precondition to grant of consent.</p>	<p>No</p>
<p>(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p>	<p>Proposed ground floor within the E1 zoned land at 119 Booth Street is used for communal bathroom and waste storage for residential purposes, which is not permitted under IWLEP where an active street frontage is required.</p> <p>Accordingly, the proposal fails to satisfy this precondition to grant of consent.</p>	<p>No</p>
<p>(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether— (a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p>	<p>The site is zoned R1 General Residential and E1 Local Centre, therefore these standards do not apply.</p>	<p>N/A</p>

<p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p>	<p>Minimum separation distances of 6m (habitable rooms and balconies) and 3m (non-habitable rooms) apply to site boundaries and 12m (habitable to habitable) and 6m (non-habitable to non-habitable) within the site.</p> <p>The proposal does not comply with these requirements based on separations of less than 12m to habitable rooms facing the common boundary between 119 Booth Street and 121-125 Booth Street within Levels 1 to 3 as well as existing rear setbacks to adjoining lower density residential properties of less than 9m to habitable rooms for Levels 1 to 3 at 121-125 Booth Street.</p> <p>Accordingly, the proposal fails to satisfy this precondition to grant of consent.</p>	<p>No</p>
<p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p>	<p>North facing communal living area will achieve at least 3 hours solar access at midwinter between 9am to 3pm.</p>	<p>Yes</p>
<p>(f) the design of the building will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>The proposed design is not compatible with desirable elements of the character of the local area.</p> <p>Accordingly, the proposal fails to satisfy this precondition to grant of consent.</p>	<p>No</p>
<p>70 No subdivision</p>		
<p>Development consent must not be granted for the subdivision of co-living housing into separate lots.</p>	<p>No subdivision is proposed</p>	<p>Yes</p>

The applicant has not submitted a Clause 4.6 request to address the abovementioned variations to co-living housing standards.

Therefore, there is no power to grant consent in this instance and this forms a recommended reason for refusal.

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.

No tree removal is proposed as a part of the development and adverse impacts to existing trees to be retained are unlikely to arise subject to standard tree protections measures.

Overall, the proposal is considered acceptable with regard to the SEPP and LDCP 2013 Section C1.14.

Chapter 6 Water Catchments

The subject site is located within the Sydney Harbour Catchment. Section 6.6 under Part 6.2 of the SEPP provides matters for consideration which apply to the subject development proposal. The proposal is acceptable in relation to these matters.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
<p>Section 1.2 Aims of Plan</p>	<p>The proposed development is inconsistent with the following aims of the <i>IWLEP</i>:</p> <ul style="list-style-type: none"> • <i>(b) to conserve and maintain the natural, built and cultural heritage of Inner West,</i> • <i>(g) to create a high quality urban place through the application of design excellence in all elements of the built environment and public domain,</i> • <i>(h) to prevent adverse social, economic and environmental impacts on the local character of Inner West,</i> • <i>(i) to prevent adverse social, economic and environmental impacts, including cumulative impacts.</i> <p>The proposed development will not conserve and maintain the significance of the heritage conservation area or adjoining heritage listed Annandale Post Office and fails to create a high-quality urban place, particularly given the excessive bulk and height and the lack of a cohesive relationship between the buildings across the two sites. This in turn adversely impacts upon the overall streetscape character. Council's Heritage Section and Architectural Excellence Design Review Panel (AEDRP) both raised concerns with the proposal requiring a significant redesign. In addition, the complete loss of existing affordable housing arising from the proposed change of use fails to prevent adverse social impacts.</p> <p>Having regard to the above, the proposal fails to comply with the aims of the plan with specific regard to 1.2(b), (g), (h) and (i).</p>	<p>No</p>

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
<p>Section 2.3 Zone objectives and Land Use Table</p>	<p>The site is zoned R1 General Residential and E1 Local Centre. The application proposed 'co-living housing' (as defined under IWLEP 2022).</p> <p>Co-living housing (being a form of 'residential accommodation') is permitted within the R1 zone, but prohibited within the E1 zone. Notwithstanding this, Section 67 of Part 3, Chapter 3 of the Housing SEPP permits co-living housing in both zones given shop top housing is a permitted form of development within the R1 and E1 zone under <i>IWLEP</i>.</p> <p>However, the development is not consistent with the following R1 zone objectives:</p> <ul style="list-style-type: none"> • <i>To provide residential development that maintains the character of built and natural features in the surrounding area.</i> <p>In addition, the development is not consistent with the following E1 zone objectives:</p> <ul style="list-style-type: none"> • <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> • <i>To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.</i> <p>Overall, the proposal is of a poor design quality, would result in a compromised streetscape outcome and adverse heritage impacts and is contrary to the desired future character of the locality.</p>	<p>No</p>
<p>Section 2.7 Demolition requires development consent</p>	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and • Standard conditions can be imposed to manage impacts which may arise during demolition. 	<p>Yes</p>

Part 4 – Principal development standards

Standard	Proposal	Non compliance	Complies
<p>Section 4.3C (3)(a) Landscaped Area Minimum required: 20% of the R1 zoned portion of the site with an area of 1,647.4sqm</p>	<p>173.16sqm (10.5% excluding the E1 zoned land), being an increase of 96.16sqm from existing.</p>	<p>156.32sqm or 47.4%</p>	<p>No</p>

<p>Section 4.3C (3)(b) Site Coverage Maximum permitted: 60% of the R1 zoned portion of the site with an area of 1,647.4sqm</p>	<p>1,318.73sqm (80% excluding the E1 zoned land)</p>	<p>330.29 or 33.4%</p>	<p>No</p>
<p>Section 4.4 Floor Space Ratio Maximum permissible:</p> <p>The E1 zoned portion of the site with an area of 69.6sqm has a maximum permitted FSR of 1:1 (or GFA of 69.6sqm) with no bonus.</p> <p>The R1 zoned portion of the site with an area of 1,647.4sqm has a maximum permitted FSR of 0.66:1, being 0.6:1 + 10% bonus under Housing SEPP, or GFA of 1,087.284sqm.</p> <p>The overall aggregated permitted GFA is 1,156.884sqm.</p>	<p>The proposed GFA of 105sqm or FSR of 1.51:1 on the E1 zoned land equates to a variation of 50.86%.</p> <p>The proposed GFA of 2,681sqm or FSR of 1.63:1 on the R1 zoned land equates to a variation of 146.5%.</p> <p>The proposed overall gross floor area is 2,786sqm, being an increase of 388sqm from existing.</p>	<p>35.4sqm or 50.86% in the E1 zone</p> <p>1,593.716sqm of 146.5% in the R1 zone</p> <p>Aggregated overall variation of 1,629.116sqm (or 140.81%).</p>	<p>No</p> <p>No</p> <p>No</p>

Section	Proposed	Compliance
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Sections 4.3C(3)(a), 4.3C(3)(b) and 4.4 of the <i>IWLEP 2022</i> .	See discussion below

Section 4.6 – Exceptions to Development Standards

Landscaped Area & Site Coverage Development Standard

The applicant seeks a variation to the landscaped area and site coverage development standards prescribed under section 4.3C(3)(a) and (b) of the IWLEP 2022 by 156.32sqm or 47.4% with respect to landscaped area and 330.29sqm or 33.4% with respect to site coverage. 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 exceptions to the development standards have 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 contraventions of the landscaped area and site coverage development standards.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the fourth method described in *Initial Action* is used, which is that the standards have been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standards.

The key points in the applicant's written request is summarised as follows:

With respect to the subject application, we consider that the proposed development meets the requirements of Wehbe Test 4 (the standards have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standards) and therefore compliance with the development standard is unreasonable and unnecessary when considered holistically with the development outcome being sought.

Whilst the required landscaped area control established on the site may be appropriate for new development, the development seeks to renew and adaptively reuse existing buildings, with an existing building footprint (site coverage) and landscaped area. The proposed development seeks an improvement to the existing landscaped outcomes to the site.

The proposed development simply seeks to extinguish the existing use rights associated with 119 Booth St Annandale whilst enabling appropriate building upgrades to 121-125 Booth St including new landscaping and internal updates.

The previous consents granted by Council demonstrate no consistency with the landscaped area controls that apply to the site both in terms of landscaped area and site coverage and therefore it is unreasonable to expect compliance with the significantly higher landscaped control and to renew the buildings. The DA enables the buildings to be refined and improved, along with improved amenity and landscape outcomes against the current building operation.

It is noted that the applicant relies upon the previous consents granted in the 1970s for the former Commonwealth Bank building at 119 Booth Street and existing boarding house at 121-125 Booth Street to claim that the current landscaped area and site coverage standards under IWLEP 2022 have been abandoned. It is unclear how consents granted approximately 45 years prior to the commencement of IWLEP 2022 have any bearing on the consistency of Council's actions in applying the landscaped area and site coverage standards under section 4.3C(3)(a) and (b) under IWLEP 2022.

Further, whilst the applicant has not sought to demonstrate that the objectives of the standards are achieved notwithstanding non-compliance, it is noted that the existing building at 121-125 Booth Street is being retained. However, the proposal does not result in any improvement to the external landscape amenity of 121-125 Booth Street, which could be reasonably expected for such a large re-development. Moreover, the new replacement 3-storey building at 119

Booth Street is capable of greater landscape provision as it is proposed on an unconstrained portion of the site given the substantial demolition proposed and cannot be described as an 'adaptive reuse'.

Therefore, the applicant's request has failed to demonstrate that compliance is unreasonable or unnecessary in the circumstances.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Clause 4.6(3)(b), the Applicant advances four environmental planning grounds to justify contravening the landscaped area and site coverage standards. Each will be dealt with in turn:

Environmental Planning Ground 1 – *As discussed in Section 7.1, the redevelopment simply seeks renewal of the existing boarding house at 121-125 Booth St and adaptive reuse of 119 Booth Street to extinguish the existing use rights and retain the existing building within the conservation area.*

Comment – As previously noted, it is not accepted that the proposal is an adaptive reuse of 119 Booth Street given the substantial demolition proposed and it is considered reasonable to improve the external landscape amenity for occupants within 121-125 Booth Street given the scale of re-development. In addition, there are no heritage values associated with the existing building being 'retained' at 119 Booth Street and the excessive bulk and scale of the proposed replacement 3-storey building results in adverse heritage impacts to the conservation area and adjoining heritage item. This ground is not accepted.

Environmental Planning Ground 2 – *The size and scale of the development is compatible with the existing surrounding development as well as the Booth St HCA as outlined in the heritage report. The retention of the existing buildings results in the significant variation to the FSR control. A reduction in the FSR to the maximum permitted under the current controls will result in the buildings to fall into further disrepair as it will not create an 'orderly or economic use of land' in accordance with the Objects of the Act.*

Comment – As indicated above, there are no heritage values associated with the existing building being 'retained' at 119 Booth Street and the excessive bulk and scale of the proposed replacement 3-storey building results in adverse heritage impacts to the conservation area and adjoining heritage item. Further, the new replacement 3-storey building at 119 Booth Street is capable of greater landscape provision as it is proposed on an unconstrained portion of the site given the substantial demolition proposed and cannot be described as an 'adaptive reuse'. In addition, it is unclear what relevance the FSR of the existing buildings have in justifying variations to the site coverage and landscaped area standards. Therefore, this ground is not accepted.

Environmental Planning Ground 3 – *Whilst still a non-compliance with landscaped area and site coverage, the proposal is a net improvement of over 100sqm of landscaped area across*

the sites and enables external communal open space for existing boarding house residents at 121 125 Booth St.

Comment – This ground is not accepted given the proposal affords poor amenity and lack of connection to the communal open space area for residents at 121-125 Booth Street, and does not result in any improvement to the external landscape amenity within 121-125 Booth Street.

Environmental Planning Ground 4 – *The aspects of the development that are non-compliant with the landscape control do not create any additional environmental impacts such as overshadowing, visual or acoustic privacy beyond what a compliant development would create.*

Comment – This ground is not accepted because non-compliance with the landscape control has little or no bearing on overshadowing, visual or acoustic privacy. The landscape area and site coverage controls seek to control site density and provide for landscape areas for the use and enjoyment of residents and promote the desired future character of the neighbourhood.

Cumulatively, the above environmental grounds are inadequate to be considered sufficient environmental planning grounds to justify contravening the development standard. The requirements of Section 4.6(3)(b) are therefore not met.

Whether the proposed development meets the objectives of the development standard, and of the zone

The written submission addresses the R1 zone objectives.

However, Council is not satisfied that the development is consistent with the following R1 zone objective:

- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

Council does not accept the Applicant's submissions in the written request that the development will maintain the character of built features in the conservation area as outlined above. As the proposal is inconsistent with both the objectives of the zone and the standard, it is not considered in the public interest.

For the reasons outlined above, it is recommended the section 4.6 exception be rejected. This matter has been included as a recommended reason for refusal.

Floor Space Ratio Development Standard

The applicant seeks a variation to the FSR development standards prescribed under section 4.4 of the IWLEP 2022 by 35.4sqm or 50.86% in the E1 zone and 1,593.716sqm of 146.5% in the R1 zone, being an overall aggregated variation of 1,629.116sqm (or 140.81%). 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 exceptions to the development standards have 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 contraventions of the FSR development.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the second and fourth methods described in *Initial Action* are used, which is that the underlying objective or purpose of the standard is not relevant to the development and that the standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standards. The key points in the applicant's written request are summarised as follows:

With respect to the subject application, we consider that the proposed development meets the requirements of Wehbe Tests 2 and 4 (the underlying objective or purpose of the standard is not relevant to the development; and the standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard) and therefore compliance with the development standard is unreasonable and unnecessary when considered holistically with the development outcome being sought.

Whilst the maximum floor area established on the site may be appropriate for new development, the subject sites have existing floor space non-compliances and, existing use rights. The proposed development simply seeks to extinguish the existing use rights associated with 119 Booth St Annandale whilst enabling appropriate building upgrades to 121-125 Booth St including new landscaping and internal updates.

The previous consents granted by Council demonstrate no consistency with the FSR controls that apply to the site both in terms of land use and built form and therefore it is unreasonable to expect compliance with the significantly lower FSR control and to renew the buildings. The DA enables the buildings to be refined and improved, along with improved amenity and landscape outcomes against the current building operation.

It is noted that the applicant relies upon the previous consents granted in the 1970s for the former Commonwealth Bank building at 119 Booth Street and existing boarding house at 121-125 Booth Street to claim that the current FSR standards under IWLEP 2022 have been abandoned. It is unclear how consents granted approximately 45 years prior to the commencement of IWLEP 2022 have any bearing on the consistency of Council's actions in applying the FSR standards under section 4.4 under IWLEP 2022. In addition, the existing uses across the site, being a business premises (the former Commonwealth bank at 119 Booth Street) and boarding house at 121-125 Booth Street are both permissible uses under IWLEP 2022 to which existing use rights do not apply.

Further, whilst the applicant has not sought to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance, it is noted that the existing building at 121-125

Booth Street is being retained. However, it cannot be said that the underlying purpose of the standard is not relevant to the development as the proposed 3-storey building at 119 Booth Street with interconnected corridors to the existing building at 121-125 Booth Street at Levels 1 and 2 increases existing FSR, and results in adverse heritage and streetscape impacts.

Therefore, the applicant's request has failed to demonstrate that compliance is unreasonable or unnecessary in the circumstances.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Clause 4.6(3)(b), the Applicant advances three environmental planning grounds to justify contravening the FSR development standard. Each will be dealt with in turn:

Environmental Planning Ground 1 – *As discussed in Section 7.1, the redevelopment simply seeks renewal of the existing boarding house at 121-125 Booth St and adaptive reuse of 119 Booth Street to extinguish the existing use rights and retain the existing building within the conservation area.*

Comment – As previously noted, it is not accepted that the proposal is an adaptive reuse of 119 Booth Street given the substantial demolition proposed. In addition, there are no heritage values associated with the existing building being 'retained' at 119 Booth Street and the excessive bulk and scale of the proposed replacement 3-storey building with linking corridors to the existing building at 121-125 Booth Street at Levels 1 and 2 result in adverse heritage impacts to the conservation area and adjoining heritage item. This ground is not accepted.

Environmental Planning Ground 2 – *The size and scale of the development is compatible with the existing surrounding development as well as the Booth St HCA as outlined in the heritage report. The retention of the existing buildings results in the significant variation to the FSR control. A reduction in the FSR to the maximum permitted under the current controls will result in the buildings to fall into further disrepair as it will not create an 'orderly or economic use of land' in accordance with the Objects of the Act.*

Comment – As indicated above, there are no heritage values associated with the existing building being 'retained' at 119 Booth Street and the excessive bulk and scale of the proposed replacement 3-storey building results in adverse heritage impacts to the conservation area and adjoining heritage item. Further, the existing part-1, part-2 storey former Commonwealth Bank building has an FSR of 0.569:1 within 119 Booth Street. The new replacement 3-storey building at 119 Booth Street has an FSR 1.24:1. The proposed increase in FSR variation is not justified on an unconstrained portion of the site given the substantial demolition proposed. Therefore, this ground is not accepted.

Environmental Planning Ground 3 – *The aspects of the development that are non-compliant with the FSR control do not create any additional environmental impacts such as overshadowing, visual or acoustic privacy beyond what a compliant development would create.*

Comment – This ground is not accepted because the non-compliance with the FSR control arising from the new building at 119 Booth Street does result in additional environmental impacts in terms of visual bulk and privacy amenity impacts to the existing boarding house rooms at 121-125 Booth Street facing the common boundary with 119 Booth Street as well as adverse impacts streetscape appearance and setting of the adjoining heritage listed Annandale Post Office and the conservation area.

Cumulatively, the above environmental grounds are inadequate to be considered sufficient environmental planning grounds to justify contravening the development standard. The requirements of Section 4.6(3)(b) are therefore not met.

Whether the proposed development meets the objectives of the development standard, and of the zone

The written submission addresses the R1 zone objectives, but does not address the E1 zone objectives.

However, the development is not consistent with the following R1 zone objectives:

- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

In addition, the development is not consistent with the following E1 zone objectives:

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.*

Council does not accept the Applicant’s submissions in the written request that the development will maintain the character of built features in the conservation area as outlined above. As the proposal is inconsistent with both the objectives of the zones and the standard, it is not considered in the public interest.

For the reasons outlined above, it is recommended the section 4.6 exception be rejected. This matter has been included as a recommended reason for refusal.

