

 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2020/0163
Address	279 Annandale Street ANNANDALE NSW 2038
Proposal	Alterations to existing dwellings on site and Torrens title subdivision into two lots
Date of Lodgement	10 March 2020
Applicant	Pamela Freeman
Owner	Inner West Council Mr Stephen Hart Ms Pamela E Freeman
Number of Submissions	Nil
Value of works	\$240,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10% (FSR and Subdivision Lot Size)
Main Issues	<ul style="list-style-type: none"> • Non-compliance with Subdivision Lot Size development standard. • Impact to Heritage Conservation Area
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance of Heritage Conservation Area
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 
Note: Due to scale of map, not all objectors could be shown.	

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations to existing dwellings and Torrens title subdivision into two lots at 279 Annandale 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:

- Non-compliance with Minimum Subdivision Lot Size Development Standard
- Impact upon Heritage Conservation Area

The non-compliances are acceptable given that the proposal only consists of minor alterations and additions to the two existing dwelling houses and the proposed subdivision will not result in significant adverse impacts to the Heritage Conservation Area, the subject site or surrounding properties, and therefore, the application is recommended for approval.

2. Proposal

The application proposes alterations to existing dwellings on site and Torrens title subdivision into two lots.

The proposal includes:

Subdivision

- The proposal seeks to subdivide the site into two Torrens title lots.
- The lot fronting Annandale Street will be 247.2 sqm.
- The lot fronting Piper Lane will be 110.3 sqm.

Alterations to Existing Front Dwelling-house

- Internal reconfiguration of the first floor.
- Provision of a new staircase into the existing storage attic.
- Replacement of existing windows and provision of two new windows to the eastern elevation.

Alterations to Existing Rear Dwelling-house

- Conversion of ground floor garage and bedroom and bathroom into open plan living, dining and kitchen area with home office.
- Conversion of first floor bedroom and living area into two bedrooms and associated bathrooms.
- Alterations to Piper lane façade to include a new window opening, removal of garage door to be replaced by window, and new steel framed mesh enclosed courtyard.

3. Site Description

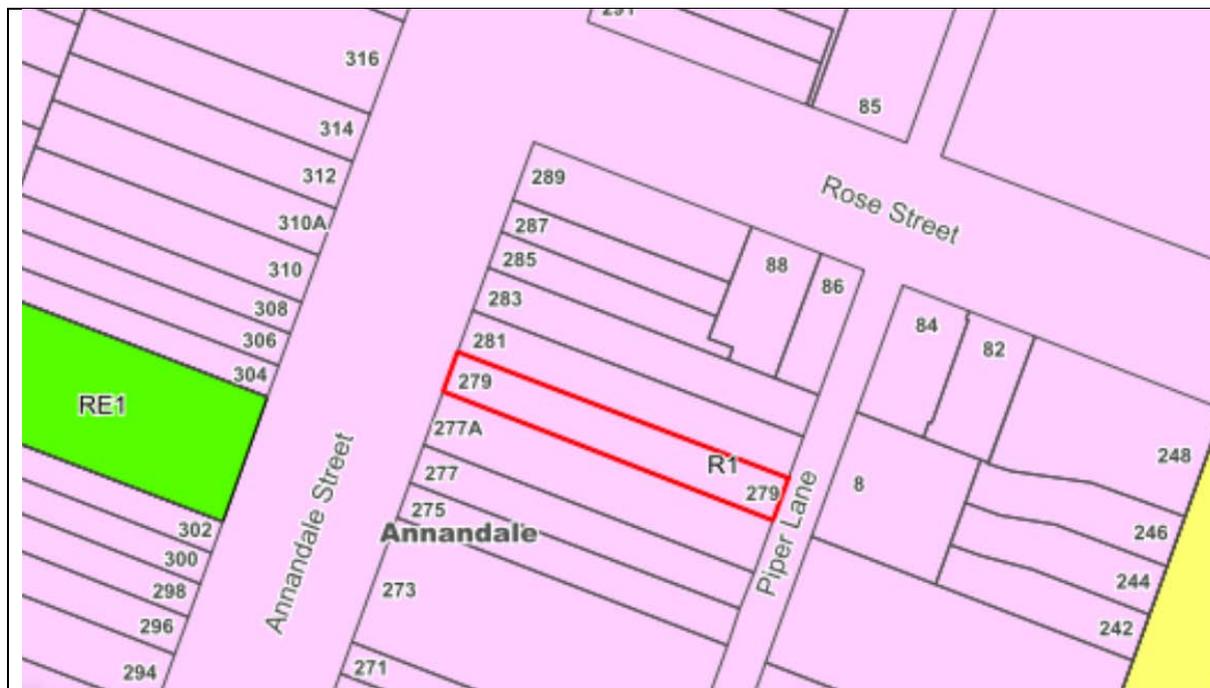
The subject site is located on the western side of Annandale Street, between Rose Street and Piper Street, the site also has a frontage to Piper Lane. The site consists of one allotment and is generally rectangular-shaped with a total area of 357.5 sqm.

