

# INNER WEST





## DEVELOPMENT ASSESSMENT PANEL REPORT

<b>Application No.</b>	MOD/2023/0347
<b>Address</b>	238 Annandale Street ANNANDALE
<b>Proposal</b>	Section 4.55(2) modification of Determination No DA/2022/0880 which approved alterations and additions to the existing dwelling house, new carport to rear and associated works. Modification seeks to enclose approved carport to form enclosed garage
<b>Date of Lodgement</b>	19 October 2023
<b>Applicant</b>	Mr James Stevens
<b>Owner</b>	Mr James WM Stevens
<b>Number of Submissions</b>	Two (2) in opposition
<b>Value of works</b>	\$500,000.00
<b>Reason for determination at Planning Panel</b>	FSR variation exceeds 10%
<b>Main Issues</b>	FSR variation
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Conditions of Development Consent – DA/2022/0880
<b>Attachment D</b>	Stamped Approved Plans DA/2022/0880



Figure 1: Notification Map

### LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Determination No DA/2022/0880 dated 17 May 2023 which approved alterations and additions to the existing dwelling house, new carport to rear and associated works. The modification seeks to enclose the approved carport to form a garage at 238 Annandale Street Annandale.

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

The main issues that have arisen from the application include:

- Floor Space Ratio exceeds 10% variation

The non-compliance is acceptable given the proposed would not result adverse amenity impact to the surrounding properties or the streetscape, and therefore, the application is recommended for approval.

## 2. Proposal

The proposed development seeks consent for the following component:

- Enclosure of the approved carport (by extending/ adding to existing walls of the approved carport) to form an enclosed garage with painted masonry walls.
- Add a window in the west (laneway) facing gable of the altered parking structure (garage); and
- Add a door opening in the east (garden) facing wall of the garage.

## 3. Site Description

The subject site is 238 Annandale Street, Annandale and is legally described as Lot 8A in Section 17 of DP1935. The site is located on the western side of the street at its intersection with Gillies Street and also has access to an unnamed laneway at the rear. The subject site is rectangular in shape and has a site area of 230sqm with its eastern and western boundaries both measured at 5.030m and the northern and southern boundaries both measured at 45.720m and 45.715m respectively.

The site contains a one part two storey rendered and painted masonry dwelling house with gable (main) and skillion (rear) roof forms and a single storey double garage to the rear (with vehicular access via Gillies Street).

This section of Annandale Street predominantly contains rows of detached and semi-detached dwellings with a single storey presentation as well as rows of terrace houses.

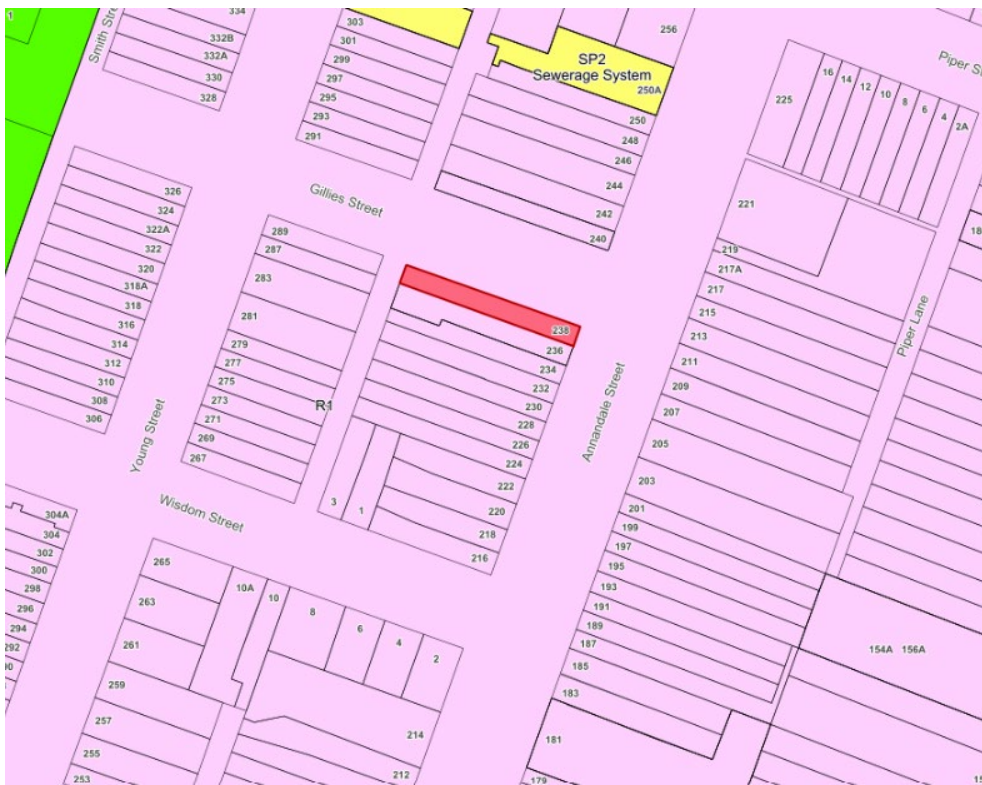


Figure 2: Land Zoning Map extract (subject site highlighted in red)



Figure 3: Photo of subject site

## 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**

Application	Proposal	Decision & Date
DA/2021/0687	Alterations and additions to the existing dwelling and storage space above the existing garage	Approved 20/12/2021
DA/2022/0880	Alterations and additions to the existing dwelling house, new carport to rear and associated works	Approved 17/05/2023
CCP/2023/0681	Construction Certificate associated with DA/2022/0880	Approved 22/11/2023

## 5. Section 4.55 Modification of Consent

The following is a summary of the assessment of the application in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

### Section 4.55(2)

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, if:

*“(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment / Assessment: In considering whether the development as modified is substantially the same as that for which consent was originally granted, an assessment against relevant case law has been undertaken, particularly the authority in *Moto Projects (No 2) v North Sydney Council [1999] NSWLEC 280*, which deals with taking both a qualitative and quantitative approach to addressing the ‘Substantially the same’ test of Section 4.55. The proposed modifications will result in a development that is substantially the same development as the originally approved development and does not exceed the envelope of that approved.

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment / Assessment: Not applicable

*(c) it has notified the application in accordance with—*

*(i) the regulations, if the regulations so require, or*

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment / Assessment: The application was notified in accordance with the above and Council’s Community Engagement Strategy.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”

Comment / Assessment: Two submissions were received and considered later in this report.

Section 4.55(3)

In consideration of Section 4.55(3) of the *EPA Act 1979*, the consent authority has taken into account the following reasons given by the determination authority for the granting of the original consent:

- The proposal generally complies with the aims, objectives and design parameters contained in the relevant environmental planning instruments and development controls plans;
- The proposal will not result in any significant impacts on the amenity of the adjoining properties, the streetscape and is considered to be in the public interest; and
- The proposal is considered suitable for approval.

It is considered that the modified proposal has taken into account the aforementioned reasons that the original development consent was granted.

**6. 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)*.

**A. Environmental Planning Instruments**

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

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

The application was assessed against the following relevant sections of the *IWLEP 2022*.

**Part 1 – Preliminary**

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The development, as modified and as conditioned, will result in acceptable on-site and off-site amenity outcomes and impacts and will remain respectful of the existing dwelling and pattern of development in the street and wider area.	Yes, as conditioned

**Part 2 – Permitted or Prohibited Development**

Section	Proposed	Compliance
Section 2.3 Zone Objectives and Land Use Table	<p>The site is zoned R1 - General Residential under the IWLEP 2022. The IWLEP 2022 defines the development as alterations and additions to a Dwelling House which is permissible with consent in the zone.</p> <p>The objectives of the R1 zone are as follows:</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To provide residential development that maintains the character of built and natural features in the surrounding area.</li> </ul> <p>The development will continue to provide for a variety of housing types and for the housing needs of the community within a low-density residential environment. Further, the proposal will provide residential development that maintains the character of built and natural features in the surrounding area.</p> <p>Given the above, the proposal, is considered to be consistent with the relevant zone objectives.</p>	Yes, as conditioned

**Part 4 – Principal Development Standards**

Section	Proposed		Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	15% or 34.50 sqm	Yes, no change
	Proposed	20.78% or 47.80sqm	
	Variation	N/A	
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 138 sqm	Yes
	Proposed	58.26% or 134sqm	
	Variation	N/A	
Section 4.4 Floor Space Ratio	Maximum	0.8:1 or 184sqm	No
	Proposed	0.94:1 or 216.82sqm	
	Variation	17.84% or 32.82sqm	
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	The proposed modification is not required to formally submit a written request to vary a development standard having regard to the decision within <i>North Sydney Council</i>		See discussion below

Section	Proposed	Compliance
Development Standards	<p><i>v Michael Standley &amp; Associates Pty Ltd [1998] NSWSC 163</i> that states that Section 96 (now Section 4.55) is a:</p> <p><i>‘free-standing provision’, meaning that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application.</i></p> <p>Notwithstanding, the assessment principles and considerations set out in Section 4.6 of <i>IWLEP 2022</i> are applied as guidance, which is discussed below this table.</p>	

### Section 4.6 – Exceptions to Development Standards

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

- Section 4.4 – Floor Space Ratio

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

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

The applicant seeks a variation to the Floor Space Ratio (FSR) development standard prescribed under Section 4.4 of the *IWLEP 2022*.

The Land and Environment Court has established that SEPP 1 cannot be used at Section 4.55 stage, as SEPP 1 expressly only applies ‘where a development application is made’, not when a modification application is made. The same would apply to Clause 4.6 variations, which expressly only regulates whether ‘development consent’ may be granted, not whether an existing consent may be modified. As such, a Clause 4.6 variation has no application to Section 4.55 modifications.

Notwithstanding, the variation to the FSR development standard is supported for the following reasons:

- The lack of any undue adverse amenity impacts on adjoining properties;
- The proposal is consistent with the zone objectives as the development density reflects its locality and the proposal has minimal impact on local amenity; and
- The modified proposal will be consistent with the objectives of the Floor Space Ratio development standard for the following reasons:
  - The development provides for an appropriate development density in light of the site constraints (i.e small lot area and HCA) which is reflective of that in the locality.
  - The numerical departure does not contribute to any undue adverse bulk and scale and amenity impacts to neighbouring properties, with particular regard for solar access, view sharing, visual and acoustic privacy.

- The proposal will not remove any existing canopy trees or significant vegetation to accommodate the amendments.
- The proposed development does not detract from the desired character of the distinctive neighbourhood.
- The proposed development, as reinforced by condition, will result in acceptable streetscape impacts.

**Part 5 – Miscellaneous Provisions**

Section	Compliance	Compliance
Section 5.10 Heritage Conservation	<p>The subject property at 238 Annandale Street, Annandale, is a contributory dwelling located within the Annandale Heritage Conservation Area (C31 in Schedule 5 of the <i>IWLEP 2022</i>). The site is not heritage listed, however, is located in the vicinity of heritage listed landscaping on Annandale Street which is of local significance.</p> <p>The proposal seeks to enclose the approved carport to form an enclosed garage with painted masonry walls and also seeks to add a window in the west facing (laneway facing) gable of the altered parking structure (garage) and add a door opening in the eastern wall of the garage.</p> <p>The proposal has been considered against the streetscape and heritage controls of this part of the LEP and those contained in the Leichhardt Development Control Plan 2013 (LDCP 2013) and following is noted:</p> <ul style="list-style-type: none"> <li>• The overall form and height of the parking structure / garage has already been approved under the original development application – DA/2022/0880;</li> <li>• The proposal will not alter the approved roof form of the parking structure and finishes and materials and proportions to openings will be compatible with, or will not detract from, the approved development or other buildings in the laneway.</li> <li>• The proposal has already been conditioned to omit dark greys from being used.</li> </ul> <p>With consideration of the above, the proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Annandale Heritage Conservation Area-or any nearby environmental heritage, and will accord with the streetscape and heritage provisions of Section 5.10 of the <i>IWLEP 2022</i> and the relevant objectives and controls in the LDCP 2013.</p>	Yes

**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	Yes



Section	Proposed	Compliance
	would result in any significant adverse impacts to the watertable.	
Section 6.2 Earthworks	No change to the approved earthworks proposed under DA/2022/0880.	Yes
Section 6.3 Stormwater Management	Standard conditions relating to stormwater management during construction were imposed on the original consent and will remain in force as part of any consent granted.	Yes

## B. 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
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes - see discussion under Part 5(a)(iii)-Section 5.10 – Heritage Conservation
C1.5 Corner Sites	Yes
C1.7 Site Facilities	Yes
C1.11 Parking	Yes – see discussion
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.18 Laneways	Yes – see discussion
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.1.2 Annandale Street Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes - see discussion under Part 5(a)(iii)-Section 5.10 – Heritage Conservation
C3.7 Environmental Performance	Yes
C3.9 Solar Access	Yes – see discussion
C3.11 Visual Privacy	Yes – see discussion

<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes

The following provides discussion of the relevant issues:

**Leichhardt Development Control Plan 2013 (LDCP 2013)**

The application was assessed against the following relevant parts of the LDCP 2013.

