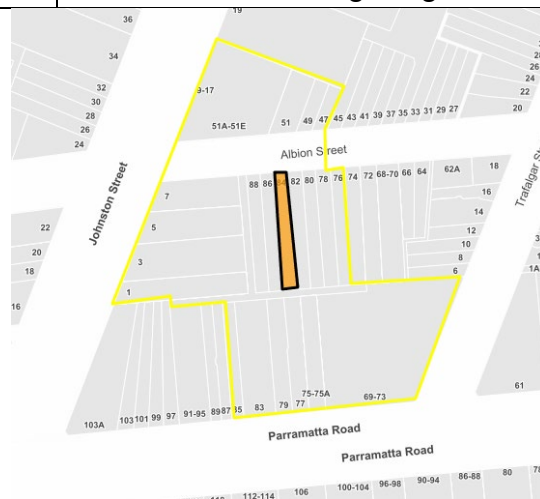






INNER WEST

DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2023/0753
Address	84 Albion Street ANNANDALE
Proposal	Alterations to existing dwelling and construction of a double garage and gym over at rear of site
Date of Lodgement	18 September 2023
Applicant	Mr Hong H Ko
Owner	Mr Anthony M McClenaghan Mr Hong H Ko
Number of Submissions	Initial: 0
Cost of works	\$255,000.00
Reason for determination at Planning Panel	Clause 4.6 variations exceed 10% (FSR)
Main Issues	Departure from Floor Space Ratio and Site Coverage development standard
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards - FSR
Attachment D	Section 4.6 Exception to Development Standards – Site Coverage
Attachment E	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations to existing dwelling and construction of a double garage and gym at rear of site at 84 Albion Street Annandale. The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

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

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

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

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

2. Proposal

The proposal seeks to carry out works to the main dwelling and rear carport. The works are as follows:

Main House

- Renovate ground floor kitchen.
- Renovate the existing first floor bathrooms.

Carport

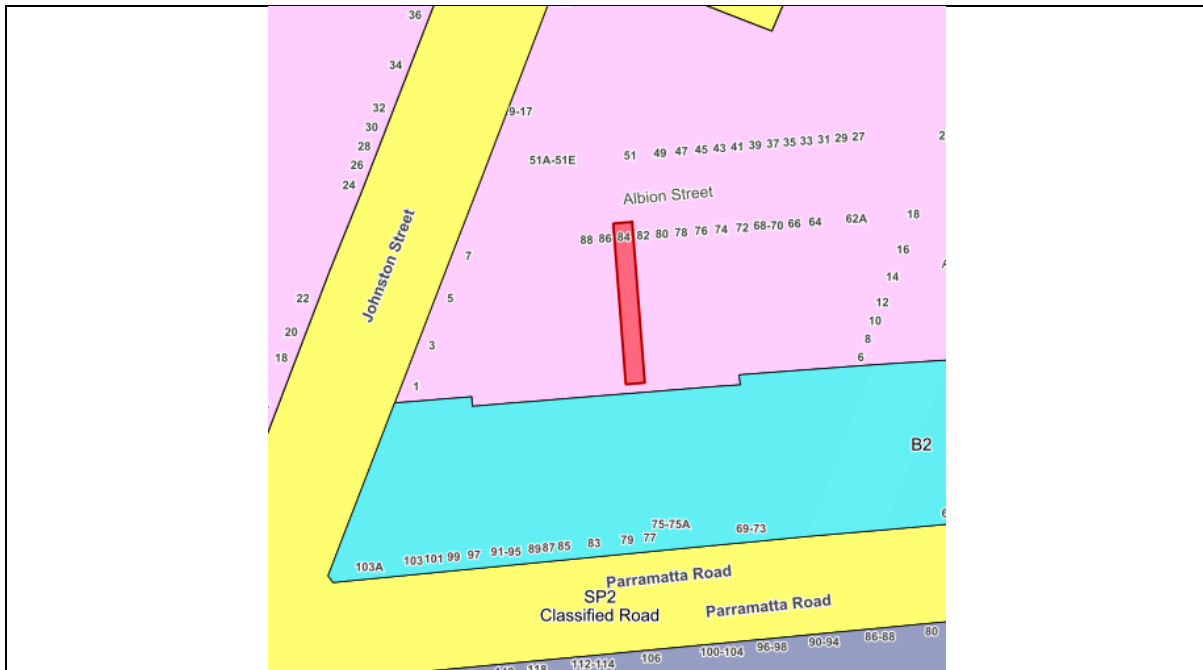
- Demolish existing carport structure and construct a new garage in the same location,
- New first floor studio above the garage to provide a gym, spa, sauna and bathroom, shower area.
- New landscaped area
- External stairs connecting the rear yard and garage to the first-floor studio.

3. Site Description

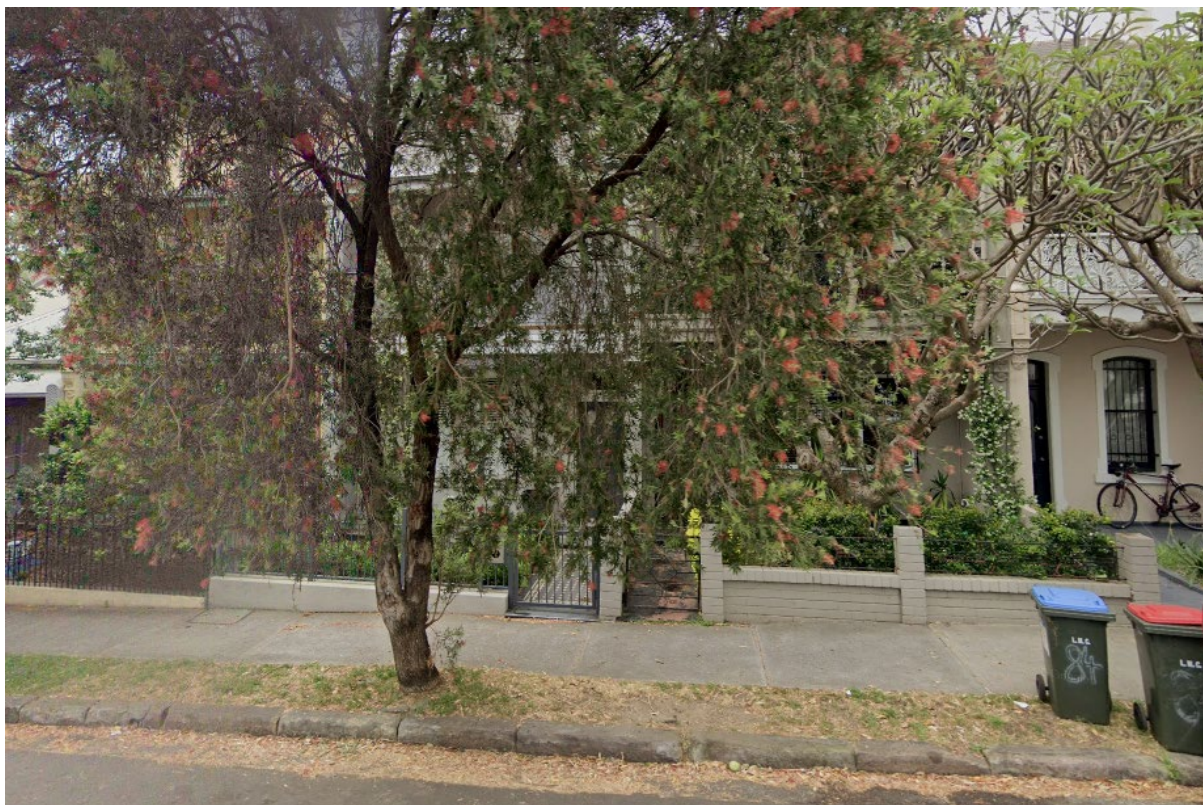
The subject site is located on the southern side of Albion Street between Albion Street and Parramatta Road. The site consists of 1 allotment and is rectangle in shape with a total area of 242.7 sqm..

The site has a frontage to Albion Street of 5.22 metres and a width of approximately 5.315 metres to a unnamed lane at the rear of the site.

The site supports a two-storey terrace dwelling. The adjoining properties also supports a two-storey terrace style dwellings. The property is located within a heritage conservation area.



Zoning map indicating location within the R1 – General Residential zone



Subject site as viewed from Albion Street



Rear 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

No recent development applications in the last 10 years.

Surrounding properties

80 Albion Street

Application	Proposal	Decision & Date
DA/2021/0509	New freestanding carport at rear of site	Approved – 11/8/2021

78 Albion Street

Application	Proposal	Decision & Date
DA/2023/0917	Ground and first floor alterations and additions to existing dwelling house and associated works	Under Assessment

76 Albion Street

Application	Proposal	Decision & Date
MOD/2022/0146	Section 4.55 Modification of Development Consent DA/2021/1046 which approved alterations and additions to dwelling-house and associated works, seeking various internal and external changes, including changes to external materials and finishes, opening changes, new screened air conditioning units on the roof and levels changes to rear	Approved – 20/6/2022

DA/2021/1046	Ground floor alterations and additions to existing dwelling-house and associated works	Approved – 11/1/2022
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Application history

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

Date	Discussion / Letter / Additional Information
5/12/2023	<p>Council sent a formal Request for Additional Information advising that the following additional / amended information was required to address the heritage, engineering and planning issues raised:</p> <ul style="list-style-type: none"> • Non-compliance with the FSR, Landscaped Area and Site Coverage Development Standards, • The proposed rear garage and first-floor studio above not complying with the Laneway Provision under the LDCP 2013, • The Statement of Environmental Effects not depicting the correct development standards calculations, • No Legal right of way or access to the rear of the subject site from the existing rear private lane, • No swept path to demonstrate compliance with the relevant car parking requirements, • The proposed development to be re-designed to comply with the Narrow Lane controls to minimise visual bulk and scale impacts when viewed from the public domain and to be of a design that does not adversely impact the heritage area in context. • Amended windows that are of vertically proportioned windows, of traditional design (timber sash) and material (timber frame.)
7/12/2023	Architect emailed Council a copy of the Legal advice obtained by the homeowners in relation to the rear reserve/ privately owned lane.
22/1/2024	Architect emailed Council notifying that the requested additional and amended information has been uploaded onto the NSW Planning Portal.
24/1/2024	Council's internal Planning Staff reviewed the Applicants Legal letter in relation to the request for a Right of Way and the existing rear reserve / private lane situation.
6/2/2024	Council's planning officer emailed the architect advising that the proposed amendments to the rear deck and stairs will trigger a re-notification process and requested if the submitted amended plans will be final set.
7/2/2024	Architect submitted further amended plans which no longer triggers a re-notification process and no new elevated steps / deck area leading to the main house is being presented.
11/4/2024	Council emailed the architect advising that the submitted C4.6 to FSR and SC is considered to be inadequate / not well founded and requested that an updated C4.6 to FSR and SC be provided.
16/4/2024	The architect has provided the requested updated C4.6 to FSR and SC now subject to this report

5. Assessment

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

A. Environmental Planning Instruments

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

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

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

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

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

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

SEPP (Building Sustainability Index: BASIX) 2004

The applicant has included a BASIX Certificate as part of the lodgment of the application in compliance with the *EP and A Regulation 2021*.

Inner West Local Environmental Plan 2022

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

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The proposal conserves and maintains the natural, built and cultural heritage of Inner West, • The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents, • The proposal creates a high quality urban place through the application of design excellence in all elements of the built environment and public domain, • The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table	<ul style="list-style-type: none"> The application proposes alterations and additions to a semi-detached dwelling which are permissible with consent in the R1 General Residential zone. The proposal is consistent with the relevant objectives of the zone. 	Yes
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, subject to conditions

Part 4 – Principal development standards

Section	Proposed	Compliance	
Section 4.3C (3)(a) Landscaped Area	Minimum	20% or 48.54sqm	Yes
	Proposed	20.20% or 49.02sqm	
	Variation	N/A	
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 145.62sqm	No
	Proposed	69.81% or 169.44sqm	
	Variation	16.36% or 23.82sqm%	
Section 4.4 Floor space ratio	Maximum	0.8:1 or 194.16sqm	No
	Proposed	0.91:1 or 220.43sqm	
	Variation	26.27sqm or 13.53%	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes	
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.3C and 4.4.	See discussion below	

Section 4.6 – Exceptions to Development Standards – Site Coverage

The applicant seeks a variation to the Site Coverage development standard prescribed by Section 4.3C(3)(b) of the *IWLEP 2022* by 16.36% (23.82sqm).

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

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

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

- *The definition of area to be included in site cover relates to the external ground levels and if the difference is more than 500mm then the patio area has to be included in site cover area. In this regard, the definition of 500mm seems rather arbitrary in nature and does not take into account sites that have a generous fall toward the rear like No. 84 Albion Street.*
- *The proposal could include raising the ground level at the rear of the patio to under 500mm so once this is done then the application would comply in the future.*
- *Alternatively, the site cover could easily comply if the floor level of the patio was lowered by 400mm or so, but this would be an unreasonable requirement to just achieve a numeric compliance and would not achieve any of the stated objectives in regard to site cover.*
- *The proposal is only reducing the total landscaped area by 7sqm. The landscaped area continues to remain suitable to meet the needs of the residents, and provides opportunities for tree replanting*
- *The proposal maintains a landscaped area within the landscaped corridor.*
- *The proposed built form is compatible with the surrounding development which consists of smaller rear yards and is consistent with the desired future character of the Trafalgar Street Distinctive Neighbourhood.*

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

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

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

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

- The proposed development improves the amenity of the rear private open space and results in an overall development which provides for the housing needs of the occupants.
- The proposed addition will contribute to providing a variety of housing types in the locality.
- The proposed works are sited to the rear, retaining the garden setting as viewed from neighbouring properties and provides for a residential development that maintains the character of built and natural features in the surrounding area.

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

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

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

- The proposal will provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and Landscaped Areas;
- The proposal complies with the prescribed quantum of landscaped area, hence, results in acceptable on-site amenity outcomes and provides a suitable balance between Landscaped Areas and built form;
- The footprint and scale of the development will be compatible with the pattern of development in the rear lane and to the adjoining Parramatta Road properties and the desired future character of the area;
- The breach will not result in any undue adverse amenity impacts on adjoining properties.
- The proposal will retain the existing residential use, which is consistent with the surrounding residential uses as within the R1 General Residential Zone.

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

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

Section 4.6 – Exceptions to Development Standards – Floor Space Ratio (FSR)

The applicant seeks a variation to the Floor Space Ratio development standard by 13.53% or 26.27sqm, where it provides a FSR 0.91:1 or 220.43sqm.