The site has a frontage to Annandale Street of 6.705 metres.

The site supports a dwelling house at the front and a second dwelling house at the rear. The adjoining properties support is a mix of single storey attached and detached houses to the north and the south.



The subject site is not listed as a heritage item. The property is located within a Heritage Conservation Area. The property is not identified as a flood prone lot.



4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
BA 94/637	Dual Occupancy	Approved 11/11/1994
BC/2017/62	Change of internal roof structure, laying floor in roof/ attic space	Approved 13/11/2017

Surrounding properties

Application	Proposal	Decision & Date
D/2016/278	281 Annandale Street iterations and additions to dwelling including rear ground and first floor additions; New rear garage with studio over and raised terrace on filled rear yard; new boundary fencing	Approved on Appeal 13/03/2017

4(b) Application history

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

Date	Discussion / Letter / Additional Information
08 May 2020	Request for additional information letter sent to Applicant, raising: <ul style="list-style-type: none"> • Issues in relation to impact to the Heritage Conservation Area • Issues in relation to impact to the proposed subdivision • Issues in relation to Stormwater
26 June 2020	Additional information received including responses to the issues in relation to subdivision and stormwater and Amended plans addressing: <ul style="list-style-type: none"> • Confirmation on the ground floor plan that no alterations to existing ground floor fireplaces is to occur; • Additional rear elevations of the studio (we note that the only changes to these 'internal'/backyard facades are replacement of 2 windows in existing openings, and new Basix screens to those windows); • Additional clarifying note to the east/rear elevation of the existing house confirming the existing roof. • Additional information on the proposed screen to Piper Lane. Given that the amended plans only provided additional information on the drawings and no design changes, renotification of the amended plans was not required.

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*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *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. *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) *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 2.5 - Additional permitted uses for land
- Clause 2.6 - Subdivision
- Clause 4.1 - Minimum subdivision lot size
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.4 - Stormwater management

(xi) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 under the *LLEP 2011*. The *LLEP 2013* defines the development as

“dwelling house means a building containing only one dwelling”

The development is permitted with consent within the zone. The development is not consistent with the objectives of the LR1 zone. Subject to Clause 2.6 of the LEP, the proposed subdivision also requires development consent.

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

Dwelling 1:

Standard	Proposal	non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200 sqm	247.2 sqm	N/A	Yes
Floor Space Ratio Maximum permissible: 0.8:1 or 198 sqm	0.72:1 or 178 sqm	N/A	Yes
Landscape Area Minimum permissible: 20% or 49 sqm	20.2% or 50 sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 148 sqm	57% or 141sqm	N/A	Yes

Dwelling 2:

Standard	Proposal	non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200 sqm	110.3 sqm	45% or 89.7 sqm	No
Floor Space Ratio Maximum permissible: 0.9:1 or 99 sqm	0.9:1 or 99 sqm	N/A	Yes
Landscape Area Minimum permissible: 15% or 16.5 sqm	21% or 23sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 66 sqm	57% or 62sqm	N/A	Yes

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.1 - Minimum subdivision lot size

The applicant seeks a variation to the minimum subdivision lot size development standard under Clause 4.1 - Minimum subdivision lot size of the LLEP 2013 by 45% (89.7 sqm).

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 LLEP 2013 below.

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

- The proposed subdivision will still maintain the character of the area, and will not significantly alter the patterns of subdivision. The proposal is essentially a new boundary internal to the lot which would not be discernible from the Piper Lane frontage or Annandale Street frontages.
- The existing building fronting Piper Lane already presents as a different dwelling from the main dwelling house fronting Annandale Street.
- The overall scale and bulk of two existing dwellings do not change and as a result of the subdivision are similar to surrounding residential developments in the area, and are considered appropriate to the locality.
- In light of the proposal's contribution to achieving the desired future character of the area, a strict compliance with the minimum lot size would serve no material planning purpose, other than numerical compliance with a generic Council control. The proposal is essentially a new boundary internal to the lot which would not be discernible from the Piper Lane frontage or Annandale Street frontages.
- The proposal will add to delivering a mix of well-designed housing that meets the needs of Sydney's growing population by providing a greater number of smaller family dwellings to meet the changing population as well as increasing overall supply to ease pressures in the rental market.
- The proposal gives provision of additional smaller family housing (Piper Lane) for entry level type residents within the Sydney housing market, that adds to the diversity of dwelling types in Sydney, whilst maintaining the existing dwelling located on site.
- The proposal maintains all existing landscape features and the pattern of landscaped areas is as existing through maintaining the existing fence, and private rear garden for each dwelling, and will enable future use by future residents.
- The proposed subdivision will still maintain the character of the area, and will not significantly alter the patterns of subdivision. The proposal is essentially a new boundary internal to the lot which would not be discernible from the Piper Lane frontage or Annandale Street frontages. The existing building fronting Piper Lane already presents as a different dwelling from the main dwelling house fronting Annandale Street.

