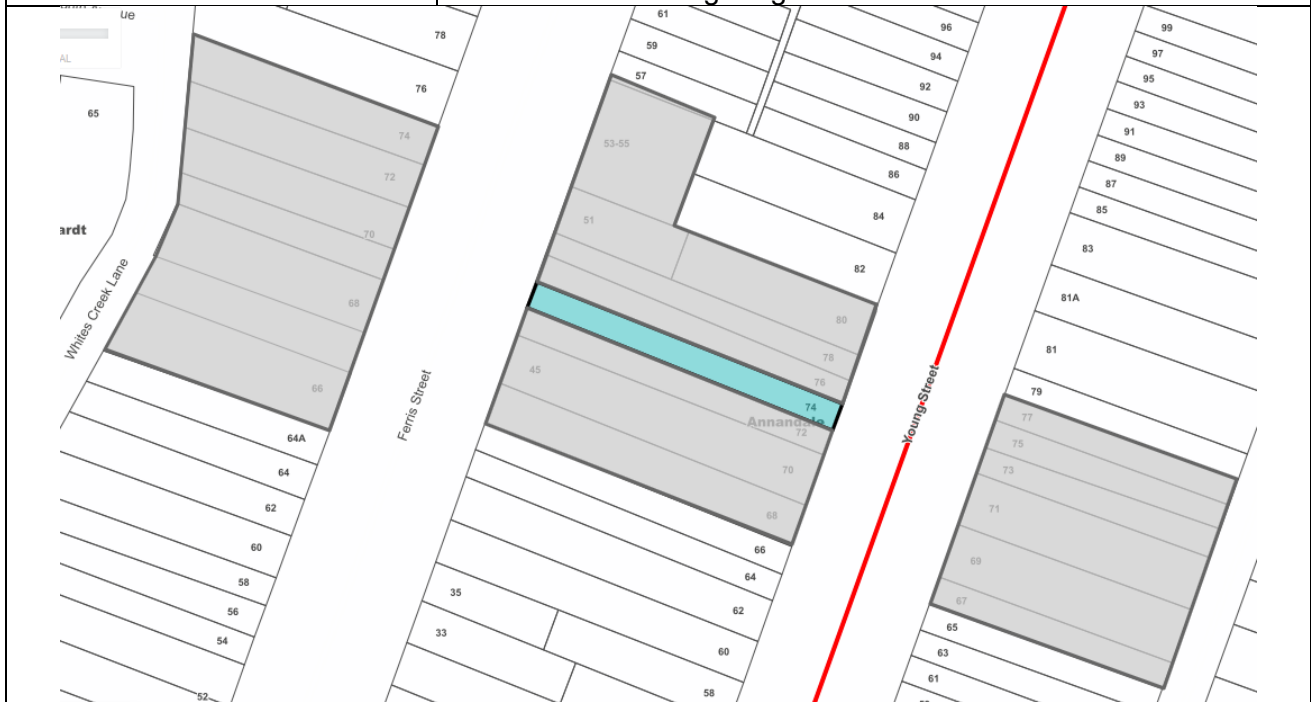




DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2019/523
<b>Address</b>	74 Young Street ANNANDALE NSW 2038
<b>Proposal</b>	Alterations and additions to existing dwelling house.
<b>Date of Lodgement</b>	16 December 2019
<b>Applicant</b>	Landart Landscapes
<b>Owner</b>	Ms Louise McQuat Mr Aden M Hepburn
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$15,000.00
<b>Reason for determination at Planning Panel</b>	Floor Space Ratio variation exceeds 10%
<b>Main Issues</b>	Floor Space Ratio variation
<b>Recommendation</b>	Approval with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	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 and additions to an existing dwelling house at 74 Young Street, Annandale.

The main issues that have arisen from the application include:

- Floor Space Ratio (FSR) variation exceeds 10%

The non-compliance is acceptable given that the proposed increase in FSR will have no adverse amenity impacts to the adjoining properties or impacts on the public domain, and therefore the, application is recommended for approval.

# 2. Proposal

The applicant seeks consent to increase the gross floor area of the existing main bedroom of the dwelling-house by enclosing the existing rear first floor balcony.

# 3. Site Description

The subject site is located on the western side of Young Street, between Reserve and Albion Streets. The site consists of 1 allotment and is rectangular in shape with a total area of 166 sqm and is legally described as Lot B, DP110386. The site has a frontage to Young Street of 3.75 metres and a rear secondary frontage of approximately 3.59metres to Ferris Street.

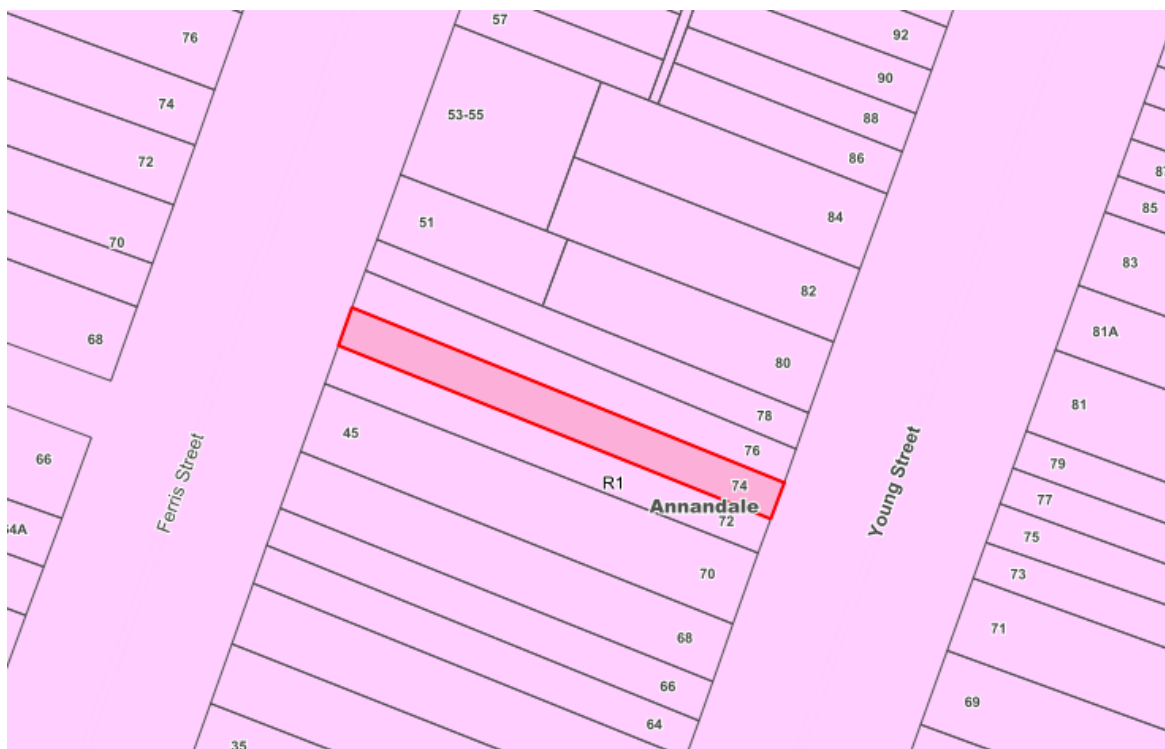


Figure A: Zoning Map R1 – General Residential

The site supports a two storey terrace dwelling with a rear garage and loft above. The adjoining properties to the north and south also support terrace dwellings of similar scale.