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

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

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

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

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

- *The proposal results in exceeding the FSR control at the rear, however the bulk is very similar to that of the studio and garage on the adjacent site at 82 Albion Street which has been approved by Council in the past. The proposal is compatible with surrounding development*

- *The landscaping area complies to the control.*
- *The floor-to-floor heights have been minimised and the upper floor gym has been minimized to the minimal requirements of the BCA in regard to 2/3 of the area being about 2.1*
- *The proposed additional floor area will not increase the population density for the subject site*
- *The proposal considers impacts on surrounding development, having acceptable adverse impacts regarding view loss, privacy, and solar access*
- *The proposal results in a design that includes a well-sized rear private open space area, with space suitable for tree planting*
- *The proposal provides facilities to improve the standard of residential amenity and to meet the needs of the residents*
- *The rear lane improves the sites capability for this development*

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

It is considered the development is in the public interest because it is consistent with the relevant objectives of the R1 zone and the objectives of the Floor Space Ratio development standard, in accordance with Section 4.6(4)(a)(ii) of the IWLEP 2022 for the following reasons:

- The proposed development will provide a contribution to the housing needs of the community;
- The proposed development will continue to provide and enhance the existing dwelling house;
- The proposed development is not inconsistent in scale, form, setbacks and character with the existing and surrounding properties, whilst respecting the surrounding streetscape;
- The development, as proposed and as conditioned, will not result in any undue adverse amenity impacts on adjoining properties.
- The proposal will retain the existing residential use, which is consistent with the surrounding residential uses as within the R1 General Residential Zone.

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

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

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
Section 5.10 Heritage conservation	<p>The subject site is a contributory building within the Annandale Heritage Conservation Area (HCA).</p> <p>The proposal achieves the objectives of this section as follows:</p> <ul style="list-style-type: none"> • The revised proposal although not strictly complying with the Narrow Lane controls, results in an improved form which matches the neighbouring property. The proposed design 	Yes

Section	Compliance	Compliance
	<p>will have minimal impact on the surrounding area, and the Annandale HCA.</p> <ul style="list-style-type: none"> • The design of the windows on the rear of the gym have been amended to be vertically oriented, however it has not been specified that these are to be of traditional material (timber frame). A condition is included in the recommendation of this report to address this. • The development has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building <p>Given the above the proposal preserves the environmental heritage of the Inner West</p>	

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> • The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. 	Yes
Section 6.2 Earthworks	<ul style="list-style-type: none"> • The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> • The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment. 	Yes, subject to conditions
Section 6.8 Development in areas subject to aircraft noise	<ul style="list-style-type: none"> • The site is located within the ANEF 20-25 contour, and as such an Acoustic Report was submitted with the application. The proposal is capable of satisfying this section as conditions have been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal’s compliance with the relevant provisions of Section 6.8 of the <i>IWLEP 2022</i>. 	Yes, subject to conditions

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
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.18 Laneways	No – see discussion
Part C: Place – Section 2 Urban Character	
C2.2.1.5: Trafalgar Street Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes – The proposal does not alter the siting, building envelope, Building Location Zone, side wall heights and setbacks of the existing dwelling.
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes, subject to recommended conditions.
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.11 Visual Privacy	Yes, subject to conditions – see discussion
C3.12 Acoustic Privacy	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes

Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	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

The application was assessed against the following relevant parts of the Leichhardt Development Control Plan 2013 (LDCP 2013).

Part C – Section 1 – General Provisions

Control	Proposed / Discussion	Compliance
C1.1 Site and Context Analysis	<ul style="list-style-type: none"> 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
C1.3 Alterations and additions	<ul style="list-style-type: none"> The proposal complements the scale, form and materials of the streetscape and neighbourhood character, will appear as a sympathetic addition to the existing building; maintains views from the public domain and reasonably protects views obtained from surrounding development. 	Yes
C1.4 Heritage Conservation Areas and Heritage Items	<ul style="list-style-type: none"> Subject to the compliance with recommended conditions, the development is compatible with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour, architectural detail, and fenestration. Refer to discussion under Section 5.10 of the <i>IWLEP 2022</i> contained within Part 3A of this report. 	Yes, see discussion above
C1.11 Parking	<ul style="list-style-type: none"> The amended proposal does not seek to alter the existing rear car parking arrangement or introduce additional parking spaces to the site. The amended proposal is deemed acceptable, contingent upon the imposition of standard engineering and parking conditions as part of this consent. It is acknowledged that the rear lane is under private ownership. The applicants have furnished legal advice regarding the private nature of the rear lane, the legal access and usage rights granted to the residential properties on Albion Street, as well as those of the commercial properties on Parramatta Road. 	Yes
C1.12 Landscaping	<ul style="list-style-type: none"> The proposal will enhance the visual setting of buildings and retain and encourage vegetation, increase the 	Yes

Control	Proposed / Discussion	Compliance
	environmental performance of a development, and contribute to the amenity of the residents and visitors.	
C1.18 Laneways	<ul style="list-style-type: none"> The rear of the subject site adjoins a 3.5m wide private lane which is classified as a narrow lane under this provision of the LDCP 2013. The current proposal does not comply with the narrow lane way controls, as it will exceed the maximum side wall height of 3m and maximum roof height of 5m. 	No – See discussion below

Consideration of non-compliances

C1.18 Laneways

The rear of the subject site adjoins a 3.5m wide private lane which is classified as a narrow lane under this provision of the LDCP 2013.

The amended proposed development as previously mentioned under Section 5.10 of the IWLEP 2022, the rear garage and studio above will not comply with the narrow laneway control C5 as it will exceed the maximum allowed side wall height of 3m and maximum roof height of 5m as depicted below under per Figure C13.

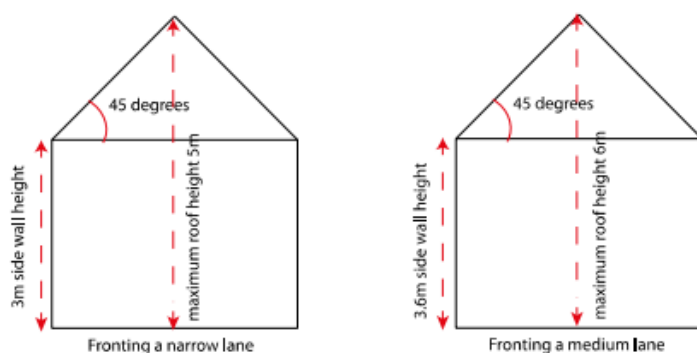


Figure C13: Laneway envelope for development fronting a Narrow Lane

Notwithstanding the above, the proposed garage and studio is considered acceptable from both a Planning and Heritage perspective as it will result in no adverse amenity impacts to the surrounding neighbouring properties in terms of solar access, privacy and overlooking, subject to recommended privacy screen condition (see C3.11 Visual Privacy of this report for further details).

In addition, the amended proposal when compared with the existing developments that are located along the rear private lane / reserve, the subject proposal is considered acceptable and is of a scale and style that will be compatible with adjoining development.

Part C – Section 2 – Urban Character

Control	Proposed / Discussion	Compliance
C2.2.1.5 – Trafalgar Street Distinctive Neighbourhood	<ul style="list-style-type: none"> The proposal is considered to be a satisfactory response to the Distinctive Neighbourhood controls under this part 	Yes

Part C – Section 3 – Residential Provisions

Control	Proposed / Discussion	Compliance
C3.1 Residential General Provisions	<ul style="list-style-type: none"> The proposal will not have an adverse effect on the amenity, setting or cultural significance of the place and the relationship of any Heritage Item or Heritage Conservation Area. 	Yes
C3.2 Site Layout and Building Design	<p><u>Building Location Zone (BLZ)</u></p> <ul style="list-style-type: none"> The proposal entails an addition which does not alter the rear Building Location Zone. <p><u>Side boundary setbacks</u></p> <ul style="list-style-type: none"> The side setbacks proposed are considered satisfactory, as the proposal has an acceptable impact on adjoining properties in terms of overshadowing, visual bulk and privacy. In addition, the proposed side setbacks are consistent with the established setback pattern of the street. 	Yes
C3.3 Elevation and Materials	<ul style="list-style-type: none"> Subject to compliance with conditions regarding window materials to the studio, the colours, materials, and finishes will be compatible with those prevailing in the laneway. 	Yes
C3.9 Solar Access	<ul style="list-style-type: none"> The proposal will have a satisfactory impact in terms of solar access and overshadowing to the surrounding properties. A minimum of 2 hours direct solar access is retained to the main window of principal living area and POS area of the adjoining property between 9:00am and 3:00pm on 21 June. The development will not result in adverse amenity impacts as a result of overshadowing; 	Yes
C3.11 Visual Privacy	<ul style="list-style-type: none"> The proposed first-floor landing area and entry of the first-floor studio/gym addition above the garage will have sightlines into the rear yard of No. 82 Albion Street, thereby not meeting the criteria outlined in Control 1 of this section of the Leichhardt Development Control Plan (LDCCP) 2013. In order to mitigate the overlooking and privacy impacts from the elevated studio landing areas towards the rear yard of No. 82 Albion Street, it is recommended that a condition be imposed requiring the installation of a privacy screen on the eastern elevation of the first-floor landing area. This measure aims to mitigate any potential privacy and overlooking impacts. 	No, but acceptable as per recommended conditions imposed
C3.12 Acoustic Privacy	<ul style="list-style-type: none"> The proposal has been designed to ensure appropriate acoustic privacy. 	Yes

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

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

No submissions were received in response to the initial notification.

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.

This has been achieved in this instance.

6. Section 7.11 / 7.12 Contributions

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$2,550.00 would be required for the development under Inner West Local Infrastructure Contribution Plan 2023.

7. Referrals

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

- Heritage Specialist;
- Development Engineer

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the site coverage and floor space ratio standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0753 for alterations to existing dwelling and construction of a double garage and gym over at rear of site at 84 Albion Street, Annandale subject to the conditions listed in Attachment A for the following reasons

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition				
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/Received	Prepared by
	2023/06/DA.01/E	Cover Page	06/02/2024	Oikos Architects
	2023/06/DA.02/E	Plan - Site	6/2/2024	Oikos Architects
	2023/06/DA.03/E	Plan of Residence - Ground Floor	6/2/2024	Oikos Architects
	2023/06/DA.04/E	Plan of Residence - First Floor	6/2/2024	Oikos Architects
	2023/06/DA.05/E	Plan - Ground / Garage.	6/2/2024	Oikos Architects
	2023/06/DA.06/E	Plan - First Floor & Roof	6/2/2024	Oikos Architects
	2023/06/DA.07/E	Section - A & B	6/2/2024	Oikos Architects
	2023/06/DA.08/E	Elevation - Studio North & South	6/2/2024	Oikos Architects
	2023/06/DA.09/E	Elevation - West	6/2/2024	Oikos Architects
	2023/06/DA.10/E	Elevation - East	6/2/2024	Oikos Architects
	2023/06/DA.11/E	Site Calculations	6/2/2024	Oikos Architects
	2023/06/DA.12/E	FSR Calculations	6/2/2024	Oikos Architects
	2023/06/DA.13/E	Shadow Diagrams 1 @ 9am	6/2/2024	Oikos Architects
	2023/06/DA.14/E	Shadow Diagrams 2 @ 12pm	6/2/2024	Oikos Architects
	2023/06/DA.15/E	Shadow Diagrams 3 @ 3pm	6/2/2024	Oikos Architects
	2023/06/DA.16/E	Finishes Schedule	6/2/2024	Oikos Architects
	2023/06/DA.17/E	Site Analysis	6/2/2024	Oikos Architects
Oikos Architects	BASIX Certificate	1/9/2024	Oikos Architects	
As amended by the conditions of consent. Reason: To ensure development is carried out in accordance with the approved documents.				
2.	Works Outside the Property Boundary			

	<p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
3.	<p style="text-align: center;">Bin Storage</p> <p>All bins are to be stored within the property.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
4.	<p style="text-align: center;">Asbestos Removal</p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
5.	<p style="text-align: center;">Boundary Alignment Levels</p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>
6.	<p style="text-align: center;">Permits</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>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.</p>

	Reason: To ensure works are carried out in accordance with the relevant legislation.
7.	<p style="text-align: center;">Insurances</p> <p>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. Reason: To ensure Council assets are protected.</p>
8.	<p style="text-align: center;">Public Domain and Vehicular Crossings</p> <p>The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for <i>Design of Vehicle Crossing and Public Domain Works – Step 1</i> form and <i>Construction of Vehicle Crossing and Public Domain Works – Step 2</i> form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.</p> <p>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</p> <p>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.</p> <p>Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.</p> <p>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.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
9.	<p>Long Service Levy</p> <p>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</p>

	<p>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.</p> <p>Reason: To ensure the long service levy is paid.</p>
10.	<p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the following;</p> <ol style="list-style-type: none"> a. The windows in the rear façade of the gym facing the lane are to be of a traditional material (timber frame) b. The erection of privacy screens having a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the deck on the eastern side of the elevated landing and deck servicing the proposed first floor gym/studio specifically adjoining <ol style="list-style-type: none"> (i) The landing area adjoining step 10 marked on plans DA.06.E at RL 23.44; and (ii) The balustrade adjacent to the bifold doors with a deck RL of 23.62 <p>Reason: To ensure the finishes compliment the conservation area and that visual privacy treatment protects the amenity of the neighbourhood.</p>
11.	<p>Structural Certificate for retained elements of the building</p> <p>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.</p> <p>Reason: To ensure the structural adequacy of the works.</p>
12.	<p>Sydney Water – Tap In</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
13.	<p>Acoustic Report – Aircraft Noise</p> <p>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</p>

	<p>development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p>
<p>14.</p>	<p>Section 7.12 Development Contribution Payments</p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$2,550.00 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p> <p>Where:</p> <ul style="list-style-type: none"> • C_{payment} = is the contribution at time of payment • C_{consent} = is the contribution at the time of consent, as shown above • CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 136.4 for the December 2023. • CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p>

	<p>Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>				
<p>15.</p>	<p>Security Deposit - Custom</p> <p>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.</p> <p>Security Deposit:</p> <table border="1" data-bbox="437 904 1272 987"> <tr> <td>Security Deposit:</td> <td>\$2,992.00</td> </tr> <tr> <td>Inspection Fee:</td> <td>\$374.50</td> </tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>	Security Deposit:	\$2,992.00	Inspection Fee:	\$374.50
Security Deposit:	\$2,992.00				
Inspection Fee:	\$374.50				

16.	<p>Dilapidation Report – Pre-Development – Minor</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>
17.	<p>Stormwater Drainage System – Minor Developments (OSD is not required)</p> <p>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:</p> <ul style="list-style-type: none"> a) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer. b) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP. c) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks. d) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes. e) As there is no overland flow/flood path available from the rear and central courtyards to the Rear Lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria: <ul style="list-style-type: none"> a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe. b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building. c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. f) A 150mm step up must be provided between the finished surface level of the [external area] and the finished floor level of the internal room unless a reduced step is permitted by Part 3.3.3. of the National Construction Code for Class 1 buildings. g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. h) No nuisance or concentration of flows to other properties.