**Part B – Connections**

Control	Proposed / Discussion	Compliance
B1.1 Connections - Objectives	The proposed modifications will not alter the key strategic objectives of this Part of the DCP.	Yes

**Part C – Section 1 – General Provisions**

Control	Proposed / Discussion	Compliance
C1.1 Site and Context Analysis	The development is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, streetscape, travel networks and connections, social dimensions, and aesthetics.	Yes
C1.4 Heritage Conservation Areas and Heritage Items	For reasons discussed in this report, the proposed modifications will not detract from the heritage significance of the site or the HCA and will result in acceptable amenity outcomes and impacts on adjoining properties.	Yes

Control	Proposed / Discussion	Compliance
C1.11 Parking & C1.18 Laneways – Medium Laneways	<p>The modified parking facilities meet the objectives and requirements of these parts of the DCP as it is considered the proposed development:</p> <ul style="list-style-type: none"> <li>• The proposal will accommodate on-site parking that is safe, accessible and well laid out;</li> <li>• The garage will not visually dominate the streetscape and will have a laneway wall height and form, roof form and overall height, proportions to openings and finishes and materials that will be compatible with, or that will not detract from, the approved development, adjoining development and the mixed built forms characteristic of Piper Lane;</li> <li>• The garage will not result in any undue adverse amenity impacts on adjoining sites; and</li> <li>• The garage, as proposed and as already conditioned, will meet AS/NZS2890.1-2004.</li> </ul> <p>Considering the above, the proposal, as conditioned, is considered to be acceptable to be satisfy the objectives of C1.11 of LDGP2013.</p>	Yes

**Part C – Section 2 – Urban Character**

Control	Proposed / Discussion	Compliance
C2.2.1.2 Annandale Street Distinctive Neighbourhood  C2.2.1.2(b) – Annandale Street Laneways Sub Area	<p>The proposed works, as conditioned, remain sympathetic to the pattern of development in the locality and preserve conservation values when viewed from the street.</p>	Yes

**Part C – Section 3 – Residential Provisions**

Control	Proposed / Discussion	Compliance
C3.1 Residential General Provisions	<p>The development, as modified, will result in acceptable streetscape, and on-site and off-site amenity outcomes and impacts, and will remain respectful of the existing dwelling and pattern of development in the street and wider area.</p>	Yes
C3.2 Site Layout and Building Design	<p>This part of the DCP contains Building Envelope and Side Setback controls which aim to control, inter-alia, bulk and scale and overshadowing impacts, as well as ensure that the pattern of development in the street is not adversely affected. The proposal is considered to be acceptable with side setback controls summarised in the following:</p>	No but acceptable

Control	Proposed / Discussion	Compliance												
	<p><i>Building Envelope</i></p> <p>The garage will be of the same form and height as the approved carport, and will have wall heights (excluding the gable to the rear lane, which is not increasing in height) that comply with the 3.6m building envelope control. Given the above, the proposal is considered to be acceptable with respect to building envelope considerations.</p> <p><i>Side Setbacks:</i></p> <p>The following is a compliance table assesses the proposal against the Side Boundary Setbacks Graph prescribed in Part C3.2 of the LDCP 2013</p> <table border="1" data-bbox="405 779 1204 958"> <thead> <tr> <th data-bbox="405 779 635 846">Elevation</th> <th data-bbox="635 779 880 846">Wall height (m)</th> <th data-bbox="880 779 1126 846">Required setback (m)</th> <th data-bbox="1126 779 1204 846">Prop setb</th> </tr> </thead> <tbody> <tr> <td data-bbox="405 846 635 913">North</td> <td data-bbox="635 846 880 913">2.8 – 3.3</td> <td data-bbox="880 846 1126 913">0 – 0.289</td> <td data-bbox="1126 846 1204 913">0.1</td> </tr> <tr> <td data-bbox="405 913 635 958">South</td> <td data-bbox="635 913 880 958">3.4</td> <td data-bbox="880 913 1126 958">0.35</td> <td data-bbox="1126 913 1204 958">0.2</td> </tr> </tbody> </table> <p>As noted in the table above, the proposed garage walls will not comply with the Side Boundary Setback Graph to the northern and southern (side) boundaries as prescribed in this Part</p> <p>Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:</p> <ul style="list-style-type: none"> <li>• <u>The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the Leichhardt DCP 2013 and complies with streetscape and desired future character controls.</u></li> </ul> <p><u>Comment:</u> The proposed development has been designed with consideration to the objectives of the desired future character and will not be out of character with the approved development or existing development already established at adjoining properties and within the wide HCA.</p> <ul style="list-style-type: none"> <li>• <u>The pattern of development is not adversely compromised.</u></li> </ul> <p><u>Comment:</u> Acceptable. Side wall heights and setbacks will not be out of character with the wall heights and setbacks already established/approved at the site, and at adjoining properties and within the wider HCA.</p>	Elevation	Wall height (m)	Required setback (m)	Prop setb	North	2.8 – 3.3	0 – 0.289	0.1	South	3.4	0.35	0.2	
Elevation	Wall height (m)	Required setback (m)	Prop setb											
North	2.8 – 3.3	0 – 0.289	0.1											
South	3.4	0.35	0.2											

Control	Proposed / Discussion	Compliance
	<ul style="list-style-type: none"> <li>• <u>The bulk and scale of the development has been minimised and is acceptable.</u></li> </ul> <p><u>Comment:</u> The bulk and scale of the modified parking structure garage will be acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The siting, length and eaves and roof ridge height of the garage will be the same as the approved carport and will be located immediately adjacent to the adjoining garage at No. 236 Annandale Street (the only adjoining property with a boundary shared with the subject site) so as to minimise visual bulk impacts on this adjoining site; and</li> <li>• The proposal seeks to extend or add to existing walls of the approved carport to form an enclosed garage and will have minimal visual impacts on adjoining properties and no undue adverse impacts on any neighbours.</li> </ul> <ul style="list-style-type: none"> <li>• <u>The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.</u></li> </ul> <p><u>Comment:</u> The proposal will not result in any significant or undue adverse solar access, privacy or view loss impacts to the adjoining neighbouring properties. As such, the proposal will meet this test.</p> <ul style="list-style-type: none"> <li>• <u>The proposal does not unduly obstruct adjoining properties for maintenance purposes.</u></li> </ul> <p><u>Comment:</u> The garage will be located adjacent to an adjoining brick wall associated with the adjoining garage at No. 236 Annandale Street and will not obstruct any lightweight walls at adjoining properties for maintenance purposes.</p> <p>In light of above, the proposed side wall heights and setbacks for the garage are deemed to be acceptable.</p> <p>The modification is considered to be satisfactory with respect to the provisions and objectives of Part C3.2 of the LDCP 2013.</p>	
<p>3.9 Solar Access</p>	<p>The subject site and adjoining properties have an east/west (front/rear) orientation, and hence, the following <i>Solar Access</i> controls of Part C3.9 of the LDCP 2013 apply with regard to neighbouring properties:</p> <p><i>Living Room Glazing</i></p>	<p>Yes</p>

Control	Proposed / Discussion	Compliance
	<ul style="list-style-type: none"> <li>• C12 - Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.</li> <li>• C15 - Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.</li> </ul> <p><i>Private Open Space</i></p> <ul style="list-style-type: none"> <li>• C18 - Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.</li> <li>• C19 - Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.</li> </ul> <p>Shadow diagrams accompanied the application which confirm that the proposal will not cast any additional shadows into adjoining properties beyond the shadows cast by existing and adjoining structures of the approved carport. The proposal therefore raises no issues that will be contrary to the provisions and objectives of this part of the DCP.</p>	
C3.11 Visual Privacy	<p>A new window is proposed in the rear elevation of the garage facing the laneway. The sill height of the window will be elevated more than 3m above the garage floor level or the garage floor slab, and given that there are no internal floors within the proposed garage other the garage floor slab, there will be no adverse view/sight lines from the window in question.</p> <p>The new door access to the rear elevation of the garage will not result in any adverse privacy impacts for any neighbours.</p> <p>The proposal raises no issues that will be contrary to the provisions and objectives of this part of the DCP.</p>	Yes

### C. The Likely Impacts

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

## D. The Suitability of the Site for the Development

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

## E. Submissions

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

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

Further issues raised in the submissions received are discussed below:

Concern	Comment
The increase in visual bulk from the development	The proposal does not result in any undue adverse visual bulk and scale impacts as discussed previously under the assessment in Part 3.2 of the LDCP 2013. The height of the structure is not increasing as a result of the modification and the envelope remains the same
Privacy implications from the new window	The window in question does not result in any adverse privacy impacts on any neighbours as discussed previously under the assessment in Part C3.11 of the LDCP 2013.

## F. The Public Interest

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

The proposal is not contrary to the public interest.

## 7. Section 7.11 / 7.12 Contributions

The proposed modifications would not trigger any changes to the contributions as they appear on the current consent.

## 8. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist
- Development Engineer

## 9. Conclusion

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

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

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

## 10. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55(2) of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. MOD/2023/0347 to enclose the approved carport to form a garage at 238 Annandale Street, Annandale subject to the conditions listed in Attachment A below.