*Figure B: Aerial Photograph of subject site*

The subject site is zoned R1 – General Residential and is not listed as a heritage item. The property is located within a conservation area. The land is not identified as a flood prone lot.



*Figure C: View of No. 72, 74 & 76 Young Street from Ferris Street facing east*



Figure D: View from the existing rear first floor balcony facing west

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
D/2019/373	Construction of a plunge pool and associated landscaping	Approved 30/9/2019
PREDA/2018/277	Extension of bedroom one to meet the edge of the existing colourbond roof. extension of the loft above the garage. Installation of plunge pool and associated landscaping.	Advice Letter Issued – 20/12/2018

#### Surrounding properties

No relevant applications

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

#### **5(a)(i) State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

#### **5(a)(ii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is not contrary to the aims of the plan.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.4 - Stormwater management

#### **(iii) Clause 2.3 - Land Use Table and Zone Objectives**

The application proposes internal and external alterations and additions to the existing *dwelling house*, which is permissible with consent within the R1 – General Residential zone. The objectives of the 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 improve opportunities to work from home.*

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposed development is considered to be consistent with the above objectives. In this regard, the proposal will provide a variety of housing types and densities for the community, improves opportunities to work from home while protecting and enhancing the amenity for the existing and potential future residents and to the surrounding neighbouring properties, and will have acceptable impacts on the existing streetscape and character of the area.

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

<b>Standard</b>	<b>Proposal</b>	<b>non compliance</b>	<b>Complies</b>
<b>Floor Space Ratio</b> Maximum permissible: 0.8:1 or 132.8 sqm	0.96:1 or 159.61 sqm	26.81 sqm or 20.19%	No
<b>Landscape Area</b> Minimum permissible: 15% or 24.9 sqm	15.36% or 25.5 sqm	Complies	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 99.6 sqm	68.93% or 114.12	14.82 sqm or 14.88%	No

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal does not comply with, or results in a breach of the following development standards:

- Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1 – (existing breach)
- Clause 4.4 – Floor Space Ratio – (proposed breach)

The applicant seeks a variation to the Site Coverage and Floor Space Ratio development standards under Clause 4.3A(3)(b) and 4.4 of the Leichhardt Local Environmental Plan 2013.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed

against the objectives and provisions of Clause 4.6 of the Leichhardt Local Environmental Plan 2013, below.

**Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1**

The applicant seeks to retain the existing Site Coverage which does not comply with the Site Coverage development standard under Clause 4.3A of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the LLEP 2013 justifying the existing/proposed contravention of the Site Coverage development standard which is summarised as follows:

- *There will be no change to the existing site coverage.*
- *The proposed development does not change to the existing footprint of the residence and therefore does not impact the site coverage.*

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

The relevant objectives of the R1 – General Residential zone are outlined in the section above.

The objectives of the Site Coverage development standard, as set out in the LLEP 2013, are outlined below:

- a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- b) *to maintain and encourage a landscaped corridor between adjoining properties,*
- c) *to ensure that development promotes the desired future character of the neighbourhood,*
- d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- e) *to control site density,*
- f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

It is considered the development is in the public interest because it is not inconsistent with the relevant objectives of the R1 – General Residential zone and the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposal does not increase Site Coverage;
- The proposed development is compatible with surrounding development as it will not alter the external fabric of the dwelling in relation to building bulk, form and scale as viewed from the street;
- The proposal does not reduce Landscaped Area nor increase surface drainage flows;
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

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

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

#### **Clause 4.4 – Floor Space Ratio**

The applicant seeks a variation to the existing FSR from 154.61sqm (0.93:1) to 159.61sqm (0.96:1) which does not comply with the FSR development standard under Clause 4.4 of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the LLEP 2013 justifying the proposed contravention of the FSR development standard which is summarised as follows:

- *As the existing residence exceeds the current standard for Floor Space Ratio, at the time of construction the current standard either did not exist or the required ratio was different.*
- *It is the case with many older properties that the current standard cannot apply as the existing development was based on old standards or no standards at the time of construction. The immediate surrounding area offers numerous examples of precedence of non-compliance with this standard. In addition to this, due to the extremely small block size of the terrace style houses, the development standard can be very difficult to achieve while still giving the residents comfortably living spaces.*
- *The proposal will only increase the ration by a very small percentage (3% or 4.9smq).*

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

The relevant objectives of the R1 – General Residential zone are outlined in the section above.

The objectives of the FSR development standard, as set out in the LLEP 2013, are outlined below:

- a) *to ensure that residential accommodation:*
  - (iv) *is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
  - (v) *provides a suitable balance between landscaped areas and the built form, and*
  - (vi) *minimises the impact of the bulk and scale of buildings.*

Having regard to these objectives, the following is noted:

- The objective of the Floor Space Ratio standard is to ensure residential accommodation is compatible with the desired future character of the area in relation to building bulk, form and scale.
-



- The proposed works to enclose the existing rear first floor balcony is considered minor. The additional GFA is located to the rear of the primary roof form & not visible from streetscape, therefore having no effect in relation to building bulk, form or scale.

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposed development is compatible with the desired future character of the area in relation to building bulk, form and scale and the increased floor area would not be visible from the street, nor discernible from adjoining properties;
- The proposal maintains a suitable balance between the existing landscaped areas and the built form and provides sufficient private open space on the site;
- The additional floor space is within the Building Location Zone where it can be reasonably assumed that development can occur;
- The proposal does not result in any unacceptable amenity impacts to the surrounding properties.

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

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

#### Clause 5.10 – Heritage Conservation

The subject property at 74 Young Street, Annandale, is located within the Annandale Heritage Conservation Area (C1 in Schedule 5 of the Leichhardt LEP 2013).

*Clause 5.10: Heritage Conservation* from the Leichhardt LEP 2013 and *Sections C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items* and *C.2.2.1.1: Young Street Distinctive Neighbourhood* from the Leichhardt DCP 2013 applies to the proposal.

The drawings prepared by Landart, dated 12 March 2019, were reviewed as part of this assessment. Council's internal Heritage specialist did not raise any objection to the proposal.

The proposal includes alterations and additions to the rear first floor bedroom.

The addition to the bedroom will sit below the continued rear roof plane, which has already been altered from its original.

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

#### 5(b) Draft Environmental Planning Instruments

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

- Draft SEPP Environment
- Draft Inner West Local Environmental Plan 2020 (*Draft IWLEP 2020*)

**5(b)(i) Draft SEPP Environment**

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposal is consistent with the provisions of the draft Environment SEPP.