	<ul style="list-style-type: none"> i) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system. j) 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. k) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. l) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site. m) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm. n) All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings. o) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. p) No impact to street tree(s). <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
<p>18.</p>	<p>Public Domain Works – Prior to Construction Certificate</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the <i>Roads Act 1993</i> incorporating the following requirements:</p> <ul style="list-style-type: none"> a. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; b. Installation of a stormwater outlet to the kerb and gutter. <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p>
<p>19.</p>	<p>Parking Facilities - Domestic</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans and certification by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:</p> <ul style="list-style-type: none"> 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 110mm at both

	<p>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.</p> <ul style="list-style-type: none"> b) The garage slab or driveway must then rise within the property to be a minimum of 170mm (as quickly as possible) above the adjacent road gutter level and/or higher than the street kerb and footpath across the full width of the vehicle crossing. c) The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B85 vehicle. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements. d) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. 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 4200 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) 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 unless otherwise approved. g) The set back of the parking space from the rear boundary must be determined with the use of swept paths for the B85 vehicle. Amended plans must be submitted detailing the width of the opening (dimensioned) and details of the swept path for entry and exit. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale must be submitted, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004; h) The external form and height of the approved structures must not be altered from the approved plans. <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p>
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BEFORE BUILDING WORK COMMENCES

Condition	
20.	<p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RVMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>

21.	<p>Erosion and Sediment Control</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
22.	<p>Standard Street Tree Protection</p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>
23.	<p>Dilapidation Report</p> <p>Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (82 and 86 Albion Street) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</p> <p>Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
24.	<p>Construction Fencing</p> <p>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.</p> <p>Reason: To protect the built environment from construction works.</p>

DURING BUILDING WORK

	Condition
25.	<p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>

26.	<p>Construction Hours – Class 1 and 10</p> <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
27.	<p>Survey Prior to Footings</p> <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
28.	<p>Aircraft Noise –Alterations and Additions</p> <p>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.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard</p>
29.	<p>Public Domain Works</p> <p>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:</p> <p>Light duty concrete vehicle crossing(s) at the vehicular access location(s); 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; The existing concrete footpath across the frontage of the site must be reconstructed; and Other works subject to the Roads Act 1993 approval.</p> <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
30.	<p>No Encroachments</p> <p>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</p>

	<p>have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
31.	<p>Protect Sandstone Kerb</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>
32.	<p>Light Duty Vehicle Crossing</p> <p>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.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p>
33.	<p>Parking Signoff – Minor Developments</p> <p>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.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p>

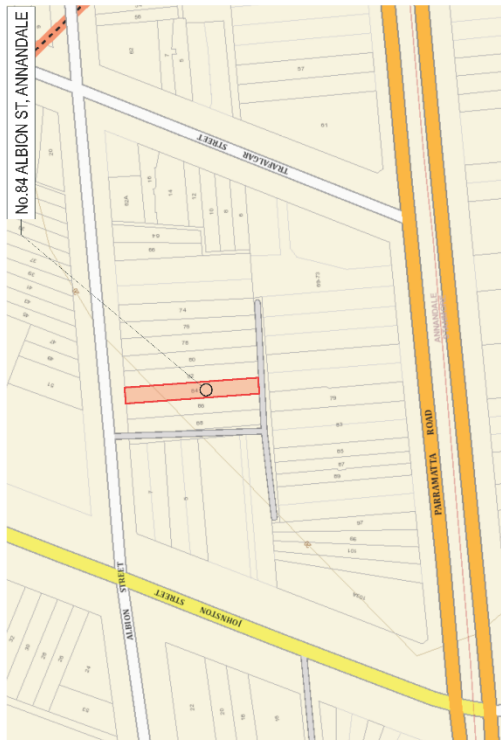
DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition	
34.	<p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>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.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p>

	Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.
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Attachment B – Plans of proposed development



1 LOCALITY PLAN
Scale N.T.S.



4 PERSPECTIVE
Scale N.T.S.

Drawing No.	DRAWING INDEX	REVISION
DA.01/E	Cover Page	E
DA.02/E	Plan - Site	E
DA.03/E	Plan of Residence - Ground Floor	E
DA.04/E	Plan of Residence - First Floor	E
DA.05/E	Plan - Ground / Garage.	E
DA.06/E	Plan - First Floor & Roof	E
DA.07/E	Section - A & B	E
DA.08/E	Elevation - Studio North & South	E
DA.09/E	Elevation - West	E
DA.10/E	Elevation - East	E
DA.11/E	Site Calculations	E
DA.12/E	FSR Calculations	E
DA.13/E	Shadow Diagrams 1 @ 9am	E
DA.14/E	Shadow Diagrams 2 @ 12pm	E
DA.15/E	Shadow Diagrams 3 @ 3pm	E
DA.16/E	Finishes Schedule	E
DA.17/E	Site Analysis	E

2 DRAWING SCHEDULE

Note - Measured Drawings are number DA.1.0 - DA.1.11

NOTES:

- Connect rain water down pipes & external stormwater pits to stormwater system to council requirements
- All toilet suites to be dual flush
- Landscaping shown indicatively only
- All building and associated works involved are to be built in accordance with all relevant authority requirements and to the Building Code of BCA
- Check all work on site and report any discrepancies to the architect.
- No high front gutters
- All existing brickwork & stone work that is unpainted is to remain unpainted

GENERAL LEGEND

- existing wells
- existing fence
- new c/s (400/600) wall
- new interior wall
- demolition lines
- site boundary
- overhead lines
- stormwater lines
- existing spot levels
- existing FTL spot levels
- proposed finished floor level
- refers to new door number
- refers to new window number
- refers to new roof light number
- hot water service
- concrete
- plasterboard
- smoke alarm
- climater
- Colubond
- brick work
- downpipe
- downpipe with spreader
- plasterboard
- rain water head
- floor glass
- chrome glass
- operable
- vent cap
- gas meter
- meter board
- water meter
- insulation hot water heater
- gas outlet connection
- garden water tap
- metal
- glass
- lining
- plasterboard
- concrete
- timor, roof
- stone

NEW MATERIALS

- metal
- glass
- lining
- plasterboard
- concrete
- timor, roof
- stone

3 NOTES & LEGENDS

Scale:	N.T.S @ A3
Date:	6/2/2024
Drawing No:	2023/06/DA.01/E
Placed:	6/2/2024

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Drawing Title:
Cover Page

Client:
Matthew Ko & Anthony McClenaghan

Project:
DA Drawings of 84 Albion St, Annandale NSW

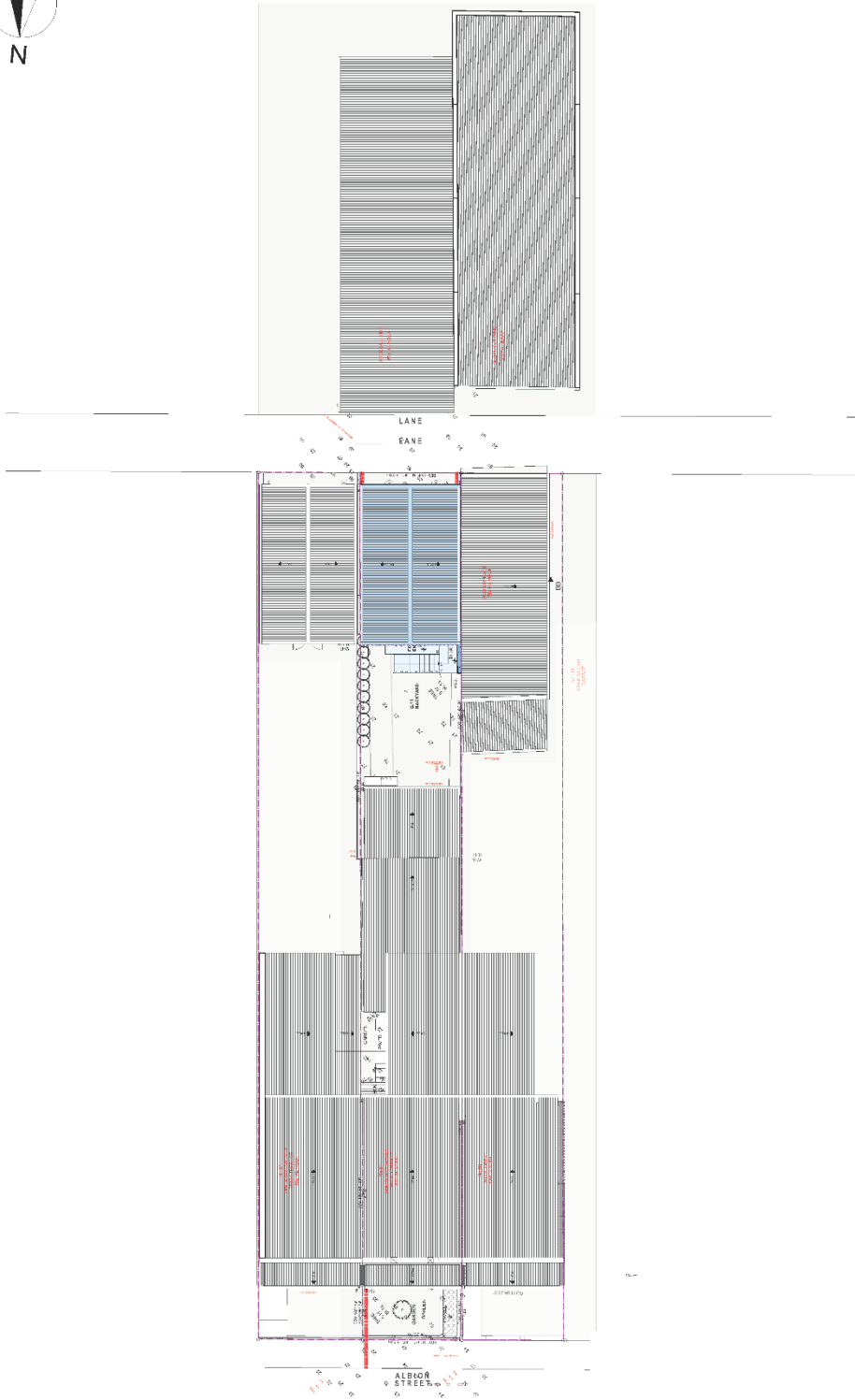
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19/01/24
30/08/23
14/08/23
08/08/23

E	DA - Issue 4 - Amended 3	Date
D	DA - Issue 3 - Amended 2	
C	DA - Issue 2 - Amended	
B	DA - Issue 1	
A	DA - Draft 1	

Amended: P3882989
Document Set ID: 3882989
Version: 1, Version Date: 12/04/2024



1 PLAN - SITE & ROOF
1:200

Scale: 1:200 @ A3
Date: 6/2/2024
Drawn: 2023/06/DA.02/E
Plotted: 6/2/2024

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Drawing Title:
Plan - Site
EMC

Client: Matthew Ko & Anthony McClenaghan
Project: DA Drawings of 84 Albion St, Amundale NSW

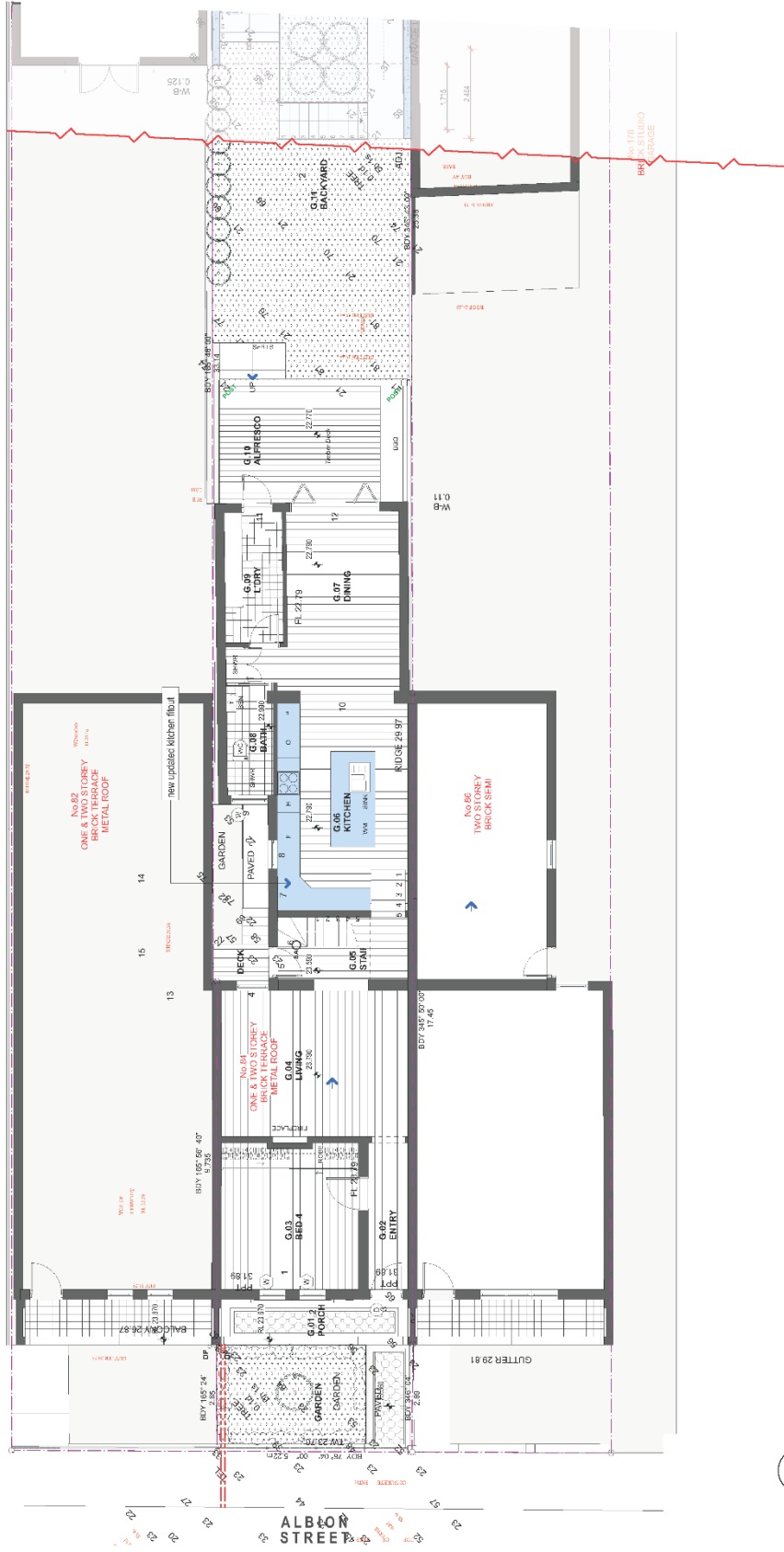
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Date
06/02/24
19/01/24
30/08/23
14/08/23
08/08/23