## Attachment A – Recommended conditions of consent

### 1. Documents related to the consent

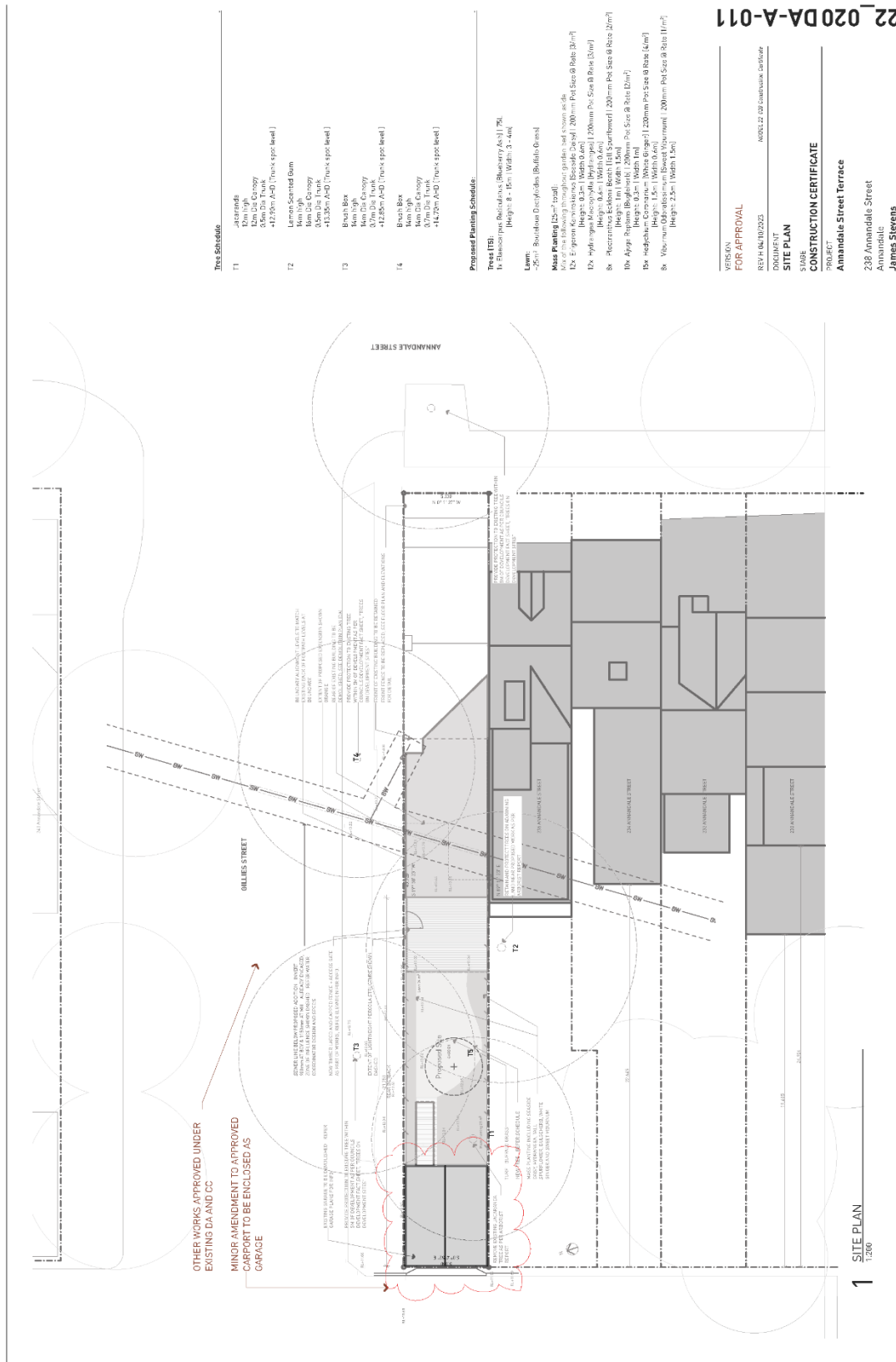
The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
22_020 DA-A-012 Rev D	Stormwater Plan	04/10/2023	Smith & Tzannes
22_020 DA-A-020 Rev C	Demolition Plan	15.03.2023	Smith & Tzannes
22_020 DA-A-100 Rev J	Ground Levels	15.03.2023	Smith & Tzannes
22_020 DA-A-101 Rev H	Upper Level & Roof	15.03.2023	Smith & Tzannes
22_020 DA-A-200 Rev J	Sections	15.03.2023	Smith & Tzannes
22_020 DA-A-201 Rev J	Sections	15.03.2023	Smith & Tzannes
22_020 DA-A-202 Rev I	Elevations	15.03.2023	Smith & Tzannes
22_020 DA-A-203 Rev I	Elevations	15.03.2023	Smith & Tzannes
22_020 DA-A-204 Rev J	Elevations	15.03.2023	Smith & Tzannes
22_020 DA-A-404 Rev B	Garage Plans	04/10/2023	Smith & Tzannes
22_020 DA-A-405 Rev B	Garage Elevations & Sections	04/10/2023	Smith & Tzannes
Rev A	3.6 Materials and Finishes	20/07/2023	Smith & Tzannes
2021-402 Rev 1	Acoustic Report – Aircraft Noise	20.09.2021	Acoustic Noise & Vibration Solutions
Level 5 Arborist – Letter of Confirmation		26.04.2023	George Palmer – Botanics Tree Wise People Pty Ltd
Arboricultural Impact Assessment and Management Plan		Updated/Annexed: October 2022	Botanics Tree Wise People
A462025_02	BASIX Certificate	14.10.2022	Smith & Tzannes

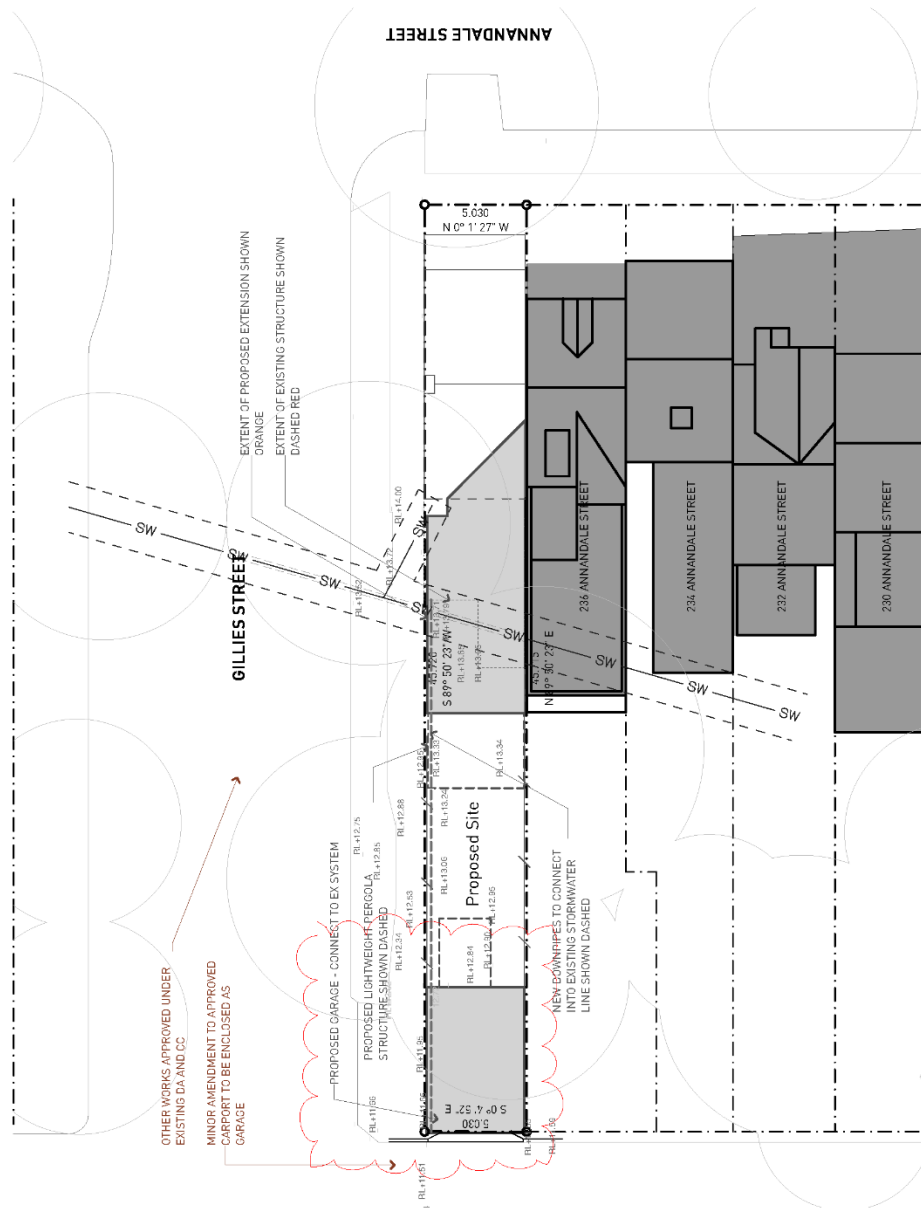
As amended by the conditions of consent.

**(Condition modified by MOD/2023/0347 – 14 May 2024)**

Attachment B – Plans of proposed development



22\_020DA-A-012



1 Stormwater Plan  
1:200

VERSION FOR APPROVAL  
REVISED 16/03/2024  
DRAWN BY  
CHECKED BY  
DATE OF ISSUE  
PROJECT NAME  
PROJECT ADDRESS  
PROJECT LOCATION  
PROJECT REFERENCE

ARCHITECTURE URBAN PLANNING  
38/127 Victoria Street Alexandria NSW 2015  
02 9550 2222  
aupa@architectureurbanplanning.com.au  
Registered Architect, Peter Smith Reg 3794

LEGEND  
4. The scope of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
5. Location for the purpose of this plan was created. Do not lose this drawing for construction unless designated.

NOTES  
1. REFER to all drawings, use ground dimensions only.  
2. Verify all dimensions on site prior to commencement of report.  
3. All dimensions to the architecture and general set out. These drawings are not to be used for construction. Set out to be undertaken by surveyor on site.  
4. Show drawings should be prepared in a separate report if necessary.

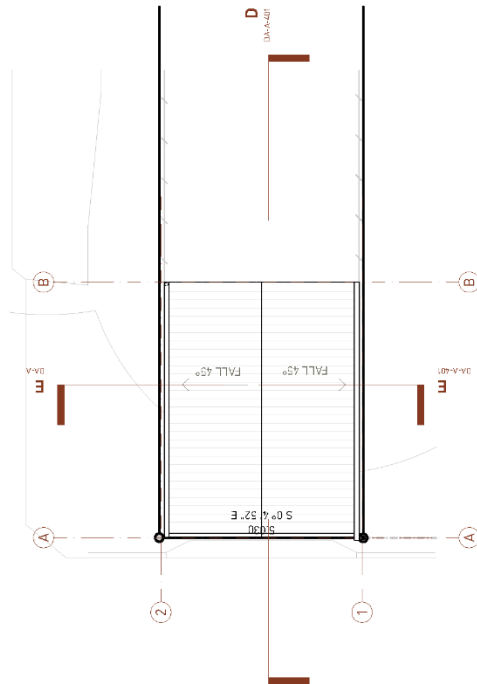
Scale:  
10m = 1:200  
20m = 1:100  
2.5m = 1:50  
1.25m = 1:25

© SMITH & TZANNES PVT LTD  
Document ID: 38788751  
Version: 1, Version Date: 15/03/2024

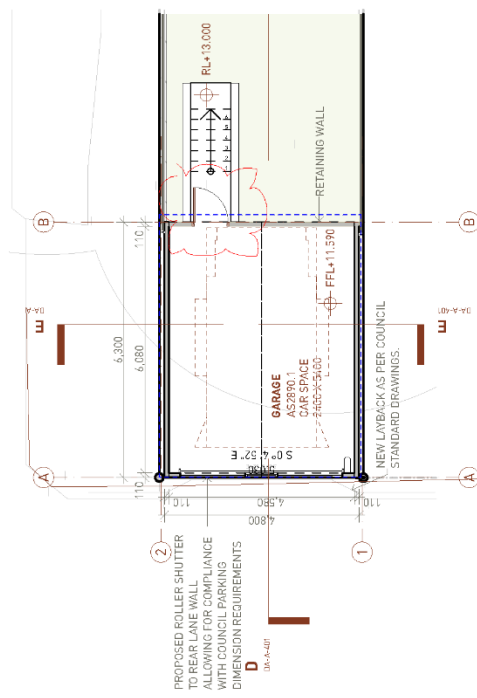
James Stevens  
238 Annandale Street  
Annandale NSW 2038

SMITH & TZANNES

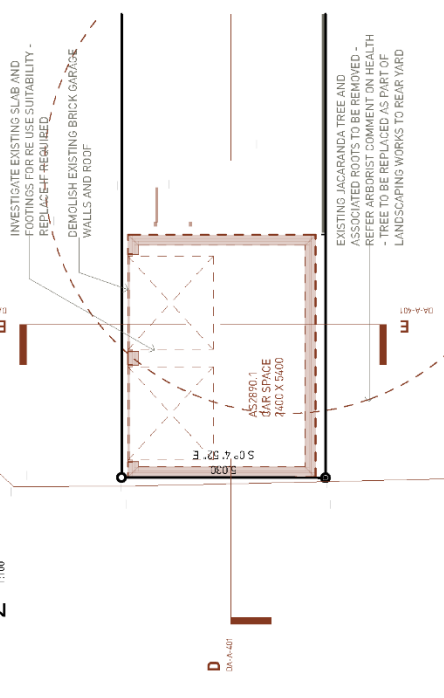
22\_020DA-A-404



3 ROOF PLAN  
1:100



2 LEVEL 0  
1:100



1 LEVEL 1 DEMOLITION PLAN  
1:100

**NOTE:**  
 APPROVED STRUCTURE AND ELEMENTS SHOWN GREY  
 PROPOSED ELEMENTS / CHANGES SHOWN ORANGE  
 CHANGES HIGHLIGHTED WITH CLOUD