**5(b)(ii) Draft Inner west Local Environmental Plan 2020**

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the Draft IWLEP 2020.

**5(c) Development Control Plans**

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

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A

C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.1.1: Young Street Distinctive Neighbourhood, Annandale	Satisfactory
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	N/A
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	N/A
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	N/A
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
N/A	
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	No
D2.5 Mixed Use Development	No

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

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design

Siting / Building Location Zone

The proposed additional floor area to the rear ground floor level through the enclosure of the existing balcony will not comply with the Building Location Zone control as it extends beyond the existing established rear first floor alignments when compared to the immediate adjoining properties as shown in the table below.

The orange line as shown below indicates the existing ground rear BLZ of the subject and adjoining properties, the blue line indicating existing first floor BLZ and the green line indicating proposed rear first floor BLZ.



Image 1. Proposed rear ground and first floor additions BLZ compared to adjoining properties.

Pursuant to this part of the Leichhardt Development Control Plan 2013, where a proposal breaches the BLZ established by adjoining properties, various tests need to be met. The proposed BLZ variation to the rear first floor extension meets these tests for the following reasons:

- The balcony area that is proposed to be enclosed will not add to the bulk and scale of the building (which is already enclosed by privacy screening to its sides as well as roofed) and will not have any adverse visual bulk and scale impacts on adjoining properties.
- The proposal will have no adverse amenity impacts to the surrounding properties in relation to sunlight, privacy or view loss.
- The proposal will be compatible with the existing streetscape, desired future character and scale when compared to the surrounding developments.
- The proposal will retain adequate private open space, outdoor recreation area and will comply with the minimum allowed landscaped area to the site.

Side Boundary Setback

The rear first floor extension will technically breach the side setback control to both side boundaries (northern and southern), however the extension to enclose the existing rear first floor balcony will maintain the existing floor to ceiling height on the northern and southern end of the existing first floor level and is considered acceptable. The following tables outline the proposal’s compliance or otherwise with the side setback controls as applicable:

Rear First Floor Extension

Elevation	Wall height (m)	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
North (Adjacent to No. 76 Young Street)	Approximately 6	1.8	0	No
South (Adjacent to No. 72 Young Street)	Approximately 6	1.8	0	No

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control, various tests need to be met. These tests are assessed below:

- The development raises no issues that contrary to the relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.
- The pattern of development is not adversely compromised.
- The bulk and scale of the development has been minimised and is acceptable – as previously noted, the balcony area that is proposed to be enclosed will not add to the bulk and scale of the building and will not have any adverse visual bulk and scale impacts on adjoining properties.
- The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.
- The proposal does not unduly obstruct adjoining properties for maintenance purposes.

In light of the above, the proposal is considered to be satisfactory with respect to the intent and objectives of the BLZ and side setback controls prescribed in this Clause.

### C3.9 Solar Access

The proposal to enclose the existing balcony that is already has a roof and privacy screens to its northern and southern (side) ends will not create any additional shadows into the windows or private open space areas of adjoining properties.

### C3.11 Visual Privacy

The following controls are applicable:

**C1** *Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*

- a. offsetting of opposing windows so that they do not directly face one another;*
- b. offset windows from directly facing adjoining balconies and private open space of adjoining dwellings;*
- c. screening of opposing windows, balconies and private open space with fixed louvered screens, window hoods, shutters;*
- d. reduced window areas, subject to compliance with the Building Code of Australia;*
- e. window sills at or above 1.6m above the finished floor level;*
- f. use of fixed, obscure glass, subject to adequate ventilation complying with the Building Code of Australia;*
- g. consistent orientation of buildings;*
- h. using floor level in design to minimise direct views; and*
- i. erection of screens and fencing to limit sightlines including dividing fences, privacy screens, projecting blade screens.*

The proposed balcony enclosure will not result in additional adverse overlooking impacts on the rear yards of the adjoining properties when compared to the existing situation. View lines from the bedroom will largely be over existing and adjoining roof areas.

**5(d) The Likely Impacts**

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

**5(e) The suitability of the site for the development**

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

**5(f) Any submissions**

The application was notified in accordance with Leichhardt Development Control Plan for a period of 14 days to surrounding properties. No submissions were received.

**5(g) The Public Interest**

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

The proposal is not contrary to the public interest.

**6 Referrals****6(a) Internal**

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

- Heritage – No objections to the proposal.

**6(b) External**

The application was not required to be referred to any external bodies.

**7. Section 7.11 Contributions/7.12 Levy**

Section 7.11 contributions are not payable for the proposal.

**8. Conclusion**

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

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

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

## **9. Recommendation**

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary 4.4 Floor Space Ratio & Clause 4.3A(3)(b) Site Coverage of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
  
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/523 for alterations and additions to existing dwelling house.at 74 Young Street Annandale, subject to the conditions listed in Attachment A below.



**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**FEES**

**1. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

**2. Security Deposit -**

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

<b>Security Deposit:</b>	\$2,152.50
<b>Inspection Fee:</b>	\$230.65

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

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

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

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

The amount nominated is only current for the financial year in which the 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.

**GENERAL CONDITIONS**

**3. Documents related to the consent**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
FRP Rev C	Floor and Roof Plans	10/12/19	Landart
SE Rev C	Sections & Elevations	10/12/19	Landart
MFS Rev B	Materials & Finishes Schedule	27/11/19	Landart

As amended by the conditions of consent.

**4. Waste Management Plan**

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

**5. Erosion and Sediment Control**

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

**6. Standard Street Tree Protection**

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

**7. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION**

**8. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the dwellings at Nos. 72 and 76 Young Street, Annandale to the Certifying Authority's satisfaction.

In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

#### **9. Construction Fencing**

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

### **PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

#### **11. Sydney Water – Tap In**

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

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

### **DURING DEMOLITION AND CONSTRUCTION**

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

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

#### **13. Stormwater Drainage System**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

### **ADVISORY NOTES**

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

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

At least 7 days before any demolition work commences:

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

#### **Storage of Materials on public property**

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

#### **Toilet Facilities**

The following facilities must be provided on the site:

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

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

#### **Infrastructure**

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

#### **Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**Disability Discrimination Access to Premises Code**

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

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

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

**Notification of commencement of works**

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

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

#### **Dividing Fences Act**

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

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

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

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

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

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

#### **Amenity Impacts General**

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

**Lead-based Paint**

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

**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior.toyoudig.com.au">www.dialprior.toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555

Sydney Water [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
13 20 92

[www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service - SITA 1300 651 116  
Environmental Solutions