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
Section 5.10 Heritage conservation	The contains two intrusive (non-contributory) buildings located within the Annandale Heritage Conservation Area (HCA). The subject site is adjacent to the heritage listed Annandale Post Office, including interiors, to the east at 115-117 Booth Street (112). Council's Heritage Officer reviewed the proposal and raised no objection to substantial demolition of the existing building at 119 Booth Street. However, the	No

Section	Compliance	Compliance
	<p>proposed replacement 3-storey building at 119 Booth Street with a 10.908m wall height and connecting corridors at Levels 1 and 2 to the existing building at 121-125 Booth Street fails to provide sympathetic infill development within the conservation area, exacerbates existing bulk and scale, and fails to respect the significance of the adjoining heritage item.</p> <p>Therefore, the proposal results in unacceptable heritage impacts and this matter has been included as a recommended reason for refusal.</p>	

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	The submitted stormwater drainage plans were reviewed by Council's Engineering Section insufficient information was provided to enable a full and proper assessment of the stormwater management impacts of the development. Amendments were requested during assessment, but no response was received	No
Section 6.8 Development in areas subject to aircraft noise	The land is located within land affected by ANEF 20-25. No acoustic report was submitted with the proposal to demonstrate that the proposal will not be adversely affected by aircraft noise.	No
Section 6.13 Residential accommodation in business zones	<p>The subject site is partly zoned E1 Local Centre to which this clause applies.</p> <p>The proposed co-living housing development fails to satisfy this precondition to grant of consent in relation to any residential accommodation within the E1 zoned portion of the site given:</p> <ul style="list-style-type: none"> • It is not a mixed use development; • Will not have an active street frontage; and • Is not compatible with the desired future character of the area in relation to its bulk, form, uses and scale. <p>Overall, the proposal is of a poor design quality, would result in a compromised streetscape outcome and adverse heritage impacts and is contrary to the desired</p>	No

Section	Proposed	Compliance
	<p>future character of the locality. The proposal requires substantial re-design to resolve the design issues raised and incorporate an active street frontage with a commercial use on the ground floor within the E1 zone, as well as removing the proposed change of use of the existing boarding house at 121-125 Booth Street, which would necessitate a new application.</p> <p>Having regard to the above the proposal fails to adequately satisfy all of the requirements of Section 6.13(3) of IWLEP 2022.</p>	

Development Control Plans

Summary

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	No – a social impact statement was not provided in relation to the loss of existing affordable housing
B2.1 Planning for Active Living	Yes
Part C	
C1.0 General Provisions	No (proposal is contrary to Objectives 5 and 6)
C1.1 Site and Context Analysis	No (proposal is contrary to Objectives 1b and d)
C1.2 Demolition	Yes
C1.3 Alterations and additions	No – see discussion
C1.4 Heritage conservation areas and heritage items	No – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	No
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	No
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
C2.2.1.4 Booth Street Distinctive Neighbourhood	No – see discussion

Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	N/A
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	No – the proposal is contrary to Objective O1 and Control C1 as it fails to adequately screen sightlines between habitable rooms within the site and to adjoining private open space to the north due to inadequate separation
C3.12 Acoustic Privacy	Yes
C3.14 Adaptable Housing	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	No
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	No
C4.6 Shopfronts	Yes
C4.15 Mixed Use	No – the proposal fails to provide an appropriate mix of uses with residential uses above the ground floor of the E1 portion of the site
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	No insufficient information has been provided in the Waste Management Plan regarding ongoing waste management
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes

E1.1.3 Stormwater Drainage Concept Plan	No (The submitted stormwater drainage plans do not meet the requirements of this section. Amendments were requested during assessment, though no response was received)
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	No (The submitted OSD design did not satisfy the requirements of this section and no response was received to the request for amendments)
E1.2.5 Water Disposal	Yes

The following provides discussion of the relevant issues:

C1.3 Alterations and Additions/C1.4 Heritage Conservation Areas and Heritage Items/C2.2.1.4 Booth Street Distinctive Neighbourhood

The proposed development does not comply with the following desired future character controls:

- C3 *Maintain the predominant bulk, scale and siting of buildings and protect the heritage significance of the Heritage Conservation Area.*
- C5 *Promote mixed use development involving businesses on the ground floor and residential above and to the rear of commercial buildings in the neighbourhood.*
- C6 *Protect and enhance the residential amenity of dwellings in and adjoining the neighbourhood.*
- C8 *Maintain the character of the area by keeping development complementary in architectural style, form and materials.*
- C9 *Retain existing shop fronts, regardless of current or proposed use, to provide for future flexibility.*
- C13 *Promote the continuing development of a local neighbourhood centre and identify land uses and development that contribute to the economic well-being of the neighbourhood.*
- C14 *Enhance and promote the viability and potential for neighbourhood and local provision shops.*
- C16 *Buildings between Annandale Street and Wigram Road shall have a maximum building wall height of 6m.*

The proposed additions have a wall height of 10.908m (which is a 81.8% variation to the maximum 6m wall height control), resulting in adverse streetscape and heritage impacts and fails to provide a suitable mix of uses having regard to the E1 zoned portion of the site.

C3.2 Site Layout and Building Design

The proposed development does not comply with the building location zone, side setback and building envelope requirements, particularly at the Second Floor level.

The proposed 3-storey appearance to the street breaches the permitted building envelope based on a 6m wall height and the zero setback blank wall to the eastern boundary of the site results in adverse streetscape and heritage impacts given the existing 1 and 2 storey scale of the adjoining Annandale Post Office building to the east.

C3.3 Elevations and Materials

The proposed development has not demonstrated a design that provides a high level of architectural and visual presentation to all elevations, particularly at the 'blank' side elevation of the additions. This results in an outcome contrary to the below control:

C7 New buildings shall be designed to provide a high level of architectural and visual presentation to all elevations, avoiding blank, unarticulated side and rear elevations.

C3.11 Visual Privacy

The proposal fails to comply with Control C1 given views within 9m and 45 degrees will not be adequately screened between habitable rooms within the site and to adjoining private open space to the north at 147A Annandale Street due to inadequate separation.

Whilst the existing room layouts and openings facing the rear northern boundary will be maintained at 121-125 Booth Street, the proposal does not comply with the minimum building separation requirements under the Housing SEPP and fails to provide any additional landscaping within the site to soften the existing interface with the lower density residential neighbours to the north.

The Likely Impacts

(A) The assessment of the Development Application demonstrates that, the proposal will have adverse environmental and social impacts on the locality.

The Suitability of the Site for the Development

Considering that adverse effects on adjoining properties and the streetscape have not been minimised, and the amenity for future occupants is poor as a result of the proposed design and existing site constraints, this site is considered unsuitable to accommodate the proposed development.

Submissions

The application was notified in accordance with Council's Community Engagement Strategy between 22 November 2023 to 22 December 2023.

A total of five (5) submissions (2 objections and 3 letters of support) were received in response to the initial notification.

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

- Non-compliance with co-living housing requirements (appropriate manager workspace/communal open space/lack of communal facilities)
- Visual privacy impacts due to inadequate separation
- Excessive bulk and scale, streetscape and heritage impacts

Further issues raised in the submissions received are discussed below:

Concern	Comment
Adverse impacts from car parking immediately adjacent to the northern boundary with 147A Annandale Street.	Whilst the existing car parking area facing the rear northern boundary will be maintained at 121-125 Booth Street and no change is proposed to the existing fence, the proposal fails to provide any additional landscaping within the site to soften the existing interface with the lower density residential neighbours to the north. However, it is noted that existing wheel stops are provided to the car spaces to ensure adverse safety issues do not arise.
Fire safety impacts	The proposal was accompanied with a BCA report prepared by a suitably qualified consultant, which provides suitable fire safety measures including fire separated compartments within the existing building.

The Public Interest

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

The proposal is contrary to the public interest.

6. Section 7.11 / 7.12 Contributions

Section 7.11 contributions would be payable for the proposal in the event of approval.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area.

However, the application is recommended for refusal and these are therefore not applicable.

7. Referrals

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

- Heritage
- Health
- Waste Management Residential

- Urban Forest
- Development Engineering

In addition, the application was referred to Council's Architectural Excellence Panel, who provided verbal and written advice to the application recommending that a considerable redesign be required to address fundamental concerns with the proposal.

9. Conclusion

The proposal results in several non-compliances with the aims, objectives and standards contained in the *Housing SEPP, Inner West Local Environmental Plan 2022*, and *Leichhardt Development Control Plan 2013*.

As indicated, the applicant has not provided sufficient Clause 4.6 requests to address the non compliance with the prescribed development standards, and fails to satisfy several preconditions to grant of consent under Section 69 of the *Housing SEPP* with respect to room sizes, lot size, manager workspace, and use of the ground floor in a business zone. Therefore, there is no power to approve the development.

The development would result in the loss of existing affordable housing and adverse amenity, heritage and streetscape impacts and is not considered to be in the public interest.

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

10. Recommendation

- A. The applicant has made written requests pursuant to Section 4.6 – Exceptions to development standards of the *Inner West Local Environmental Plan 2022* to vary Section 4.3C – Landscaped Area for residential accommodation in Zone R1 and Section 4.4 – Floor Space Ratio. After considering the requests, the Panel is not satisfied that compliance with the landscaped area, site coverage and floor space ratio development standards are unnecessary in the circumstances of the case and that there are insufficient environmental grounds identified to support the variations. The proposed development will not be in the public interest because the exceedances are inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2023/0900 for the partial demolition of the former Commonwealth Bank building at 119 Booth Street and construction of a three-storey co-living development; and alterations and additions, site remediation and change of use to 'co-living' to an existing boarding house at 121-125 Booth Street, Annandale for the following reasons outlined in Attachment A below.

Attachment A – Reasons for refusal

1. The proposed development is inconsistent with, and has not demonstrated compliance with the *State Environmental Planning Policy (Housing) 2021*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including being inconsistent with the following:
 - a. Section 68 – the proposal fails to comply with the maximum FSR and has not submitted Clause 4.6 requests to vary the communal living area, and communal open space standards.
 - b. Section 69(1) – the proposal fails to satisfy preconditions to grant of consent with respect to non-compliant room size, lot size, manager workspace, and use of the ground floor in a business zone.
 - c. Section 69(2) – the proposal fails to adequately consider the requirements for building separation and compatibility with the local character.
2. The proposed development is inconsistent with, and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 1.2 Aims of the Plan; Aims (b), (g), (h), and (i)
 - b. Section 2.3 Zone Objectives for zones R1 General Residential and E1 Local Centre.
 - c. Section 4.3C Landscaped area for residential accommodation in Zone R1
 - d. Section 4.4 Floor Space Ratio
 - e. Section 4.6 Exception to development standards
 - f. Section 5.10 Heritage conservation
 - g. Section 6.8 Stormwater management
 - h. Section 6.13 Residential accommodation in Zone E1.
3. The proposed development is inconsistent with, and has not demonstrated compliance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Chapter 4 of the SEPP, as insufficient information has been provided within the submitted Contamination Report and Remediation Action Plan to enable a full and proper assessment that the site will be made suitable for the proposed use.
4. The proposed development is inconsistent with, and has not demonstrated compliance with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section B1.1 Connections
 - b. Section C1.0 General Provisions, objectives 5 (compatible) and 6 (connected).
 - c. Section C1.1 Site and Context Analysis, objections 1b and 1d.
 - d. Section 1.3 Alterations and Additions.
 - e. Section 1.4 Heritage conservation areas and heritage items.
 - f. Section C2.2.1.4 Booth Street Distinctive Neighbourhood.
 - g. Section C3.1 Residential General Provisions.
 - h. Section C3.2 Site Layout and Building Design.
 - i. Section C3.3 Elevations and Materials.
 - j. Section C3.11 Visual Privacy.

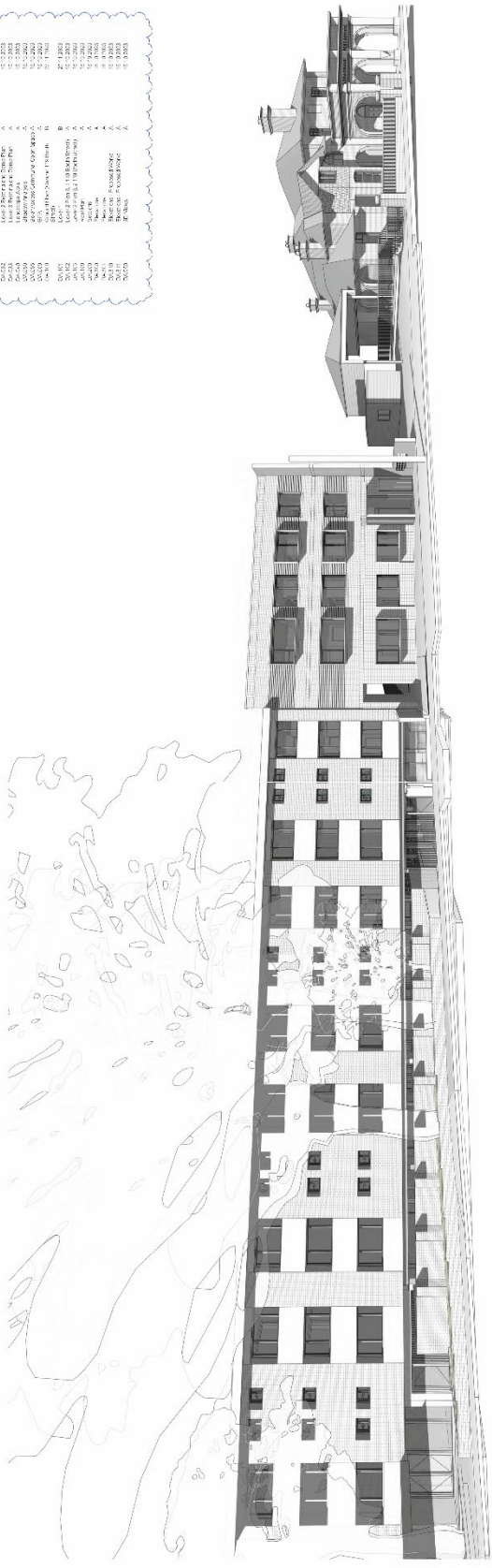
- k. Section C4.1 Objectives for Non-Residential Zones.
 - l. Section C4.4 Elevation and Materials.
 - m. Section C4.15 Mixed Use.
 - n. Section D2.3 Waste management for residential development.
 - o. Section E1.1.3 and 1.2.3 Stormwater management
5. The proposal is considered to result in adverse social impacts and environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. The proposal is not considered suitable for the site in its current form pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
7. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B – Plans of proposed development

C:\Users\Public\Desktop\Public\119-725 Booth Street\119-725 Booth Street\119-725 Booth Street\119-725 Booth Street.dwg

Development Application
NOT For Construction

Drawing List	Sheet Name	Current Revision	Current Revision Date
DA001	DA001	A	15/12/2016
DA002	DA002	A	15/12/2016
DA003	DA003	A	15/12/2016
DA004	DA004	A	15/12/2016
DA005	DA005	A	15/12/2016
DA006	DA006	A	15/12/2016
DA007	DA007	A	15/12/2016
DA008	DA008	A	15/12/2016
DA009	DA009	A	15/12/2016
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Rev	Description	Date
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2	Issue for Construction	15/12/2016

Toth & Partners Pty Ltd

Booth Street

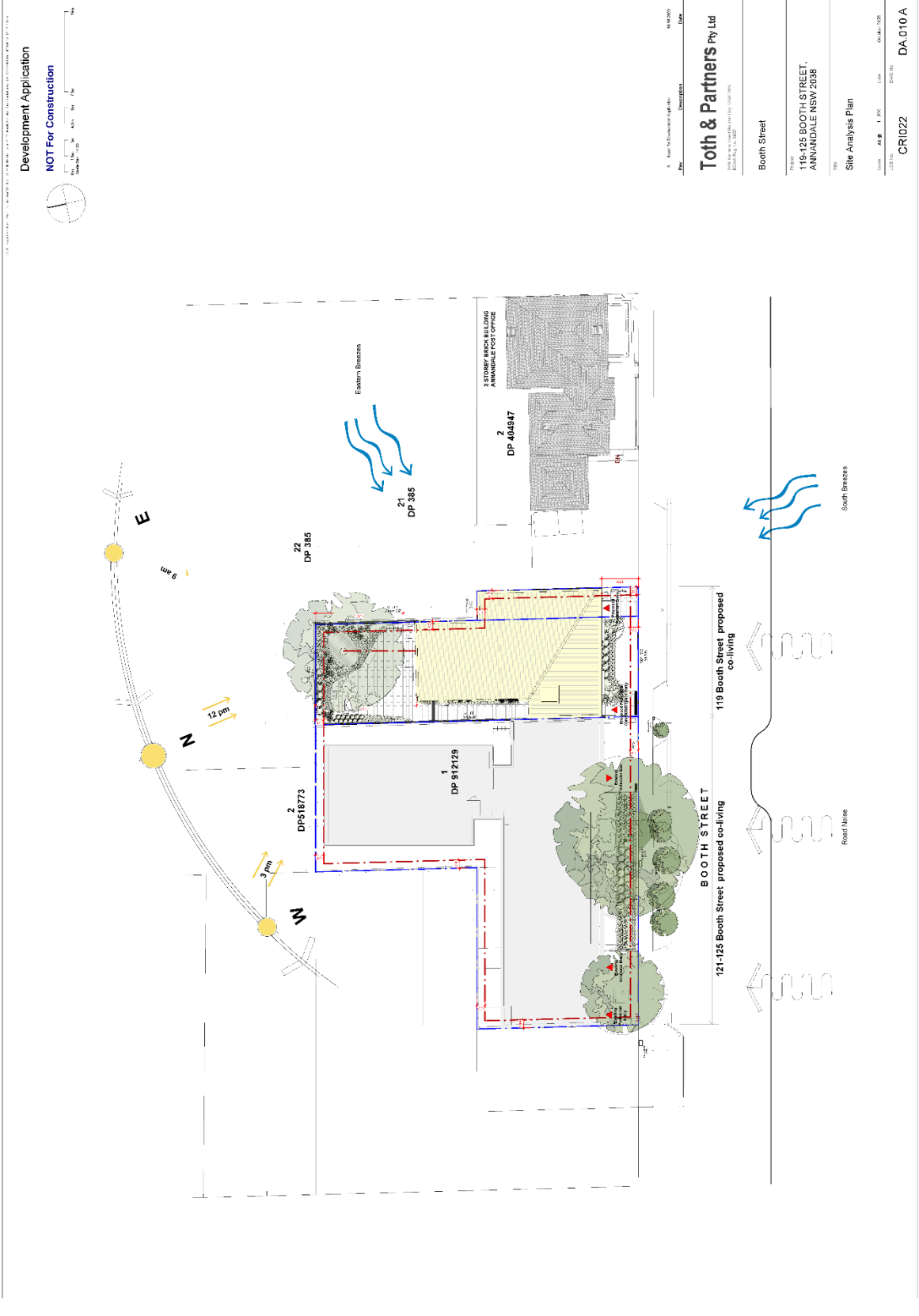
119-725 BOOTH STREET,
ANNANDALE NSW 2038