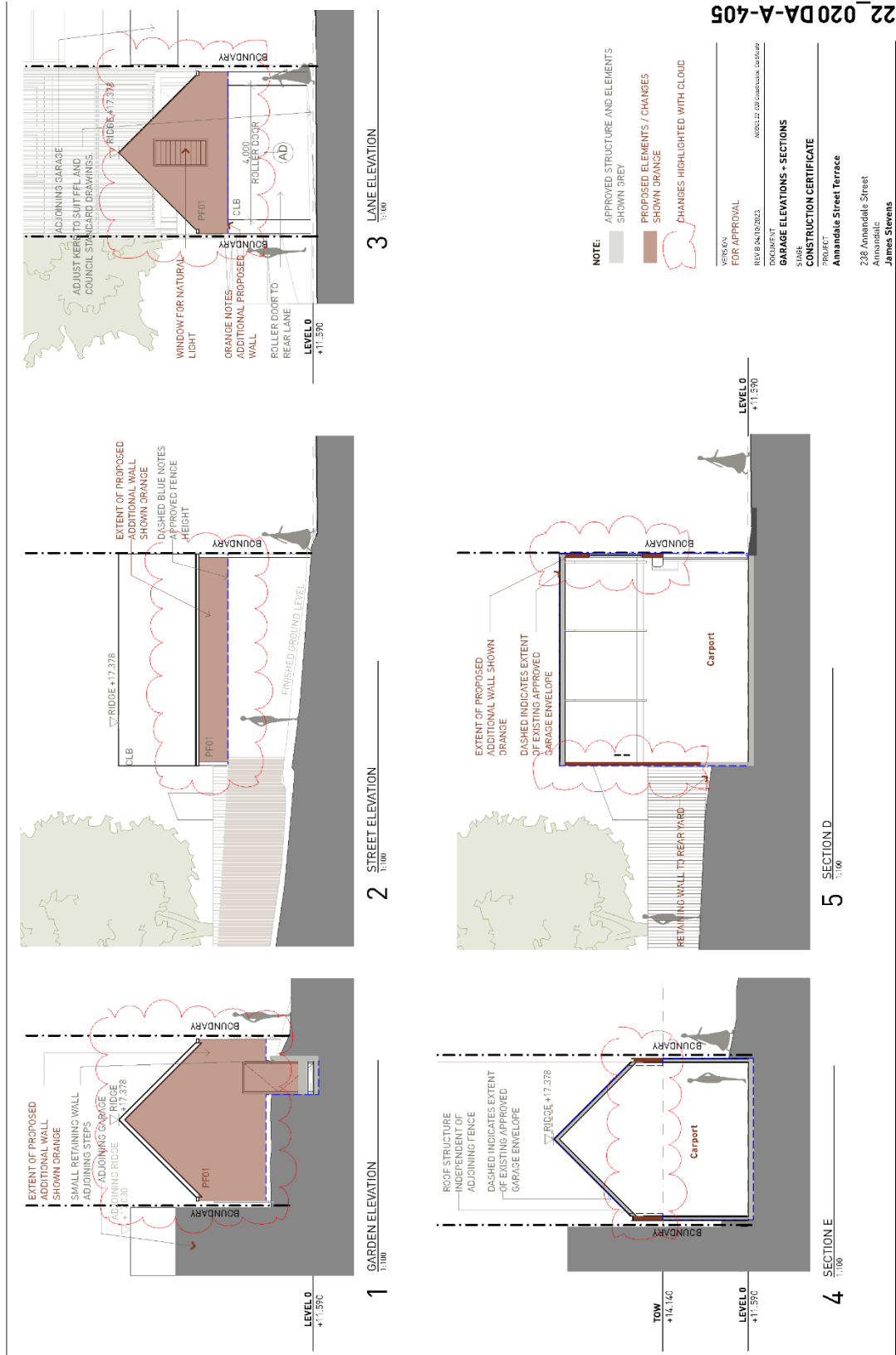
VERS AN FOR APPROVAL  
 RSL 16/04/2023  
 APPROVED FOR DEMOLITION CERTIFICATE  
 15/03/2024  
**GARAGE PLANS**  
**CONSTRUCTION CERTIFICATE**  
 PROJECT  
 Annandale Street Terrace  
 238 Annandale Street  
 Annandale NSW 1585  
**James Stevens**



**LEGEND**  
 4. The scope of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 5. Reason for the purpose of this drawing for construction purposes only.  
 6. This drawing should be prepared unless requested or necessary.

**NOTES**  
 1. REFER scale of drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architectural and general set out. These drawings are not to be taken as a guide to the actual site.  
 4. All dimensions to the architectural and general set out. These drawings are not to be taken as a guide to the actual site.

© SMITH & TZANNES PTY LTD  
 0  
 10m - 1:200  
 5m - 1:400  
 2.5m - 1:80  
 1.25m - 1:5  
 Document No: ID: 38788751  
 Version: 1, Version Date: 15/03/2024



© SMITH & TZANNIS PVT LTD  
0  
10m - 1:200  
5m - 1:400  
2.5m - 1:80  
1.25m - 1:160

Document ID: 38788751  
Version: 1, Version Date: 15/03/2024

**NOTES:**  
1. REFER to all drawings, use ground dimensions only.  
2. Verify all dimensions on site prior to commencement of report.  
3. All dimensions to the architectural and general set out. These drawings are not to be used for construction. Set out to be undertaken by surveyor on site.  
4. Show drawings should be prepared in a separate report if necessary.



**LEGEND:**  
4. The scope of this design remains the property of SMITH & TZANNIS. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNIS.  
5. Reason for the purpose of use is stated. Do not use this drawing for construction unless designated.

PROJECT DESCRIPTION



**3.6 MATERIALS AND FINISHES**

The following external materials are proposed for the development.

ELEMENT	MATERIAL	COLOUR
WALLS (PF01)	Masonry- Dulux Dieskau	
ROOF / TRIM (CLB)	Colorbond roof sheeting - Colorbond Shale Grey	

## Attachment C – Conditions of Development Consent – DA/2022/0880



### NOTICE OF DETERMINATION - APPROVAL

Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

<b>Development Application No.</b>	DA/2022/0880
<b>Applicant</b>	Mr James WM Stevens
<b>Land to be developed</b>	238 Annandale Street ANNANDALE NSW 2038
<b>Approved development</b>	Alterations and additions to the existing dwelling house, new carport to rear and associated works
<b>Cost of development</b>	\$500,000.00
<b>Determination</b>	The application was determined by Delegation to Staff and was granted consent <b>subject to the conditions attached.</b>
<b>Other Approvals</b>	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
<b>Determination date</b>	17 May 2023
<b>Consent is to operate from</b>	17 May 2023
<b>Consent will lapse on</b>	17 May 2028

**Inner West Council**  
innerwest.nsw.gov.au  
02 9392 5000

council@innerwest.nsw.gov.au  
PO Box 14, Petersham NSW 2049

Document Set ID: 38768636  
Version: 1, Version Date: 15/03/2024

**Reasons for conditions**

To protect the environmental amenity of the area and the public interest.

**Right of appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Delia Galao** on **02 9392 5464** or [delia.galao@innerwest.nsw.gov.au](mailto:delia.galao@innerwest.nsw.gov.au).



Iain Betts  
**Team Leader - Development Assessment**



**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
22_020 DA-A-012 Rev C	Stormwater Plan	15.03.2023	Smith & Tzannes
22_020 DA-A-020 Rev C	Demolition Plan	15.03.2023	Smith & Tzannes
22_020 DA-A-100 Rev J	Ground Levels	15.03.2023	Smith & Tzannes
22_020 DA-A-101 Rev H	Upper Level & Roof	15.03.2023	Smith & Tzannes
22_020 DA-A-200 Rev J	Sections	15.03.2023	Smith & Tzannes
22_020 DA-A-201 Rev J	Sections	15.03.2023	Smith & Tzannes
22_020 DA-A-202 Rev I	Elevations	15.03.2023	Smith & Tzannes
22_020 DA-A-203 Rev I	Elevations	15.03.2023	Smith & Tzannes
22_020 DA-A-204 Rev J	Elevations	15.03.2023	Smith & Tzannes
22_020 DA-A-402 Rev B	Carport Plans	24.04.2023	Smith & Tzannes
22_020 DA-A-403 Rev B	Carport Elevations & Sections	24.04.2023	Smith & Tzannes
2021-402 Rev 1	Acoustic Report – Aircraft Noise	20.09.2021	Acoustic Noise & Vibration Solutions
Level 5 Arborist – Letter of Confirmation		26.04.2023	George Palmer – Botanics Tree Wise People Pty Ltd
Arboricultural Impact Assessment and Management Plan		Updated/Annexed: October 2022	Botanics Tree Wise People
A462025_02	BASIX Certificate	14.10.2022	Smith & Tzannes

As amended by the conditions of consent.

## DESIGN CHANGE

### 2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided an updated Schedule of Materials and Finishes that specifies the following:

- a. The current colour scheme for the residence can only be retained if proof can be provided that heritage planning consent was sought to change the colour of a contributory building within a Heritage Conservation Area. Repainting will be required if the colour change was made without planning consent.
- b. The paint finish PF1 is to be selected from the Dulux Warm Grey range (or practical equivalent) and is to be no darker than Dulux Dieskau (GR12/SN4H1). An appropriate paint system is to be selected depending on the substrate, eg Dulux Weathershield Matt.
- c. The front door is not to be painted grey. A more appropriate joinery colour is to be selected, in keeping with the age and architectural style of the residence.
- d. The wrought iron picket fence is to be painted with an enamel paint system (or equivalent) to protect the metal work. Technical advice should be sought from the paint company regarding appropriate primers and paint. Aluminium pickets are not to be employed. Salvaged pickets that have been rust converted or otherwise treated and repaired can be used but should not be ornate, given the scale of the cottage. The colour of the pickets should be the same as the timberwork to the front door, typically dark green, dark brown or dark red for this era of house.
- e. The use of materials and finishes that fall within the Dark solar absorptance range under BASIX are not suitable for use in Heritage Conservation Areas. The palette of materials is to be amended to omit dark greys, charcoals and blacks (including Monument).
- f. The cross section and fixing of the hardwood battens is to be specified to ensure that battens have a life span similar to the other cladding.
- g. The compatibility between the metals of the gutters to the original portion of the house and the extension is to be taken into consideration when specifying rainwater goods. Ensure that the valley gutter is detailed with compatible flashings.
- h. The timber framed windows can be modern stegbar or equivalent where visible. Consider using recycled joinery to the roof link
- i. Cutting into the rafters to install skylights is to be minimised.
- j. Notes are to be added to the drawings regarding retention of historic fabric in the main portion of the building.

**FEES**

**3. Security Deposit - Custom**

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

<b>Security Deposit:</b>	\$2,800.00
<b>Inspection Fee:</b>	\$350.00

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

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

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

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

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

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

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

Assessment Act 1979 and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note: Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount\*:

\$5,000.00

\*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))**. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

#### **5. Long Service Levy**

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

### **GENERAL CONDITIONS**

#### **6. Boundary Alignment Levels**

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

**7. Tree Protection**

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
-	Two (2) x <i>Lophostemon confertus</i> (Brushbox)	Adjacent on Gillies St
-	One (1) x <i>Lophostemon confertus</i> (Brushbox)	Front on Annandale St
-	One (1) x <i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

**8. Project Arborist**

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

**9. Works to Trees**

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

Tree/location	Approved works
<i>Jacaranda mimosifolia</i> - Rear setback	Removal

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

**10. Balcony**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the erection of a privacy screen on the northern and southern end of the proposed balcony associated with door D-02, having a minimum block out density of 75% and a minimum height of 1.6 metres above the finished floor level of the balcony.

**11. Waste Management Plan**

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

**12. Erosion and Sediment Control**

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

**13. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****14. Hoardings**

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

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

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

**15. Advising Neighbours Prior to Excavation**

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

**16. Construction Fencing**

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

**PRIOR TO CONSTRUCTION CERTIFICATE****17. Dilapidation Report – Pre-Development – Minor**

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

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

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

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road.
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- c. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage.
- e. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- f. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.
- g. The existing overland flow path through the site must be retained unobstructed.
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- i. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- k. No nuisance or concentration of flows to other properties.
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- m. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0



mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm.

- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings.
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- s. No impact to street tree(s).

#### **19. Changes to Levels**

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

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

#### **20. Parking Facilities - Domestic**

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

- a. The internal vehicle hardstand area must be redesigned such that the level at the boundary must match the invert level of the adjacent gutter plus 110 mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above-issued alignment levels.
- b. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- c. A minimum of 2200 mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- d. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a natural scale of 1:25, demonstrating compliance with the above requirements.
- e. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 3300 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors

and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.

- f. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces.
- g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- h. The external form and height of the approved structures must not be altered from the approved plans.