- The proposal will not significantly impact on the amenity of adjoining occupiers.
- The proposal will not result in any unreasonable privacy intrusion or loss of daylight access to adjacent properties.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard as the proposal will be generally consistent with the zone objectives of the R1 General Residential Zone and will meet the objectives of the minimum subdivision lot size standard. In this regard:

Objectives of R1 General Residential Zone

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

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To 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.

It is considered the development is in the public interest because it is consistent with the objectives of the LR1, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The site already contains two dwellings and the proposed subdivision will result in a development that is consistent with the housing needs of the community.
- The proposed subdivision will not result in any adverse impacts on the amenity of the subject dwellings on the site or adjoining properties;
- Despite the proposed subdivision being inconsistent with the pattern of subdivision in the surrounding area as per one of the zone objectives, there are already two dwelling-houses current existing on the site, and in this instance, the subdivision can be supported as it is effectively a new boundary internal to the lot that will not impact on the streetscape or Heritage Conservation Area nor impact on the character, style and pattern of development in the surrounding area;
- The proposed subdivision will not be inconsistent with the following objectives of the R1 General Residential Zone 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 protect and enhance the amenity of existing and future residents and the neighbourhood.*

Objectives of Minimum Subdivision Lot Size

The objectives of this clause are as follows:

- (a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,
- (b) to ensure that lot sizes are capable of supporting a range of development types.

It is considered the development is in the public interest because it is consistent with the objectives of the Minimum subdivision lot size development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- In this instance, as there are already two dwelling houses located on this site, the creation of the proposed subdivision lots will not result in a development that is incompatible with the surrounding area.
- Despite the non-compliance of the minimal lot size development standard, the proposal will comply with the Floor Space Ratio, Site Coverage and Landscaped area development standards.
- Despite the non-compliance, the proposed subdivision will provide adequate amenity to the dwelling-houses that currently exist on the site.

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 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 Minimum Subdivision Lot Size and it is recommended the Clause 4.6 exception be granted.

5(b) Draft State Environmental Planning Instruments

There are no relevant Draft State Environmental Planning Instruments.

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 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 particularly relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	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 – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion
C1.6 Subdivision	Yes – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.18 Laneways	Yes – see discussion
Part C: Place – Section 2 Urban Character	
C2.2.1.2 Annandale Street Distinctive Neighbourhood C2.2.1.2(b) Annandale Street Laneways Sub Area	Yes– see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	Not Applicable
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, subject to conditions
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes, subject to conditions
E1.2.3 On-Site Detention of Stormwater	Yes, subject to conditions

The following provides discussion of the relevant issues:

C1.3 Alterations and additions, C1.4 Heritage Conservation Areas and Heritage Items, C2.2.1.2 Annandale Street Distinctive Neighbourhood & C2.2.1.2(b) Annandale Street Laneways Sub Area

The subject site is not listed as a heritage item on the Leichhardt LEP 2013. It is a contributory item to the 'Annandale Heritage Conservation Area' (C1).

It is in close proximity of the following heritage item:

- 'Terrace, including interiors' at 302 Annandale Street (local significance) (I 6)

The following comments are provided in response to the additional information prepared by Bennett Murada Architects, dated 11 June 2020. This information is provided in response to the heritage comments provided on 19 March 2020.

Retain existing walls where possible and leave nibs or bulkheads to allow interpretation of the original layout.

Comment: No change. The applicant is encouraged to retain the existing layout of the first floor to comply with C3 a. of Part C 1.4 of the DCP. As the changes are internal, they will not be visible from the public domain and will not impact on the streetscape or the heritage significance of the Annandale HCA.

Retain original fireplaces.

Comment: The amended drawings have been annotated stating that "All existing fire places to remain". It is recommended a design change condition be included in the consent requiring the drawings to be updated showing the location of existing fire places, which must be retained to comply with C3 a. of Part C1.4 of the DCP.

The proposed west elevation of the studio needs to be submitted.

Comment: Submitted.

Clarify materials of the east elevation (rear) of the main dwelling in a larger scale East elevation with full notations of materials (proposed and existing) with existing photographs.

Comment: Provided. Proposed windows are timber framed.

The proposed subdivision will create lots that are inconsistent with the surrounding prevailing subdivision pattern (O1 and C2) and will set an undesirable precedent in the HCA which may result in the loss of contributory items and their setting.

Comment: The length of the proposed lots are inconsistent with the existing lot lengths. The lot width will not change. This will ensure that the existing, and future, development will be consistent with the established character of contributory buildings within the streetscape.

Recommendation

The proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Annandale Heritage Conservation Area. The design change below needs to be implemented to ensure the development 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.