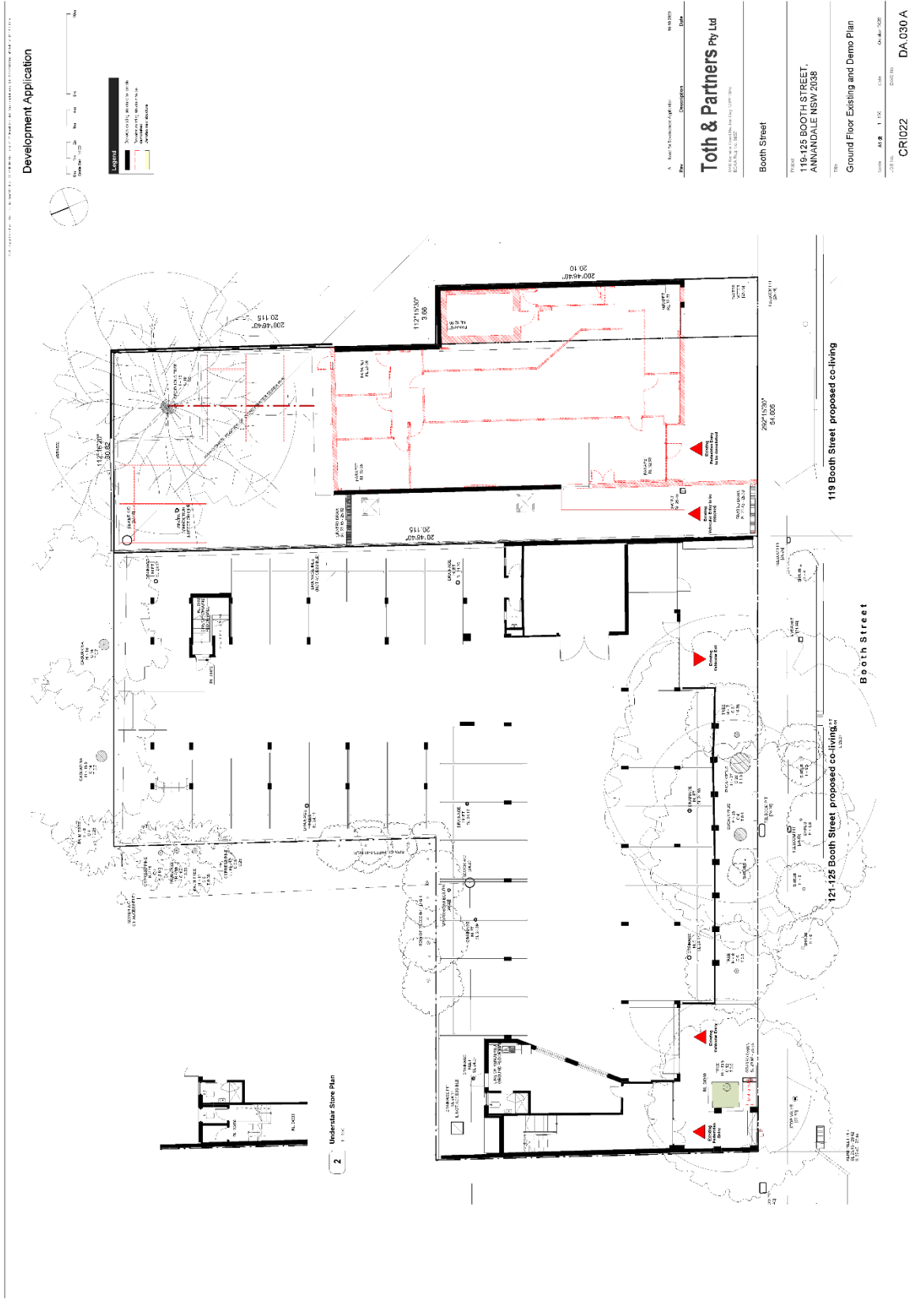
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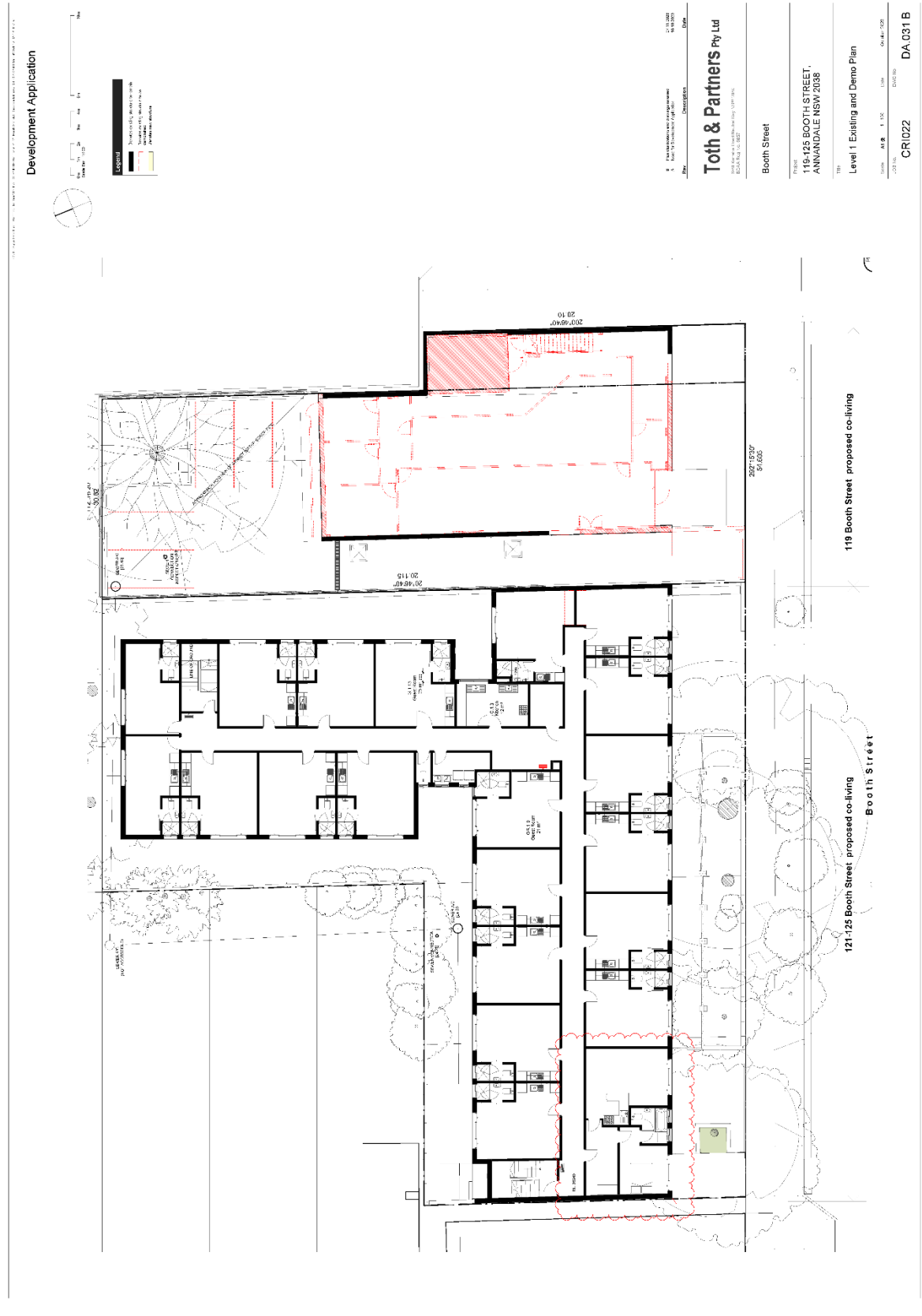
CR1022

DA 000 B

TOOTH & PARTNERS
119-725 BOOTH STREET, ANNANDALE NSW 2038







Development Application

Legend

- Demolished Area to be Demolished
- Proposed Area to be Demolished
- Proposed Area to be Retained

Table 1: Area Calculations

Area	Area (sqm)	Area (sqft)
Total Area	54,000	581,000
Proposed Area to be Demolished	20,115	217,000
Proposed Area to be Retained	33,885	364,000

Table 2: Street and Property Information

Street	Property Address	Proposed Use
Booth Street	119 Booth Street	proposed co-living
Booth Street	121-125 Booth Street	proposed co-living

Table 3: Project Details

Field	Value
Project Name	Toth & Partners Pty Ltd
Address	119-125 BOOTH STREET, ANNANDALE NSW 2158
Level	Level 2 Existing and Demo Plan
DA Number	CR1022
DA Code	DA 032 A

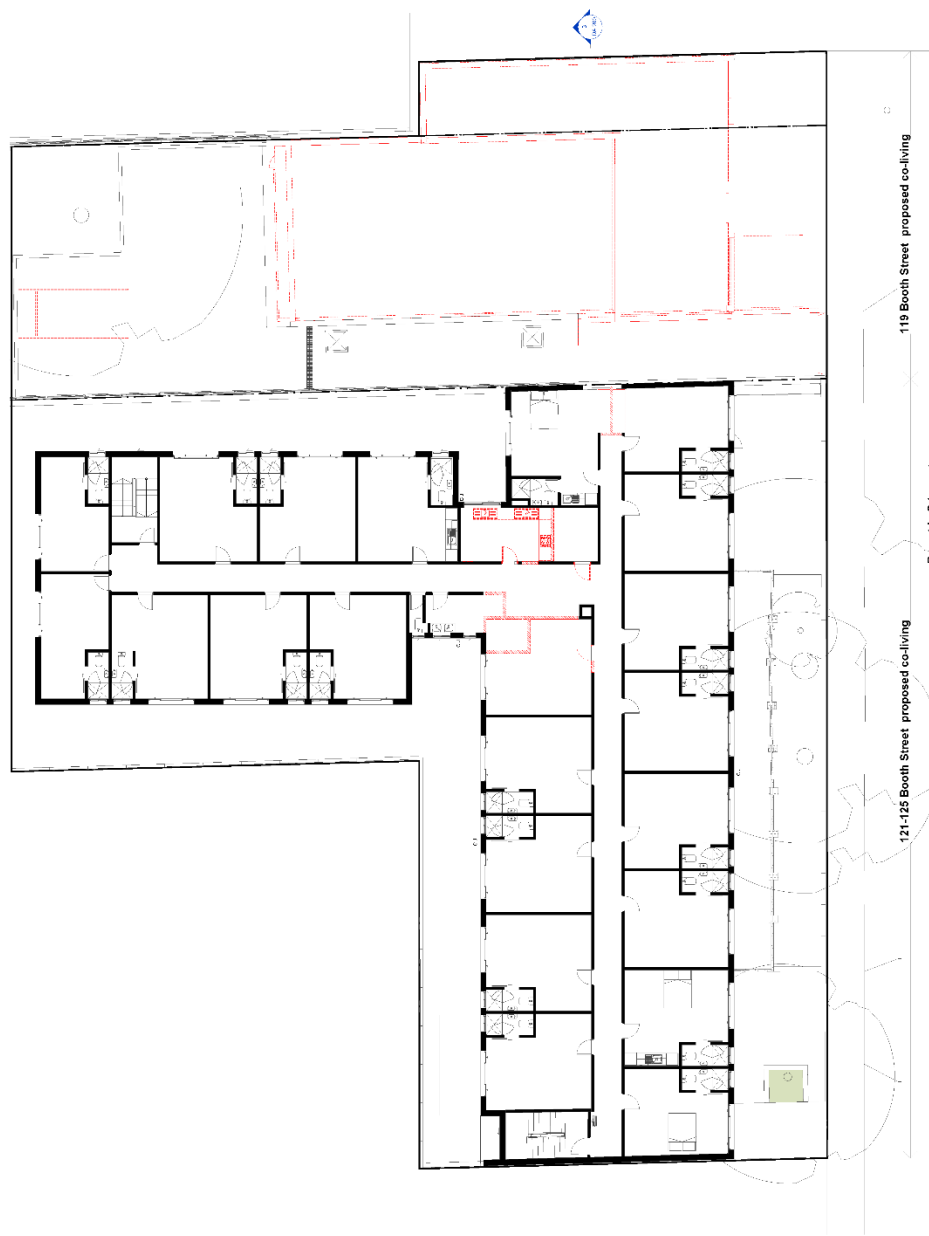
115-125 BOOTH STREET, ANNANDALE NSW 2158

Development Application



Legend

- Proposed building footprint
- Proposed building footprint
- Proposed building footprint



Applicant: **Toth & Partners Pty Ltd**
 Date: 14/03/2024

Project: **119-125 BOOTH STREET, ANNANDALE NSW 2158**


Title: **Level 3 Existing and Demo Plan**

Scale: 1:100
 Date: 14/03/2024
 Drawing No: CR1022
 DA 033 A

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Development Application
NOT For Construction



Proposed Content

- Development
- Existing Structure

General Notes

1. THIS DEVELOPMENT APPLICATION IS FOR THE PROPOSED CONSTRUCTION OF A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

2. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

3. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

4. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

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7. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

8. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

9. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

10. THE PROPOSED DEVELOPMENT IS A 119-125 BOOTH STREET, ANNANDALE NSW 2058.

REV	DESCRIPTION	DATE
1	ISSUED FOR PUBLIC COMMENT	07/04/2021
2	ISSUED FOR PUBLIC COMMENT	07/04/2021

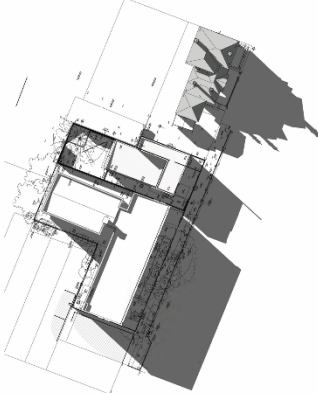
Toth & Partners Pty Ltd

119-125 BOOTH STREET,
ANNANDALE NSW 2058

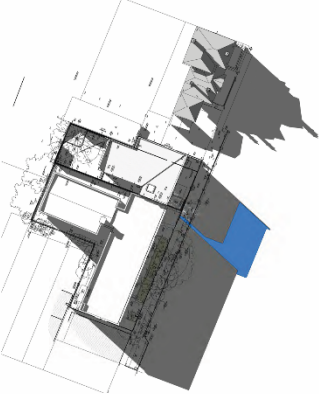
Booth Street

Shadow Analysis

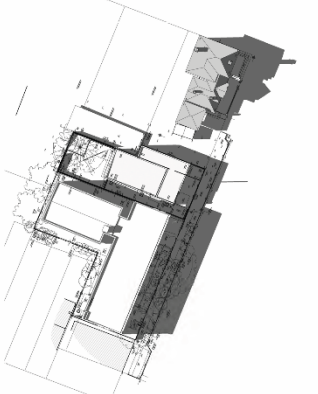
CR1022 DA 050 A



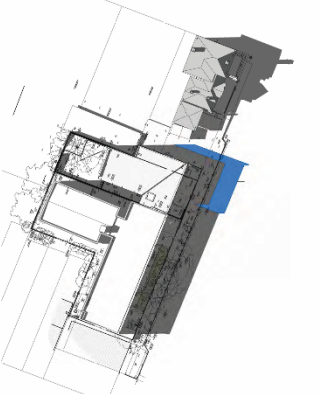
Shadow Analysis 21st June 0900 - Existing



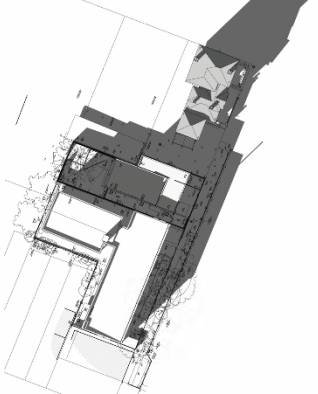
Shadow Analysis 21st June 0900 - Proposed



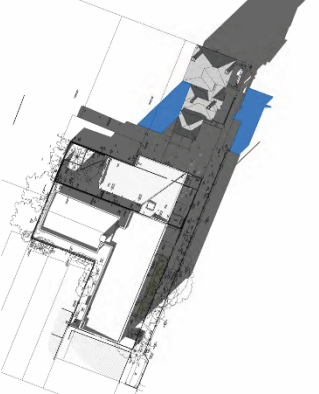
Shadow Analysis 21st June 1200 - Existing



Shadow Analysis 21st June 1200 - Proposed

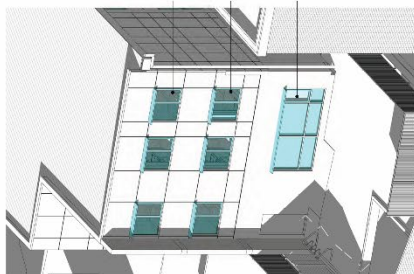


Shadow Analysis 21st June 1500 - Existing

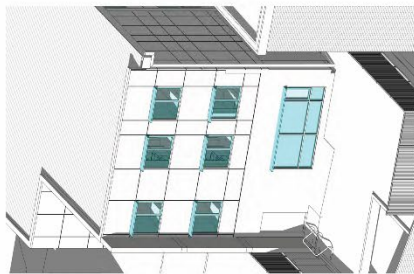


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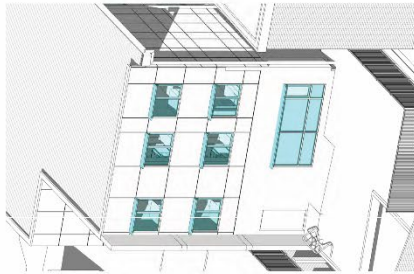
Development Application
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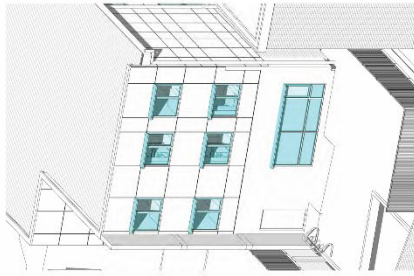
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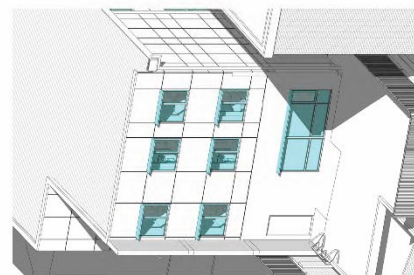
2 Communal Room 10m



3 Communal Room 15m



4 Communal Room 20m



5 Communal Room 10m



6 Communal Room 20m



7 Communal Room 30m

Ref	Description	W.B. No.	Date
	Toth & Partners Pty Ltd		
	119-125 BOOTH STREET, ANNANDALE NSW 2058		
	Booth Street		
	Solar Access Communal Open Space		
Form	APP 6	Form	07-10-2021
Case No	CR1022	Case No	DA 055 A

Drawn by: [Name], Address: [Address], Phone: [Phone]



Development Application
NOT For Construction



AVES STRUCTURE PROGRESS

Structure	Area
DI 102 PARK	30 m ²
DI 103 PARK	30 m ²
DI 104 PARK	30 m ²
DI 105 PARK	30 m ²
DI 106 PARK	30 m ²
DI 107 PARK	30 m ²
DI 108 PARK	30 m ²
DI 109 PARK	30 m ²
DI 110 PARK	30 m ²
DI 111 PARK	30 m ²
DI 112 PARK	30 m ²
DI 113 PARK	30 m ²
DI 114 PARK	30 m ²
DI 115 PARK	30 m ²
DI 116 PARK	30 m ²
DI 117 PARK	30 m ²
DI 118 PARK	30 m ²
DI 119 PARK	30 m ²
DI 120 PARK	30 m ²