**21. Tree Protection Plan**

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

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

Tree No.	Botanical/Common Name	Location
-	Two (2) x <i>Lophostemon confertus</i> (Brushbox)	Adjacent on Gillies St
-	One (1) x <i>Lophostemon confertus</i> (Brushbox)	Front on Annandale St
-	One (1) x <i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property

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

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

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

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

**22. Structural Certificate for retained elements of the building**

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

**23. Sydney Water – Tap In**

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

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

**24. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

**25. Party Walls**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

**DURING DEMOLITION AND CONSTRUCTION****26. Tree Protection**

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

Tree No.	Botanical/Common Name/Location
-	Two (2) x <i>Lophostemon confertus</i> (Brushbox) - Adjacent on Gillies St
-	One (1) x <i>Lophostemon confertus</i> (Brushbox) - Front on Annandale St

**27. Inspections by Project Arborist**

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

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
Two (2) x <i>Lophostemon confertus</i> (Brushbox) - Adjacent on Gillies St One (1) x <i>Lophostemon confertus</i> (Brushbox) - Front on Annandale St One (1) x <i>Corymbia citriodora</i> (Lemon Scented Gum) - Neighbouring property	Prior to commencement of works	<ul style="list-style-type: none"> <li>Inspection and sign off installation of tree protection measures.</li> </ul>
	During Works	<ul style="list-style-type: none"> <li>Supervise all site preparation and demolition works within the TPZ;</li> <li>Supervise all works inside or above the TPZ;</li> <li>Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ;</li> <li>Supervise all tree work.</li> </ul>

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

**28. Construction Hours – Class 1 and 10**

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

**29. Survey Prior to Footings**

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

**PRIOR TO OCCUPATION CERTIFICATE****30. Public Domain Works**

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

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

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

**31. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

**32. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

**33. Light Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and

footpath specifications and AUS-SPEC#2-“Roadworks Specifications” have been constructed at the vehicular access locations.

#### **34. Redundant Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications”. Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

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

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

#### **36. Certification of Tree Planting**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Certificate of Horticulture or Arboriculture that:

- a. A minimum of 1 x 75 litre size additional tree, that will attain a minimum mature height of 6 metres, have been planted in a more suitable location within the property at a minimum of 1 metre from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape*. Trees listed as exempt species from Council's Tree Management Controls, and species recognised to have a short life span will not be accepted as suitable replacements.

If the tree is found dead or dying before they reach the dimensions where they are protected by Council's Tree Management Controls, they must be replaced in accordance with this condition.

#### **37. Project Arborist Certification**

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

**38. Aircraft Noise –Alterations and Additions**

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

**ON-GOING****39. Bin Storage**

All bins are to be stored within the site.

**ADVISORY NOTES****Permits**

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

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

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

**Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover

of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

#### **Public Domain and Vehicular Crossings**

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

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

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

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

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

#### **Tree Protection Works**

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

#### **Arborists standards**

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



**Consent of Adjoining property owners**

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

**Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

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

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones

respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**Disability Discrimination Access to Premises Code**

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

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

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

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

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

- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **Amenity Impacts General**

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

#### **Noise**

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

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

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

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

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

#### **Useful Contacts**

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

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

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

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

Enquiries relating to work safety and asbestos removal and disposal.

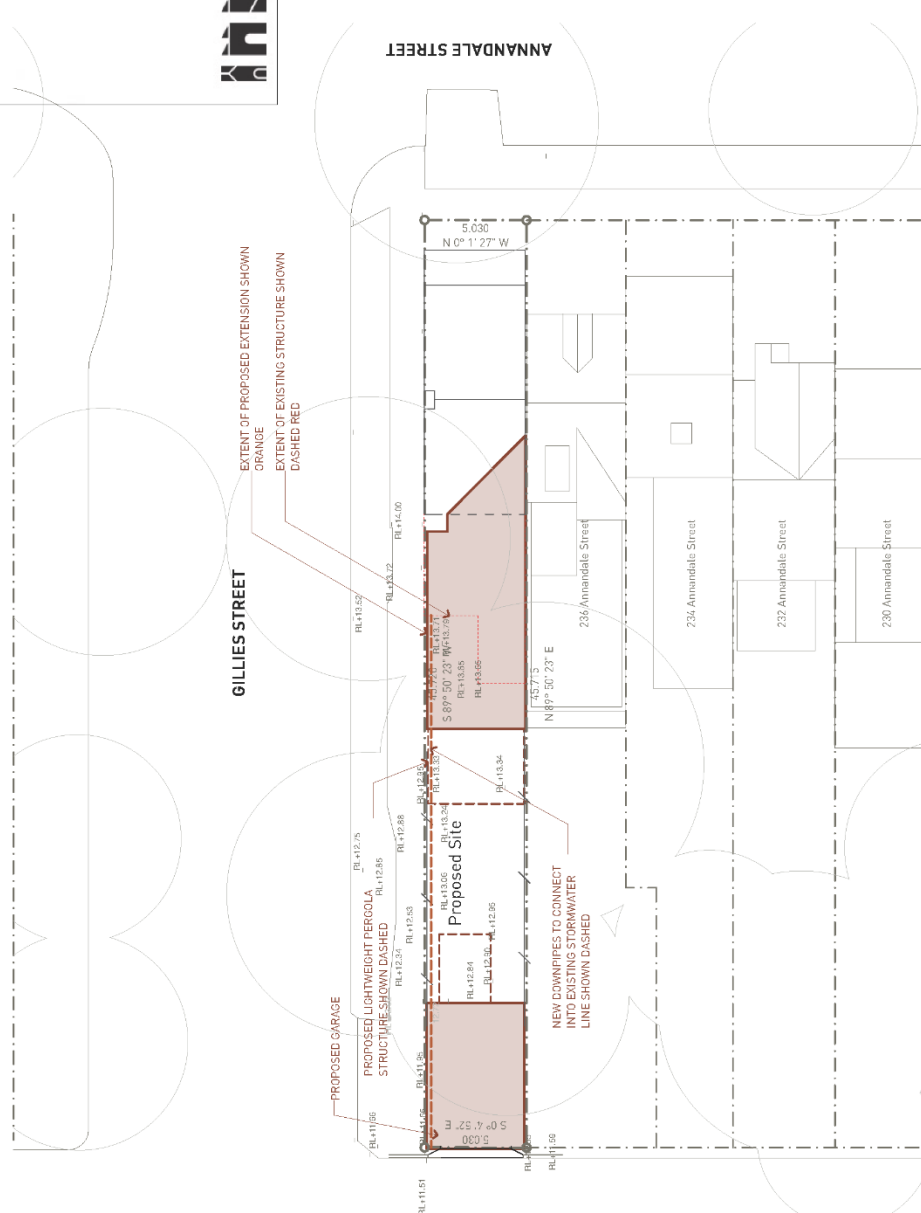
**Street Numbering**

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)



Attachment D – Stamped Approved Plans – DA/2022/0880

**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions

1 Stormwater Plan  
1:250

22\_020DA-A-012

VERSION FOR APPROVAL  
 RSLC: 18/05/2023  
 DRAWING NO: 22020DA-A-012  
**STORMWATER PLAN**  
 DEVELOPMENT APPLICATION  
 PROJECT: Annandale Street Terrace  
 238 Annandale Street  
 James Stevens



**LEGEND**  
 4. The copyright in this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES. Contact Client in the stated location for the purpose of this design. Do not lose this drawing for construction unless designated.

**NOTES**  
 1. THESE scale of drawings use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement & report discrepancies to the architect, engineer and permit use out. These drawings are not to be used for construction. Set out to be verified by surveyor on site. Show drawings should be prepared to be repaired or necessary.

10m = 1:200  
 2.5m = 1:50  
 1.25m = 1:25

© SMITH & TZANNES PTY LTD  
 0  
 Document Set ID: 38850893  
 Version: 1, Version Date: 21/05/2023



**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions



22\_020 DA-A-020

VERSION FOR APPROVAL  
 REVISED 15/05/2023  
 PROJECT NO: 22/020 DA-A-020  
**DEMOLITION PLAN**  
**DEVELOPMENT APPLICATION**  
 Project: Annandale Street Terrace  
 238 Annandale Street  
 Inner West Council  
**James Stevens**



**ARCHITECTURE URBAN PLANNING**  
 481/47 Victoria Street Alexandria NSW 2015  
 02 9550 1234  
 smithandtzannes.com.au  
 Registered Architect, Peter Smith Reg 3794

**LEGEND**  
 RED: Areas to be demolished  
 GREY: Existing boundary walls  
 No. 226 Dual Occupancy  
 EXISTING BOUNDARY WALL SHOWN GREY - NO WORKS PROPOSED

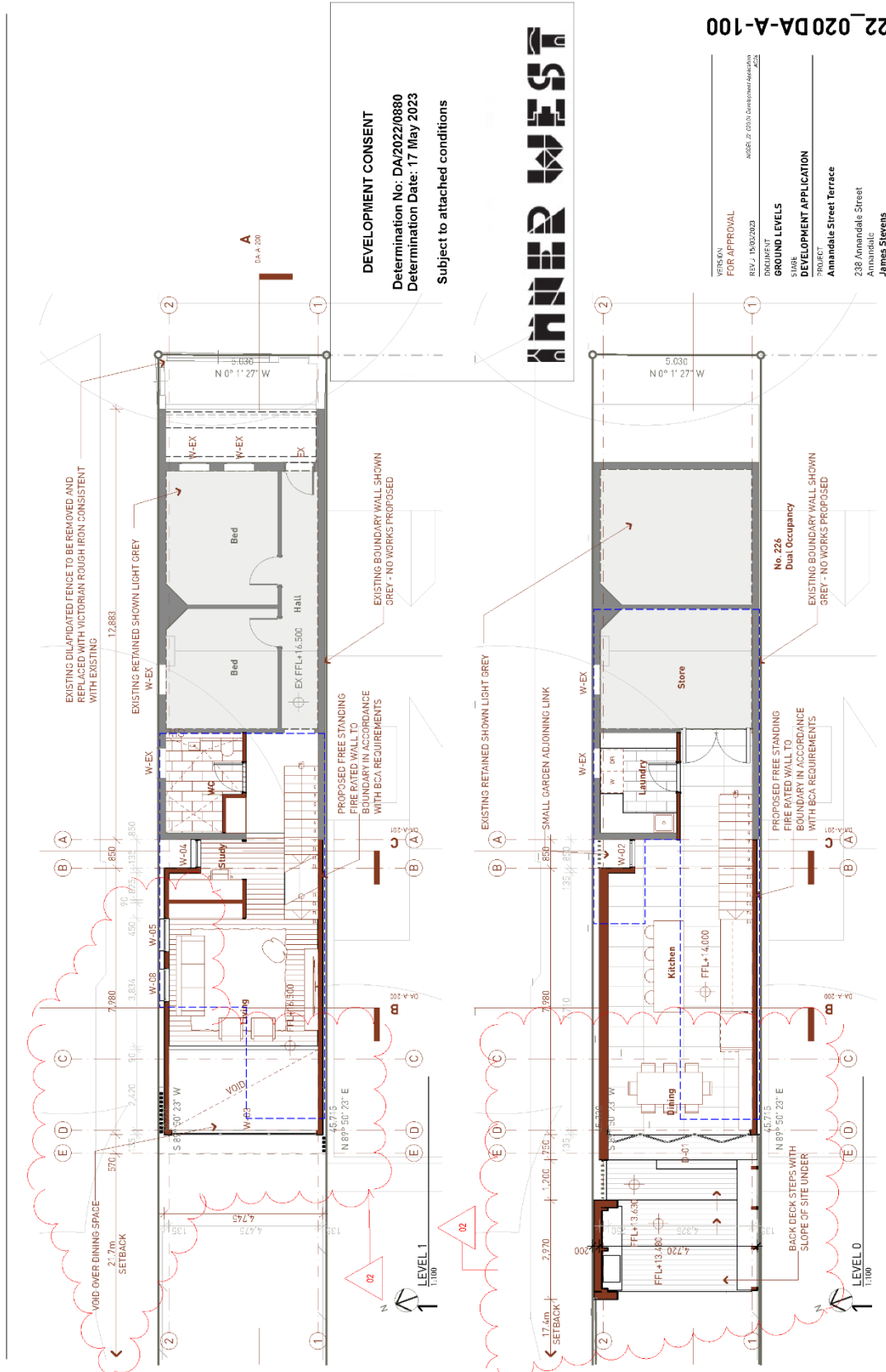
**NOTES**  
 1. REFER to all drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architectural and general set out. These drawings are not to be taken as a guide to the actual site.  
 4. The copyright of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 5. For any further information, please contact the Client in the stated location for the purpose of this report. Do not lose this drawing for construction purposes.

**SCALE**  
 10m = 1:200  
 2.5m = 1:50  
 1.25m = 1:25  
 Show drawings should be prepared unless requested or necessary.