Acceptable with the following conditions of consent:

1. The drawings must be updated showing the location of existing fire places, which must be retained.

C1.6 Subdivision

Objectives of C1.6 Subdivision are as follows:

Development:

- a. creates lots of sufficient area and dimensions to accommodate residential development that is consistent with the controls in this Development Control Plan;*
- b. creates lots that are consistent with the surrounding prevailing subdivision pattern and where possible, new street networks should have an east-west orientation;*
- c. incorporates significant natural landscape features;*
- d. facilitates safe, convenient and comfortable movement, particularly for pedestrians and cyclists;*
- e. creates high quality public open space where relevant;*
- f. provides a high level of safety and security;*
- g. is provided with appropriate infrastructure, and where appropriate, ecologically sustainable infrastructure;*
- h. enables lots to achieve a high level of energy efficiency.*

It is noted that the proposed subdivision associated with the second dwelling will not meet the minimum requirements of 200 sqm under C1 and is not consistent with the existing prevailing subdivision pattern (therefore non-complaint with C2 of this part). However, given the unique circumstances where there are already two dwelling houses current extant on the site, it is considered that the proposed subdivision will not result in adverse impacts on the streetscape or surrounding properties and that the proposal generally complies with the objectives of this part due to the following reasons:

- In this instance, as there are already two dwelling houses located on this this site, the creation of the proposed subdivision lots will not result in a development that is incompatible with the surrounding area.

- Despite the non-compliance of the minimal lot size requirement, the proposal will comply with the Floor Space Ratio, Site Coverage and Landscaped area development standards and allows a residential development that is consistent with the other controls within Leichhardt DCP 2013.
- Despite the non-compliance, the proposed subdivision will provide adequate amenity to the associated dwelling house that is currently existing on site.
- As the house is already existing, there are no impacts to safety of pedestrian and cyclist.

C1.18 Laneways

It is noted that the existing dwelling-house fronting the laneway will not fully satisfy a number of controls within this part (including C2(a) which relates to pedestrian access on the laneway and C6 in relation to the maximum wall height), however as the existing dwelling has been approved under previous planning controls, and there are only minor and acceptable alterations and additions to this dwelling, the proposal is considered acceptable.

E1.2.2 Managing Stormwater within the Site and E1.2.3 On-Site Detention of Stormwater

C1 of E1.2.3 of the Leichhardt DCP 2013 specifies when on-site detention facilities:

C1 On-site detention facilities are required except where:

- a. the site drains directly into Parramatta River or Sydney Harbour; or
- b. the proposal is for minor works to a single dwelling, commercial or industrial building and where the impervious area is not increased by more than 40 square metres; or
- c. subdivision of existing or currently approved dwellings.

As the proposal involves the creation of Torrens subdivided lots, the proposal in its current form does not meet the exceptions above, and therefore, on-site detention facilities are required and will be addressed by a condition of consent. It is noted that the exception for subdivision only applies to the subdivision of an existing (or approved) dwelling only and not to the subdivision of land.

The following condition has been recommended by Council's Engineer:

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans for the new development incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. *The stormwater drainage design on Drawing No. H419043/SW-03 prepared by H4DA and dated 17 November 2019, is not accepted as Stormwater Drainage Concept Plan, the plan must be amended to incorporate On-site Stormwater Detention storage (OSD) for the secondary dwelling at the rear;*
- b. *Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of Piper Lane via the OSD/OSR tanks as necessary;*

- c. *Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;*
- d. *Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;*
- e. *The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;*
- f. *The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);*
- g. *OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;*
- h. *Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;*
- i. *Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;*
- j. *As there is no overland flow/flood path available from the trapped courtyards to the Piper Lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria:*
 - 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; and*
 - c. *The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.*
- k. *A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;*
- l. *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;*
- m. *An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;*
- n. *Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;*
- o. *Stormwater runoff from all roof and paved areas within the the existing dwelling 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. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being*

drained via a suitably sized rainwater tank, no nuisance 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.

5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties.

No submissions were received in response to the initial notification.