E	DA - Issue 4 - Amended 3
D	DA - Issue 3 - Amended 2
C	DA - Issue 2 - Amended
B	DA - Issue 1
A	DA - Draft 1

Amg: 38829288
Document Set ID: 38829288
Version: 1, Version Date: 12/04/2024



1 PLAN - GROUND / GARAGE
1:100

Scale: 1:100 @ A3
Date: 6/2/2024
Drawn: 2023/06/DA.03/E
Plotted: 6/2/2024

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Drawing Title: Plan of Residence - Ground Floor

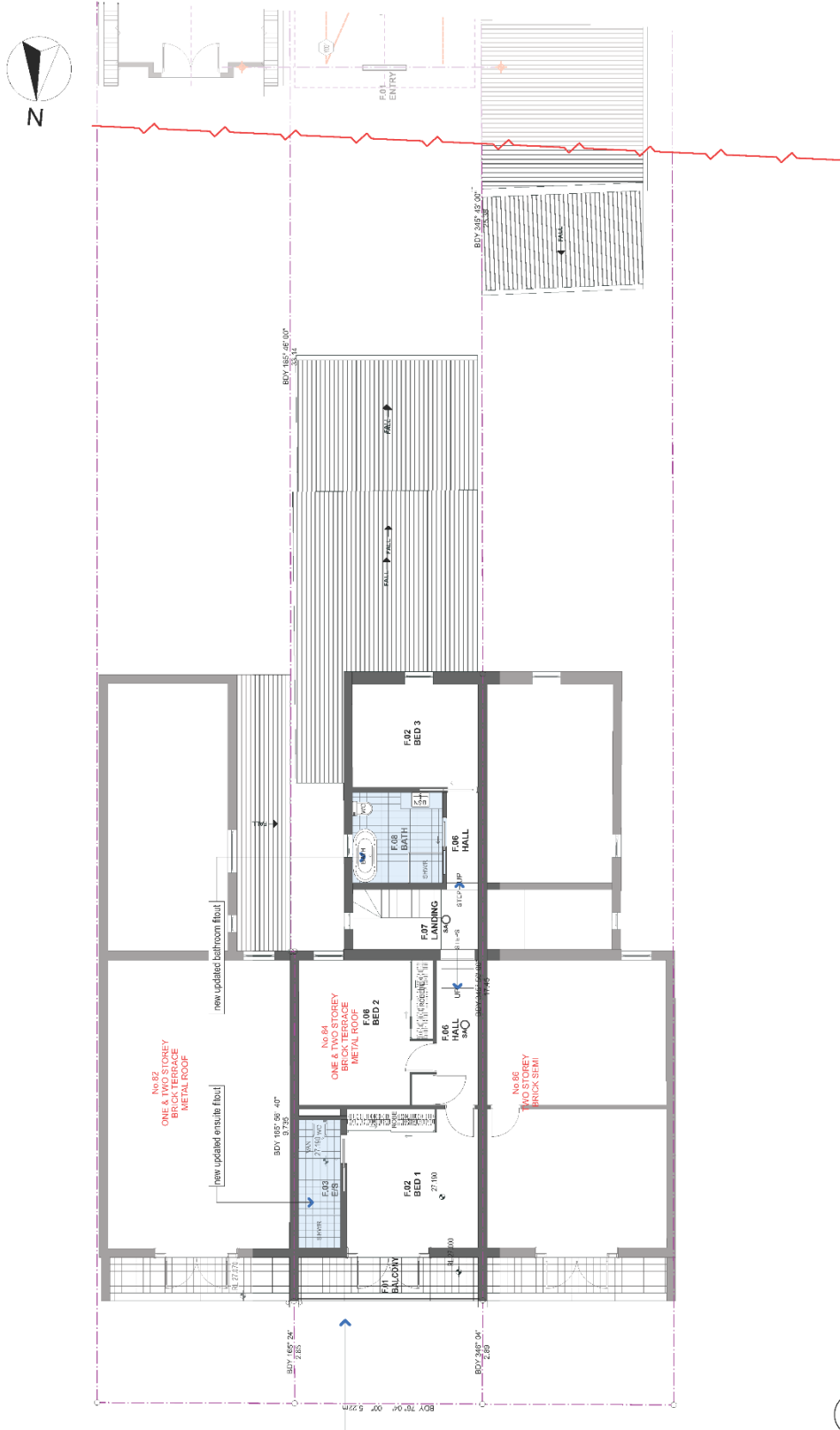
Client: Matthew Ko & Anthony McClenaghan
Project: DA Drawings of 84 Albion St, Amundale NSW

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Date	Amended/Version
06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Document Set ID: 38829388
Version: 1, Version Date: 12/04/2024



2 PLAN - FIRST FLOOR
1:100

Scale: 1:100 @ A3
Date: 6/2/2024
Drawing Title: 2023/06/DA.04/E
Plotted: 6/2/2024

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Drawing Title: Plan of Residence - First Floor
EMC

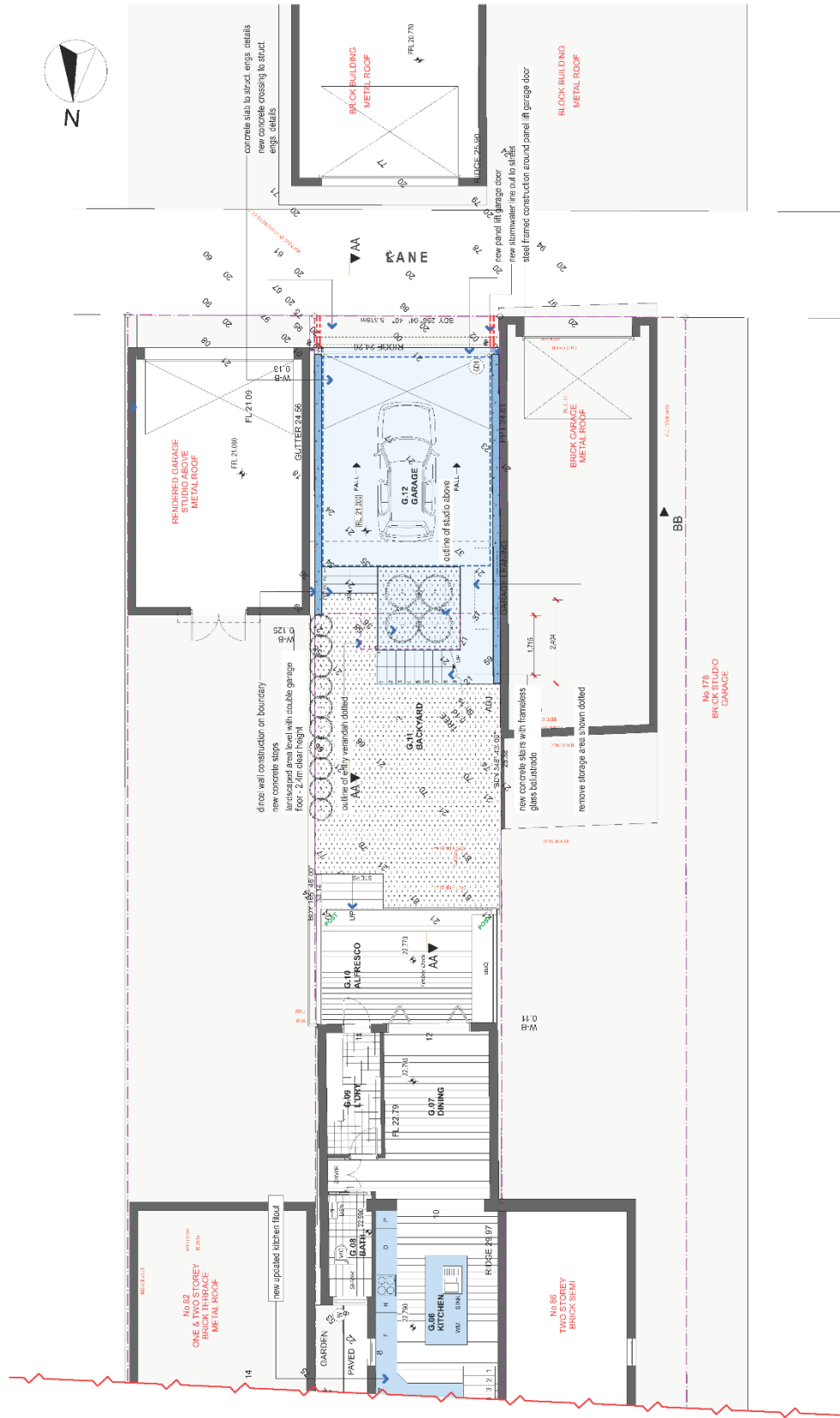
Client: Matthew Ko & Anthony McClenaghan
Project: DA Drawings of 84 Albion St, Amundale NSW

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Date	Description
06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Date	Description
06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Amended: 38829388
Document Set ID: 38829388
Version: 1, Version Date: 12/04/2024



1 PLAN - GROUND / GARAGE
1:100

Scale: 1:100 @ A3
Date: 6/2/2024
Drawn: 2023/06/DA/05/E
Plotted: 6/2/2024

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Drawing Title:
Plan - Ground / Garage.

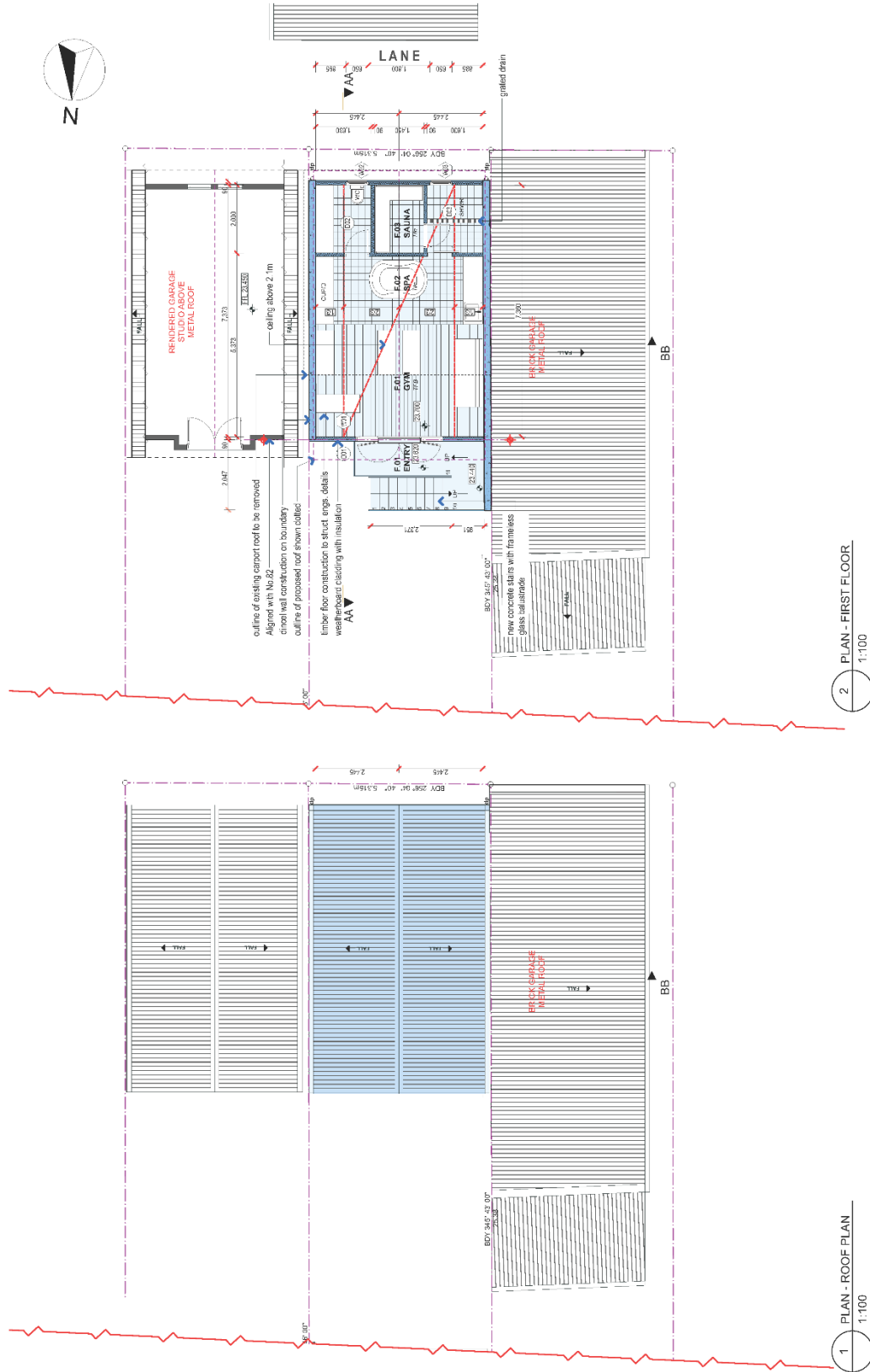
Client:
Matthew Ko & Anthony McClenaghan
Project:
DA Drawings of
84 Albion St, Amundale NSW

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Date	Amended/Sheet ID
06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Amended/Sheet ID: 38829388
Version: 1, Version Date: 12/04/2024



2 PLAN - FIRST FLOOR
1:100

1 PLAN - ROOF PLAN
1:100

Scale: 1:100 @ A3
Date: 6/2/2024
Drawing: 2023/06/DA.06/E
Plotted: 6/2/2024

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Drawing Title: Plan - First Floor & Roof