[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

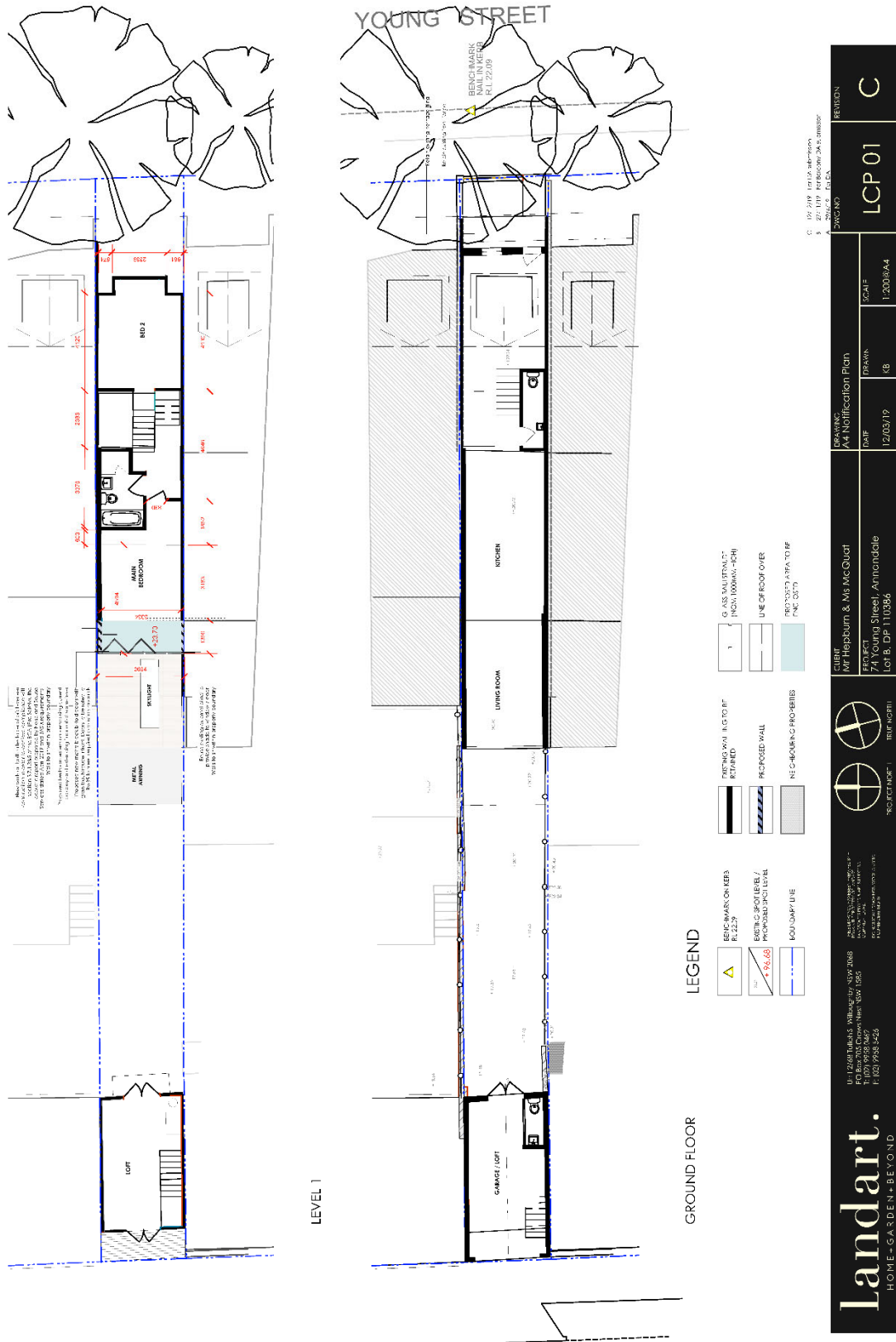
Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

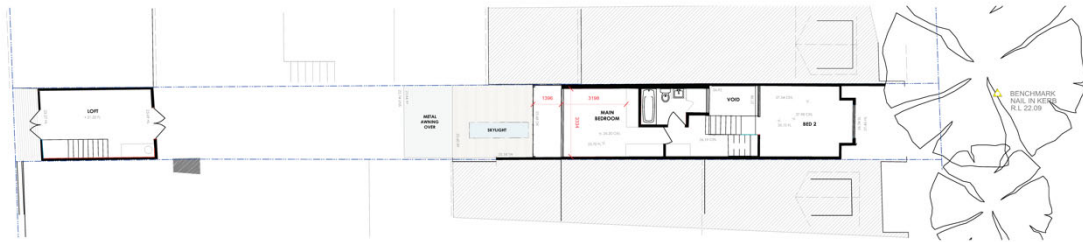
Enquiries relating to work safety and asbestos removal and disposal.



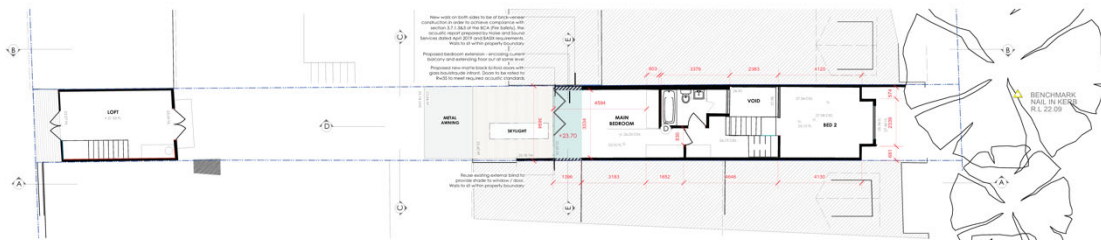




GROUND FLOOR PLAN - NO CHANGES TO EXISTING



FIRST FLOOR PLAN - EXISTING



FIRST FLOOR PLAN - PROPOSED



ROOF PLAN - NO CHANGES TO EXISTING

LEGEND

- BENCHMARK NAIL IN KERB R.L. 22.00
- EXISTING SPOT LEVEL / PROPOSED SPOT LEVEL
- BOUNDARY LINE
- EXISTING WALLING TO BE RETAINED
- PROPOSED WALL
- NEIGHBOURING PROPERTIES
- GLASS BALUSTRADE (FROM 1000MM HIGH)
- LINE OF ROOF OVER
- PROPOSED AREA TO BE ENCLOSED



<p>Unit 2/16 Tulloh St Warragbury NSW 2568 PO Box 750 Crookwell NSW 1335 T: (02) 9958 5442 F: (02) 9958 5426</p>	<p>PROJECT NORTH    WEST</p>	<p>CLIENT Mr Hepburn and Ms McQuat</p> <p>PROJECT 7A Young Street, Annandale Lot 8, DP 110386</p>	DRAWING Floor and Roof Plans		<p>DWG NO FRP</p>	<p>REVISION C</p>
			<p>DATE 12/03/19</p>	<p>DRAWN KS</p>		



ROOM SCHEDULE (MPT)

Room	Area (m <sup>2</sup> )	Notes
Living Area	77.52	
Bedroom	21.01	
Kitchen	47.21	
Staircase	12.34	
Bathroom	5.67	
Garage	18.90	
Other	3.45	

FIRST FLOOR PLAN

GROUND LEVEL PLAN

Unit 2/68 Hillport at Willoughby NSW 2068  
Tel: 02 9325 0400 Fax: 02 9325 1800  
E: info@landart.com.au  
P: 302 9998 5225