COMPLIANCE CALCULATION

1. SITE AREA & FIRE CALCULATION

2. ROOM AREA & FIRE CALCULATION

3. ROOM AREA & FIRE CALCULATION

4. ROOM AREA & FIRE CALCULATION

5. ROOM AREA & FIRE CALCULATION

6. ROOM AREA & FIRE CALCULATION

7. ROOM AREA & FIRE CALCULATION

8. ROOM AREA & FIRE CALCULATION

9. ROOM AREA & FIRE CALCULATION

10. ROOM AREA & FIRE CALCULATION

11. ROOM AREA & FIRE CALCULATION

12. ROOM AREA & FIRE CALCULATION

13. ROOM AREA & FIRE CALCULATION

14. ROOM AREA & FIRE CALCULATION

15. ROOM AREA & FIRE CALCULATION

16. ROOM AREA & FIRE CALCULATION

17. ROOM AREA & FIRE CALCULATION

18. ROOM AREA & FIRE CALCULATION

19. ROOM AREA & FIRE CALCULATION

20. ROOM AREA & FIRE CALCULATION

ROOM AREA CALCULATION

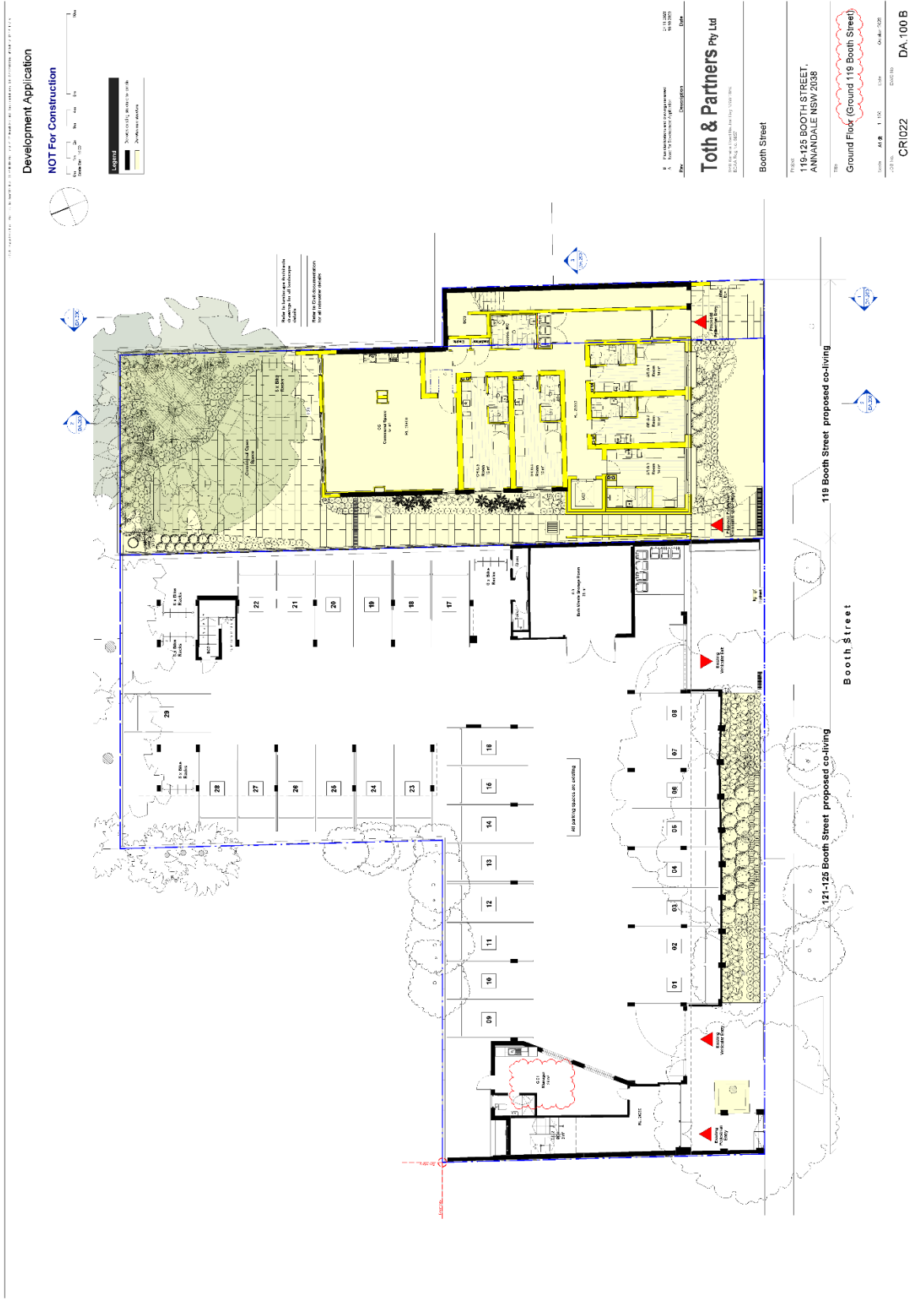
Room No.	Room Name	Area (m ²)	Total
1	Room 1	10	10
2	Room 2	20	30
3	Room 3	30	60
4	Room 4	40	100
5	Room 5	50	150
6	Room 6	60	210
7	Room 7	70	280
8	Room 8	80	360
9	Room 9	90	450
10	Room 10	100	550
11	Room 11	110	660
12	Room 12	120	780
13	Room 13	130	910
14	Room 14	140	1050
15	Room 15	150	1200
16	Room 16	160	1360
17	Room 17	170	1530
18	Room 18	180	1710
19	Room 19	190	1900
20	Room 20	200	2100

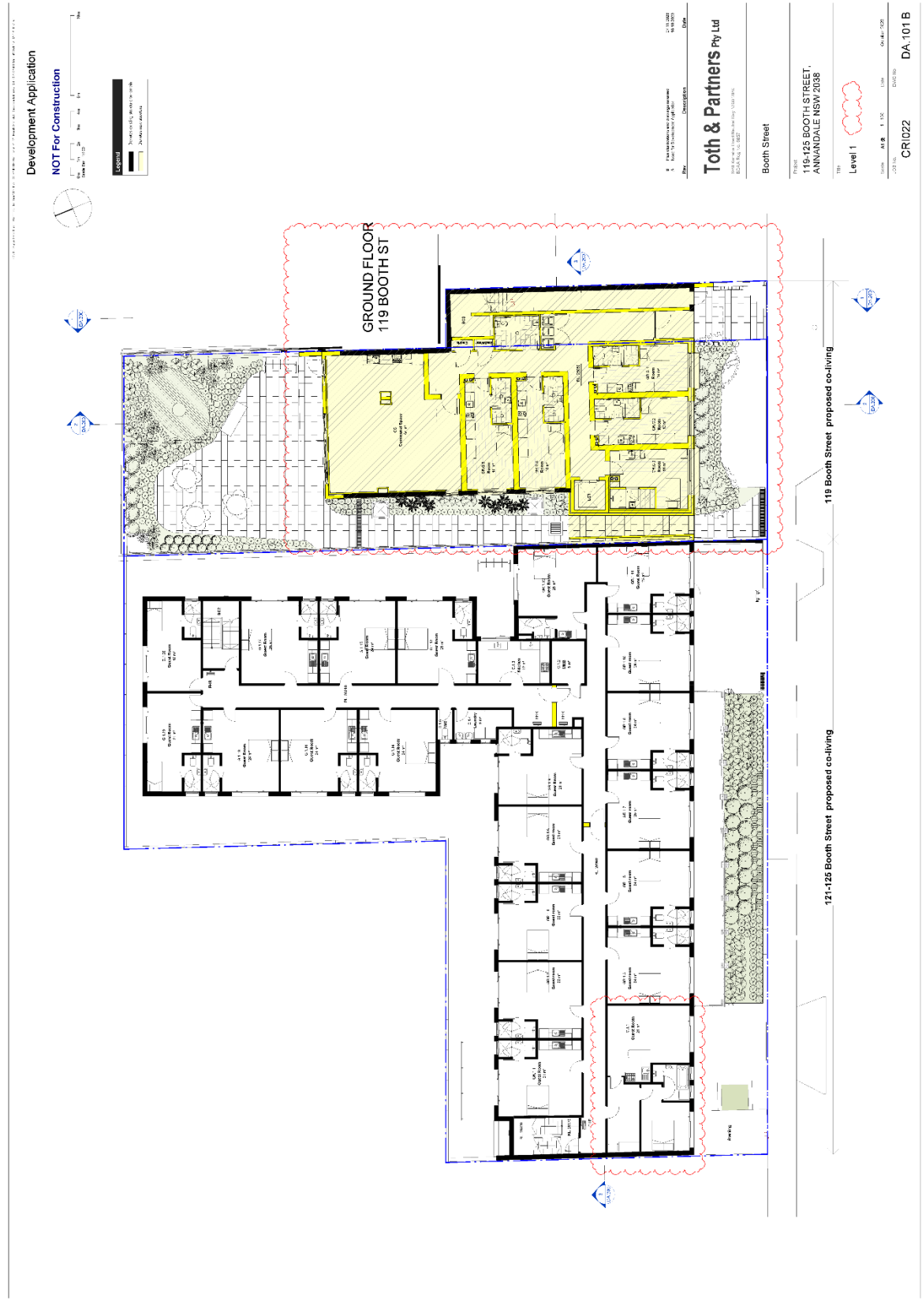
Toth & Partners Pty Ltd
119-125 BOOTH STREET,
ANNANDALE NSW 2158

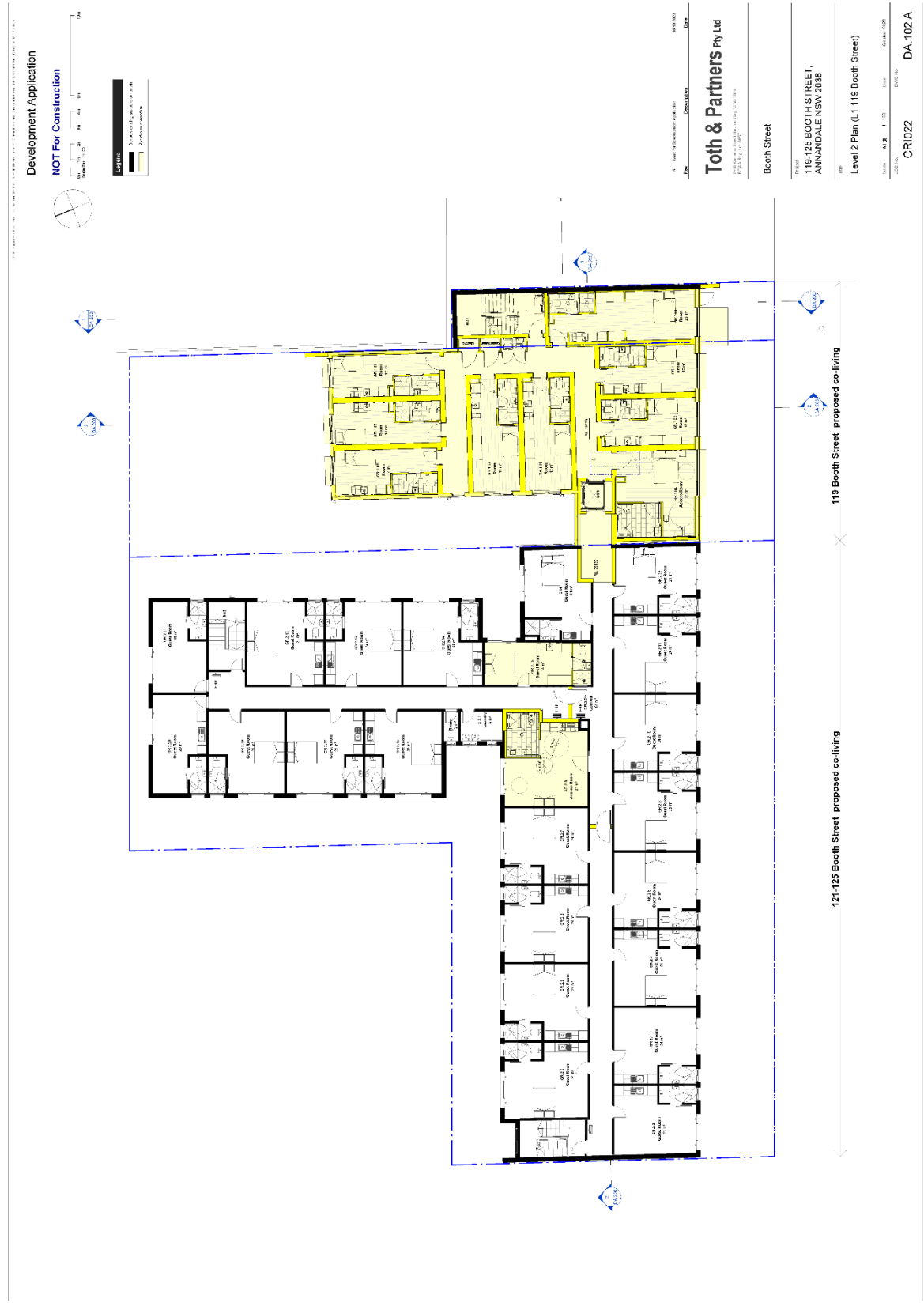
Booth Street

CR1022

DA 060 A









Development Application
NOT For Construction



Legend
 Proposed Co-Living Units
 Proposed Structure

Author: [Name] Date: 14/04/2023
 Description: [Description]

Toth & Partners Pty Ltd

Booth Street

Project: 119-125 BOOTH STREET,
ANMADALE NSW 2168

Title: Level 3 Plan (L2 119 Booth Street)

Scale: A1:5 1:100 Date: 14/04/2023
 Drawing No: CR1022 DA:103 A

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Development Application

Legend

- 1. Proposed building footprint
- 2. Proposed roof structure

Toth & Partners Pty Ltd

119-125 BOOTH STREET,
ANNANDALE NSW 2158

Roof Plan

119 Booth Street, proposed co-living

121-125 Booth Street, proposed co-living

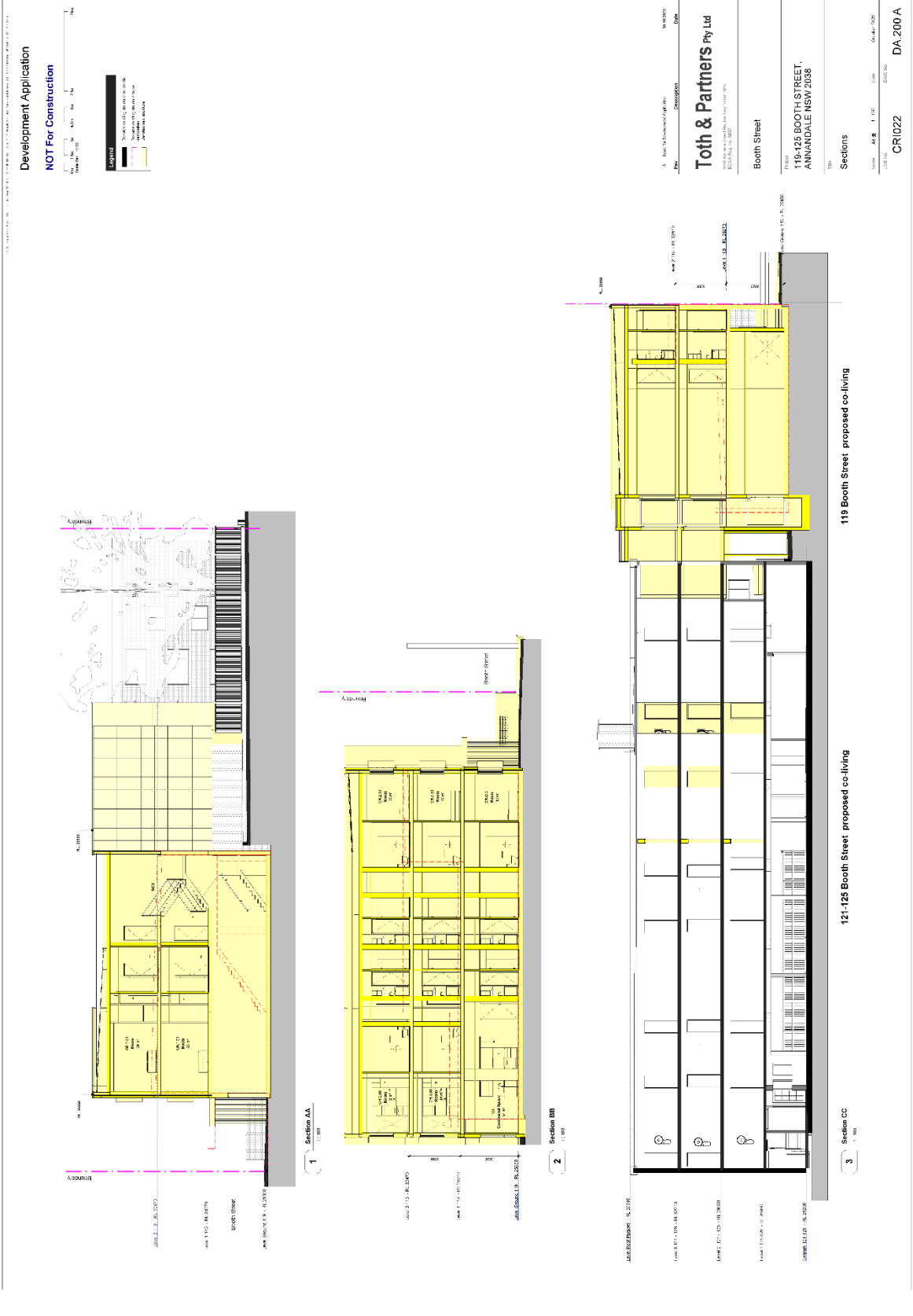
Building Foot to Work

Scale: 1:100

Date: 04/04/2024

DA: 190 A

CR1022



Development Application
NOT For Construction

Proposed Materials & Finishes

- P1 Dark Grey
- P2 Light Grey
- P3 Red Brick
- P4 Dark Blue
- P5 Dark Blue
- P6 Dark Blue
- P7 Dark Blue
- P8 Dark Blue
- P9 Dark Blue
- P10 Dark Blue
- P11 Dark Blue
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- P99 Dark Blue
- P100 Dark Blue

West Elevation 119 Booth Street
East Elevation
North Elevation

West Elevation 121-125 Booth Street
East Elevation
South Elevation

121-125 Booth Street proposed co-living
119 Booth Street proposed co-living

Toth & Partners Pty Ltd
119-125 BOOTH STREET,
ANNANDALE NSW 2058

Booth Street

119 Booth Street proposed co-living

121-125 Booth Street proposed co-living

South Elevation

Proposed Materials & Finishes

- M1** Dark Grey Brickwork (to be used on all walls)
- M2** Light Grey Brickwork (to be used on all walls)
- M3** Dark Grey Brickwork (to be used on all walls)
- M4** Dark Grey Brickwork (to be used on all walls)
- M5** Dark Grey Brickwork (to be used on all walls)
- M6** Dark Grey Brickwork (to be used on all walls)
- M7** Dark Grey Brickwork (to be used on all walls)
- M8** Dark Grey Brickwork (to be used on all walls)
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- M50** Dark Grey Brickwork (to be used on all walls)