Client: Matthew Ko & Anthony McClenaghan
Project: DA Drawings of 84 Albion St, Amundale NSW

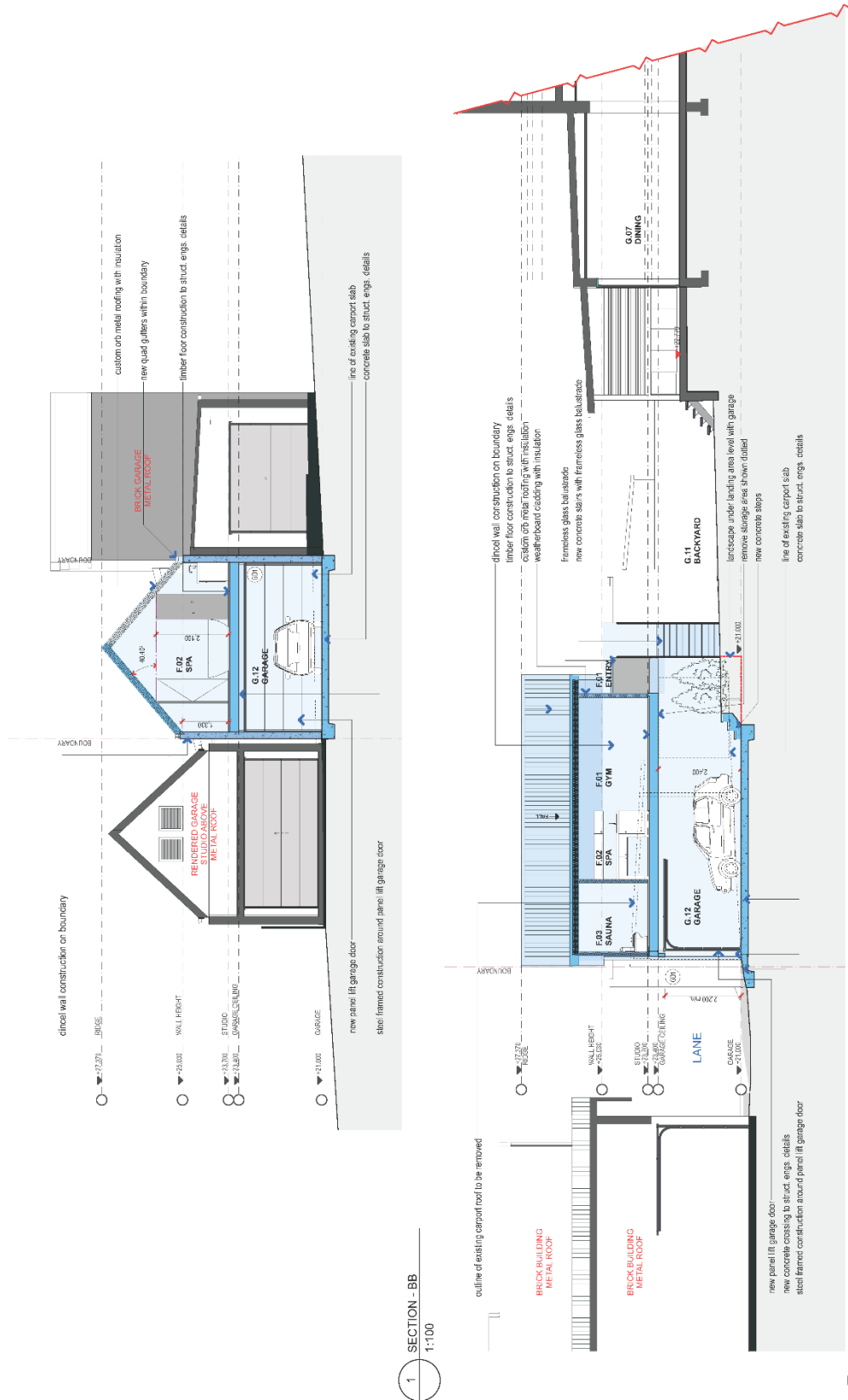
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06/02/24
19/01/24
30/08/23
14/08/23
08/08/23
Date

E DA - Issue 4 - Amended 3
D DA - Issue 3 - Amended 2
C DA - Issue 2 - Amended
B DA - Issue 1
A DA - Draft 1

Amg/csl: 38829388
Document Set ID: 38829388
Version: 1, Version Date: 12/04/2024

(EMC)



1 SECTION - BB
1:100

1 SECTION - AA
1:100

Scale: 1:100 @ A3
 Date: 6/2/2024
 Drawn by: 2023/06/DA.07/E
 Plotted: 6/2/2024

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 Drawing Title: Section - A & B
 (EMC)

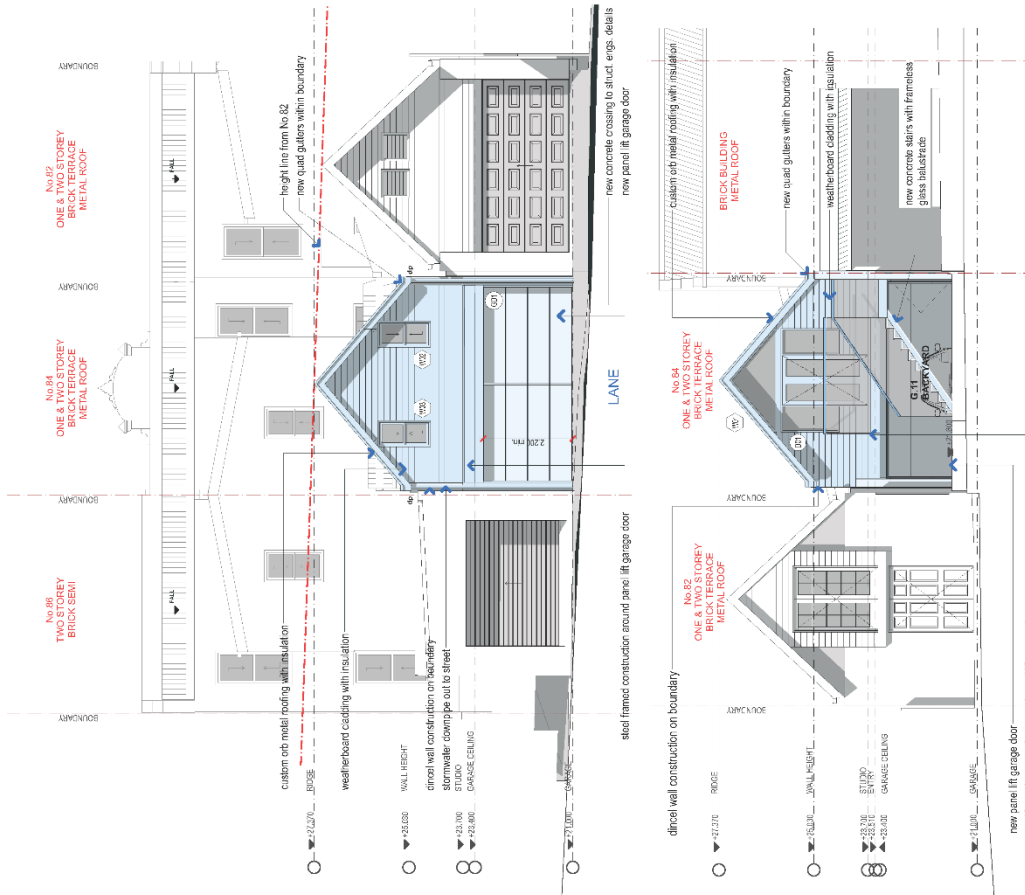
Client: Matthew Ko & Anthony McClenaghan
 Project: DA Drawings of 84 Albion St, Amundale NSW

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	Date
E DA - Issue 4 - Amended 3	06/02/24
D DA - Issue 3 - Amended 2	19/01/24
C DA - Issue 2 - Amended	30/08/23
B DA - Issue 1	14/08/23
A DA - Draft 1	08/08/23

Amended: 38826388
 Document Set ID: 38826388
 Version: 1, Version Date: 12/04/2024



1 ELEVATION - SOUTH - Carport
1:100

2 ELEVATION - NORTH - Carport
1:100

Scale: 1:100 @ A3
Date: 6/2/2024
Drawn: 2023/06/DA.08/E
Plotted: 6/2/2024

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Drawing Title: Elevation - Studio North & South

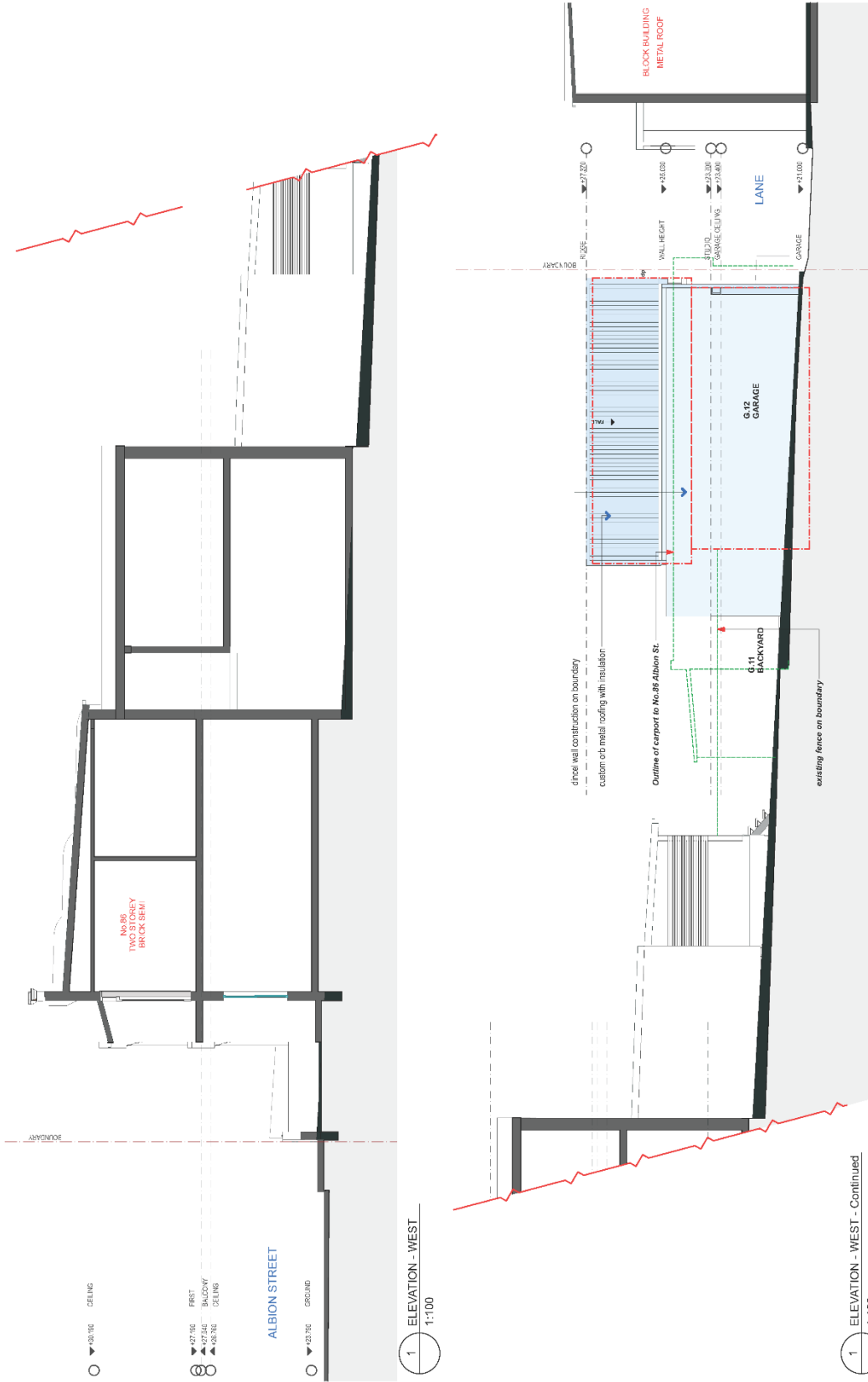
Client: Matthew Ko & Anthony McClenaghan
Project: DA Drawings of 84 Albion St, Amundale NSW

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Date	Amended
06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Document Set ID: 38828388
Version: 1, Version Date: 12/04/2024



Scale: 1:100 @ A3
 Date: 6/2/2024
 Drawing: 2023/06/DA.09/E
 Plotted: 6/2/2024

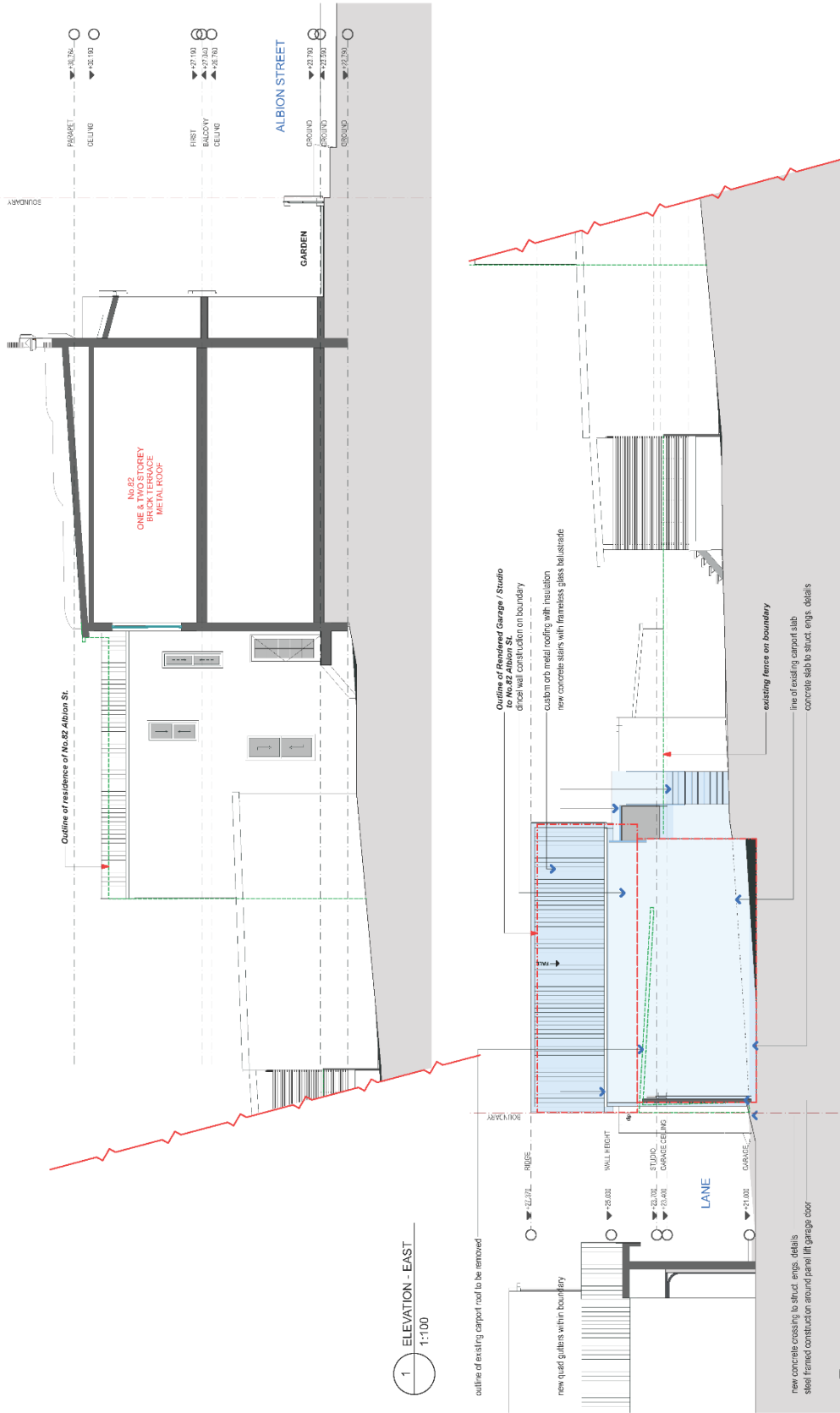
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 Drawing Title: Elevation - West
 Client: Matthew Ko & Anthony McClenaghan
 Project: DA Drawings of 84 Albion St, Amundale NSW