5(h) 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
- Engineers

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/7.12 levies 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 *Leichhardt Local Environmental Plan 2013* to vary the minimum subdivision lot size development standard set out in Clause 4.1 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, 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 non-compliance 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. DA/2020/0163 for Alterations to existing dwellings on site and Torrens title subdivision into two lots at 279 Annandale Street Annandale subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA_02, Rev. F	Site Plan, Site Analysis + Landscape Plan	02/03/20	Bennett Architects Murada
DA_20, Rev. E	Proposed Low Ground Floor Plan (Piper Lane Studio)	02/03/20	Bennett Architects Murada
DA_21, Rev. E	Proposed Ground Floor Plan (Piper Lane Studio)	02/03/20	Bennett Architects Murada
DA_22, Rev. F	Proposed Ground Floor Plans (Ann. St.)	11/6/20	Bennett Architects Murada
DA_23, Rev. E	Proposed First Floor Plans (Ann. St.)	02/03/20	Bennett Architects Murada
DA_24, Rev. E	Proposed Attic Plans (Ann. St.)	02/03/20	Bennett Architects Murada
DA_30, Rev. F	Elevations	11/6/20	Bennett Architects Murada
DA_31, Rev. C	External Material Finishes	11/6/20	Bennett Architects Murada
DA_32, Rev. F	Additional Elevations (Piper Lane Studio)	11/6/20	Bennett Architects Murada
DA_40, Rev. D	Section A (Piper Lane Studio)	02/03/20	Bennett Architects Murada
DA_41, Rev. D	Section 001 (Ann. St.)	02/03/20	Bennett Architects Murada

A363785_02	BASIX Certificate	March 2020	Building Energy Assessments
A363790_02	BASIX Certificate	March 2020	Building Energy Assessments
H419043/SW-01	STORMWATER SITE AND ROOF PLAN	17 November 2019	H4DA
H419043/SW-02	STORMWATER GROUND FLOOR PLAN	17 November 2019	H4DA
H419043/SW-03	STORMWATER LOWER GROUND FLOOR & INGROUND PLAN	17 November 2019	H4DA
	DRAFT PLAN OF SUBDIVISION OF LOT 1 IN DP 914020	04/12/2019	ANDREW KOROMPAY
	Aircraft noise intrusion assessment	29 November 2019	Spoke Acoustics

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The drawings must be updated showing the location of existing fire places, which must be retained.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of

carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,152.50
Inspection Fee:	\$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.

4. 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.

GENERAL CONDITIONS

5. Boundary Alignment Levels

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

6. Waste Management Plan

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

7. Erosion and Sediment Control

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

8. Standard Street Tree Protection

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

9. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

10. Hoardings

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

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

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

11. Advising Neighbors Prior to Excavation

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

12. 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**13. Dilapidation Report – Pre-Development – Minor**

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

14. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans for the new development incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The stormwater drainage design on Drawing No. H419043/SW-03 prepared by H4DA and dated 17 November 2019, is not accepted as Stormwater Drainage Concept Plan, the plan must be amended to incorporate On-site Stormwater Detention storage (OSD) for the secondary dwelling at the rear;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of Piper Lane via the OSD/OSR tanks as necessary;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;

- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. As there is no overland flow/flood path available from the trapped courtyards to the Piper Lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - 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; and
 - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- k. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- l. 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;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. Stormwater runoff from all roof and paved areas within the the existing dwelling 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. Minor roof and paved areas at the rear of the property that cannot

reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance 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.

15. 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.

16. 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

17. Acoustic Report – Aircraft Noise

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

18. Parking Facilities - Domestic

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

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

DURING DEMOLITION AND CONSTRUCTION

19. 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.

20. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**21. No Encroachments**

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

22. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

23. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified 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) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

24. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

25. Aircraft Noise –Alterations and Additions

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

26. No Weep Holes

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

27. Light Duty Vehicle Crossing

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

28. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

ADVISORY NOTES**Permits**

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

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

- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

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.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule.

The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Boarding House – Registration with Fair Trading

Boarding houses with two or more residents who have additional needs or five or more residents who do not have additional needs are required to register with the Department of Fair Trading.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