CLIENT: Mr Hepburn and Ms McQuill  
PROJECT: 74 Young Street, Annandale  
Lot B, DP 110386

PROJECT HOOTH: TRUE HOOTH

DRAWING: Floor Space Ratios  
DATE: 07/10/18  
DRAWN: KB  
SCALE: 1:100 @ A2

FSR

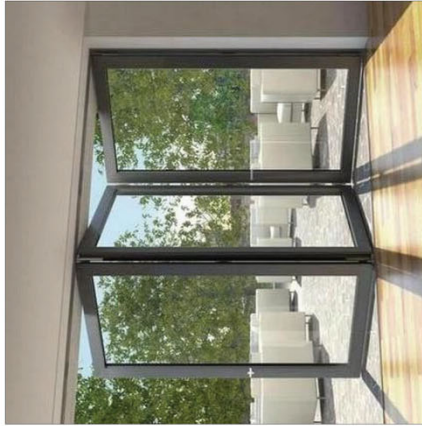
A

PRISON

LANDART.  
HOME | GARDEN | BEYOND



Colour and finish of side walls to match existing



Glass bi-fold doors with black aluminium frame

8 2/11/19 For Balance Information

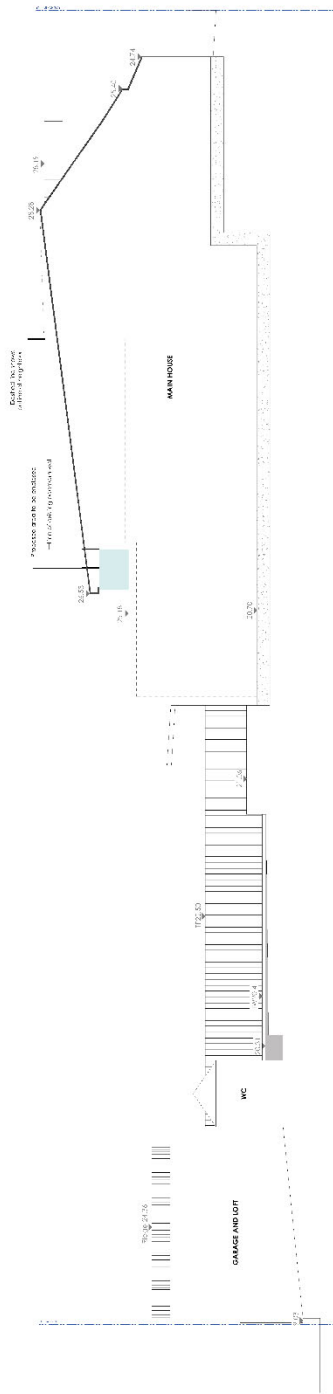
**Landart.**  
HOME + GARDEN + BEYOND

Unit 2/68 Tuleah 31 Willoughby NSW 2068  
PO Box 265 Cloway North NSW 1565  
P: (02) 9928 5426  
F: (02) 9928 5426  
[www.landart.com.au](http://www.landart.com.au)

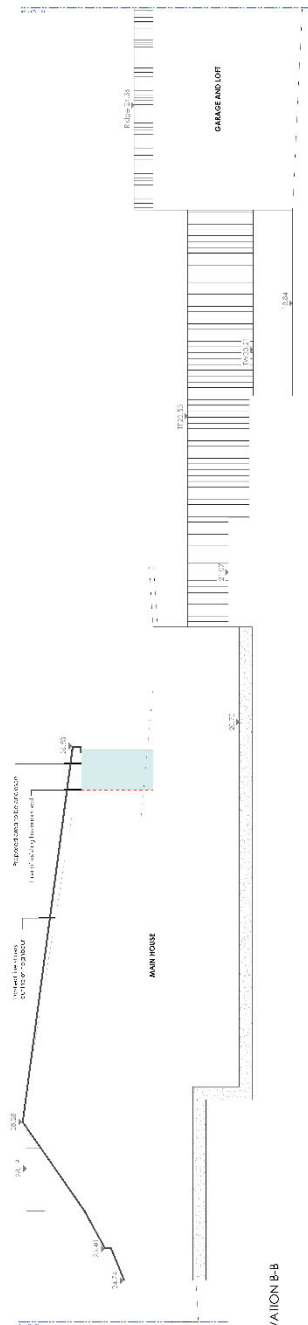
PROJECT NORTH

TRUE NORTH

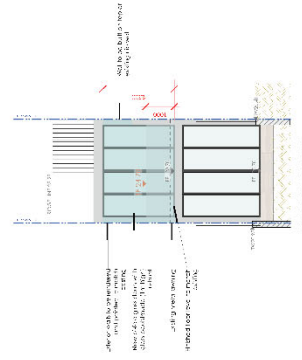
<p><b>CLIENT</b> Mr Hebburn &amp; Ms McQuet</p> <p><b>PROJECT</b> 74 Young Street, Annandale Lot B, DP 110386</p>	<p><b>DRAWING</b> Materials and Finishes Schedule</p> <p><b>DATE</b> 12/03/19</p> <p><b>DRAWN</b> KB</p>	<p><b>DWG NO</b> MFS</p>	<p><b>SCALE</b> NIS @ A4</p> <p><b>REASON</b> B</p>
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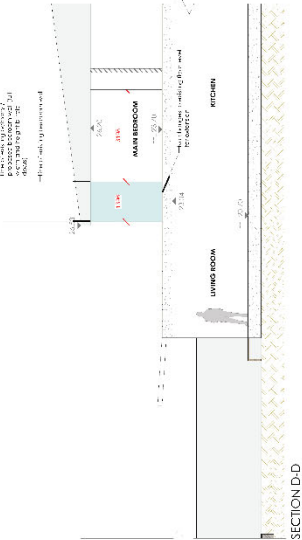
ELEVATION A-A



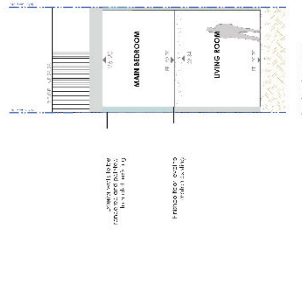
ELEVATION B-B



ELEVATION C-C



SECTION D-D



SECTION E-E



LEGEND

C 19/219 'Local Environmental' -  
 A. 1/20/11 For PA  
 B. 1/20/11 For PA  
 C. 19/219 'Local Environmental' -  
 A. 1/20/11 For PA  
 B. 1/20/11 For PA