Client: Matthew Ko & Anthony McClenaghan
 Project: DA Drawings of 84 Albion St, Amundale NSW

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06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Amg: 38829388
 Document Set ID: 38829388
 Version: 1, Version Date: 12/04/2024



1 ELEVATION - EAST
1:100

2 ELEVATION - EAST - Continued
1:100

Scale: 1:100 @ A3
Date: 6/2/2024
Drawing No: 2023/06/DA.10/E
Plate: 6/2/2024

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Drawing Title: Elevation - East
EMC

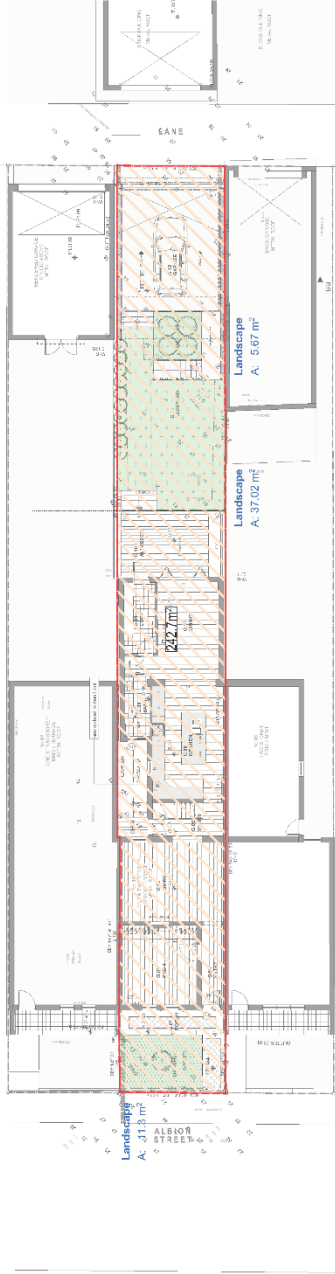
Client: Matthew Ko & Anthony McClenaghan
Project: DA Drawings of 84 Albion St, Amundale NSW

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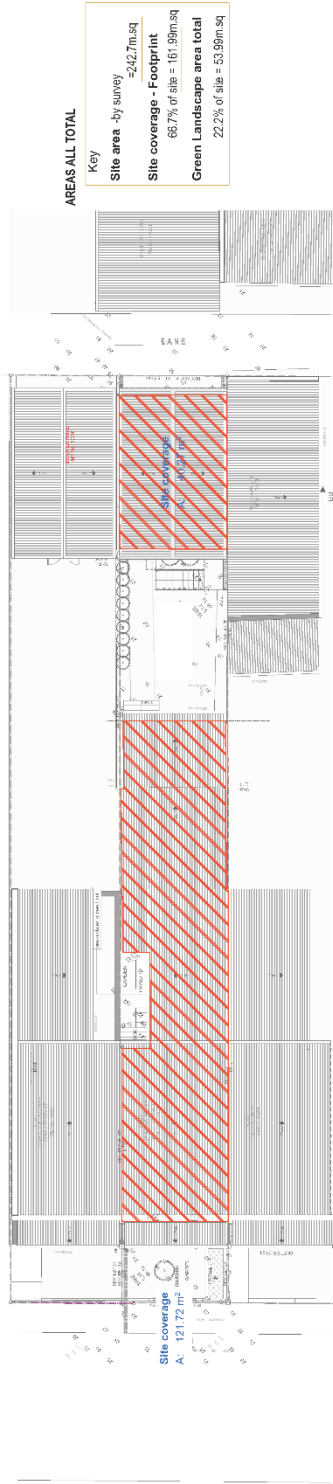


Date	Amended
06/02/24	DA - Issue 4 - Amended 3
19/01/24	DA - Issue 3 - Amended 2
30/08/23	DA - Issue 2 - Amended
14/08/23	DA - Issue 1
08/08/23	DA - Draft 1

Document Set ID: 38829288
Version: 1, Version Date: 12/04/2024

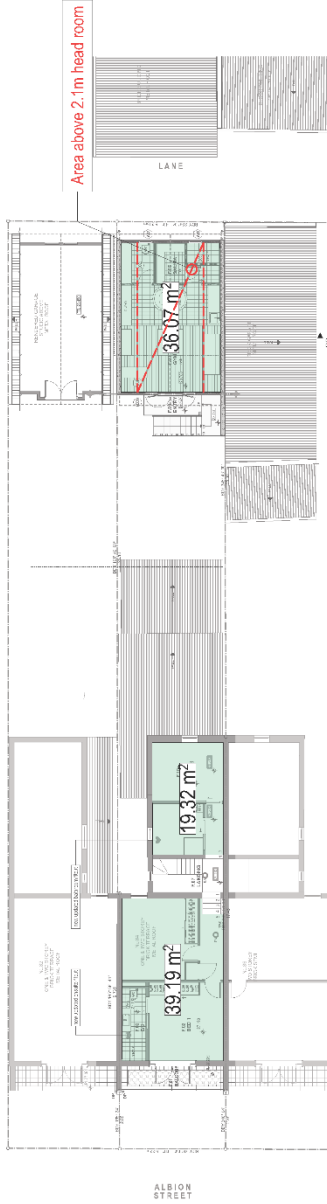


1 PLAN - GROUND FLOOR
1:200

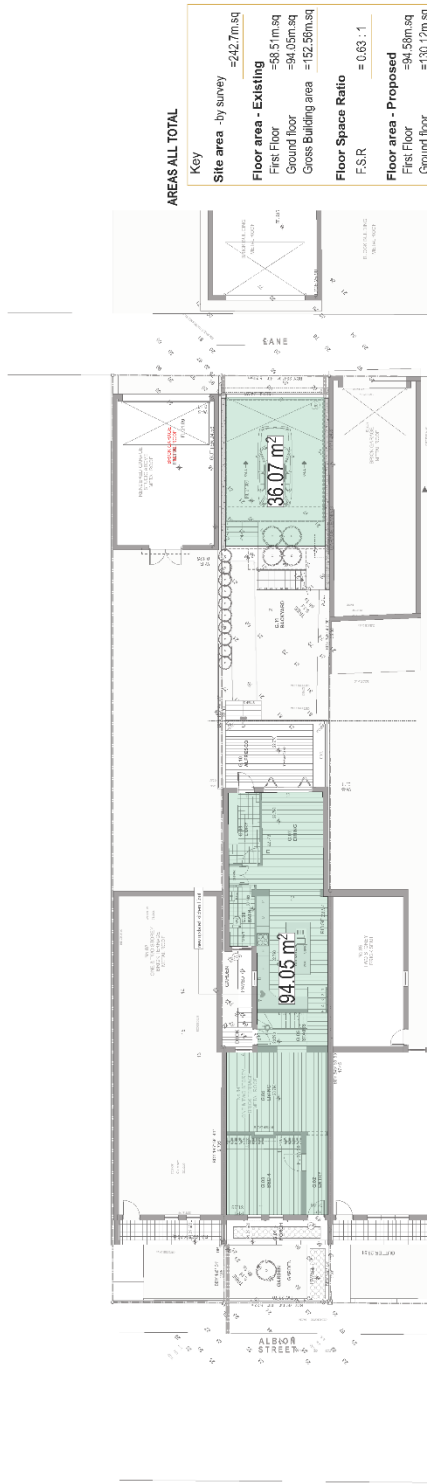


1 PLAN - SITE & ROOF
1:200

<p>E DA - Issue 4 - Amended 3 D DA - Issue 3 - Amended 2 C DA - Issue 2 - Amended B DA - Issue 1 A DA - Draft 1</p> <p>Amg/gh - 38829288 Document Set ID: 38829288 Version: 1, Version Date: 12/04/2024</p>	<p>06/02/24 19/01/24 30/08/23 14/08/23 08/08/23</p> <p>Date</p>	<p>OIKOS Architects Ray Stevens B. Arch., M.Arch., Ph.D NSW ARB No. 4458 15 Elliott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 9610 7854 Mob. 0411 455 669</p>	<p>Client: Matthew Ko & Anthony McClenaghan</p> <p>Project: DA Drawings of 84 Albion St, Amundale NSW</p>	<p>This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.</p> <p>Drawing Title: Site Calculations</p>	<p>Scale: 1:200 @ A3</p> <p>Date: 6/2/2024</p> <p>Drawn: 2023/06/DA.11/E</p> <p>Plotted: 6/2/2024</p>
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1 PLAN - FIRST FLOOR
1:200

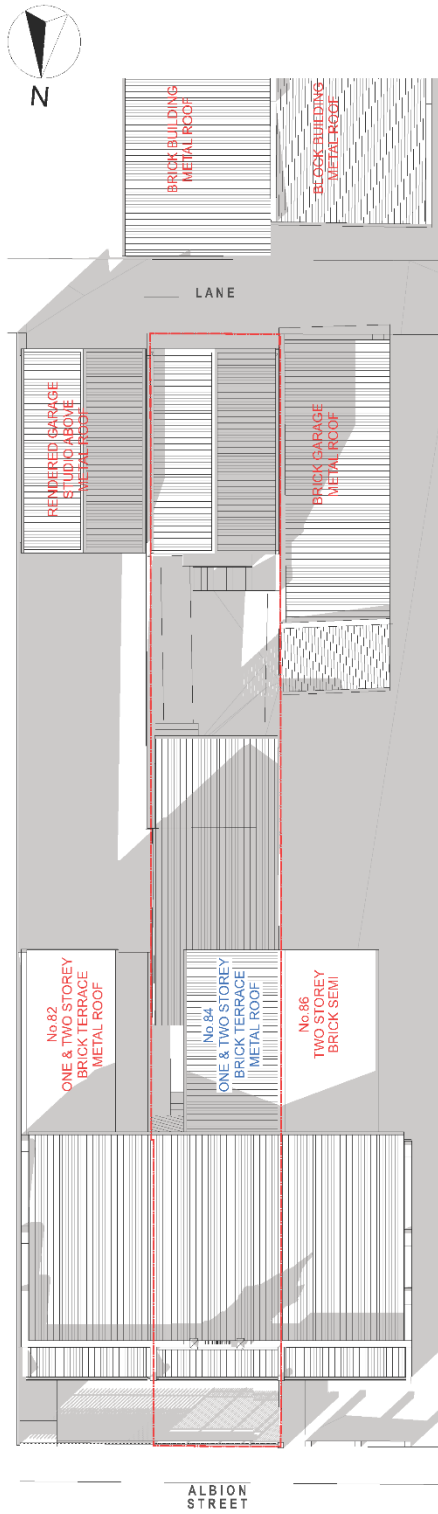


1 PLAN - GROUND FLOOR
1:200

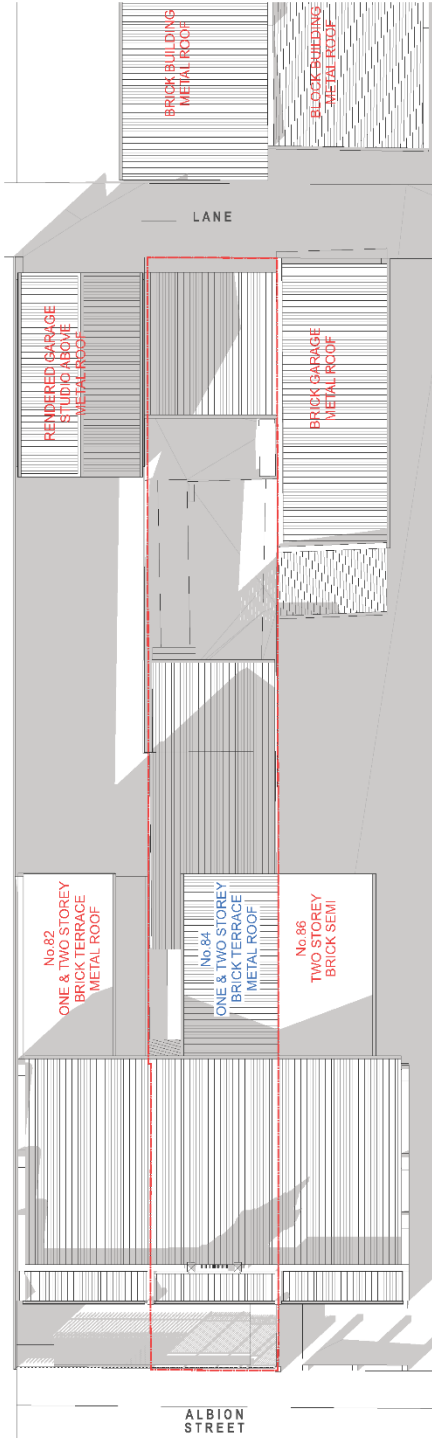
AREAS ALL TOTAL

Key	
Site area - by survey	= 242.7m ² sq
Floor area - Existing	
First Floor	= 98.51m ² sq
Ground floor	= 94.05m ² sq
Gross Building area	= 152.56m ² sq
Floor Space Ratio	
F.S.R	= 0.63 : 1
Floor area - Proposed	
First Floor	= 94.58m ² sq
Ground floor	= 130.12m ² sq
Gross Building area	= 224.7m ² sq
Floor Space Ratio	
F.S.R	= 0.93 : 1

E DA - Issue 4 - Amended 3 D DA - Issue 3 - Amended 2 C DA - Issue 2 - Amended B DA - Issue 1 A DA - Draft 1	06/02/24 19/01/24 30/08/23 14/08/23 08/08/23	Date Amg/SH - 38829288 Document Set ID - 38829288 Version: 1, Version Date: 12/04/2024
	OIKOS Architects Ray Stevens B. Arch., M.Arch., Ph.D NSW ARB No. 4458 15 Elliott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 9810 7854 Mob. 0411 455 669	
Client: Mathew Ko & Anthony McClenaghan Project: DA Drawings of 84 Albion St, Amundale NSW		
Drawing Title: FSR Calculations		
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Scale: 1:200 @ A3 Date: 6/2/2024 Drawn: 2023/06/DA.12/E Plotted: 6/2/2024		



1 9am - PROPOSED SHADOW DIAGRAM
N.T.S.