© SMITH & TZANNES PTY LTD  
 0  
 1  
 2  
 3

Document S44 ID: 38601895  
 Version: 1, Version Date: 24/08/2023





**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions



22\_020DA-A-100

VERSION FOR APPROVAL  
 REVISED 18/05/2023  
 PROJECT NAME  
 PROJECT ADDRESS  
 228 Annandale Street  
 Annandale NSW 1585  
 ARCHITECT  
 JAMES STEVENS

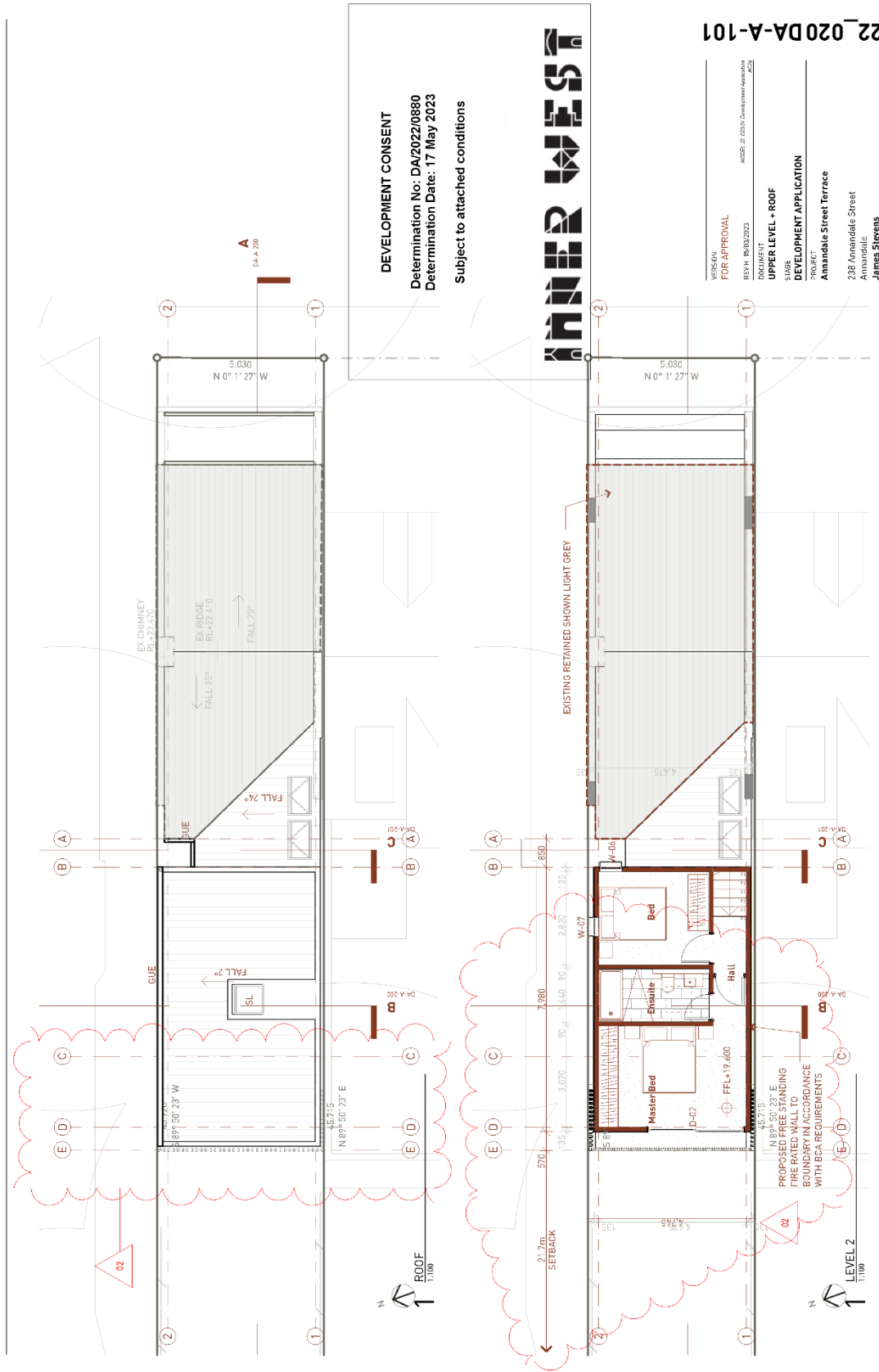
**GROUND LEVELS**  
 DEVELOPMENT APPLICATION  
 PROJECT ADDRESS  
 228 Annandale Street  
 Annandale NSW 1585  
 ARCHITECT  
 JAMES STEVENS

**LEGEND**  
 4. The strength of this design remains the property of SMITH & TANNERS. This design is not to be used, copied or reproduced without the authority of SMITH & TANNERS.  
 5. Location for the purpose of this drawing is shown for information only. Do not use this drawing for construction unless designated.

**NOTES**  
 1. REFER to all drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architecture and general set out. These drawings are not to be used for construction. Set out to be undertaken by surveyor on site.  
 4. Show drawings should be prepared unless requested or necessary.

© SMITH & TANNERS PTY LTD  
 10m - 1:200  
 5m - 1:500  
 2.5m - 1:100  
 1.25m - 1:50  
 Document No: ID: 38608895  
 Version: 1, Version Date: 21/08/2023

ARCHITECTURE URBAN PLANNING  
 401/47 Victoria Street Alexandria NSW 2015  
 02 9550 2222  
 smithstanners.com.au  
 Registered Architect, Peter Smith Reg 30194



**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions

**INNER WEST**

22\_020DA-A-101

VERSAN  
 FOR APPROVAL  
 REF: 16/02/2023  
 DATE: 27/05/2023  
 DEVELOPMENT APPLICATION  
 PROJECT:  
 Annandale Street Terrace  
 238 Annandale Street  
 Annandale NSW 1585  
 James Stevens



**ARCHITECTURE URBAN PLANNING**  
 401/47 Victoria Street Alexandria NSW 2015  
 02 9550 1234  
 smithandtzannes.com.au  
 Registered Architect, Peter Smith Reg 3794

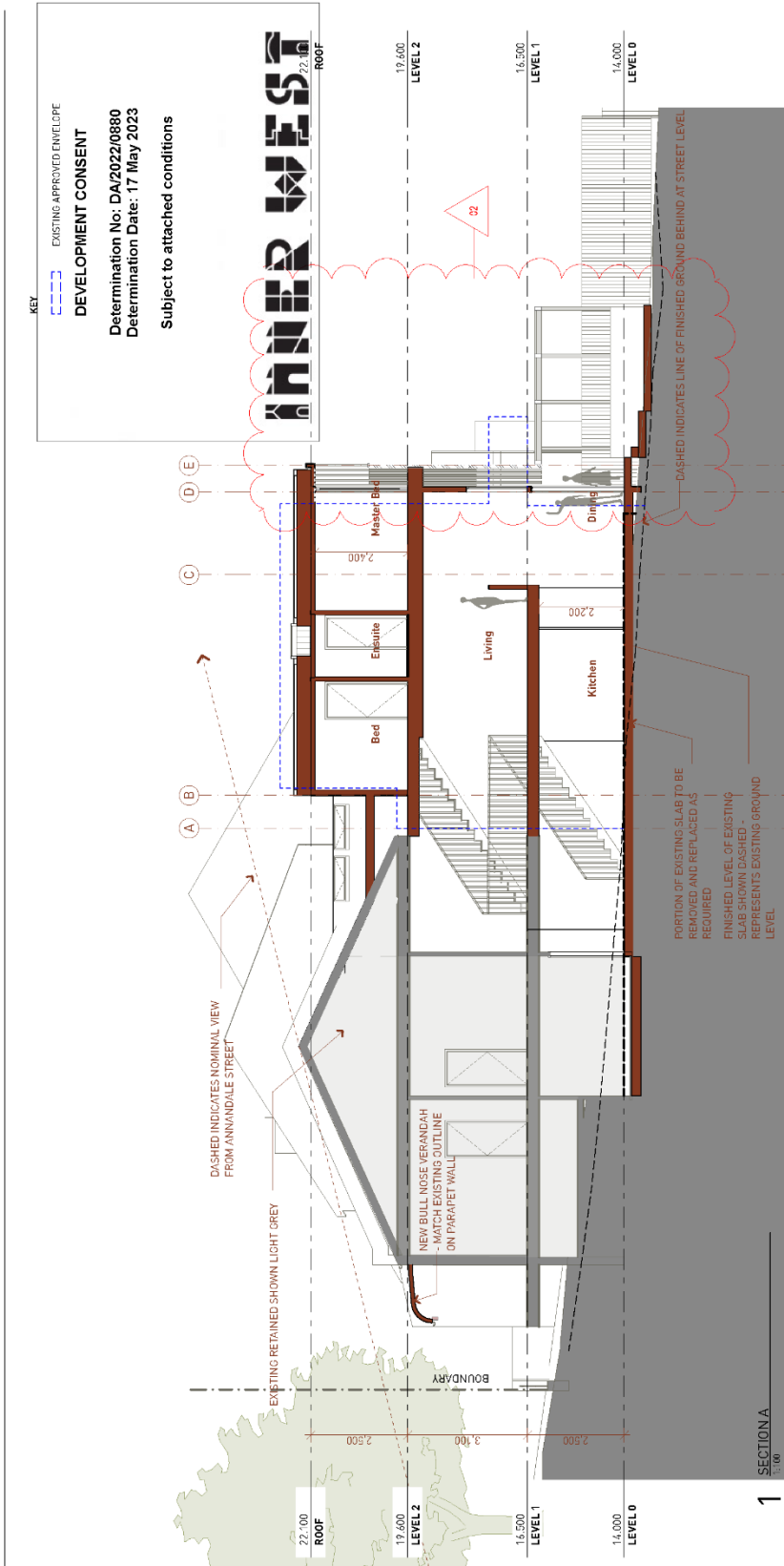
**NOTES**  
 1. MASTER scale of drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement & report discrepancies to the architect/contractor and proceed as per report.  
 3. All dimensions to the architectural and general set out. These drawings are not to be used for construction. Set out to be undertaken by surveyor on site. Show drawings should be prepared unless requested or necessary.

**LEGEND**  
 4. The scope of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 5. Location for the purpose of this drawing is shown. Do not lose this drawing for construction unless designated.

**PROPOSED FREE STANDING FIRE RATED WALL TO BOUNDARY IN ACCORDANCE WITH BCA REQUIREMENTS**

IN ACCORDANCE WITH BCA REQUIREMENTS

© SMITH & TZANNES PTY LTD  
 Document S&T ID: 38601895  
 Version: 1, Version Date: 24/08/2023



KEY  
 --- EXISTING APPROVED ENVELOPE  
**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions

22\_020 DA-A-200

VERSION FOR APPROVAL  
 REV: 16/05/2023  
 DATE: 16/05/2023  
 SECTION  
 DEVELOPMENT APPLICATION  
 PROJECT: Annandale Street Terrace  
 238 Annandale Street  
 James Stevens



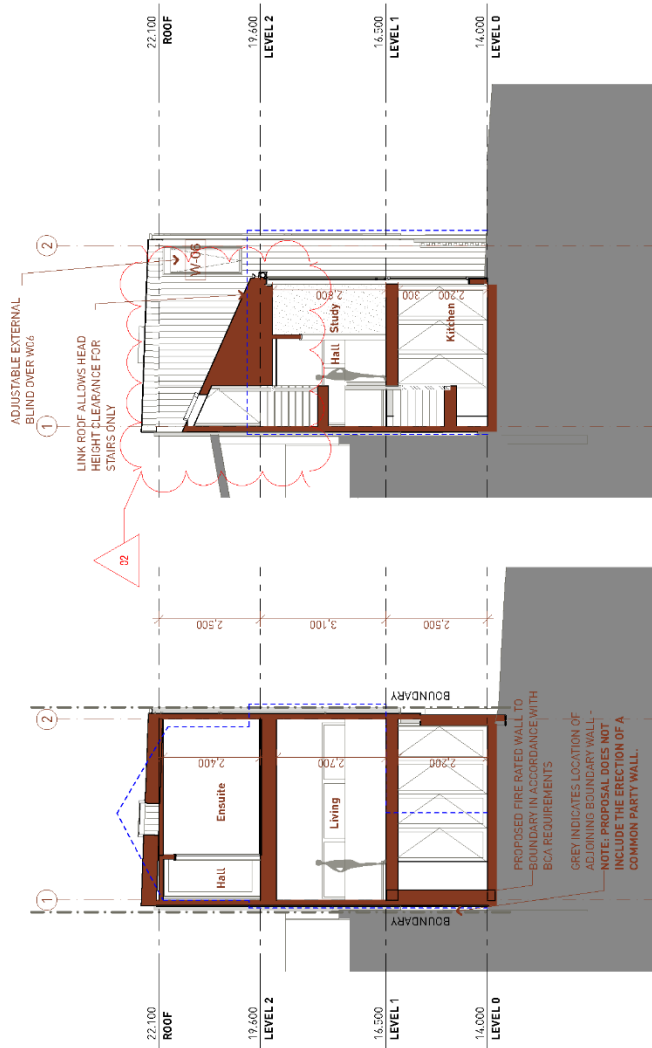
© SMITH & TZANNIS PTY LTD  
 0  
 Document ID: 38601895  
 Version: 1, Version Date: 21/08/2023

**NOTES**  
 1. MASTER scale of drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architectural and general set out. These drawings are not for construction. Set out to be undertaken by contractor on site.  
 4. The copyright of this design remains the property of SMITH & TZANNIS. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNIS.  
 5. Reason for the purpose of work created. Do not lose this drawing for construction unless designated.