**Landart.**  
HOME | GARDEN | BEYOND

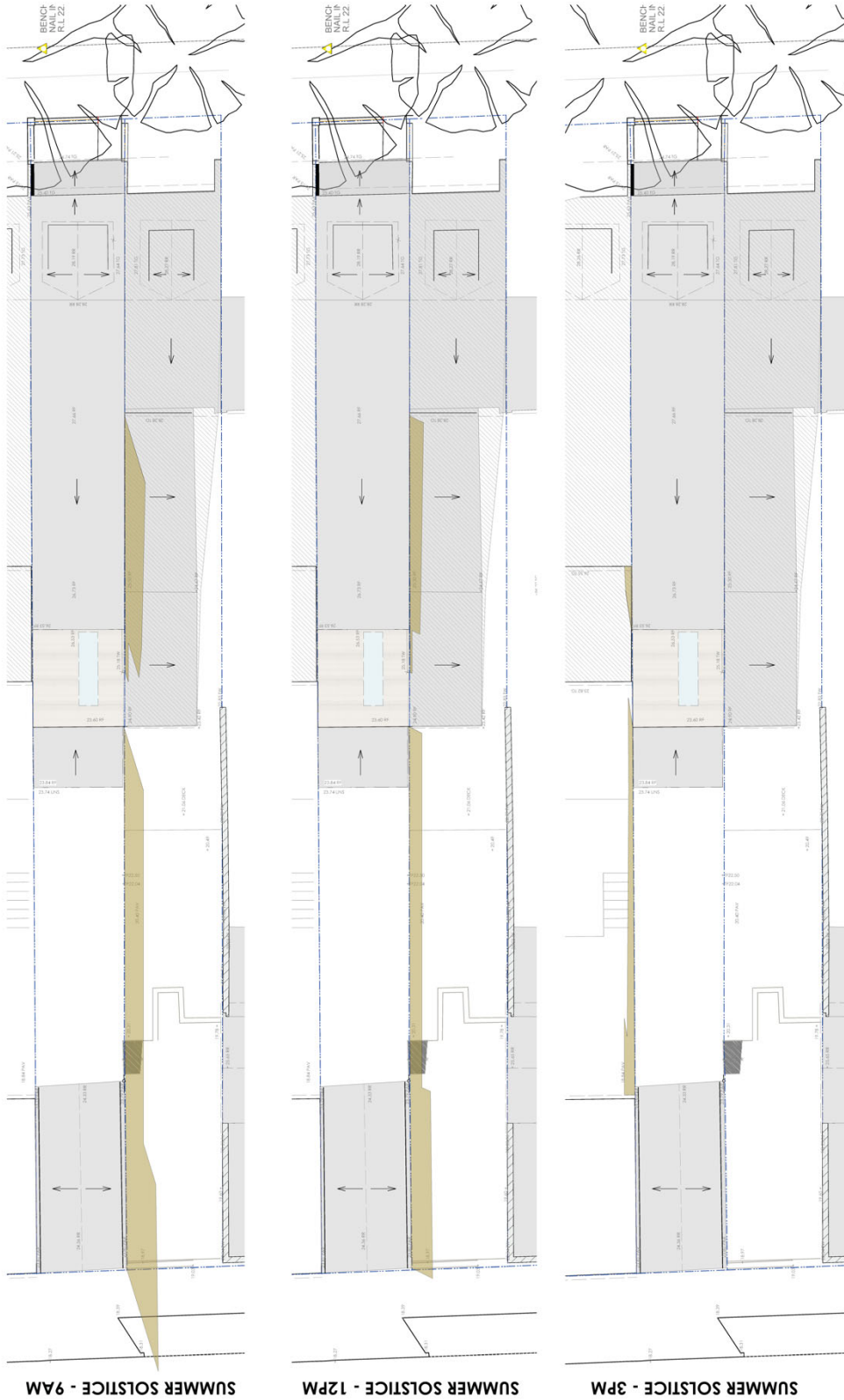
Unit 2/68 Hillport Milling Way NSW 2068  
 Ph: 02 925 0422 Fax: 02 925 1655  
 Email: info@landart.com.au  
 www.landart.com.au

CLIENT: Mr Hepburn and Ms McQuill  
 PROJECT: 74 Young Street, Annandale  
 Lot B, DP 110386

PROJECT HOOTH TRILEHOOTH

DRAWING: Sections & Elevations  
 DATE: 12/03/19  
 DRAWN: KB  
 SCALE: 1:100 @ A2

DIVISION: C  
 SE



20/11/19 For Publicity DA Submission  
 20/11/19  
 20/11/19

DWG NO  
 20/11/19  
 20/11/19

DATE  
 12/03/19

PROJECT  
 74 Young Street, Annandale  
 Lot B, DP 110386

CLIENT  
 Mr Hepburn and Ms McQuat

DRAWING  
 Shadow Diagram - Summer

DRAWN  
 KB

SCALE  
 1:100 @ A2

REVISION  
 B



PROJECT NORTH TRUE NORTH

Unit 2/68 Talbot St, Wilberghby NSW 2068  
 PO Box 705, Crown Nest NSW 1555  
 F: (02) 9595 5426

LANDART ARCHITECTURE  
 10/100-10/1000

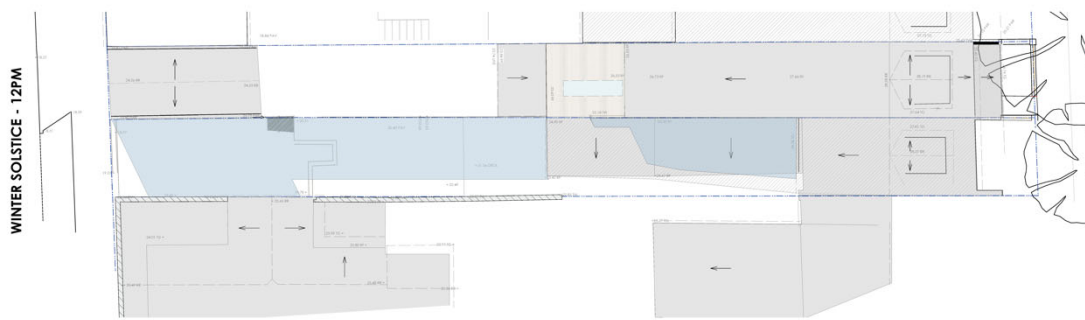
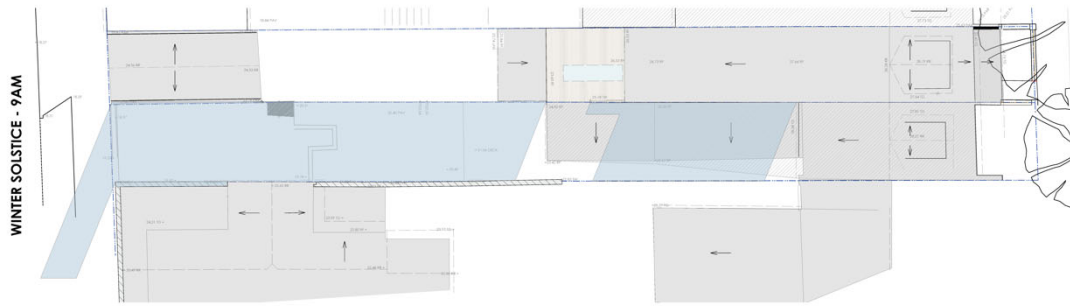
LANDART ARCHITECTURE  
 10/100-10/1000