Development Application

119-125 Booth Street, Anandale NSW 2038

Toth & Partners Pty Ltd

119 Booth Street

125 Booth Street West Street

121-123 Booth Street proposed co-living

119 Booth Street proposed co-living

Elevations

119-125 Booth Street, ANANDALE NSW 2038

CR1022 DA-301 A

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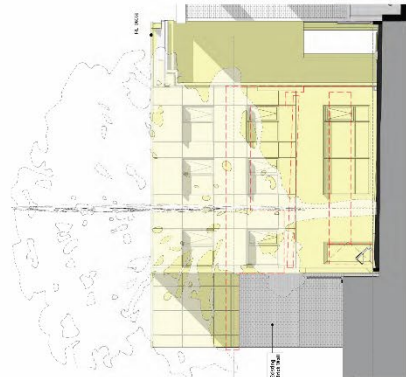
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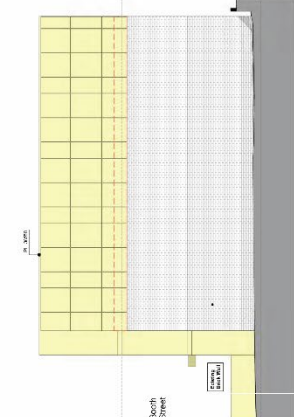


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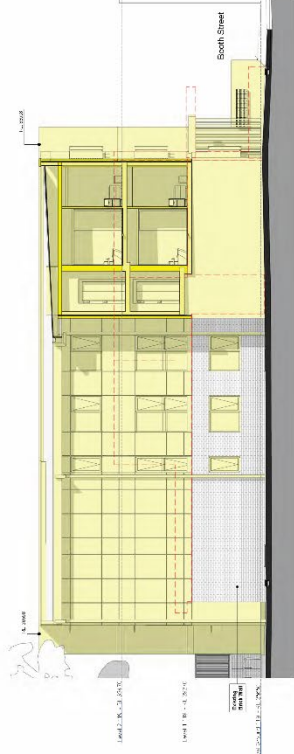
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- EXISTING BUILDING FOOTPRINT WITH PROPOSED WORKS TO BE DEMOLISHED
- EXISTING BUILDING FOOTPRINT WITH PROPOSED WORKS TO BE DEMOLISHED



North Elevation



East Elevation



West Elevation 119 Booth Street



South Elevation

REV	DESCRIPTION	BY	DATE
1	ISSUED FOR CONSTRUCTION		

Toth & Partners Pty Ltd
 119-126 BOOTH STREET,
 ANMADALE NSW 2036

Booth Street

119-126 BOOTH STREET,
 ANMADALE NSW 2036

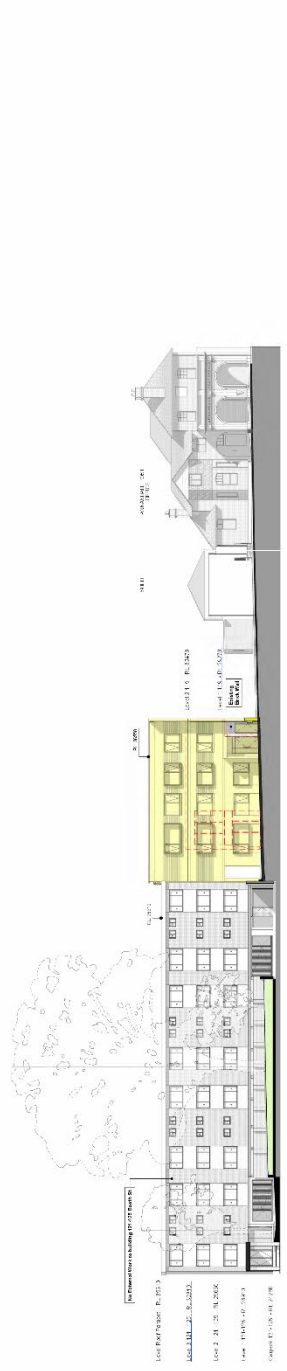
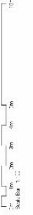
Elevations - Proposed Works

CR1022 DA-310 A

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Development Application

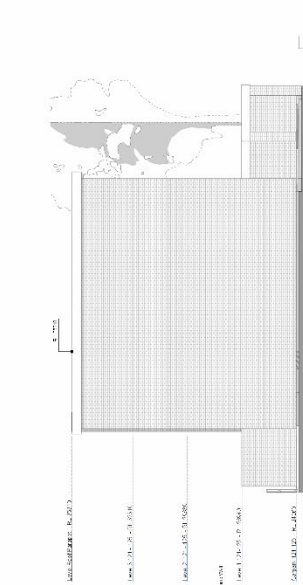
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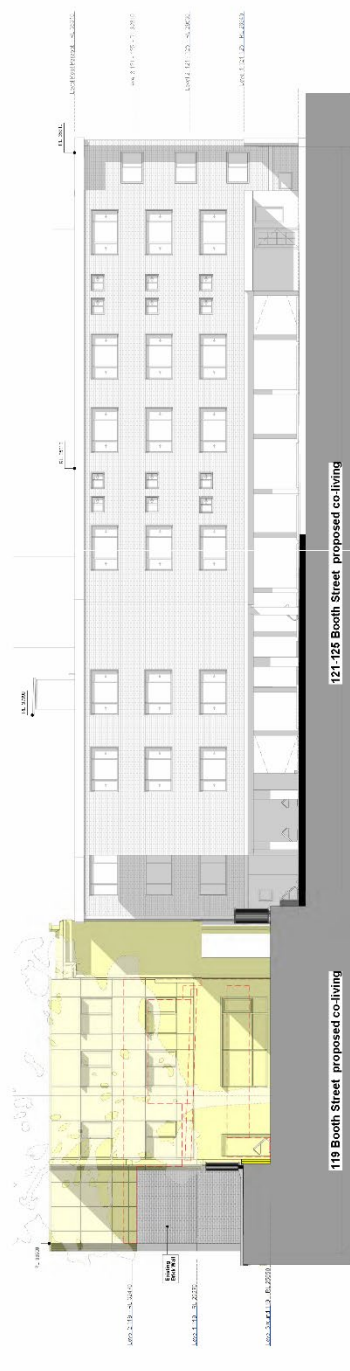
South Elevation
1:500



125 Booth Street East Elevation
1:500



125 Booth Street West Elevation
1:500



North Elevation
1:500

Rev	Description	Date
1	Issue for Development Application	07/04/2023

Toth & Partners Pty Ltd
119-125 BOOTH STREET,
ANNANDALE NSW 2038

Booth Street

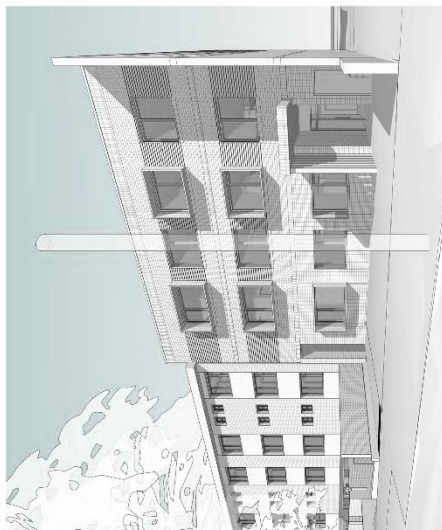
119-125 BOOTH STREET,
ANNANDALE NSW 2038

Elevations - Proposed Works

Project	CR1022	Level No.	DA-311 A
Client	Toth & Partners Pty Ltd	File No.	07/04/2023

C:\Users\p11111111\Documents\Projects\Inner West Local Planning Panel\119-125 Booth Street\119-125 Booth Street - 3D Views.dwg

Development Application
NOT For Construction



1 3D View 01



2 3D View 02

Rev	Description	By	Date
1	Initial Development Application		

Toth & Partners Pty Ltd

119-125 BOOTH STREET,
ANNANDALE NSW 2038

Booth Street

119-125 BOOTH STREET,
ANNANDALE NSW 2038

3D Views

Topic	App #	Panel	Event No.	Date
Development Application	CR1022			DA 950 A

Project Path: 119-125 Booth Street - 3D Views.dwg

GREENSCAPE



01

**Proposed
Boarding House
Development**



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ANNANDALE



02
119-121 Booth St
Annandale, NSW 2038



2023 | Greenscape Design | ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT

CONTEXT

02

ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT

ANNANDALE



DRAWING REGISTER

DWG No.	Drawing Title	Size	Scale	Revision
DA_01	CONTEXT PLAN	A1	1:200	A
DA_02	LANDSCAPE PLAN	A1	1:100	A
DA_03	PLANTING PLAN	A1	1:100	A
DA_04	PRECEDENTIAL IMAGES	N/A	N/A	A
DA_05	PLANTING PALETTE	N/A	N/A	A

AUSTRALIAN STANDARDS

All materials workmanship shall be in accordance with the relevant standards of the standards association of aas.

All civil, structural, and hydraulic work associated to this project shall be to consulting engineers details. Drainage details shall be subject to the hydraulic engineers specifications.

For architectural details, including landscaping, all drawings shall be prepared by plus architects

No responsibility will be taken by greenscape design + associates for any variations in design, construction method, material specified and general specifications without permission from the project engineer

Written dimensions shall take precedent over scaled measurements, all dimensions shall be verified by contractor on site and initial set out approved by landscape architect in writing prior to commencement of work. If in doubt contact landscape architect.

Exact location of site boundaries to be confirmed on site prior to commencement of work.

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GENERAL NOTES

- Initial preparation:** shall mean all preliminaries and all preparation works as necessary. Commencement of work by Landscape contractor (herein after referred to as 'Contractor') shall be deemed as proof of contractor's acceptance of the work. The Contractor shall be responsible for ensuring that all underground services have been identified and accurately located and pegged by contractor. It is the responsibility of the contractor to determine service locations prior to commencement of work. Any damage remains the responsibility of the contractor.
- Do not scale from drawings.** Use figured dimensions only, verify all dimensions onsite before the commencement of any works.
- All work on this site shall comply with appropriate and current Australian standards and best practice. Contractor shall be responsible for removal from site of all rubbish and debris encountered in areas to be landscaped.
- Use hardwood timber only & treated for durability class 4/4 for in ground uses, 3/3 other uses.
- Contractor shall be responsible for waterproofing and drainage of all landscape areas. A 40mm depth drainage layer of Draincoat* shall be placed on base of all on-structure planted areas with geotextile filtration layer as specified. The depth shall be provided by a 100mm layer of coarse sand as specified.
- Imported topsoil as specified shall be spread to the site as follows:**
On structure planting beds & raised planters 3' planter box mix as specified mounded higher where possible.
- A fully automatic drip-line irrigation system shall be installed to all planter boxes and planting beds. Irrigation shall conform to AS1500 and local council water regulations as specified all vegetation in planter boxes, green walls and rooftop gardens shall be planted with drought and salt tolerant species. Drought and salt tolerant species to be replaced with a suitable species to the satisfaction of Moreland city council.

ANNANDALE

Project:
ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT
 119-121 Booth St
 Annandale, NSW 2038

Date: 14.06.2023
 Job Number: 230603
 Drawing Number: DA_U3
 Drawing Name: GP PLANTING PLAN
 Scale: 1:200

For	Revision	Date
DA	A	14.06.2023

True North:



2023 | Greenscape Design | ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT



LANDSCAPE PLAN - Site Context

04

ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT
 119-121 BOOTH ST
 ANNANDALE, NSW 2038

ANNANDALE



03 Landscape



ANNANDALE

Project:
ANNANDALE PROPOSED
BOARDING HOUSE DEVELOPMENT
119-121 Booth St
Annandale, NSW 2038

Date: 14.02.2023
Job Number: 230503
Drawing Number: DAL03
Drawing Name: GF PLAN
Scale: 1:100

For	Revision	Date
D/A	A	14.02.2023

True North:



2023 | Greenscape Design | ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT



- 1. Open communal space
- 2. Mass grasses & ground covers
- 3. Screening plants along boundary
- 4. Existing tree to remain
- 5. Pedestrian entrance
- 6. Driveaway exit
- 7. Driveaway entrance
- 8. Pleached trees with mass planting
- 9. Existing tree in planter

LANDSCAPE PLAN - Ground Floor

06

ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT
119-121 BOOTH ST
ANNANDALE, NSW 2038

ANNANDALE

Project:
ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT
119-121 Booth St
Annandale, NSW 2058

Date: 14.02.2023

Job Number: 230503

Drawing Number: DAL_03

Drawing Name: GF PLANTING PLAN

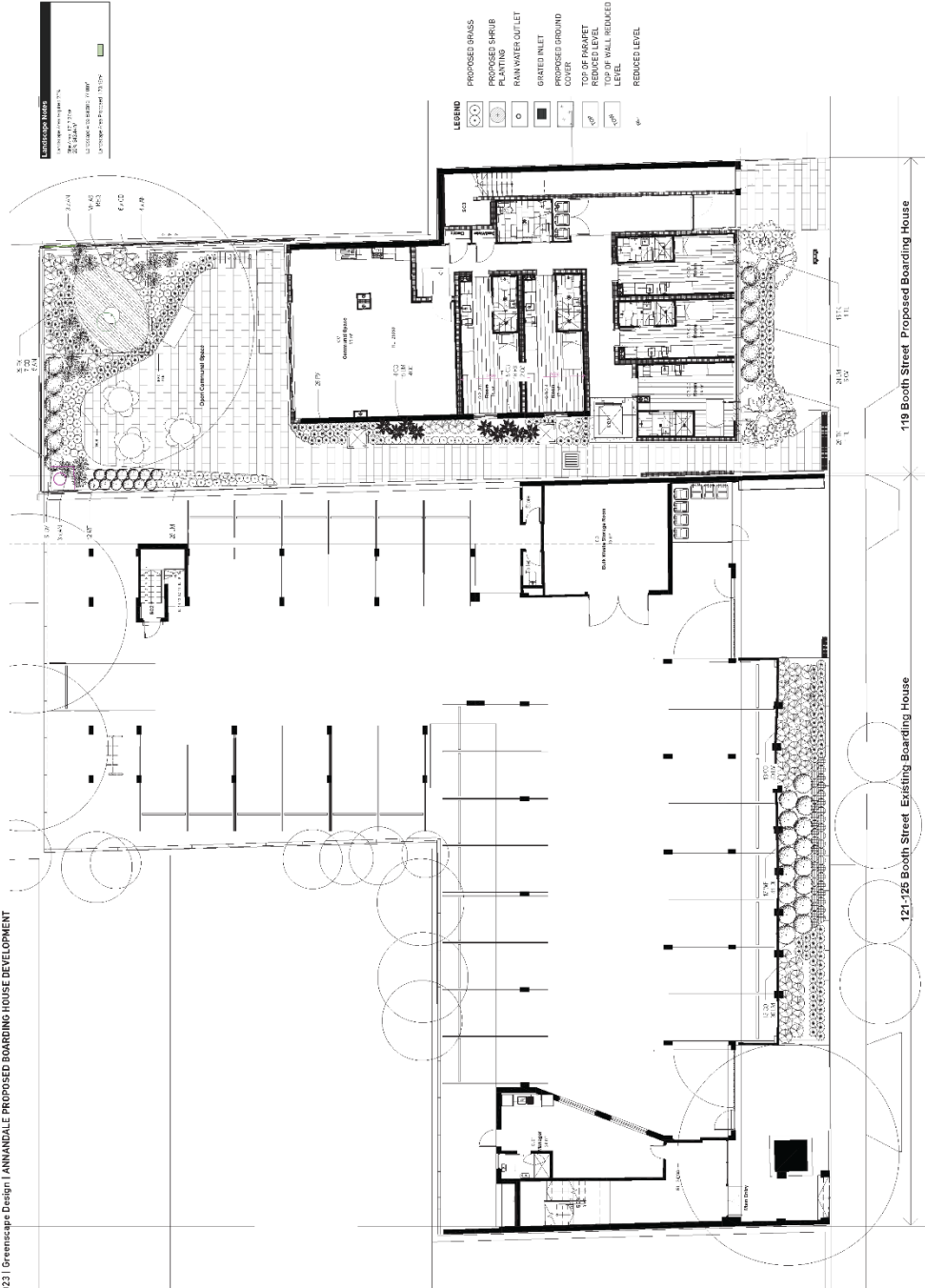
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For	Revision	Date
DA	A	14.02.2023

True North:



2023 | Greenscape Design | ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT



LANDSCAPE PLAN - Ground Floor Planting

07

ANNANDALE - 119-121 BOOTH ST
ANNANDALE, NSW 2058

ANNANDALE



04 Precedental Images



ANNANDALE

Project:
ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT
 119-121 Essex St
 Annandale, NSW 2038

Date: 14.06.2023

Job Number: 230603



Drawing Number: DA_U3

Drawing Name: PRECEDENTIAL IMAGES

Scale: N/A

For	Revised	Date
DA	A	14.06.2023

True North

GREENSCAPE
 LANDSCAPE ARCHITECTS

2023 | Greenscape Design | ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT



PRECEDENTIAL IMAGES

09

ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT

ANNANDALE



04 Planting Palette



ANNANDALE

Project:
ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT
 119-121 Booth St,
 Annandale, NSW 2038

Date: 16/06/2023
 Job Number: 230603
 Drawing Number: DA_03
 Drawing Name: UF PLANTING PLAN
 Scale: 1:100

For	Revision	Date
DA	A	16/06/2023

True North:



- 01. EUCALYPTUS SALIGNA
- 02. MAGNOLIA GRANDIFLORA
- 03. TRISTANOPSIS LAURINA
- 04. EUCALYPTUS PANICULATA
- 05. ACERIA SMITHII VAR MINOR
- 06. CORREA ALBA
- 07. PENNSETUM ALOPECUROIDESA
- 08. DIANELLA CAERULLEA 'LITTLE JESS'
- 09. DIETES BI-COLOUR
- 10. LOMANDRA LONGIFOLIA TANIKA
- 11. LIRIOPE MUSCARI
- 12. VIOLA HEDERACEA
- 13. CASUARINA GLAUCA 'COUSIN IT'