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

www.basix.nsw.gov.au

Department of Fair Trading 13 32 20

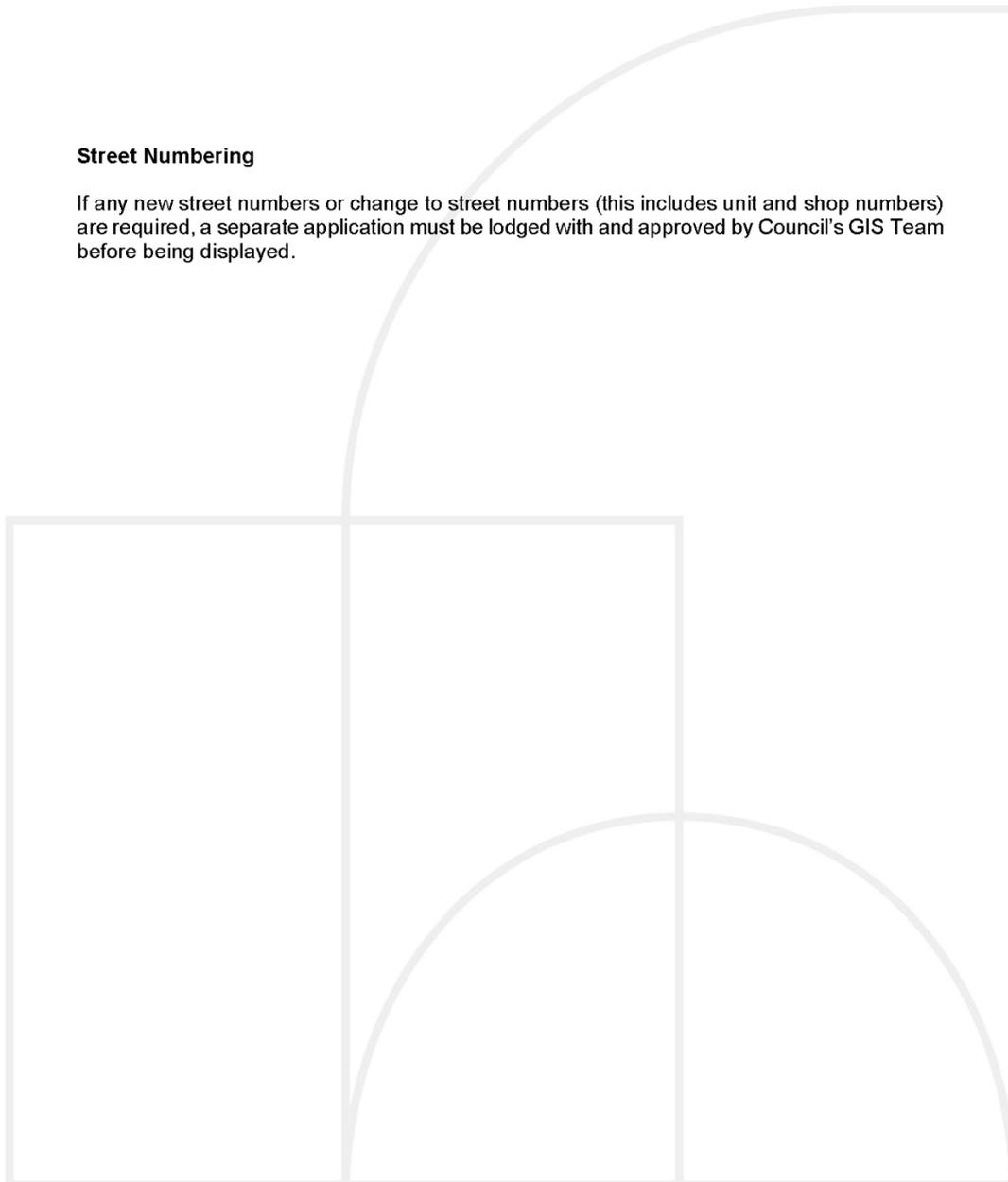
www.fairtrading.nsw.gov.au

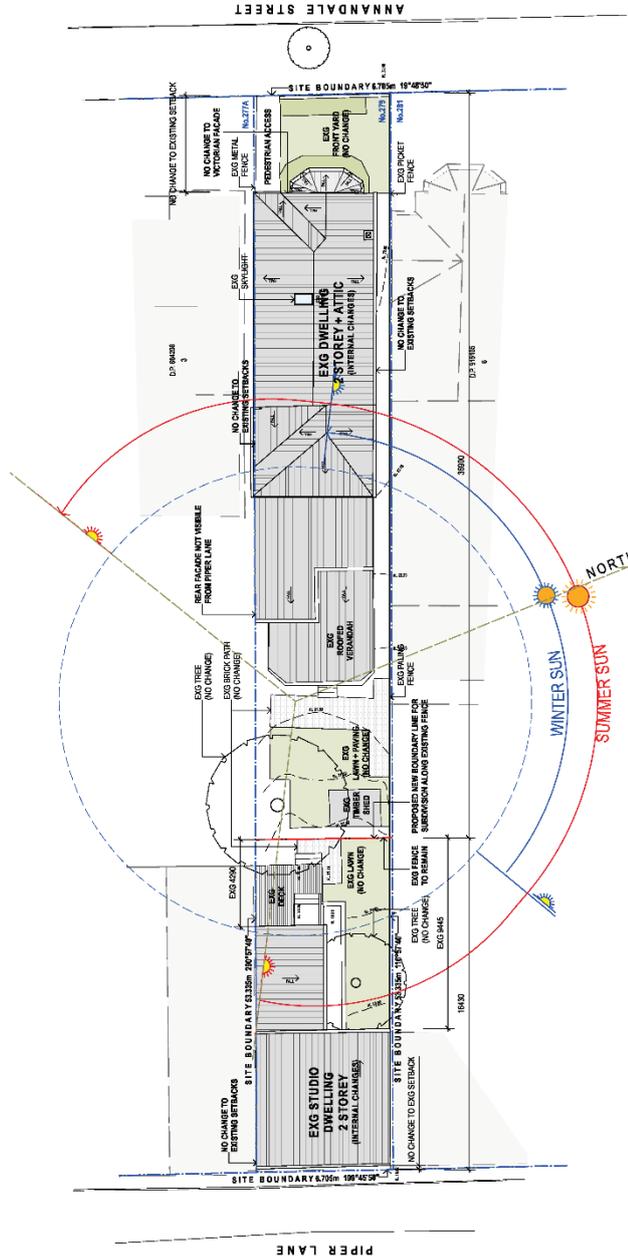
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig	1100	www.dialprior toyoudig.com.au
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diyasafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.