**LEGEND**  
 4. The copyright of this design remains the property of SMITH & TZANNIS. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNIS.  
 5. Reason for the purpose of work created. Do not lose this drawing for construction unless designated.

1 SECTION A  
 1:60

KEY  
 EXISTING APPROVED ENVELOPE



**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions



VERSION FOR APPROVAL  
 REV: 10/02/2023  
 DATE: 10/02/2023  
 PROJECT NO: 22\_020 DA-A-201

**SECTIONS**  
 DEVELOPMENT APPLICATION  
 228 Annandale Street  
 Annandale NSW 1585

**DESIGNED BY**  
 James Stevens

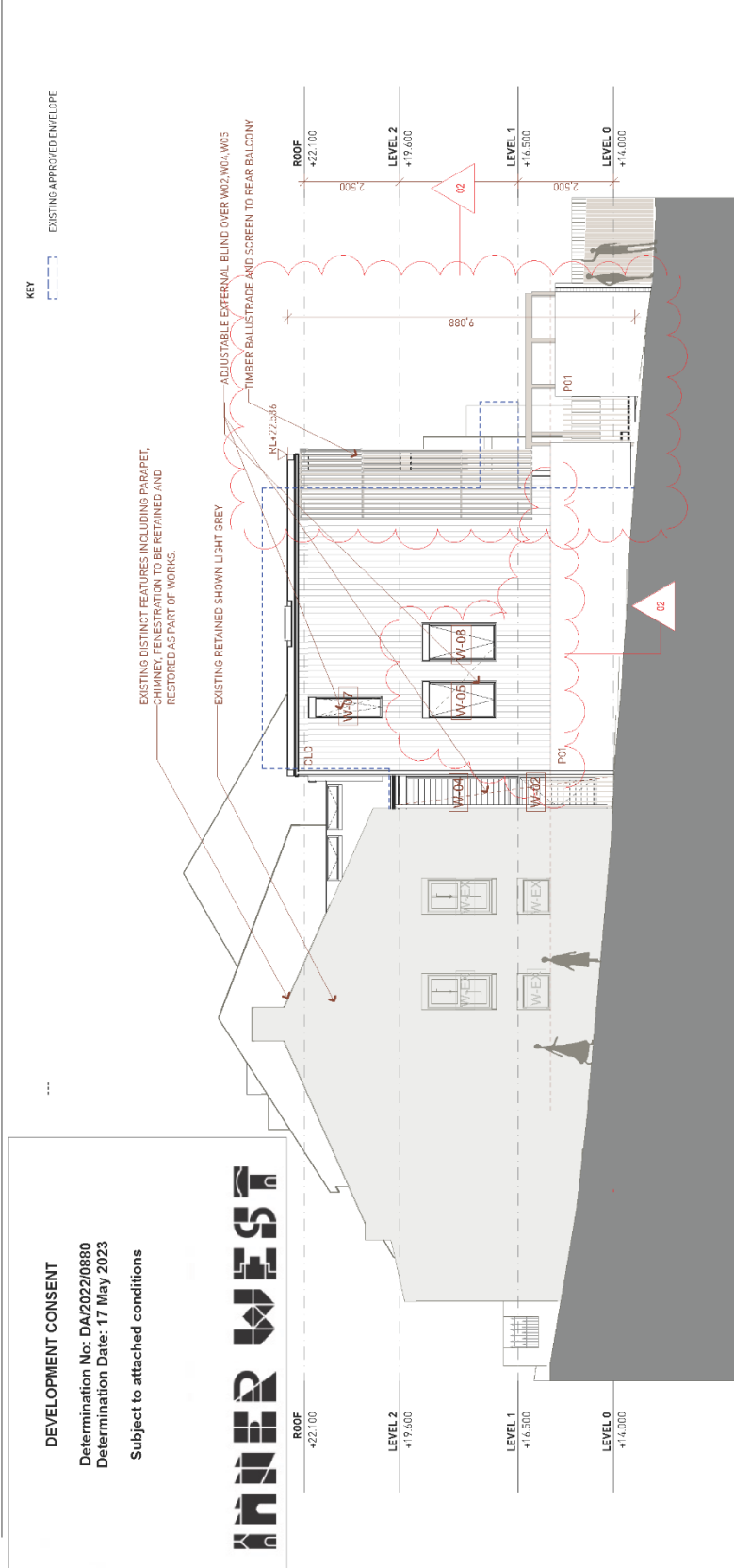


**NOTES**  
 1. REFER to all drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architectural and general set out. These drawings are not to be used for construction. Set out to be undertaken by contractor on site.  
 4. The scope of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 5. Reason for the purpose is, was created. Do not lose this drawing for construction unless designated.

**LEGEND**  
 1. The scope of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 2. Reason for the purpose is, was created. Do not lose this drawing for construction unless designated.

© SMITH & TZANNES PVT LTD  
 0  
 10m - 1:200  
 5m - 1:100  
 2.5m - 1:50  
 1.25m - 1:25

Document S94 ID: 38608895  
 Version: 1, Version Date: 24/08/2023



**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions

**INNER WEST**

22\_020 DA-A-202

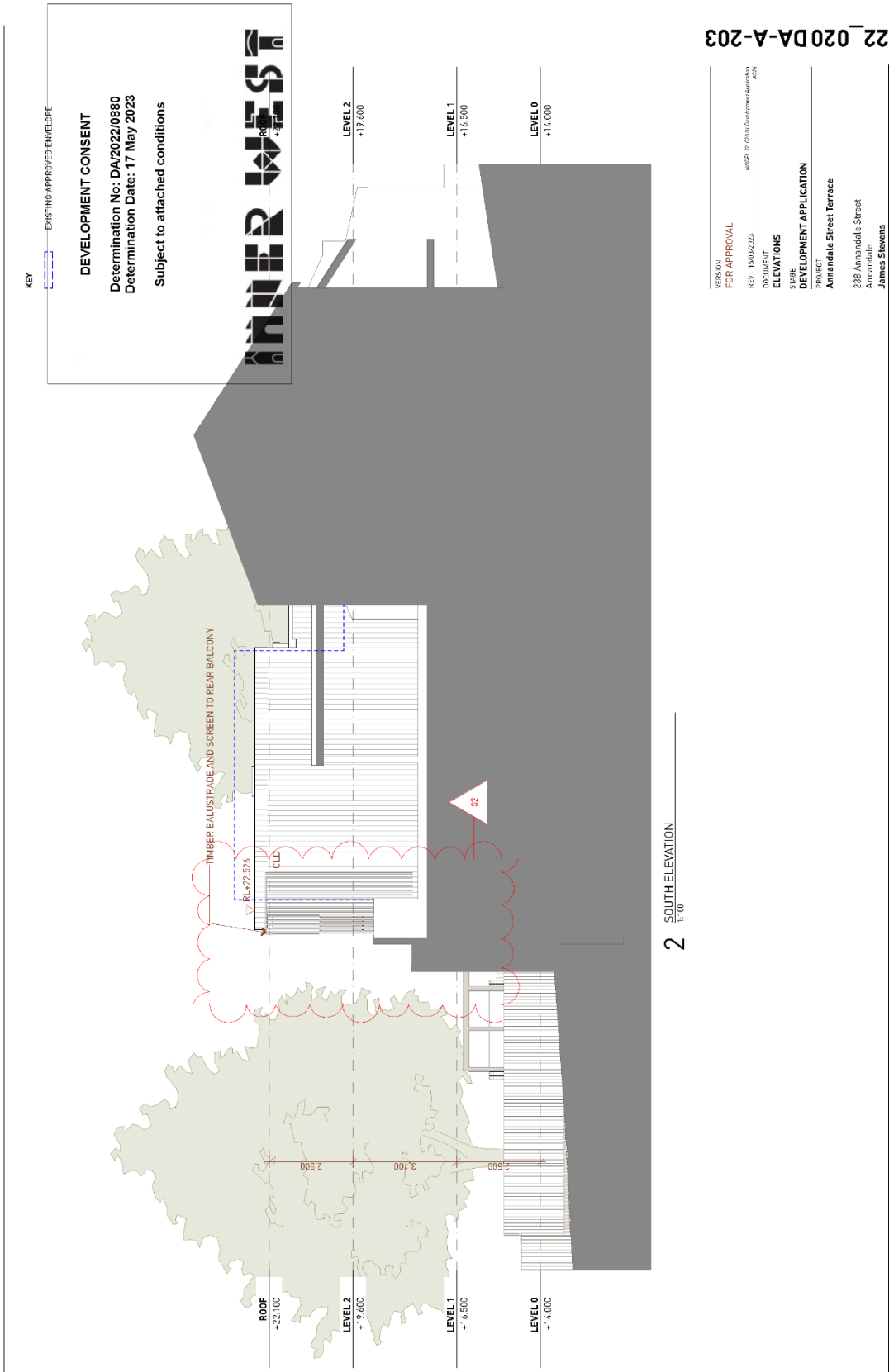
VERSION FOR APPROVAL  
 RSLU 13/02/2023  
 ARCHITECTURE  
 ELEVATIONS  
 DEVELOPMENT APPLICATION  
 7/03/2023  
 Annandale Street Terrace  
 228 Annandale Street  
 Annandale NSW 1535  
 James Stevens



**LEGEND**  
 4. The copyright of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 5. Reason for the purpose is, was created. Do not use this drawing for construction unless designated.

**NOTES**  
 1. REFER to all drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architecture and general set out. These drawings are not to be used for construction.  
 4. Show drawings should be prepared in a separate report or necessary.

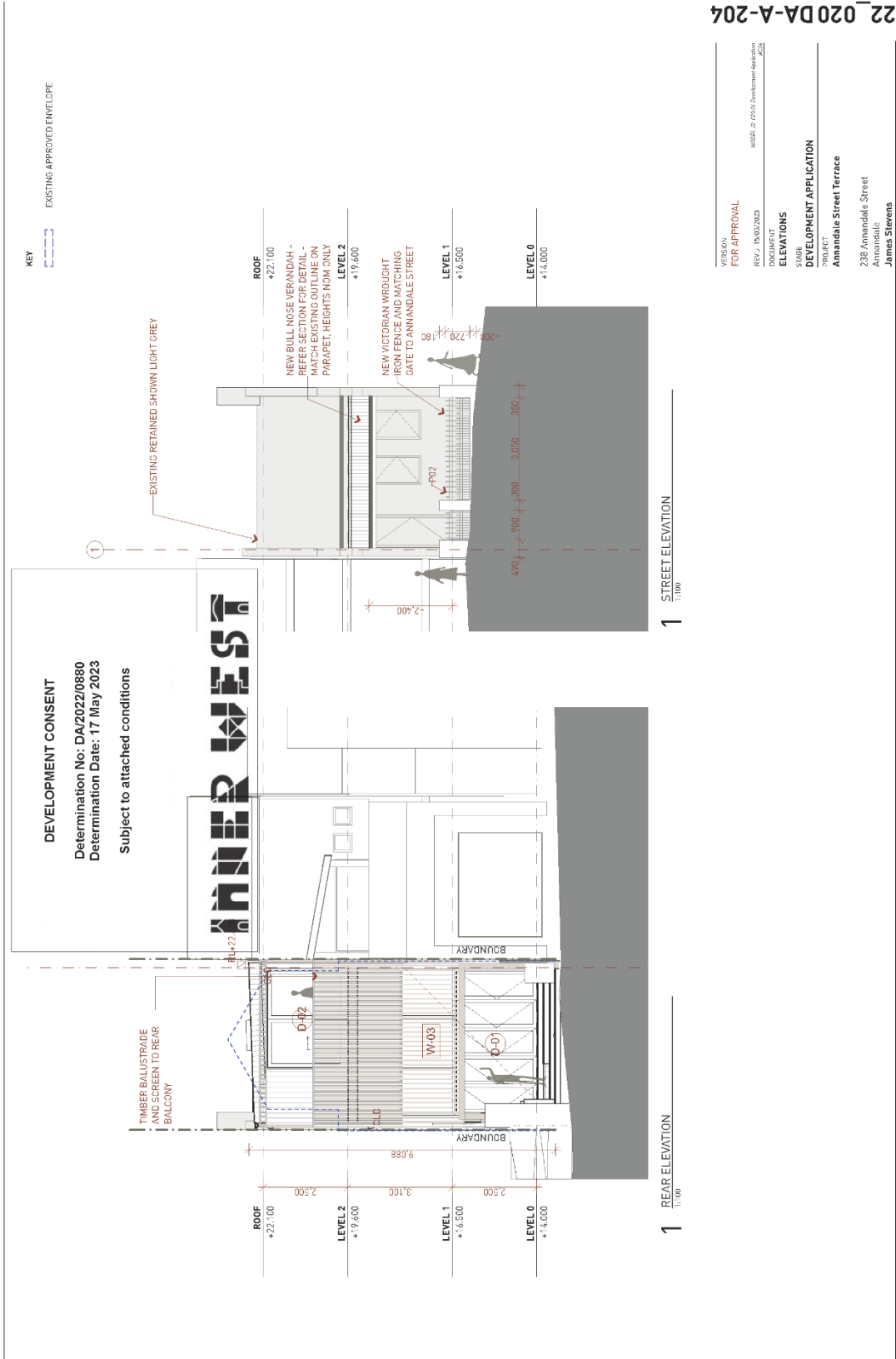
© SMITH & TZANNES P/LD  
 0  
 10m - 1:200  
 2.5m - 1:50  
 1.25m - 1:25  
 Document S94 ID: 38601895  
 Version: 1, Version Date: 21/08/2023