2023 | Greenscape Design | ANNANDALE PROPOSED BOARDING HOUSE DEVELOPMENT

TREES & PALMS



01



02



03



03

SHRUBS & ACCENTS



05



05

GRASSES



08



09



10



11

GROUND COVERS



13



PLANTING PALETTE

011

119-121 Booth St, Annandale NSW 2038



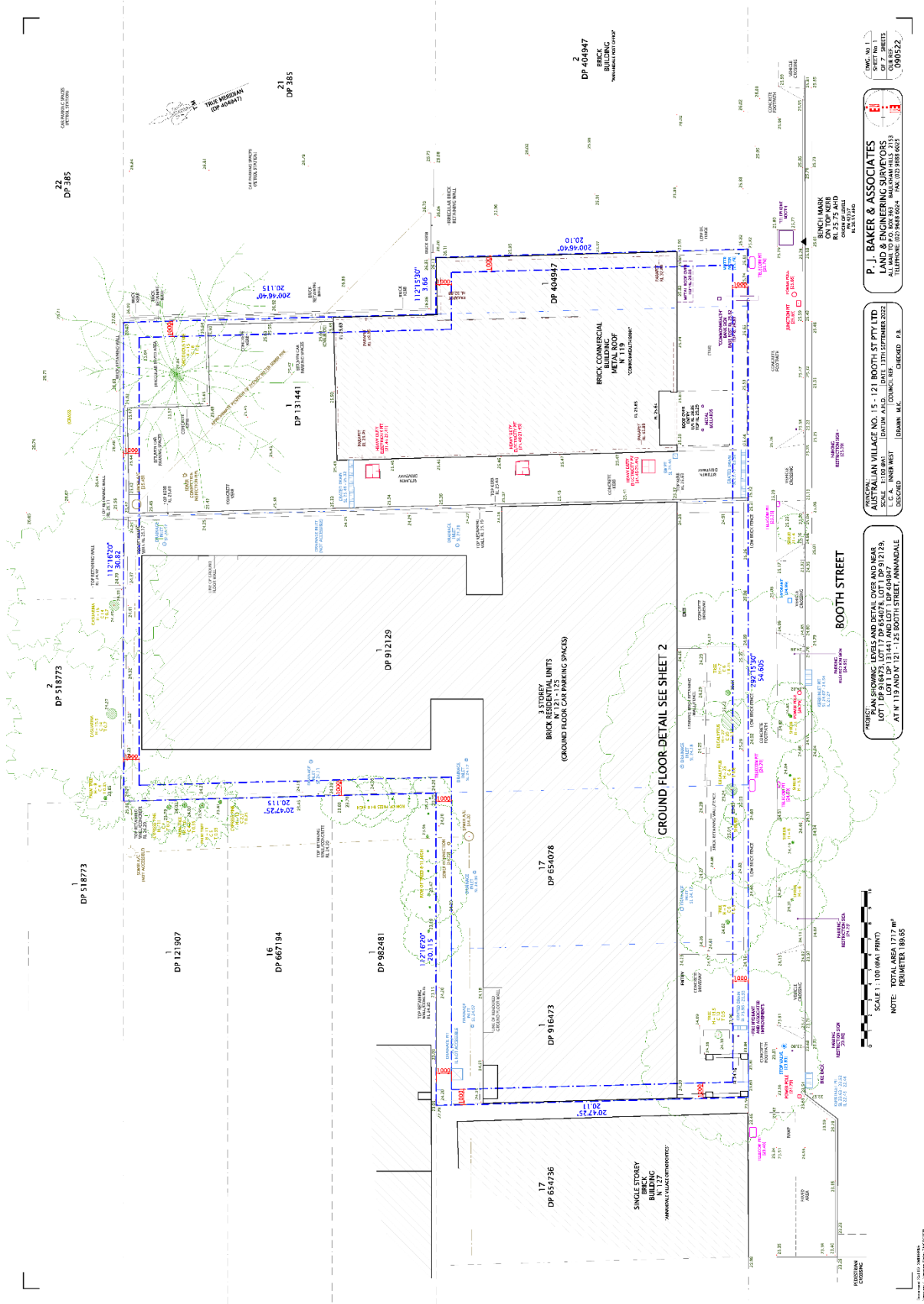
LANDSCAPE SPECIFICATION

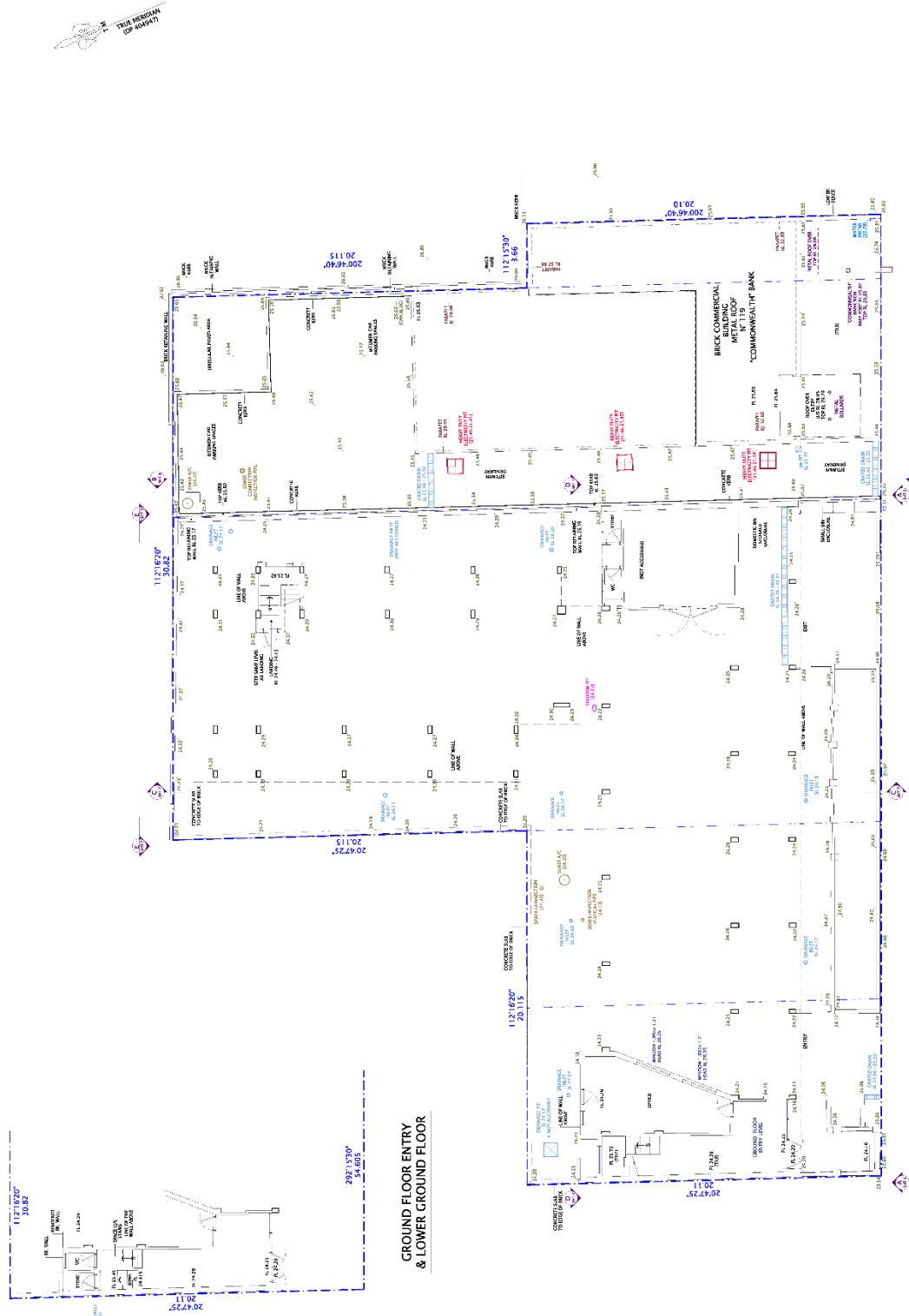
- 1. Initial preparation:** Shall include all preliminaries and all preparation works as necessary. Commencement of work by landscape contractor shall be deemed as proof of contractor's acceptance of existing condition of site. No work shall be carried out until the ground has been thoroughly cleared and accurately located and prepared by contractor.

All work on this site shall comply with appropriate and current Australian standards and best practice. Contractor shall be responsible for removal from site of all rubbish and debris encountered.
- 2. Earthworks:** Shall mean Excavation and earthworks as necessary. Contractor shall undertake works as necessary to achieve levels and grades that allow for settlement of materials as detailed to bring works to proposed finished levels. Contractor shall ensure that finished levels of garden beds, paths, terraces, retaining walls, buildings and the finished soil levels in garden areas finish 30mm (other than for settlement) below level of adjacent pathways, retaining walls, kerbs or other containing edge.
- 3. Masonry walling:** Hydrophilic sandstone wall for raised terraces shall be constructed in accordance with the following:

 - General:**
 - Construction of approved structurally retaining walls. All walls to be built on concrete footings as indicated on landscape plan (drawing no. WG 01).
 - Inspections:**
 - Provide minimum 48 hours notice to landscape architect for the following inspections:
 - Sitout of foot location of all walling to be constructed.
 - Finish of walling prior to proceeding with landscaping.
 - All walling and drainage prior to backfilling of wall.
 - Prior to installation of all sandstone.
 - 4. Materials and workmanship:**
 - Error all walling perfectly vertical and true to line. Walling shall be structurally sound and to level heights as indicated on landscape plan. All walling shall be constructed in accordance with current Australian standard.
- 5. Concrete:**
 - Retaining walls shall be constructed to heights as indicated on plan and reinforcement placed and fixed in accordance with manufacturer's specifications. All concrete shall be finished with a smooth, trowelled surface.
- 6. Soil preparation to garden areas:** Shall mean preparation of all garden areas plus installation of base mix and soil conditioner as necessary. Consolidated depth that shall be removed shall be as indicated on landscape plan. Contractor shall ensure that all garden areas are adequately prepared for planting. Contractor shall ensure that all garden areas are adequately prepared for planting. Contractor shall ensure that all garden areas are adequately prepared for planting.
- 7. Irrigation:** Shall mean complete supply and installation of approved drip irrigation system to all garden areas. Contractor shall ensure that all garden areas are adequately prepared for planting. Contractor shall ensure that all garden areas are adequately prepared for planting.
- 8. Paving:** General lay all random diamond set sandstone paving (sealed) with rounded edges on non 20mm mortar bed over r. Conc slab to nominated if in locations as shown on landscape plan. Top of finished surface of paving shall be even.

Laying: Lay paving to approved grades and ensure that all paving is laid on a firm surface. Contractor shall ensure that all paving is laid on a firm surface.
- 9. Planting, fertilising and staking:** Shall mean all planting and fertilising works as necessary. Plants shall be as detailed on landscape plan and in accordance with manufacturer's specifications. Contractor shall ensure that all plants are adequately prepared for planting. Contractor shall ensure that all plants are adequately prepared for planting.
- 10. Mulching, shall mean complete supply and installation of 50mm depth of approved 25mm garden mulch suitable for childcare centres from Australian native landscaper ph: 9450 1444, to all garden areas following completion of planting. Cover mulch down to finish flush with containing edges and reduce to 25mm thick around base of sum of each plant.**
- 11. Completion:** Prior to completion, contractor shall make good any damaged areas. Contractor shall leave areas over which contractor has worked in tidy condition and to satisfaction of landscape architect. Contractor shall be responsible for removal from site of all unwanted material, debris and rubbish resulting from this work.
- 12. Maintenance:** Contractor shall maintain site for a period of 12 months - refer to maintenance schedule.

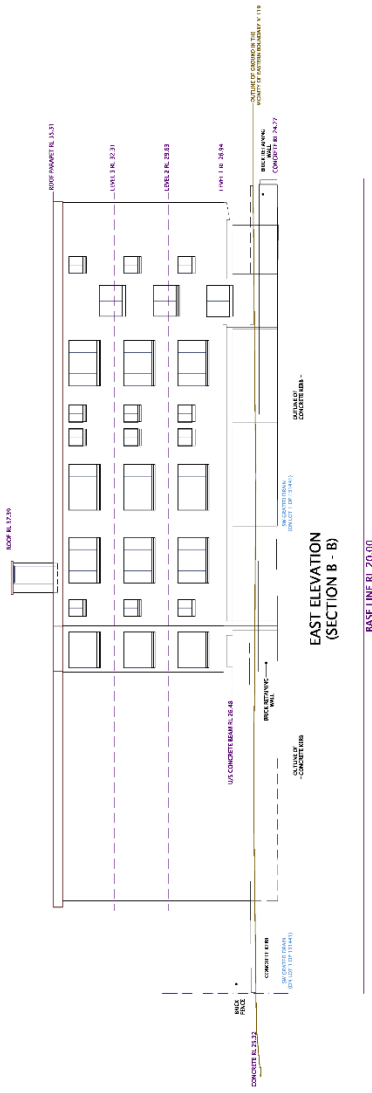




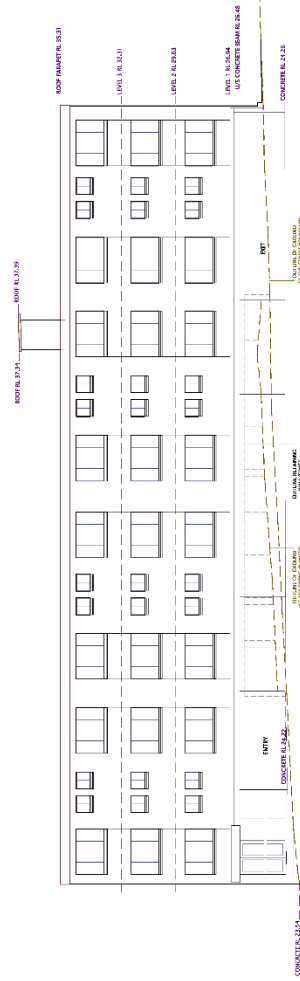
GROUND FLOOR ENTRY/
CAR PARKING SPACES)

P. J. BAKER & ASSOCIATES
REGISTERED ARCHITECTS
112/113 WARRAGONG ROAD
WARRAGONG NSW 2506
TELEPHONE: (02) 9498 5624 - FAC: (02) 9498 6023

PJC No. 1
SHEET No. 2
DATE: 01/08/2023
090522



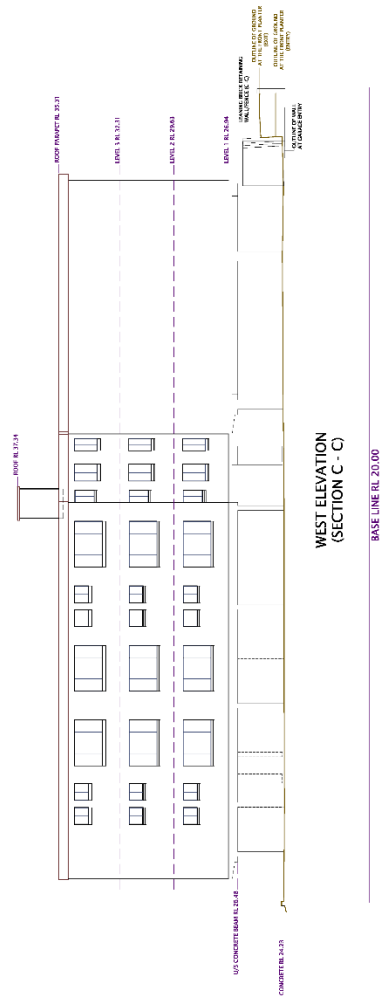
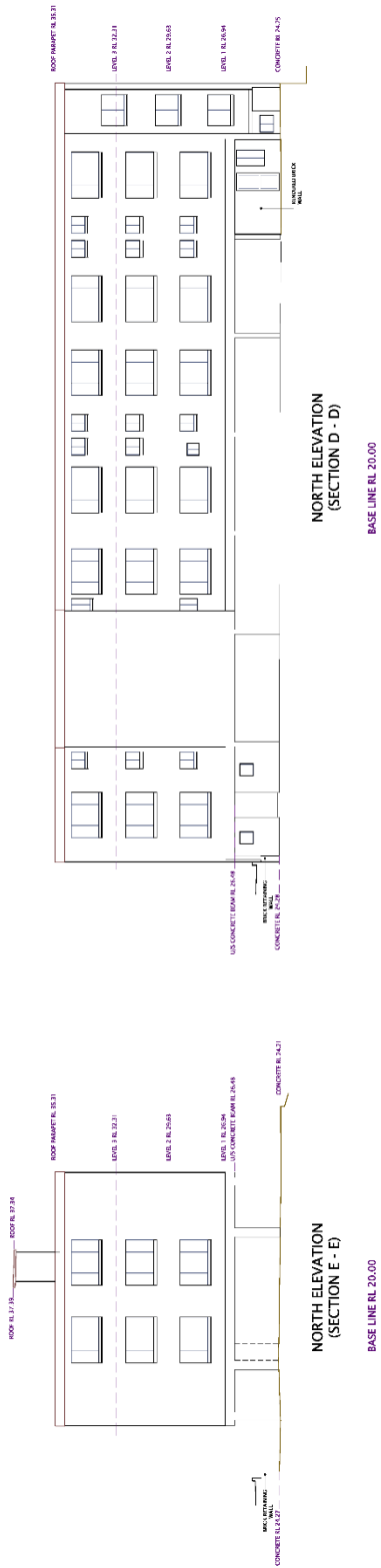
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SOUTH ELEVATION (SECTION A - A)


 P.J. BAKER & ASSOCIATES
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 DATE REVISIONS
 09/05/22

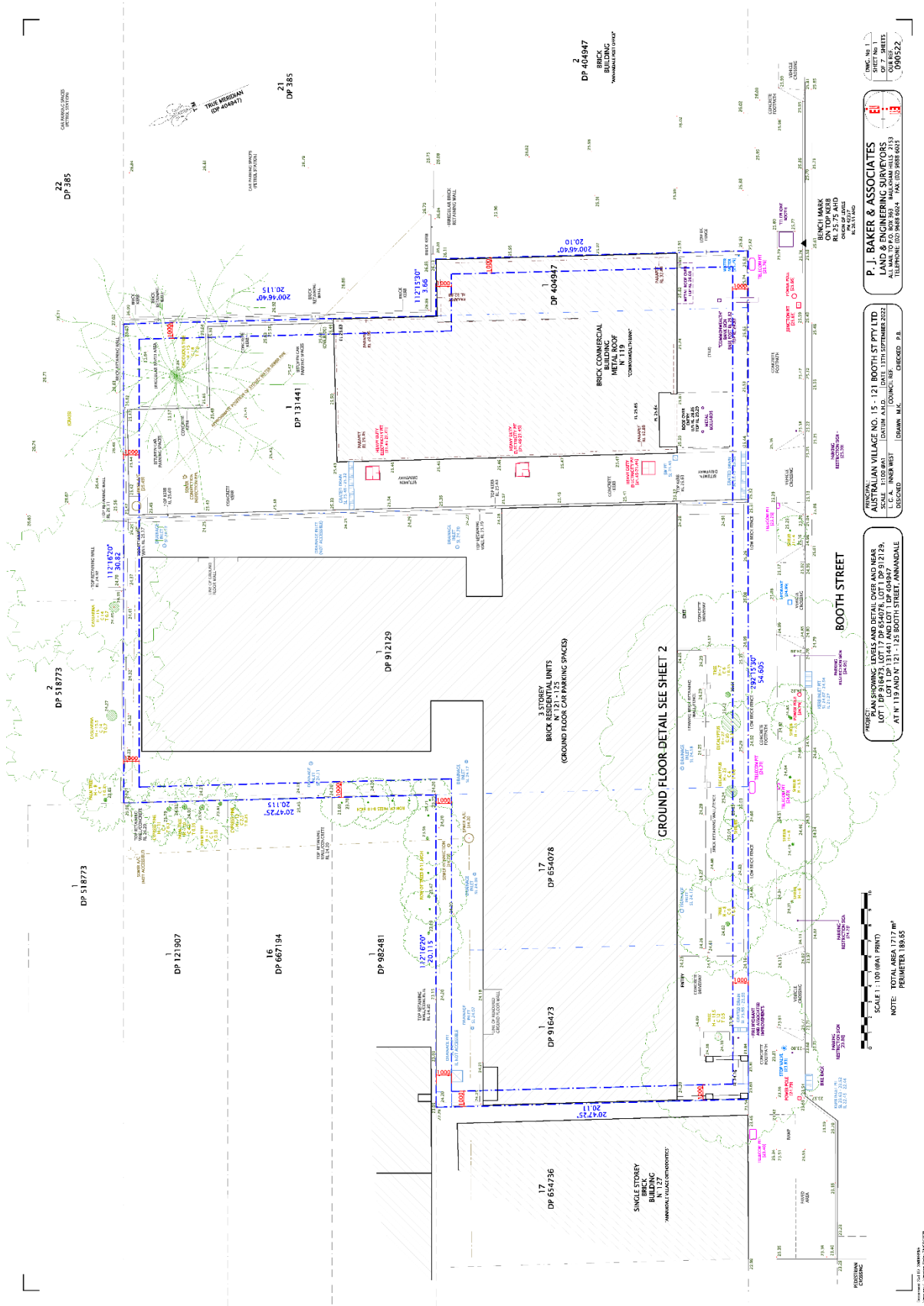
P. J. BAKER & ASSOCIATES
 17/170 WILSON STREET
 ALBANY NSW 2100
 AUSTRALIA
 TEL: 02 9608 5624 FAX: 02 9608 6023