LANDSCAPE WORKS / EXTERNAL WORKS
 THERE ARE NO PROPOSED WORKS TO THE EXTERNAL LANDSCAPING, INCLUDING NO CHANGES TO HARD / IMPERVIOUS AREAS, PLANTING, TREES, LAWNS, PATHS ETC. EXISTING FENCE IS TO REMAIN.
 NO BASIS REQUIREMENTS
 EXG DEEP LANDSCAPING AREAS REMAIN NO CHANGE

LOT AREA	EXG TOTAL SITE	REQUIRED	PROPOSED		HOUSE COMPLIANT Y/N
			STUDIO COMPLIANT Y/N	HOUSE COMPLIANT Y/N	
122.2 sq. m (28.46%)	357.36sqm	min 15%	110.3 sq. m (28.06%)	N	247.2 sq. m (63.5%)
262.4 sq. m (65.57%)	44.6 sq. m (11.49%)	max 60%	44.6 sq. m (11.49%)	Y	78.6 sq. m (20.0%)
			53.8 sq. m (13.72%)	Y	165.2 sq. m (42.0%)

EXTERNAL CALCULATIONS
 REFER TO DRAWING DA_50 FOR CALCULATIONS

NOTES
 THIS DRAWING IS PART OF A SET AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THE SET. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY APPROVALS FROM THE ARCHITECT FOR CONSTRUCTION.
 NO METEOROLOGICAL DATA HAS BEEN PROVIDED AND THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY APPROVALS FROM THE ARCHITECT FOR CONSTRUCTION.
 THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY APPROVALS FROM THE ARCHITECT FOR CONSTRUCTION.
 THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY APPROVALS FROM THE ARCHITECT FOR CONSTRUCTION.
 THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY APPROVALS FROM THE ARCHITECT FOR CONSTRUCTION.