LANDART ARCHITECTURE  
 10/100-10/1000

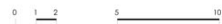
LANDART ARCHITECTURE  
 10/100-10/1000

LANDART ARCHITECTURE  
 10/100-10/1000

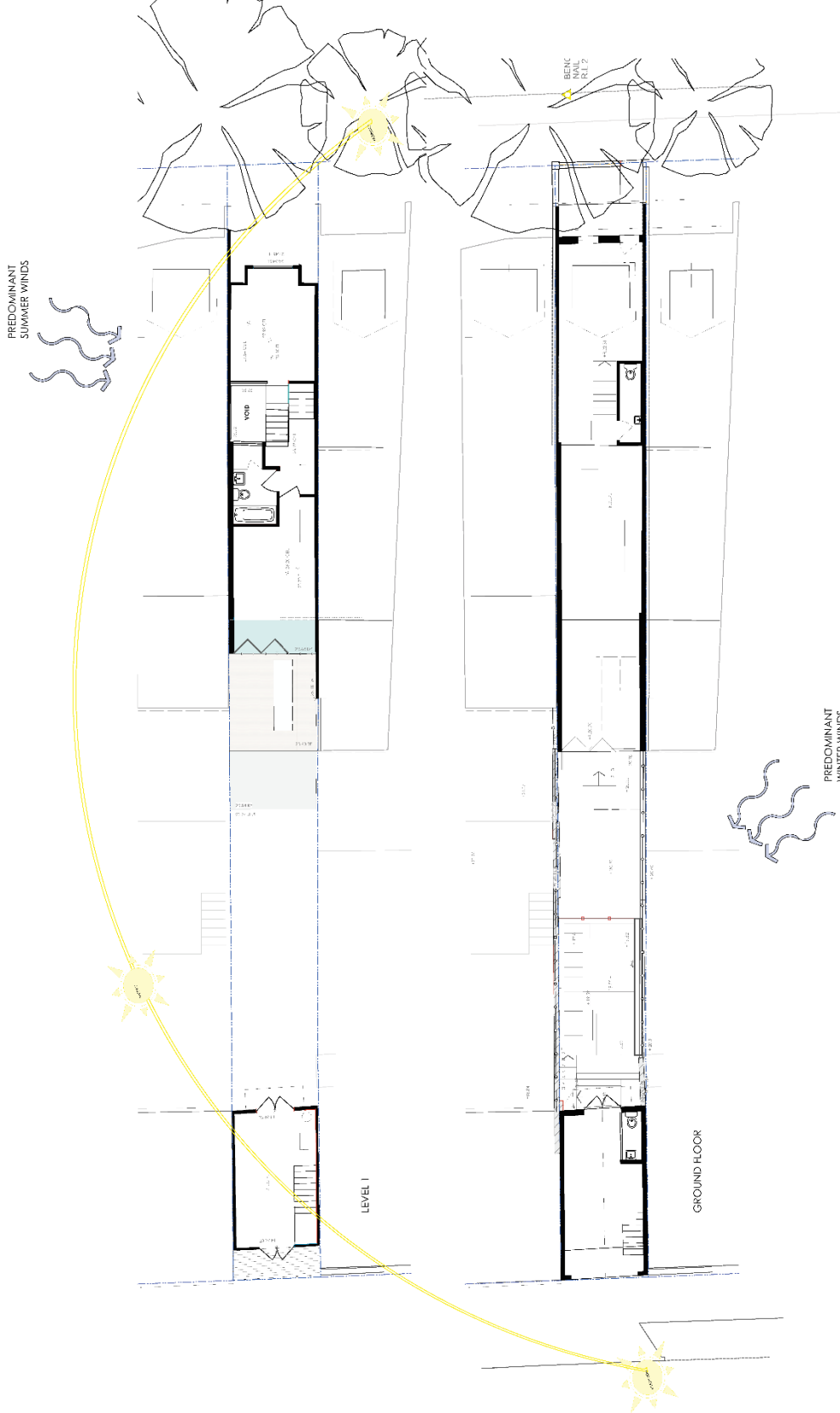
LANDART ARCHITECTURE  
 10/100-10/1000



WINTER SOLSTICE - NO CHANGES TO EXISTING



	Unit 2/16 Tulloh St Wilsborough NSW 2568 PO Box 750 Crows Nest NSW 1585 T: (02) 9958 5442 F: (02) 9958 5426		CASE: Mr Hepburn and Ms McQuat PROJECT: 7A Young Street, Annandale Lot 8, DP 110386	DRAWING: Shadow Diagrams - Winter Solstice			DWG NO: WS	REVISION: B
				DATE: 12/03/19	DRAWN: KS	SCALE: 1:100 @ A1		



W 30° E 10%  
S 20° W 10%  
A 20° W 10%  
R 10° E 10%

DATE 12/03/19

PROJECT 74 Young Street, Annandale  
Lot B, DP 110386



Unit 2/68 Telopea St, Willoughby NSW 2068  
Tel: 02 9325 0400 Fax: 02 9325 1800  
E: info@landart.com.au  
P: 3021 9998 5425

**Landart.**  
HOME | GARDEN | BEYOND

DRAWING: Site Analysis  
DATE: 12/03/19  
DRAWN: KB  
SCALE: 1:100 @ A2

PROJECT: SA  
DRAWING: B





Attachment C- Clause 4.6 Exception to Development Standards



**INNER WEST COUNCIL**  
**Development Applications**  
**Exceptions to Development Standards**

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

<b>About this form:</b>	Use this form to request a variation to a development standard for a Development Application.
<b>How to complete:</b>	<ol style="list-style-type: none"> <li>1. Ensure that all fields have been filled out correctly.</li> <li>2. Please print clearly.</li> <li>3. Once completed, please refer to the lodgement details section for further information.</li> </ol>

<b>Development Application Details:</b>	
<b>Address:</b>	74 Young Street, Annandale, NSW
<b>Proposed Development:</b>	Enclosing of the existing balcony, construction of a plunge pool and associated landscaping

<b>Standard sought to be varied:</b>	
<input checked="" type="checkbox"/>	<b>Floor Space Ratio</b> – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – Clause 6.13 of LEP 2013
<p>The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items</p> <p>Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:</p> <ol style="list-style-type: none"> <li>a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</li> <li>b. that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ol>	