2 9am - PROPOSED SHADOW DIAGRAM
N.T.S.

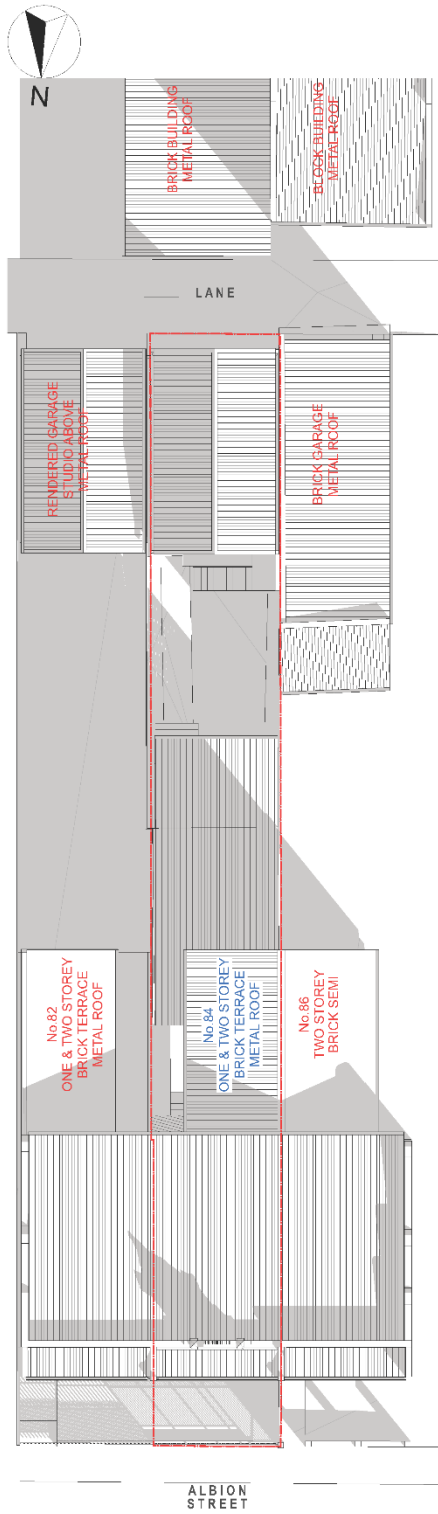
E	DA - Issue 4 - Amended 3	06/02/24	Date
	DA - Issue 3 - Amended 2	19/01/24	
C	DA - Issue 2 - Amended	30/08/23	
B	DA - Issue 1	14/08/23	
A	DA - Draft 1	08/08/23	
Amg/td - 38829288			
Document Set ID: 38829288			
Version: 1, Version Date: 12/04/2024			
 OIKOS Architects Ray Stevens B. Arch., M.Arch., Ph.D NSW ARE No.4458 15 Elliott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 9810 7854 Mob. 0411 455 669		Client: Mathew Ko & Anthony McClenaghan Project: DA Drawings of 84 Albion St, Amundale NSW	
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Drawing Title: Shadow Diagrams 1 @ 9am		(EMC)	



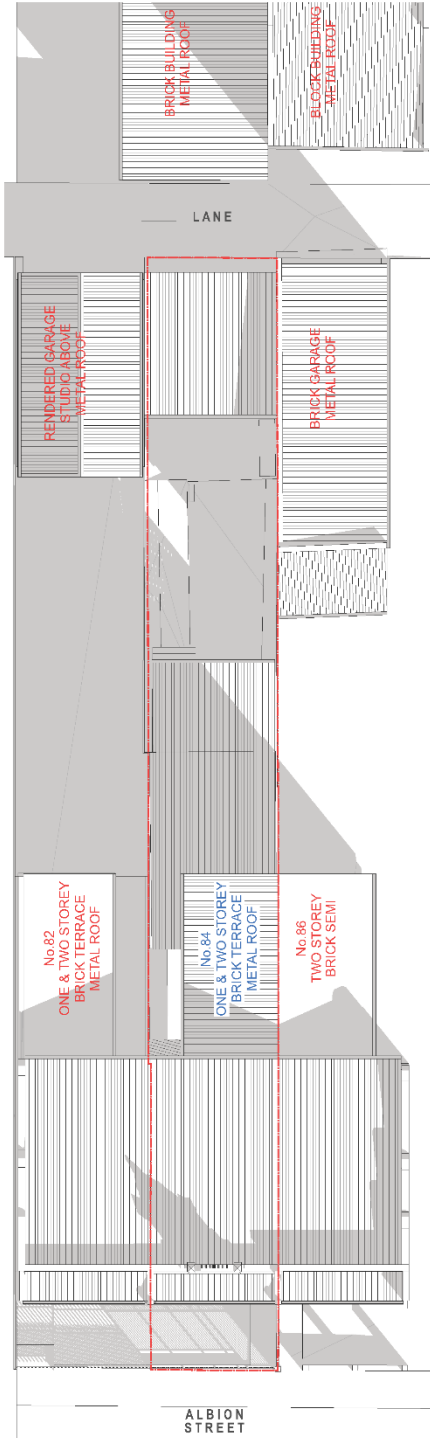
1 12m - PROPOSED SHADOW DIAGRAM
N.T.S

2 12m - EXISTING SHADOW DIAGRAM
N.T.S

<p>OIKOS Architects Ray Stevens B. Arch., M.Arch., Ph.D NSW ARE No. 4458 15 Elliott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 9610 7854 Mob. 0411 455 669</p>	<p>06/02/24 19/01/24 30/08/23 14/08/23 08/08/23</p>	<p>Date</p>
	<p>DA - Issue 4 - Amended 3 DA - Issue 3 - Amended 2 DA - Issue 2 - Amended DA - Issue 1 DA - Draft 1</p>	<p>Amended: 38829288 Document Set ID: 38829288 Version: 1, Version Date: 12/04/2024</p>
<p>This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.</p>		
<p>Client: Matthew Ko & Anthony McClenaghan Project: DA Drawings of 84 Albion St, Amundale NSW</p>		<p>Drawing Title: Shadow Diagrams 2 @ 12pm</p>

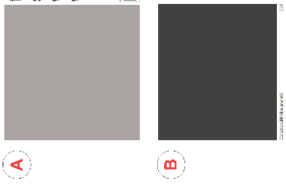
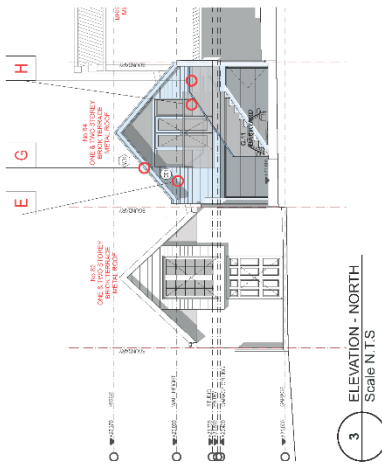
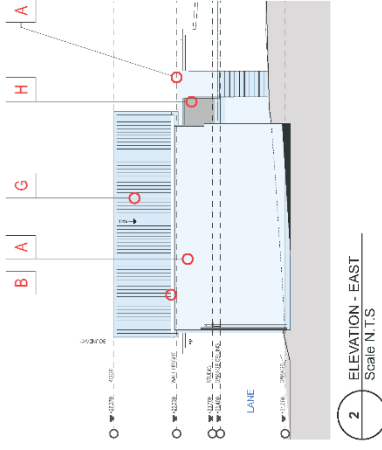
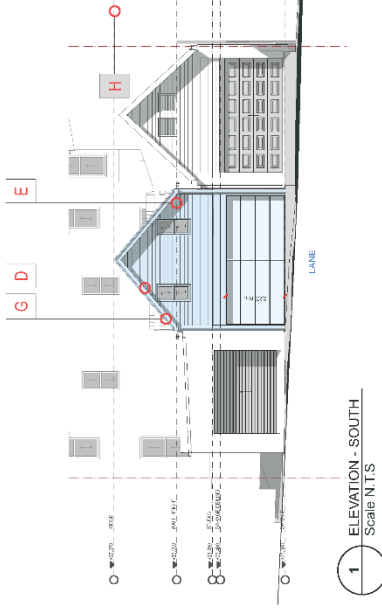
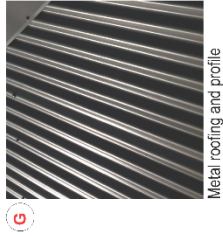
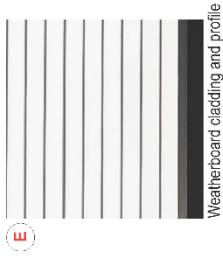


1 30m - PROPOSED SHADOW DIAGRAM
N.T.S



2 30m - EXISTING SHADOW DIAGRAM
N.T.S

E	DA - Issue 4 - Amended 3	06/02/24	Date
	DA - Issue 3 - Amended 2	19/01/24	
C	DA - Issue 2 - Amended	30/08/23	Date
B	DA - Issue 1	14/08/23	
A	DA - Draft 1	08/08/23	
Amg/SH - 38829288		Document Set ID: 38829288	
Version: 1, Version Date: 12/04/2024			
 Member of the Institute of Architects		 Ray Stevens B. Arch., M.Arch., Ph.D NSW ARA No. 4458 15 Elliott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 9610 7854 Mob. 0411 455 669	
Client: Mathew Ko & Anthony McClenaghan Project: DA Drawings of 84 Albion St, Amundale NSW		This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect. Drawing Title: Shadow Diagrams 3 @ 30m	
		Scale: N.T.S @ A3	Date: 6/2/2024 Drawn: 2023/06/DA.15/E Plotted: 6/2/2024
		(EMC)	



to match the sample similar for fascias, rendered Dintel wall addition weatherboards, and general new work

Refer to photo 1 for reference



DULUX White ceilings, soffit lining to match existing



Existing colour to be used - windows, doors, trims, gutters etc (Actual residence)



Similar to trims gutters, capping, metal roof, downpipes, window framing & trims Custom Orb Wall Cladding

Refer to photo 1 for reference

E	DA - Issue 4 - Amended 3	06/02/24	Date
D	DA - Issue 3 - Amended 2	19/01/24	
C	DA - Issue 2 - Amended	30/08/23	
B	DA - Issue 1	14/08/23	
A	DA - Draft 1	08/08/23	

Amg/ghl - 388782888
Version: 1, Version Date: 12/04/2024

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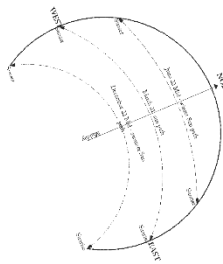
Client: **Mathew Ko & Anthony McClenaghan**
Project: **DA Drawings of 84 Albion St, Ammandale NSW**

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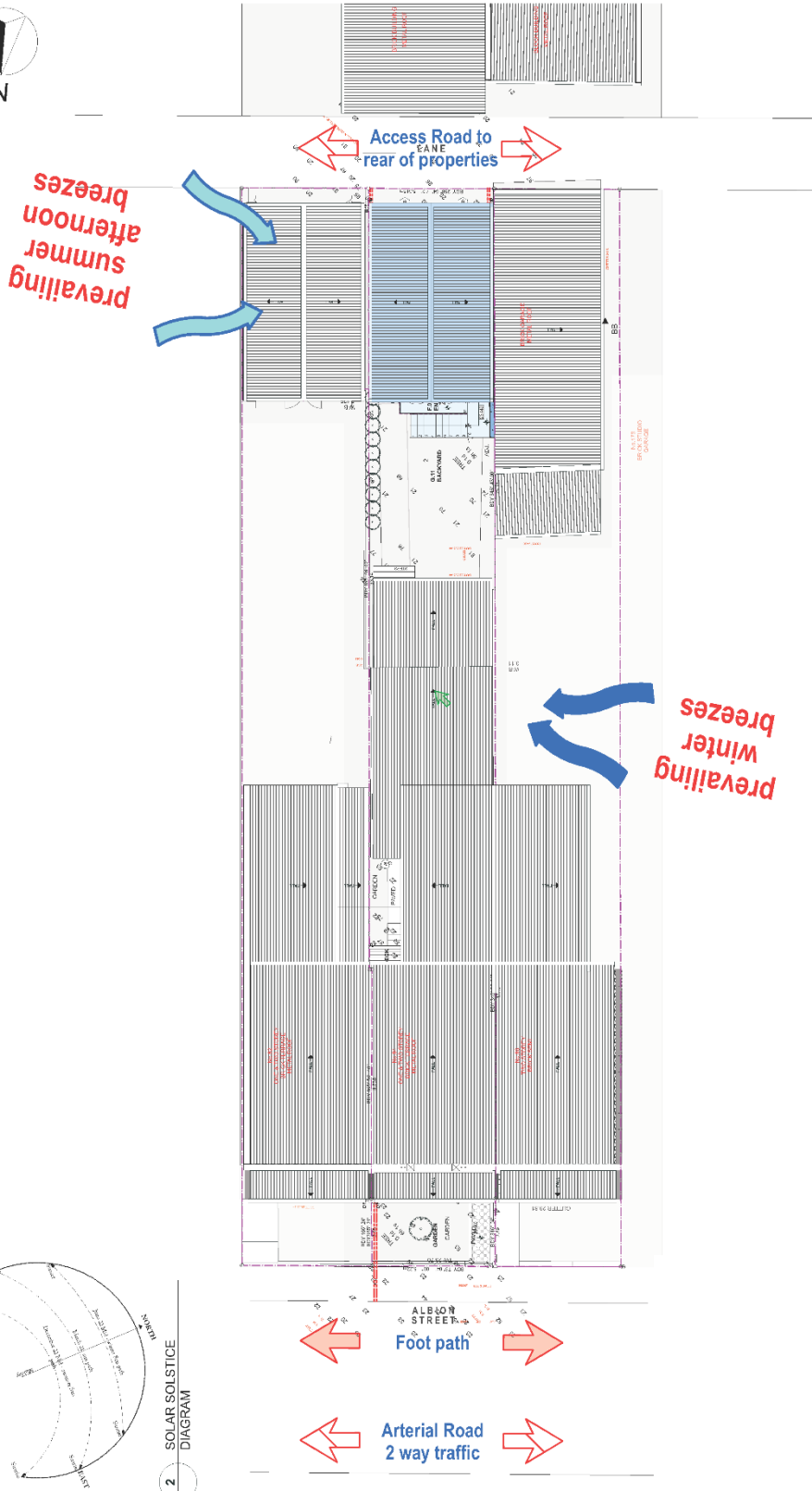
Drawing Title: **Finishes Schedule**