P. J. BAKER & ASSOCIATES
 11/110 WILSON STREET
 ALBANY NSW 2100
 TELEPHONE 02 9608 5624 FAX 02 9688 6023

ENCLOSURE
 SHEET NO 7
 OF 10
 NOT FOR CONSTRUCTION
 DATE 15/05/2013
 090522

DATE: 15/05/2013
 TIME: 10:54:00
 USER: PJBAKER





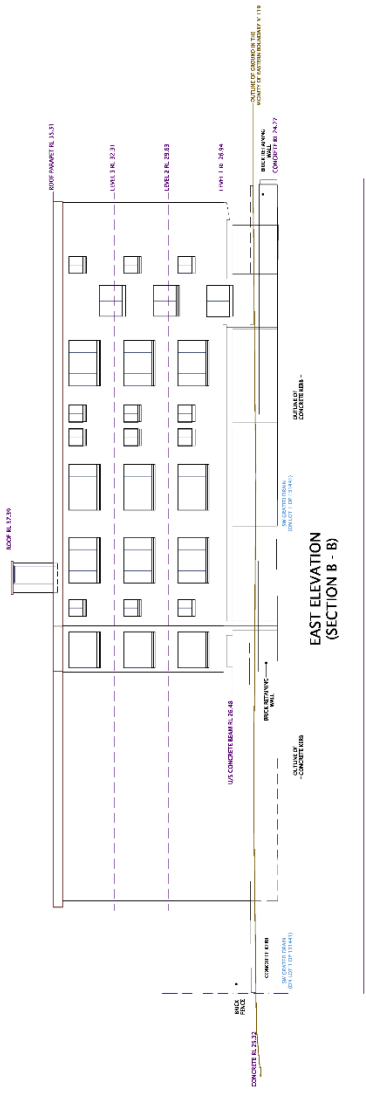
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GROUND FLOOR ENTRY/CAR PARKING SPACES

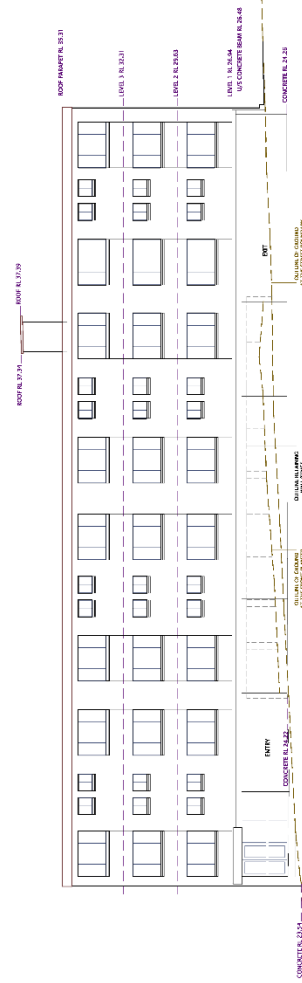
P. J. BAKER & ASSOCIATES
 ARCHITECTS
 11/111 HERIOTON STREET
 HERIOTON, ACTON NSW 2134
 TELEPHONE: 02 9698 5624 - FAX: 02 9698 6023

ENC. NO. 1
 SHEET NO. 2
 DATE: 11/11/11
 090522

DATE: 11/11/11



EAST ELEVATION (SECTION B - B)



SOUTH ELEVATION (SECTION A - A)



P. J. BAKER & ASSOCIATES

 ARCHITECTS

 11/110 WILSON STREET

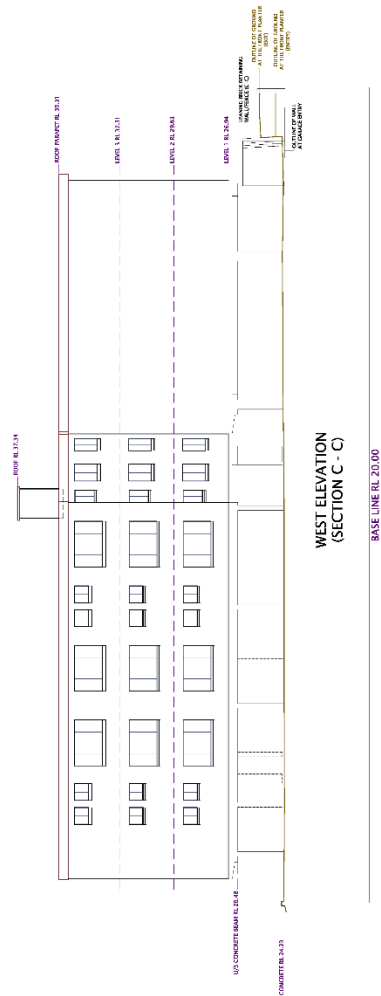
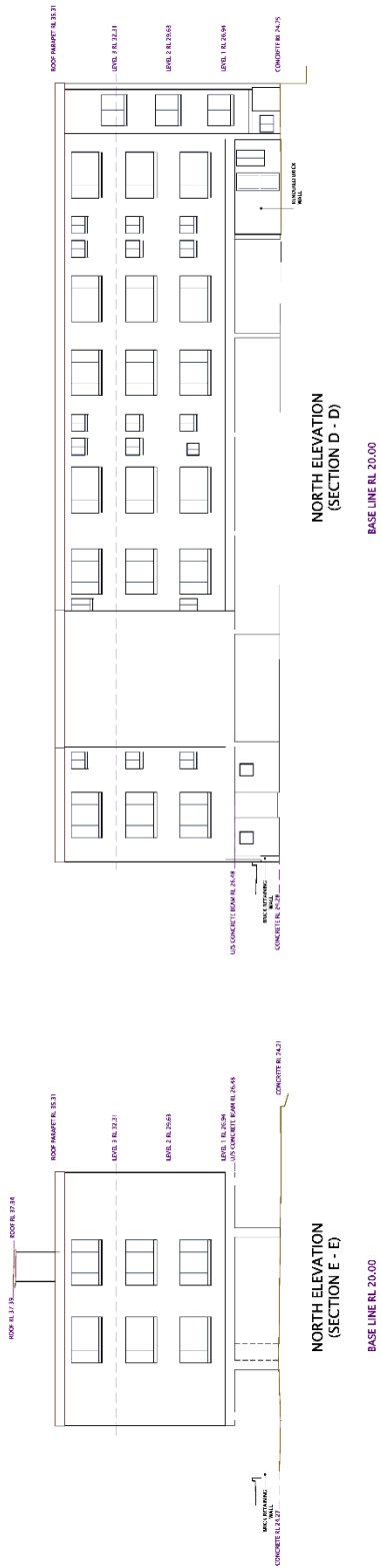
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 AUSTRALIA

 TELEPHONE: 03 9498 5624 FAX: 03 9488 6023

DATE: 10/10/2018

 TIME: 10:10:25 AM

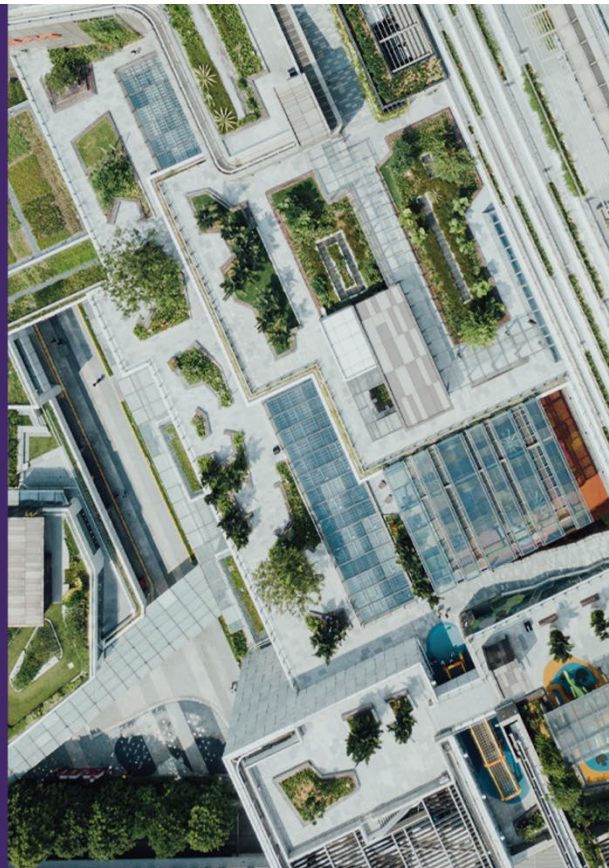


P. J. BAKER & ASSOCIATES
 11/11 DUNDAS STREET
 ALBANY NSW 2460
 TELEPHONE 02 9698 5624 FAX 02 9688 6023

ENCLOSURE
 SHEET NO 7
 OF 10
 NOT FOR CONSTRUCTION
 DATE 13/03/2013
 090522

DATE: 13/03/2013
 TIME: 10:58:25 AM

Attachment C - Section 4.6 Exception to Development Standards



119 & 121-125 Booth Street, Annandale NSW 2038

Clause 4.6 Variation to Floor Space Ratio

On behalf of Tricon Group Pty Ltd

17 October 2023

The Planning Studio acknowledges the traditional custodians of the lands + waters of Australia, particularly the Gadigal People on whose traditional lands our office is located, and pay our respects to Elders past, present + emerging. We deeply respect the enduring Connection to Country + culture of Aboriginal and Torres Strait Islander peoples and are committed to walk alongside, listen + learn with community as we plan for equitable, sustainable, generous, and connected places. Always was, Always will be.

Document Set ID: 30200588
Version: 1, Version Date: 23/07/2023


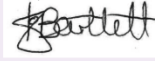
Project Director

Kate Bartlett

Contributors

Kate Bartlett (Director)

Adrian Melo (Associate Director)

Revision	Revision Date	Status	Authorised	
			Name	Signature
V1	20 July 2023	Draft	Kate Bartlett	
V1	17 October 2023	Final	Kate Bartlett	

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Table of Contents

1	Introduction	4
2	Clause 4.6 Exceptions to Development Standards	4
3	The Development Standard to be varied	5
4	Extent of Variation to the Development Standard	6
5	Objectives of the Standard	6
6	Objectives of the Zone	7
7	Assessment	7
7.1	Clause 4.6(3)(a) – compliance with the development standard is unreasonable or unnecessary in the circumstances of the case	7
7.2	Clause 4.6(3)(b) - There are sufficient Environmental Planning Grounds to Justify Contravening the Development Standard	8
7.3	Clause 4.6(4)(a)(i) – consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)	9
7.4	Clause 4.6(4)(a)(ii) – the proposed development is in the public interest because it is consistent with the objectives of the particular and the objectives for development within the zone in which the development is proposed to be carried out	9
8	Matters of significance for State or regional environmental planning	10
9	Secretary’s Concurrence	10
10	No public benefit in maintaining the development standard	10
11	Conclusion	11

Schedule of Figures

Figure 1: Floor Space Ratio IWLEP 2022 Map Extract – 119 & 121-125 Booth Street, Annandale NSW 2038 (NSW Planning Spatial Viewer)	6
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1 Introduction

This Clause 4.6 Variation Request seeks to allow a variation to the Floor Space Ratio development standard associated with the Development Application at 119 & 121-125 Booth Street, Annandale NSW 2038 (the site).

The DA seeks approval for:

- The partial demolition of the former Commonwealth Bank building at 119 Booth Street, Annandale and construction of a three-storey co-living development; and
- alterations and additions to an existing boarding house at 121-125 Booth Street, and change of use to 'co-living'.

The Clause 4.6 Variation Request seeks to vary one development standard within the Inner West Local Environmental Plan 2022 (IWLEP2022):

- Clause 4.4 – Floor Space Ratio

This Clause 4.6 Variation Request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. The variation allows for a development that represents the orderly and economic use of the land in a manner which is appropriate when considering the site's context and existing building, and as such, is justified on environmental planning grounds.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliances, the proposed development:

- Achieves the objectives of the development standard in Clause 4.4 of IWLEP 2022, despite the non-compliance with the numerical standard in Clause 4.4;
- Achieves the objectives of the R1 General Residential zone;
- Will deliver a development that is appropriate for its context, despite the numerical breach to development standard 4.4, and therefore has sufficient environmental planning grounds to permit the variation; and
- Is therefore in the public interest.

As a result, the DA may be approved as proposed in accordance with the flexibility afforded under Clause 4.6 of the IWLEP 2022.

2 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the IWLEP 2022 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. Specifically, the objectives of this clause are:

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

IWLEP 2012 Clause 4.6 Exceptions to development standards reads as follows:

2. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by



this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

3 The Development Standard to be varied

This Clause 4.6 Variation Request has been prepared in a written format, seeking to justify the variation to the following development standard in the IWLEP2022:

- Clause 4.4 (Floor Space Ratio) – which permits a maximum FSR of (0.5:1 and 1:1 for 119 Booth Street and 0.5:1 for 121-125 Booth Street 1:1) + Housing SEPP Bonus of 10% = 945sqm. Refer to the Figure below.



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

6 Objectives of the Zone

The Objectives of the **R1 General Residential** zone are as follows:

- 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.

7 Assessment

7.1 Clause 4.6(3)(a) – compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Compliance with the FSR standard is unreasonable and unnecessary as the objectives of the FSR development standard are achieved notwithstanding non-compliance with the numerical standard (Wehbe 1# test):

As detailed in *Williams v Ku-ring-gai Municipal Council* [2017] NSWLEC 1098, *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [44]–[48], a number of approaches could be used to establish that compliance with a development standard is unreasonable or unnecessary.

Furthermore, Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]–[51] outlined five common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable and unnecessary which are summarised below:

- Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- Test 3: The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- Test 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; or
- Test 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.

These five ways to demonstrate that compliance is unreasonable or unnecessary are not exhaustive, and it may be sufficient to establish only one way.

With respect to the subject application, we consider that the proposed development meets the requirements of Wehbe Tests 2 and 4 and therefore compliance with the development



standard is unreasonable and unnecessary when considered holistically with the development outcome being sought.

Whilst the maximum floor area established on the site may be appropriate for new development, the subject sites have existing floor space non-compliances and, existing use rights. The proposed development simply seeks to extinguish the existing use rights associated with 119 Booth St Annandale whilst enabling appropriate building upgrades to 121-125 Booth St including new landscaping and internal updates.

The previous consents granted by Council demonstrate no consistency with the FSR controls that apply to the site both in terms of land use and built form and therefore it is unreasonable to expect compliance with the significantly lower FSR control and to renew the buildings. The DA enables the buildings to be refined and improved, along with improved amenity and landscape outcomes against the current building operation.

7.2 Clause 4.6(3)(b) - There are sufficient Environmental Planning Grounds to Justify Contravening the Development Standard.

There are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (Turland v Wingecarribee Shire Council [2018] NSWLEC 1511 and Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118), also 'Rebel MH' and 'Baron' (2019).
- The environmental planning grounds relied upon to justify the exceedance of the development standard in the circumstances of the proposal are considered sufficient and specific to the site and the proposed contravention.
- As discussed in Section 7.1, the redevelopment simply seeks renewal of the existing boarding house at 121-125 Booth St and adaptive reuse of 119 Booth Street to extinguish the existing use rights and retain the existing building within the conservation area.
- The size and scale of the development is compatible with the existing surrounding development as well as the Booth St HCA as outlined in the heritage report. The retention of the existing buildings results in the significant variation to the FSR control. A reduction in the FSR to the maximum permitted under the current controls will result in the buildings to fall into further disrepair as it will not create an 'orderly or economic use of land' in accordance with the Objects of the Act.
- The aspects of the development that are non-compliant with the FSR control do not create any additional environmental impacts such as overshadowing, visual or acoustic privacy beyond what a compliant development would create.

For the reasons discussed above, it is contended that there are sufficient environmental planning grounds to justify the contravention to the development standard in the circumstances of the case, particularly given that the design provides a tailored and well considered response to the site's constraints and articulation.



7.3 Clause 4.6(4)(a)(i) – consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates;

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with the findings of Commissioner Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Consent Authority under Clause 4.6(4)(a)(i) must only be satisfied that the request adequately addresses the matters in Clause 4.6(3).

7.4 Clause 4.6(4)(a)(ii) – the proposed development is in the public interest because it is consistent with the objectives of the particular and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is in the public interest as it is consistent with the objectives of the development standard. The objectives of the development standard are addressed below under the relevant headings:

The objectives of the particular standard

- It has been demonstrated elsewhere in this report that the development achieves the objectives of Clause 4.4, of the IWLEP2022 notwithstanding the non-compliance with the standard.
- The development seeks a renewal of the existing building at 121-125 Booth Street and adaptive reuse of the existing 119 Booth St to a permissible residential use whilst retaining key building elements appropriate for the heritage conservation area.
- The proposal is consistent with the existing historic consents for the sites that would enable equivalent development scale to that currently proposed and therefore consistent land use density and intensity for the sites.



The objectives for development within the zone in which the development is proposed to be carried out. Consistency with the objectives of the R1 zone is described below:

To provide for the housing needs of the community.

The proposed development will provide additional housing on a site previously used for non-residential purposes, which will better provide for the housing needs of the community.

To provide for a variety of housing types and densities.

The provision of new co-living rooms will support a diversity of housing types in the zone.

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

Not applicable

To provide residential development that maintains the character of built and natural features in the surrounding area.

The adaptive reuse of the existing buildings will maintain the character of the built features in the conservation areas, whilst providing an improved landscaped outcome to Booth St.

8 Matters of significance for State or regional environmental planning

Contravention of the standard raises no matters of significance for state or regional environmental planning.

9 Secretary's Concurrence

The Planning Circular PS 18-003, issued on 21 February 2018 (Planning Circular), outlines that all consent authorities may assume the Secretary's concurrence under clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006 (with some exceptions). The IWLEP2022 is a standard instrument LEP and accordingly, the relevant consent authority may assume the Secretary's concurrence in relation to clause 4.6 (5). This assumed concurrence notice takes effect immediately and applies to pending development applications.

We note that under the Planning Circular this assumed concurrence is subject to some conditions - where the development contravenes a numerical standard by greater than 10%, the Secretary's concurrence may not be assumed by a delegate of council. This restriction however does not apply to decisions made by a local planning panel, as they are not legal delegates. The proposed development will be assessed by a local planning panel, and as such the 10% limit does not apply.

10 No public benefit in maintaining the development standard

As demonstrated above there is no public benefit in maintaining the development standard in terms of State and regional planning objectives, or in terms of minimising the environmental impacts of the development given the proposal's compliance with other key DCP and built form and amenity controls.