 **INNER WEST COUNCIL**  
**Development Applications**  
**Exceptions to Development Standards**

<b>What are the environmental planning grounds that justify contravening the development standard?</b>
As the existing residence exceeds the current standard for Floor Space ratio, at the time of construction the current standard either did not exist or the required ratio was different.
It is the case with many older properties that the current standards cannot apply as the existing development was based on old standards or no standards at the time of construction. The immediate surrounding area offers numerous examples of precedence of non-compliance with this standard. In addition to this, due to the extremely small block size of the terrace style houses, the development standard can be very difficult to achieve while still giving the residents comfortably sized living spaces. The proposal will only increase the ratio by a very small percentage (3% or 4.9m <sup>2</sup> ).
<b>Why is compliance with the standard unreasonable or unnecessary?</b>
<b>What are the special circumstances in this case?</b>
<b>(To answer consider whether a development that complies is unnecessary or unreasonable)</b>
The existing room size of the older style terrace houses is excessively small, with the master bedroom only just being able to fit a queen size bed with little other room. Enclosing the balcony will provide the residents with some much needed space and allow for better and more comfortable access/movement around the bedroom.
The proposal will have no impact on the heritage value, character and streetscape of Young Street as the proposal is located to the rear of the property. The impact on the streetscape via Ferris street will be very minimal as the balcony can only be seen in this street via the undeveloped portion of the rear of No 72.
Enclosing the existing balcony will not have any adverse affects on the surrounding environment and bulk scale of the building. Nor will it create any changes to the surrounding neighbours views or access to sunlight or current level of shadowing. Enclosing the balcony will increase the amount of privacy provided to the neighbours due to the side walls being solid instead of slatted.
Furthermore, as a result of the pre-development advice (PREDA/2018/277), there has been a significant reduction in the proposed Floor Space Ratio.
<b>Is the proposed development consistent with the objectives of the particular standard?</b>
<b>Is the proposal consistent with the objectives of the relevant zone?</b>
The enclosing of the balcony will have no impact on the scale of the building as there will no changes to the existing roof line. There will be very minimal impact on the bulk and form of the building, as the side walls that are proposed to be solid are already slatted / screened. Enclosing this balcony will be in keeping with the existing scale of the building.
Being on the second story it will have no impact on the landscaped areas. The proposed development involves a significant increase and upgrade to the landscape area of the property resulting in a recreational and visual asset which considers the qualities of the property and its setting, providing for better balance between landscaped areas and built form. It has been designed so as to integrate well with form and features of the site, both softening and assisting to minimise any perceived bulk and scale of the building. The proposed development will only enhance the visual appearance of the property.
The proposal and associated landscape area shall only impact positively on the visual, spatial qualities and characteristics of the property and its surroundings while remaining in keeping with the character of the locality. The proposed development shall dramatically increase the use and enjoyment for the current residents and any future residents for years to come.


**INNER WEST COUNCIL**  
**Development Applications**  
**Exceptions to Development Standards**

<b>Applicant's signature:</b>		<b>Date:</b> 29/04/19
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### Privacy statement

Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.

### Instructions for applicants

This form must be lodged with your Development Application. Both an electronic and hard copy should be provided.

Lodging an application requires a completed application form.

All relevant information and the payment of the required fee (where a fee applies).

Application will be checked at lodgement to ensure the required information is provided.

**Incomplete/illegible applications will not be accepted and will be returned to you.**

**Lodge by email:** [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au)

**Lodge in person:** Inner West Council's Customer Service Centres:

- Ashfield – 260 Liverpool Road Ashfield.
- Leichhardt – 7-15 Wetherill Street Leichhardt.
- Petersham – 2-14 Fisher Street Petersham.

**Opening hours:** Monday-Friday, 8:30am-5:00pm

[www.innerwest.nsw.gov.au/ContactUs](http://www.innerwest.nsw.gov.au/ContactUs)

**Cashiering:** 8:30am-4:30pm.

**Lodge by mail:** Inner West Council, PO Box 14, Petersham NSW 2049


**INNER WEST COUNCIL**  
**Development Applications**  
**Exceptions to Development Standards**

<b>Office use only</b>			
Checked by officer:		Receipt number:	
Date:		Activity Fee: Advertising/Notification Fee: <b>TOTAL:</b>	
Activity Number:		Cashier code:	
		Initial of CS officer:	

**INNER WEST COUNCIL**  
**Development Applications**  
**Exceptions to Development Standards**

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

<b>About this form:</b>	Use this form to request a variation to a development standard for a Development Application.
<b>How to complete:</b>	<ol style="list-style-type: none"> <li>1. Ensure that all fields have been filled out correctly.</li> <li>2. Please print clearly.</li> <li>3. Once completed, please refer to the lodgement details section for further information.</li> </ol>

Development Application Details:	
<b>Address:</b>	74 Young Street, Annandale
<b>Proposed Development:</b>	Enclosing the existing balcony

Standard sought to be varied:	
<input type="checkbox"/>	<b>Floor Space Ratio</b> – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input checked="" type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – Clause 6.13 of LEP 2013
<p>The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items</p> <p>Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:</p> <ol style="list-style-type: none"> <li>a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</li> <li>b. that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ol>	

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**Development Applications**  
**Exceptions to Development Standards**

**What are the environmental planning grounds that justify contravening the development standard?**

The proposed development does not change the footprint of the existing residence and therefore does not impact the site coverage.

**Why is compliance with the standard unreasonable or unnecessary?  
What are the special circumstances in this case?  
(To answer consider whether a development that complies is unnecessary or unreasonable)**

There will be no changes to the existing site coverage

**Is the proposed development consistent with the objectives of the particular standard?  
Is the proposal consistent with the objectives of the relevant zone?**

The proposed development maintains the desired future character of the neighbourhood and there are no changes to the existing surface drainage.


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<b>Applicant's signature:</b>		<b>Date:</b> 12 / 12 / 19
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#### Privacy statement

Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.

#### Instructions for applicants

This form must be lodged with your Development Application. Both an electronic and hard copy should be provided.

Lodging an application requires a completed application form.

All relevant information and the payment of the required fee (where a fee applies).

Application will be checked at lodgement to ensure the required information is provided.

**Incomplete/illegible applications will not be accepted and will be returned to you.**

**Lodge by email:** [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au)

**Lodge in person:** Inner West Council's Customer Service Centres:

- Ashfield – 260 Liverpool Road Ashfield.
- Leichhardt – 7-15 Wetherill Street Leichhardt.
- Petersham – 2-14 Fisher Street Petersham.

**Opening hours:** Monday-Friday, 8:30am-5:00pm

[www.innerwest.nsw.gov.au/ContactUs](http://www.innerwest.nsw.gov.au/ContactUs)

**Cashiering:** 8:30am-4:30pm.

**Lodge by mail:** Inner West Council, PO Box 14, Petersham NSW 2049



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Office use only			
Checked by officer:		Receipt number:	
Date:		Activity Fee: Advertising/Notification Fee: <b>TOTAL:</b>	
Activity Number:		Cashier code:	
		Initial of CS officer:	



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**Attachment D – Statement of Heritage Significance**

**Attachment D – Heritage Significance**

The subject property at 74 Young Street, Annandale, is located within the Annandale Heritage Conservation Area (C1 in Schedule 5 of the Leichhardt LEP 2013).

The Statement of Significance for the Annandale Heritage Conservation Area is in the Leichhardt DCP 2013, which is available via the link and is attached below:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/heritage-and-conservation/heritage-conservation-areas>

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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'.