Scale: **N.T.S@A3**
Date: **6/2/2024**
Drawn: **2023/06/DA.16/E**
Plotted: **6/2/2024**

EMC



2 SOLAR SOLSTICE DIAGRAM




1 PLANS- SITE ANALYSIS
N.T.S

Scale:	N.T.S @ A3
Date:	6/2/2024
Drawn:	2023/06/DA.17E
Plotted:	6/2/2024

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 Drawing Title:
Site Analysis

Client:
Matthew Ko & Anthony McClenaghan
 Project:
DA Drawings of 84 Albion St, Amundale NSW



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**Attachment C – Section 4.6 Exception to Development Standards –
FSR**

CLAUSE 4.6 SUBMISSION
(floor space ratio)

for
Proposed alterations and additions to dwelling house

at
84 Albion Street, Annandale

for
Matthew Ko

prepared by
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April 2024

84 Albion Street, Annandale : Clause 4.6 Submission (floor space ratio)

1. INTRODUCTION

This submission accompanies an application to carry out alterations and additions to the existing house at 84 Albion Street, Annandale, as shown in the drawings numbered 2023/06 DA01E-DA17E dated February 2024 prepared by Oikos Architects. As calculated by Council's Senior Planner, the floor space ratio (FSR) of the proposal will exceed the maximum allowed under *Inner West Local Environmental Plan 2022* (the LEP). Because the proposal exceeds the development standard, this submission under clause 4.6 of the LEP is made seeking an exception to the standard.

2. INNER WEST LOCAL ENVIRONMENTAL PLAN 2022

2.1 Floor space ratio

The site is subject to a maximum floor space ratio (FSR) of 0.8:1. The site area of 242.7m² allows a gross floor area (GFA) of 194.16m².

Council's Senior Planner has calculated that the proposed garage and home gymnasium will increase the GFA of the existing building to 220.4m², which represents an FSR of 0.91:1 and exceeds the standard. The extent of the non-compliance is 26.3m², a 13.5% variation to the standard.

Because the proposal does not comply with the development standard for floor space ratio, an exception to the standard is sought under clause 4.6 of the LEP.

2.2 Exception to Development Standard (Floor space ratio)

As amended with effect from 1 November 2023, clause 4.6 allows consent to be granted for development that would contravene a development standard and relevantly provides:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The FSR control contained in clause 4.4 of the LEP is a development standard as defined under the *Environmental Planning and Assessment Act 1979* (the EPA Act) that is not subject to any of the specified exclusions from the operation of clause 4.6.

In accordance with the guidelines provided by decisions of the Land and Environment Court, the submission in this Statement addresses the requirements of clause 4.6 in turn.

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84 Albion Street, Annandale : Clause 4.6 Submission (floor space ratio)

Is compliance with the development standard unreasonable or unnecessary in the circumstances? [clause 4.6(3)(a) of the LEP]

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, Chief Justice Preston outlined the rationale for development standards and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision Preston CJ noted:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

The judgment in *Wehbe* identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. Subsequent cases including *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 have confirmed that these ways are equally applicable under the clause 4.6 regime.

The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Wehbe* at 42 and 43).

The objectives of the floor space ratio standard are set out in clause 4.4(1) of the LEP:

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

Objective (a)

Enable appropriate development density

The proposed additional floor area will not increase the population density on the site. It will only marginally increase land use intensity and will not materially affect the capacity of existing or planned infrastructure.

Objective (b)

Ensure development density reflects its locality

The proposal represents contemporary development compatible with surrounding built form in this part of the rear lane to Albion Street and consistent with the relevant desired future character provisions set out in part 2.2.1.5 Trafalgar Street Distinctive Neighbourhood of *Leichhardt Development Control Plan 2013*.

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84 Albion Street, Annandale : Clause 4.6 Submission (floor space ratio)

Objective (c)

Provide an appropriate transition between development of different densities

The area adjoining to the south of the lane has a maximum FSR of 1:1 and the proposal to increase the floor area at the southern end of the site represents an appropriate transition from that area.

Objective (d)

Minimise adverse impacts on local amenity

The proposal is designed to minimise impacts on neighbouring amenity: it will not materially affect the access to sunlight, privacy or views of surrounding properties.

Objective (e)

Increase the tree canopy and protect the use and enjoyment of private properties and the public domain

The proposal will continue to provide a well-proportioned open area at the rear of the site for the use and enjoyment of residents suitable for the planting of a small tree. The proposed built form to the rear lane is appropriate for the locality and will have no adverse impact on the public domain.

The arguments set out above show that in the circumstances compliance with the development standard is unreasonable and unnecessary because the objectives of the development standard will be achieved by the proposed development despite numerical non-compliance.

Are there sufficient environmental planning grounds to justify the contravention of the development standard? [clause 4.6(3)(b) of the LEP]

In the decision of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Chief Justice Preston noted in paragraph 23 that:

... The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

As well as the objects of the Act, grounds relating to the "subject matter, scope and purpose of the Act" would include the matters for consideration in determining a development application under s 4.15(1).

Contravention of the development standard can be justified on the following environmental planning grounds:

- In principle a compliant development could be achieved by providing the car parking spaces in an open structure beneath the home gymnasium, but this is not practical for reasons relating to fire rating of the structure. The proposal exceeds the maximum allowable GFA (and hence the FSR standard) by less than the floor area of the double garage. In accordance with standard development control practice, this area ought not to be included in assessable floor area (GFA).

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84 Albion Street, Annandale : Clause 4.6 Submission (floor space ratio)

- By providing facilities to improve the standard of residential amenity on the site consistent with surrounding built form, the proposal represents *proper development and conservation of resources* on the site and will enhance *social and economic welfare* in accordance with s1.3(a) of the Act.
- The proposed development otherwise complies with the *relevant provisions* of the applicable *environmental planning instruments* and *development control plan* [s4.15(1)(a) of the Act] and in particular with the development standard for landscaped area (that for site coverage is addressed in a separate submission) and represents *orderly and economic development* of the site in accordance with s1.3(c) of the Act.
- By enabling its longer-term occupation and conservation, the proposal will extend the useful life of the building without adverse heritage or amenity *impacts* [s4.15(1)(b) of the Act] and represents *sustainable management of built heritage* in accordance with s1.3(f) of the Act.
- The proposal will allow the implementation of alterations and additions that will improve the *design and amenity* of the building and the *health and safety* of its *occupants* in accordance with s1.3(g) and s1.3(h) of the Act.
- Because of its size and shape and access to a rear lane, the *site is suitable for the proposed development* [s4.15(1)(c) of the Act].

3. CONCLUSION

This submission shows that, in the circumstances, compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

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15 April 2024

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Attachment D – Section 4.6 Exception to Development Standards – Site Coverage

CLAUSE 4.6 SUBMISSION (site coverage)

for
Proposed alterations and additions to dwelling house

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84 Albion Street, Annandale : Clause 4.6 Submission (site coverage)

1. INTRODUCTION

This submission accompanies an application to carry out alterations and additions to the existing house at 84 Albion Street, Annandale, as shown in the drawings numbered 2023/06 DA01E-DA17E dated February 2024 prepared by Oikos Architects. As calculated by Council's Senior Planner, the site coverage of the proposal will exceed the maximum allowed under *Inner West Local Environmental Plan 2022* (the LEP). Because the proposal exceeds the development standard, this submission under clause 4.6 of the LEP is made seeking an exception to the standard.

2. INNER WEST LOCAL ENVIRONMENTAL PLAN 2022

2.1 Site coverage

For residential accommodation in the R1 General Residential zone, clause 4.3C(3)(b) sets a maximum site coverage of 60%. The site is 242.7m² in area.

Council's Senior Planner has calculated that the proposal will have a site coverage (including the existing rear alfresco deck, which is built up more than 500mm above natural ground level because of the fall of the site to the rear) of 169.4m² or 69.8% of site area, which does not comply with the standard. The extent of the non-compliance is 23.8m², which represents a 16.4% variation to the standard.

Because the site coverage of the proposal does not comply with the standard, an exception to the standard is sought under clause 4.6 of the LEP.

2.2 Exception to Development Standard (Site coverage)

As amended with effect from 1 November 2023, clause 4.6 allows consent to be granted for development that would contravene a development standard and relevantly provides:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The site coverage control contained in clause 4.3C(3)(b) of the LEP is a development standard as defined under the *Environmental Planning and Assessment Act 1979* (the EPA Act) and is not subject to any of the specified exclusions from the operation of clause 4.6 of the LEP.

In accordance with the guidelines provided by decisions of the Land and Environment Court, the submission in this Statement addresses the requirements of clause 4.6 in turn.

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84 Albion Street, Annandale : Clause 4.6 Submission (site coverage)

Is compliance with the development standard unreasonable or unnecessary in the circumstances? [clause 4.6(3)(a) of the LEP]

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, Chief Justice Preston outlined the rationale for development standards and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision Preston CJ noted:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

The judgment in *Wehbe* identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. Subsequent cases including *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 have confirmed that these ways are equally applicable under the clause 4.6 regime.

The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Wehbe* at 42 and 43).

The objectives of the site coverage standard are set out in clause 4.3C(1):

- (a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents*
- (b) *to maintain and encourage a landscaped corridor between adjoining properties*
- (c) *to ensure that development promotes the desired character of the neighbourhood*
- (d) *to encourage ecologically sustainable development*
- (e) *to control site density*
- (f) *to provide for landscaped areas and private open space*

Objective (a)

Provide landscaped areas suitable for substantial tree planting and for the use and enjoyment of residents

The proposal will reduce landscaped area by only about 7m² and will continue to provide a well-proportioned open area at the rear of the site for the use and enjoyment of residents that, having regard to the narrowness of the site, is suitable for the planting of a small tree.

84 Albion Street, Annandale : Clause 4.6 Submission (site coverage)

Objective (b)

Maintain and encourage a landscaped corridor between adjoining properties

Nearby back yards are generally small but the proposal will maintain an area that forms part of the landscaped corridor at the rear.

Objective (c)

Promote the desired character of the neighbourhood

The proportion of built form to open area will remain typical of that in the neighbourhood and represents contemporary development compatible with surrounding built form and consistent with the relevant desired future character provisions set out in part 2.2.1.5 Trafalgar Street Distinctive Neighbourhood of *Leichhardt Development Control Plan 2013*.

Objective (d)

Encourage ecologically sustainable development

The proposed site coverage will not prejudice the achievement of ecologically sustainable development of the site.

Objective (e)

Control site density

This objective is not strictly relevant to the site coverage standard. Compliance with the floor space ratio development standard, which is more directly related to density, is addressed in a separate submission.

Objective (f)

Provide for landscaped areas and private open space

The proposal complies with Council's dimensional and locational controls for the provision of landscaped area and private open space.

The arguments set out above show that in the circumstances compliance with the development standard is unreasonable and unnecessary because the relevant objectives of the development standard will be achieved by the proposed development despite numerical non-compliance.

Are there sufficient environmental planning grounds to justify the contravention of the development standard? [clause 4.6(3)(b) of the LEP]

In the decision of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Chief Justice Preston noted in paragraph 23 that:

... The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

As well as the objects of the Act, grounds relating to the "subject matter, scope and purpose of the Act" would include the matters for consideration in determining a development application under s 4.15(1).

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84 Albion Street, Annandale : Clause 4.6 Submission (site coverage)

Contravention of the development standard can be justified on the following environmental planning grounds:

- A compliant development could not be achieved without reducing the existing site coverage; while the proposed modest increase is reasonable as argued above in relation to the objectives of the control. By providing facilities to improve the standard of residential amenity on the site consistent with surrounding built form, the proposal represents *proper development and conservation of resources* on the site and will enhance *social and economic welfare* in accordance with s1.3(a) of the Act.
- The proposed development otherwise complies with the *relevant provisions* of the applicable *environmental planning instruments* and *development control plan* [s4.15(1)(a) of the Act] and in particular with the development standard for landscaped area (that for floor space ratio is addressed in a separate submission) and represents *orderly and economic development* of the site in accordance with s1.3(c) of the Act.
- By enabling its longer-term occupation and conservation, the proposal will extend the useful life of the building without adverse heritage or amenity *impacts* [s4.15(1)(b) of the Act] and represents *sustainable management of built heritage* in accordance with s1.3(f) of the Act.
- The proposal will allow the implementation of alterations and additions that will improve the *design and amenity* of the building and the *health and safety* of its *occupants* in accordance with s1.3(g) and s1.3(h) of the Act.
- Because of its size and shape and access to a rear lane, the *site is suitable for the proposed development* [s4.15(1)(c) of the Act].

3. CONCLUSION

This submission shows that, in the circumstances, compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

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15 April 2024

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Attachment E – Statement of Heritage Significance

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Area 18 Annandale Conservation Area

Landform

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



Figure 18.1 Annandale Conservation Area Map.

History

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

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

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

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

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

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

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

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

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

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

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

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

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

Sources

Information provided by Max Solling.

Significant Characteristics

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

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

Statement of Significance or Why the Area is Important

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

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

Management of Heritage Values

Generally

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

Retain

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

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

Avoid

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

Further Work

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

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