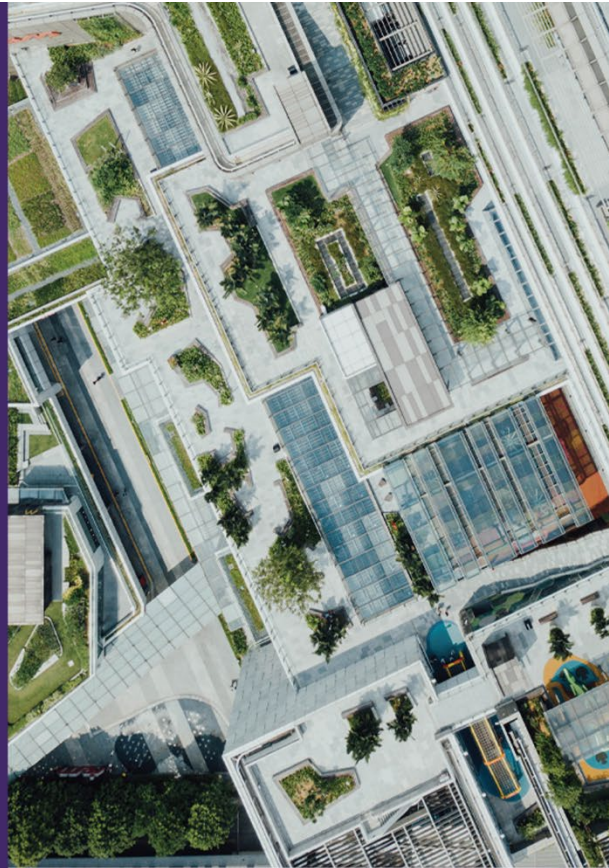


11 Conclusion

The variation to the Floor Space Ratio development standard should be supported for the following reasons:

- The existing consents on the site render the standard essentially abandoned on the sites;
- The development achieves the objectives of the development standard in Clause 4.4 of IWLEP 2022;
- The development achieves the objectives of the R1 General Residential zones under IWLEP 2022;
- There are sufficient environmental planning grounds to permit the variation to the standard under the circumstances; and
- Compliance with the FSR development standard is unreasonable or unnecessary under the circumstances and therefore the variation is in the public interest.





119 & 121-125 Booth Street, Annandale NSW 2038

Clause 4.6 Variation to 4.3C
Landscaped areas for residential accommodation in Zone R1

On behalf of Tricon Group Pty Ltd

17 October 2023

The Planning Studio acknowledges the traditional custodians of the lands + waters of Australia, particularly the Gadigal People on whose traditional lands our office is located, and pay our respects to Elders past, present + emerging. We deeply respect the enduring Connection to Country + culture of Aboriginal and Torres Strait Islander peoples and are committed to walk alongside, listen + learn with community as we plan for equitable, sustainable, generous, and connected places. Always was, Always will be.

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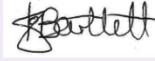
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Revision	Revision Date	Status	Authorised	
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* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Table of Contents

1	Introduction	4
2	Clause 4.6 Exceptions to Development Standards	4
3	The Development Standard to be varied	5
4	Extent of Variation to the Development Standard	7
5	Objectives of the Standard	7
6	Objectives of the Zone	7
7	Assessment	7
7.1	Clause 4.6(3)(a) – compliance with the development standard is unreasonable or unnecessary in the circumstances of the case	7
7.2	Clause 4.6(3)(b) - There are sufficient Environmental Planning Grounds to Justify Contravening the Development Standard	8
7.3	Clause 4.6(4)(a)(i) – consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)	9
7.4	Clause 4.6(4)(a)(ii) – the proposed development is in the public interest because it is consistent with the objectives of the particular and the objectives for development within the zone in which the development is proposed to be carried out	10
8	Matters of significance for State or regional environmental planning ..	10
9	Secretary’s Concurrence	10
10	No public benefit in maintaining the development standard	11
11	Conclusion	11

1 Introduction

This Clause 4.6 Variation Request seeks to allow a variation to the Landscaped Areas development standard associated with the Development Application at 119 & 121-125 Booth Street, Annandale NSW 2038 (the site).

The DA seeks approval for:

- The partial demolition of the former Commonwealth Bank building at 119 Booth Street, Annandale and construction of a three-storey co-living development; and
- alterations and additions to an existing boarding house at 121-125 Booth Street, and change of use to 'co-living'.

The Clause 4.6 Variation Request seeks to vary one development standard within the Inner West Local Environmental Plan 2022 (IWLEP2022):

- Clause 4.3C – Landscaped areas for residential accommodation in Zone R1

This Clause 4.6 Variation Request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. The variation allows for a development that represents the orderly and economic use of the land in a manner which is appropriate when considering the site's context and existing building, and as such, is justified on environmental planning grounds.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliances, the proposed development:

- Achieves the objectives of the development standard in Clause 4.3C of IWLEP 2022, despite the non-compliance with the numerical standard in Clause 4.3C;
- Achieves the objectives of the R1 General Residential zone and E1 Local Centre;
- Will deliver a development that is appropriate for its context, despite the numerical breach to development standard 4.3C, and therefore has sufficient environmental planning grounds to permit the variation; and
- Is therefore in the public interest.

As a result, the DA may be approved as proposed in accordance with the flexibility afforded under Clause 4.6 of the IWLEP 2022.

2 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the IWLEP 2022 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. Specifically, the objectives of this clause are:

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

IWLEP 2012 Clause 4.6 Exceptions to development standards reads as follows:

2. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by



this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

3 The Development Standard to be varied

This Clause 4.6 Variation Request has been prepared in a written format, seeking to justify the variation to the following development standard in the IWLEP2022:

- Clause 4.3C – Landscaped areas for residential accommodation in Zone R1

4.3C Landscaped areas for residential accommodation in Zone R1

- 1) The objectives of this clause 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.
- 2) This clause applies to development for the purposes of residential accommodation on land in Zone R1 General Residential and identified as "Area 1" on the Key Sites Map.
- 3) Development consent must not be granted to development to which this clause applies unless—
 - a) the development will result in a landscaped area comprising at least—
 - i) if the lot size is 235m² or less—15% of the site area, or
 - ii) otherwise—20% of the site area, and
 - b) the site coverage does not exceed 60% of the site area.
- 4) For subclause (3)—
 - a) the site area must be calculated in the way set out in clause 4.5, and
 - b) the following areas must not be included as landscaped areas—
 - i) a landscaped area with a length or width of less than 1m,
 - ii) a landscaped area located more than 500mm above ground level (existing), and
 - c) a deck, balcony or similar structure, whether enclosed or unenclosed, must not be included in calculating the site coverage if—
 - i) the underside of the deck, balcony or structure is at least 2.4m above ground level (existing), and the area below the structure is able to be landscaped or used for recreational purposes, or
 - ii) the finished floor level is 500mm or less above ground level (existing).



4 Extent of Variation to the Development Standard

The subject application proposes landscaped area of 173.16sqm or 9.7%, which represents 170m² or a 50% variation.

The site coverage is proposed at 80%, which exceeds the 60% control.

It is noted that the existing development provides only 77sqm of landscaped open area, which represents a 77% variation to the control.

5 Objectives of the Standard

The objectives of the Standard are as follows:

- to provide landscaped areas for substantial tree planting and for the use and enjoyment of residents,
- to maintain and encourage a landscaped corridor between adjoining properties,
- to ensure that development promotes the desired character of the neighbourhood,
- to encourage ecologically sustainable development,
- to control site density,
- to provide for landscaped areas and private open space.

6 Objectives of the Zone

The Objectives of the **R1 General Residential** zone are as follows:

- 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.

7 Assessment

7.1 Clause 4.6(3)(a) – compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Compliance with the Landscaped Areas standard is unreasonable and unnecessary as the objectives of the Landscaped Areas development standard are achieved notwithstanding non-compliance with the numerical standard (Wehbe 1# test):

As detailed in *Williams v Ku-ring-gai Municipal Council* [2017] NSWLEC 1098, *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [44]–[48], a number of approaches could be used to establish that compliance with a development standard is unreasonable or unnecessary.

Furthermore, *Preston CJ in Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]–[51] outlined five common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable and unnecessary which are summarised below:



- Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- Test 3: The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- Test 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; or
- Test 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.

These five ways to demonstrate that compliance is unreasonable or unnecessary are not exhaustive, and it may be sufficient to establish only one way.

With respect to the subject application, we consider that the proposed development meets the requirements of Wehbe Test 4 and therefore compliance with the development standard is unreasonable and unnecessary when considered holistically with the development outcome being sought.

Whilst the required landscaped area control established on the site may be appropriate for new development, the development seeks to renew and adaptively reuse existing buildings, with an existing building footprint (site coverage) and landscaped area. The proposed development seeks an improvement to the existing landscaped outcomes to the site.

The proposed development simply seeks to extinguish the existing use rights associated with 119 Booth St Annandale whilst enabling appropriate building upgrades to 121-125 Booth St including new landscaping and internal updates.

The previous consents granted by Council demonstrate no consistency with the landscaped area controls that apply to the site both in terms of landscaped area and site coverage and therefore it is unreasonable to expect compliance with the significantly higher landscaped control and to renew the buildings. The DA enables the buildings to be refined and improved, along with improved amenity and landscape outcomes against the current building operation.

7.2 Clause 4.6(3)(b) - There are sufficient Environmental Planning Grounds to Justify Contravening the Development Standard.

There are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Turland v Wingecarribee Shire Council* [2018] NSWLEC 1511 and *Initial*



Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118), also 'Rebel MH' and 'Baron' (2019).

- As discussed in Section 7.1, the redevelopment simply seeks renewal of the existing boarding house at 121-125 Booth St and adaptive reuse of 119 Booth Street to extinguish the existing use rights and retain the existing building within the conservation area.
- The size and scale of the development is compatible with the existing surrounding development as well as the Booth St HCA as outlined in the heritage report. The retention of the existing buildings results in the significant variation to the FSR control. A reduction in the FSR to the maximum permitted under the current controls will result in the buildings to fall into further disrepair as it will not create an 'orderly or economic use of land' in accordance with the Objects of the Act.
- Whilst still a non-compliance with landscaped area and site coverage, the proposal is a net improvement of over 100sqm of landscaped area across the sites and enables external communal open space for existing boarding house residents at 121-125 Booth St.
- The aspects of the development that are non-compliant with the landscape control do not create any additional environmental impacts such as overshadowing, visual or acoustic privacy beyond what a compliant development would create.

For the reasons discussed above, it is contended that there are sufficient environmental planning grounds to justify the contravention to the development standard in the circumstances of the case, particularly given that the design provides a tailored and well considered response to the site's constraints and articulation.

7.3 Clause 4.6(4)(a)(i) – consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates;

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with the findings of Commissioner Preston in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, the Consent Authority under Clause 4.6(4)(a)(i) must only be satisfied that the request adequately addresses the matters in Clause 4.6(3).



7.4 Clause 4.6(4)(a)(ii) – the proposed development is in the public interest because it is consistent with the objectives of the particular and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is in the public interest as it is consistent with the objectives of the development standard. The objectives of the development standard are addressed below under the relevant headings:

The objectives of the particular standard

- It has been demonstrated elsewhere in this report that the development achieves the objectives of Clause 4.3C, of the IWLEP2022 notwithstanding the non-compliance with the standard.
- The proposed development will increase the landscaped area for substantial tree planting for use by the residents (a) and will maintain a landscaped corridor between adjoining properties (b); and
- The development will continue to promote the desired character of the neighbourhood and the HCA (c), with the adaptive reuse of existing buildings assisting with ecological sustainable development (d) and site density (e).

The objectives for development within the zone in which the development is proposed to be carried out. Consistency with the objectives of the R1 zone is described below:

To provide for the housing needs of the community.

The proposed development will provide additional housing on a site previously used for non-residential purposes, which will better provide for the housing needs of the community.

To provide for a variety of housing types and densities.

The provision of new co-living rooms will support a diversity of housing types in the zone.

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

Not applicable

To provide residential development that maintains the character of built and natural features in the surrounding area.

The adaptive reuse of the existing buildings will maintain the character of the built features in the conservation areas, whilst providing an improved landscaped outcome to Booth St.

8 Matters of significance for State or regional environmental planning

Contravention of the standard raises no matters of significance for state or regional environmental planning.

9 Secretary's Concurrence

The Planning Circular PS 18-003, issued on 21 February 2018 (Planning Circular), outlines that all consent authorities may assume the Secretary's concurrence under clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006 (with some exceptions). The



IWLEP2022 is a standard instrument LEP and accordingly, the relevant consent authority may assume the Secretary's concurrence in relation to clause 4.6 (5). This assumed concurrence notice takes effect immediately and applies to pending development applications.

We note that under the Planning Circular this assumed concurrence is subject to some conditions - where the development contravenes a numerical standard by greater than 10%, the Secretary's concurrence may not be assumed by a delegate of council. This restriction however does not apply to decisions made by a local planning panel, as they are not legal delegates. The proposed development will be assessed by a local planning panel, and as such the 10% limit does not apply.

10 No public benefit in maintaining the development standard

As demonstrated above there is no public benefit in maintaining the development standard in terms of State and regional planning objectives, or in terms of minimising the environmental impacts of the development given the proposal's compliance with other key DCP and built form and amenity controls.

11 Conclusion

The variation to the Landscaped Areas development standard should be supported for the following reasons:

- The development achieves the objectives of the development standard in Clause 4.3C of IWLEP 2022;
- The development achieves the objectives of the R1 General Residential zone under IWLEP 2022;
- There are sufficient environmental planning grounds to permit the variation to the standard under the circumstances; and
- Compliance with the Landscaped Areas development standard is unreasonable or unnecessary under the circumstances and therefore the variation is in the public interest.



Attachment D – Statement of Heritage Significance of Heritage Conservation Area

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Area 18 Annandale Conservation Area

Landform

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



Figure 18.1 Annandale Conservation Area Map.

History

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

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

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

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

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

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

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

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

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

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

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

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

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

Sources

Information provided by Max Solling.

Significant Characteristics

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

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

Statement of Significance or Why the Area is Important

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

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

Management of Heritage Values

Generally

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

Retain

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

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

Avoid

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

Further Work

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

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

Attachment E – Architectural Excellence and Design Review Panel Minutes



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	119 Booth Street Annandale
Proposal:	The partial demolition of the former Commonwealth Bank building at 119 Booth Street, Annandale and construction of a three-storey co-living development; and alterations and additions, plus site remediation to an existing boarding house at 121-125 Booth Street, and change of use to 'co-living'. Overall the new co-living development will provide 91 co-living rooms connected across the two sites with integrated communal indoor and outdoor spaces.
Application No.:	DA-2023-0900
Meeting Date:	13 February 2024
Previous Meeting Date:	-
Panel Members:	Matthew Pullinger (chair); Diane Jones; and Jean Rice
Apologies:	-
Council staff:	Vishal Lakhia; Niall Macken; Eamon Egan; and Adele Cowie
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Gyula Toth (Toth & Partners) – Architect for the project; Kate Bartlett (The Planning Studio) – Urban Planner for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.

Discussion & Recommendations:

1. The Panel understands the proposal unites 2 buildings located on 2 separate properties – involving the alteration of an existing boarding house at 121 Booth Street and construction of a new co-living building proposed at 119 Booth Street. The applicant also proposes to change the

INNER WEST

operational arrangements of the existing boarding house to create a new, integrated 'co-living' use, in order to jointly function as a co-living development united across both properties.

2. The Panel notes that although the two buildings are attached and intended to function as a single integrated facility, the buildings retain separate street addresses and the internal circulation is only connected on Levels 2, and 3. The Panel's concern is that contrary to good urban design practice and undermining the practical utility of the proposal, the buildings remain disconnected on the ground floor level and Level 1. Additionally, the carpark level within the existing building is disconnected from the new building.
3. The Panel raised concerns for the quality and practicality of the internal circulation that links the buildings on Levels 2 and 3. In the Panel's view, the common corridors between the buildings are not effectively connected. The connection relies on a pass-through lift to link the two adjacent corridors, and the lift car is required to be present between the corresponding levels of both buildings to allow residents to walk along the corridors of the buildings (via the pass-through lift car). The Panel finds this arrangement convoluted and counter-intuitive. Provision of only 1 lift for 91 rooms further exacerbates the circulation constraints within the buildings, particularly in any scenario where the lift is out of order.
4. The Panel discussed the proposed location of the on-site Manager's room within the lower ground/basement level of the existing building. The proposed location is disconnected from the communal areas of the proposal and from this location the Manager will not be able to effectively oversee the premises.
5. The Panel notes that the communal open space and the communal room are proposed on the ground floor level of the new building. Given the limited building circulation, this proposed location would only effectively serve the users of the new building and isolate users within the existing building. Similarly, the Panel notes that common facilities, such as the laundry and kitchens, would not be readily accessible to all users within both buildings.
6. Council should satisfy itself of appropriate compliance with the relevant matters set out within SEPP (Housing 2021), particularly minimum requirements for the communal room area, communal open space area, landscaped area, provision of solar access, carparking, bicycle parking and room sizes. The Panel recommends that the proposal comply with these SEPP controls to ensure an acceptable level of amenity and quality of living is offered to users. Additionally, compliance with the National Construction Code and the relevant Australian Standards, particularly for accessibility and fire safety are a concern for the Panel, which should be reviewed by suitably qualified specialists.
7. The Panel noted some positive features evident within the existing 'L' shaped building - such as generous room sizes and outlook - however, the proposal appears to adopt a strategy of intervening 'as little as possible, as much as necessary' which contributes to the poor general arrangement. The Panel encourages consideration of a greater degree of intervention and adaptation within the existing building in order to resolve the overall integration of the two buildings.
8. An alternative circulation strategy may be to create a single, generously spaced pedestrian entry for both buildings directly accessible and visually prominent from Booth Street. Additionally, the common corridors connecting both buildings should be thoughtfully planned to allow comfortable and intuitive movement across the buildings (without relying on a pass-through lift to facilitate access).
9. Overall however, the Panel does not support the proposal in its current form since it lacks the basic intuitive internal circulation, provides little opportunity to foster community and lacks the spatial cohesion expected from a contemporary co-living development. The common spaces such as the entry foyer/s, circulation corridors, communal room, and communal open space should be prioritised to be at heart of the proposal delivering high levels of amenity.

INNER WEST

10. The Panel acknowledges that matters related to the proposed architectural expression, sustainability, FSR exceedance, outlook, privacy and landscape design were not fully discussed during the meeting since the threshold issues are those discussed in this report. However, these design and planning issues will need to be satisfactorily resolved in any future amendments.
11. Similarly, the following concerns were identified in the current proposal:
 - a. constrained outlook and separation from rooms G.4, G.5, 1.05, 1.06, 2.05, and 2.06
 - b. constrained size and amenity within majority of rooms located within the new building
 - c. poor building presentation with bin storage located within the entry lobby area
 - d. lack of resolution for waste storage and collection
12. The Panel encourages all applicants to engage with the design review process in the pre-DA environment in order to benefit from early discussions on fundamental urban design and amenity merits, and prior to lodging a fully detailed development application.