**NOTES**

1. REFER to all drawings, use ground dimensions only.
2. Verify all dimensions on site prior to commencement of report.
3. All dimensions to the architectural work and general set out. These drawings are not to be used for construction purposes. Set out to be undertaken by surveyor on site.
4. The copyright of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.
5. Reason for the purpose for which it was created. Do not use this drawing for construction unless designated.

© SMITH & TZANNES PTY LTD  
 0  
 Document S#4 ID: 38601895  
 Version: 1, Version Date: 21/08/2023



**DEVELOPMENT CONSENT**  
 Determination No: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions

**INNER WEST**

22\_020 DA-A-204

VERSION FOR APPROVAL  
 REVISED 18/05/2023  
 PROJECT NO: 22020 DA-A-204

**ELEVATIONS**

**DEVELOPMENT APPLICATION**  
 PROJECT: Annandale Street Terrace  
 ADDRESS: 228 Annandale Street  
 ARCHITECT: James Stevens



ARCHITECTURE URBAN PLANNING  
 48/177 Victoria Street Alexandria NSW 2015  
 02 9550 1234  
 smithstzannes.com.au  
 Registered Architect, Peter Smith Reg 3704

**NOTES**

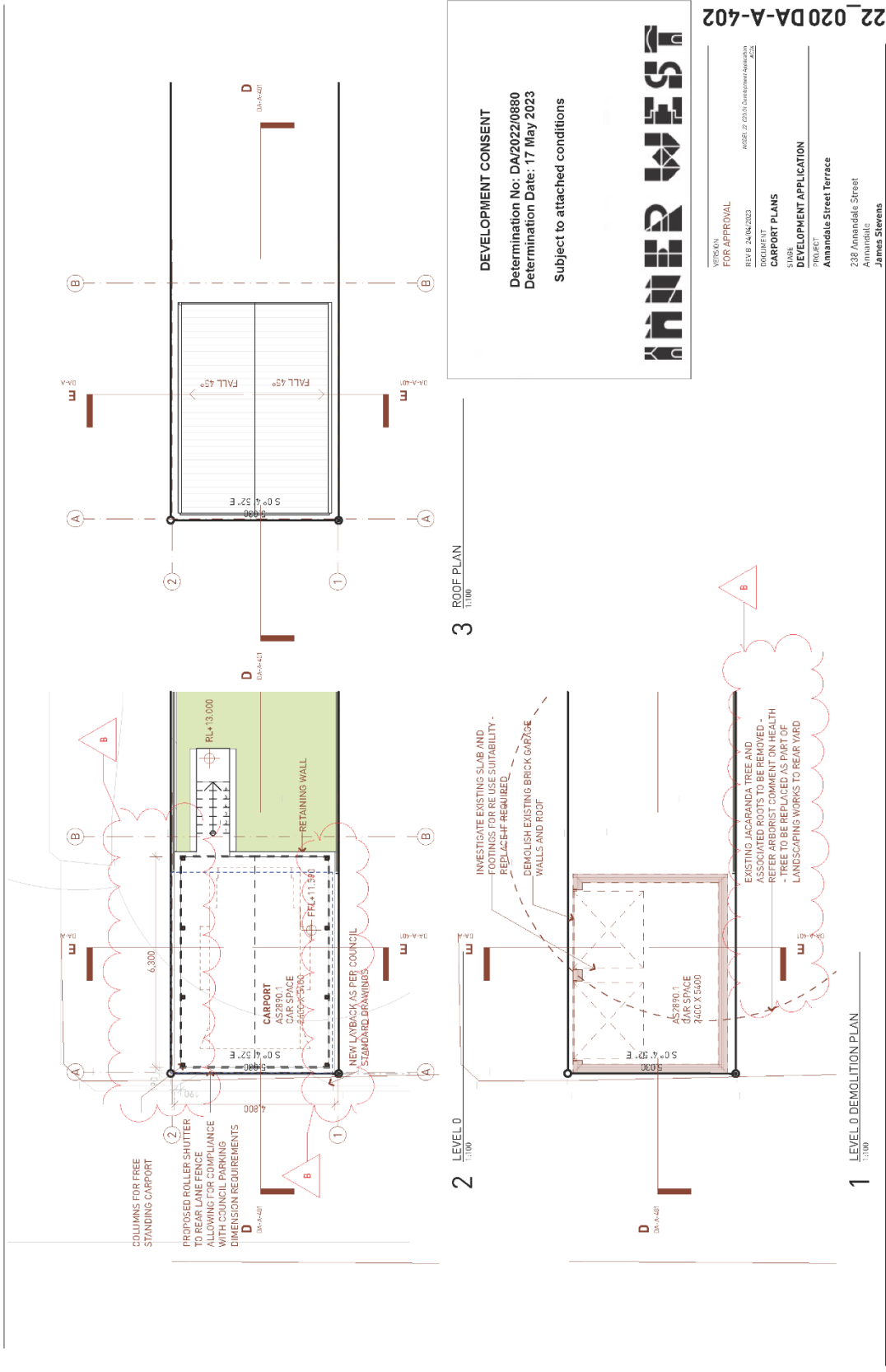
- REFER scale of drawings, use ground dimensions only.
- Verify all dimensions on site prior to commencement of report.
- Be attentive to the architectural and general set out. These drawings are not to be used for construction. Set out to be undertaken by surveyor on site. Show drawings should be prepared unless requested or necessary.
- The copyright of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.
- Respect the privacy of the Client in the street.
- Respect the privacy of the Client in the street.

**LEGEND**

EXISTING APPROVED ENVELOPE

© SMITH & TZANNES PPT LTD  
 0  
 10m - 1:200  
 2.5m - 1:50  
 1.25m - 1:25

Document S94 ID: 386508895  
 Version: 1, Version Date: 24/08/2023

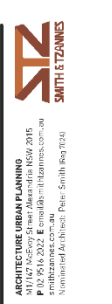


**DEVELOPMENT CONSENT**  
 Determination No.: DA/2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions



22\_020DA-A-402

VERSION FOR APPROVAL  
 REVISED 04/05/2023  
 PROJECT NO. 22020DA-A-402  
 DEVELOPMENT APPLICATION  
 PROJECT: Annandale Street Terrace  
 238 Annandale Street  
 Inner West Council  
 James Stevens



© SMITH & TZANNES PTY LTD  
 0  
 Document S&T ID: 38688882  
 Version: 1, Version Date: 01/05/2023

**NOTES**  
 1. REFER to all drawings, use ground dimensions only.  
 2. Verify all dimensions on site prior to commencement of report.  
 3. All dimensions to the architectural and general set out. These drawings are not to be used for construction purposes.  
 4. All dimensions to the architectural and general set out. These drawings are not to be used for construction purposes.  
 5. Site drawings should be prepared as required or necessary.

**LEGEND**  
 4. The strength of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.  
 5. Reason for the purpose of this report was created. Do not use this drawing for construction purposes.



22\_020DA-A-403

**DEVELOPMENT CONSENT**  
 Determination No: DA2022/0880  
 Determination Date: 17 May 2023  
 Subject to attached conditions

VERSION FOR APPROVAL  
 RSLB 16/06/2023  
 PROJECT NO: 22\_020DA-A-403

**CARPORTR ELEVATIONS - SECTIONS**  
**DEVELOPMENT APPLICATION**

PROJECT: Annandale Street Terrace  
 238 Annandale Street  
 Annandale NSW 1585  
**James Stevens**

**1 GARDEN ELEVATION**  
 1:100

STRUCTURE FOR CARPORT INDEPENDANT TO ADJOINING FENCE  
 SMALL RETAINING WALL INDEPENDANT TO ADJOINING FENCE  
 ADJOINING GARAGE RIDGE +17.378  
 ADJOINING RIDGE +17.378  
 TOW +14.140  
 LEVEL 0 +11.590

**2 STREET ELEVATION**  
 1:100

FENCE HEIGHT AT REAR LANE TO MATCH EXISTING STRUCTURE FOR CARPORT INDEPENDANT TO ADJOINING FENCE  
 CLB  
 RIDGE +17.378  
 PO  
 1.8M FENCE HEIGHT  
 FINISHED GROUND LEVEL  
 TOW +14.140  
 LEVEL 0 +11.590

**3 LANE ELEVATION**  
 1:100

ADJOINING GARAGE INDEPENDANT TO ADJOINING FENCE  
 ADJUST KERR TO SUIT FFL AND COUNCIL STANDARD DRAWINGS  
 RIDGE +17.378  
 PO  
 ROLLER DOOR  
 AD  
 TOW +14.140  
 LEVEL 0 +11.590

**4 SECTION E**  
 1:100

INDEPENDENT UP ADJOINING FENCE  
 DASHED INDICATES EXTENT OF EXISTING APPROVED GARAGE ENVELOPE  
 RIDGE +17.378  
 Carpet  
 TOW +14.140  
 LEVEL 0 +11.590

**5 SECTION D**  
 1:100

DASHED INDICATES EXTENT OF EXISTING APPROVED GARAGE ENVELOPE  
 Carpet  
 RETAINING WALL TO REAR YARD  
 TOW +14.140  
 LEVEL 0 +11.590

**NOTES**

1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND GROUND DIMENSIONS ONLY.
2. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF REPORT.
3. ALL DIMENSIONS TO THE ARCHITECTURE AND GENERAL SET OUT. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION. SET OUT TO BE UNDERTAKEN BY SURVEYOR ON SITE.
4. SHOW DIMENSIONS TO BE SHOWN ON THE REPORT AS NECESSARY.

**LEGEND**

4. THE SCOPE OF THIS DESIGN INCLUDES THE PROVISION OF SMI 14.6.2 CARPENS. THIS DESIGN IS NOT TO BE USED WITHOUT THE AUTHORITY OF SMI 14.6.2 CARPENS. REASON FOR THIS PURPOSE IS TO BE CARRIED OUT BY THE CLIENT AT THE STAGE OF CONSTRUCTION.

© SMITH & TZANNIS P/LD  
 0  
 0m - 1.200  
 1.20m - 1.500  
 1.50m - 1.750

Document SMI ID: 38688882  
 Version: 1, Version Date: 18/06/2023

**SMITH & TZANNIS**  
 ARCHITECTURE URBAN PLANNING  
 181/197 Victoria Street, Annandale NSW 1585  
 Phone: 02 9550 8882  
 Email: info@smithandtzannis.com.au  
 Website: www.smithandtzannis.com.au  
 Registered Architect, Peter Smith (Reg 10574)