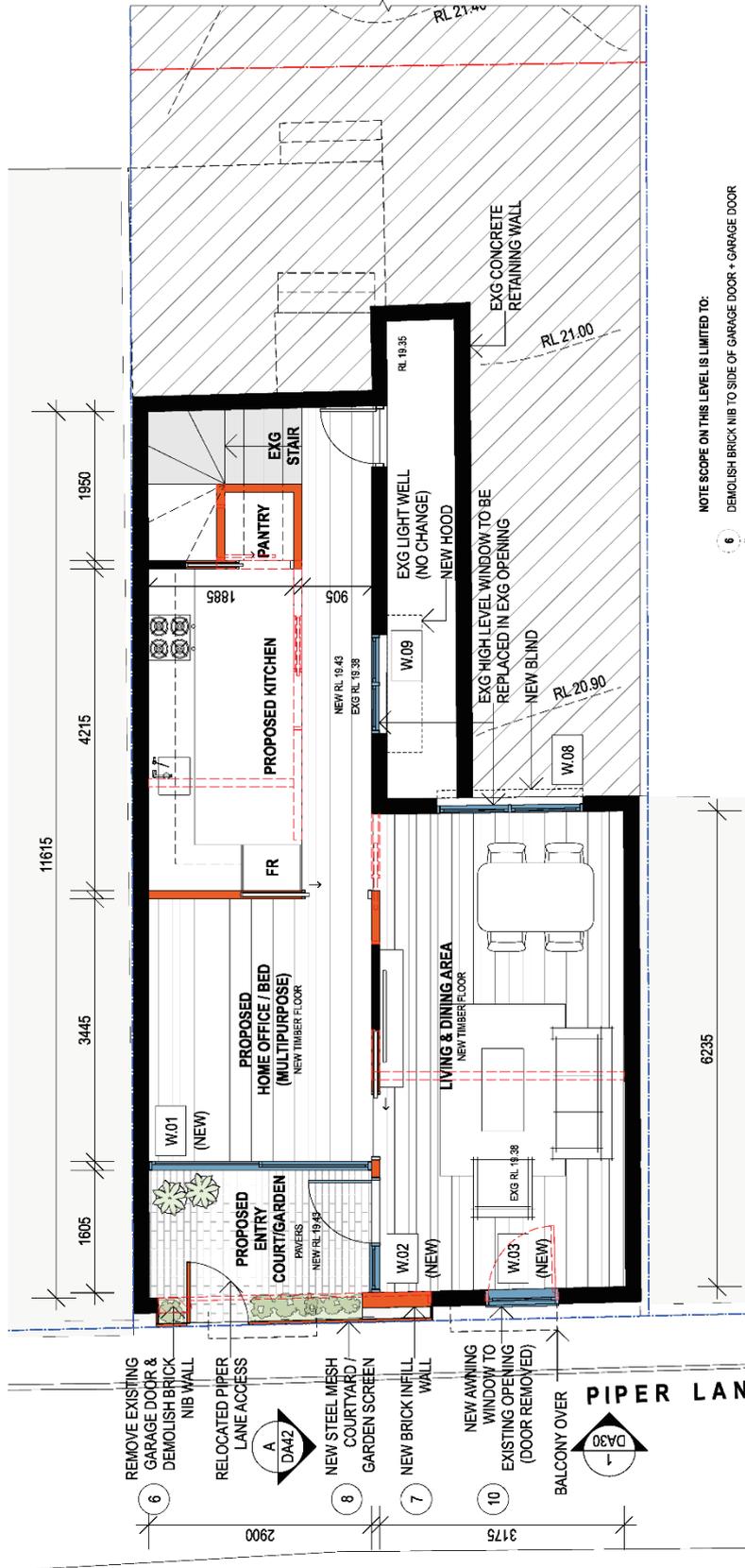
REVISIONS

No.	Date	By	Description
1	12/10/20	SC	ISSUE FOR PERMIT
2	12/10/20	SC	ISSUE FOR PERMIT
3	12/10/20	SC	ISSUE FOR PERMIT
4	12/10/20	SC	ISSUE FOR PERMIT
5	12/10/20	SC	ISSUE FOR PERMIT

LEGEND

Symbol	Description
(Symbol)	EXISTING METAL FENCE
(Symbol)	EXISTING PORTET FENCE
(Symbol)	EXISTING DEEP LANDSCAPING AREAS
(Symbol)	EXISTING METAL FENCE
(Symbol)	EXISTING PORTET FENCE
(Symbol)	EXISTING DEEP LANDSCAPING AREAS

Job Number: 1210 @ A3
Project: ANNANDALE NSW 2038
Client: PAMELA FREEMAN
Drawn By: SC
Checked By: SC
Date: 22/20
Scale: SC
Drawing Status: DEVELOPMENT APPLICATION
Drawing No: DA_02
Revision: F
 nonhatched architect: Joqueline Bennett 6038
 Suite 4/04, 1 Clendon Street, St. Leonards NSW 2065 ph: (02) 9643 9988 e: info@nonhatched.com.au



- NOTE SCOPE ON THIS LEVEL IS LIMITED TO:**
- 6 DEMOLISH EXISTING GARAGE DOOR & DEMOLISH BRICK NIB TO SIDE OF GARAGE DOOR + GARAGE DOOR
 - 7 NEW BRICK INFILL WALL
 - 8 NEW MESH COURTYARD GARDEN SCREEN WITH PLANTER BEHIND
 - 10 REMOVE EXISTING HINGED DOOR, AND INSTALL NEW WINDOW (W.03) TO EXISTING OPENING IN BRICKWORK
- THERE ARE NO OTHER WORKS ON THIS LEVEL**

REVISIONS

No.	Description	By	Date
A	ISSUE FOR PERMIT	SC	15/01/20
B	ISSUE FOR PERMIT	SC	15/01/20
C	ISSUE FOR PERMIT	SC	15/01/20
D	ISSUE FOR PERMIT	SC	15/01/20
E	ISSUE FOR PERMIT	SC	15/01/20

LEGEND

Symbol	Description
(Circle with dot)	EXISTING WINDOW
(Circle with horizontal line)	NEW WINDOW
(Circle with vertical line)	EXISTING WALLS - ELEVATION
(Circle with diagonal line)	DEMOLITION
(Circle with zigzag)	PROPOSED BOUNDARY BETWEEN LOTS
(Circle with solid line)	NEW WALLS - PLAN

NOTES

1. ALL DRAWING IS INTENT OF A SET AND SHOULD BE SEEN IN CONJUNCTION WITH ALL OTHER DRAWINGS AND SPECIFICATIONS ON THE PROJECT TO COMPLETE CONSTRUCTION OF THE PROJECT.

2. THE USER OF THIS DRAWING IS ADVISED THAT THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS THAT MAY OCCUR AS A RESULT OF THE USER'S FAILURE TO CHECK THE DRAWING AGAINST THE ACTUAL SITE CONDITIONS.

3. THE USER OF THIS DRAWING IS ADVISED THAT THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS THAT MAY OCCUR AS A RESULT OF THE USER'S FAILURE TO CHECK THE DRAWING AGAINST THE ACTUAL SITE CONDITIONS.

PROJECT INFORMATION

Project: PROPOSITIONS AND CONDITIONS 279 ANNAMALLE STREET, ANNAMALLE NSW 2038

Client: PAMELA FREEMAN

Architect: BENNETT MURPHY ARCHITECTS

Job Number: 150 @ A3

Scale: 1:50

Drawn By: SC

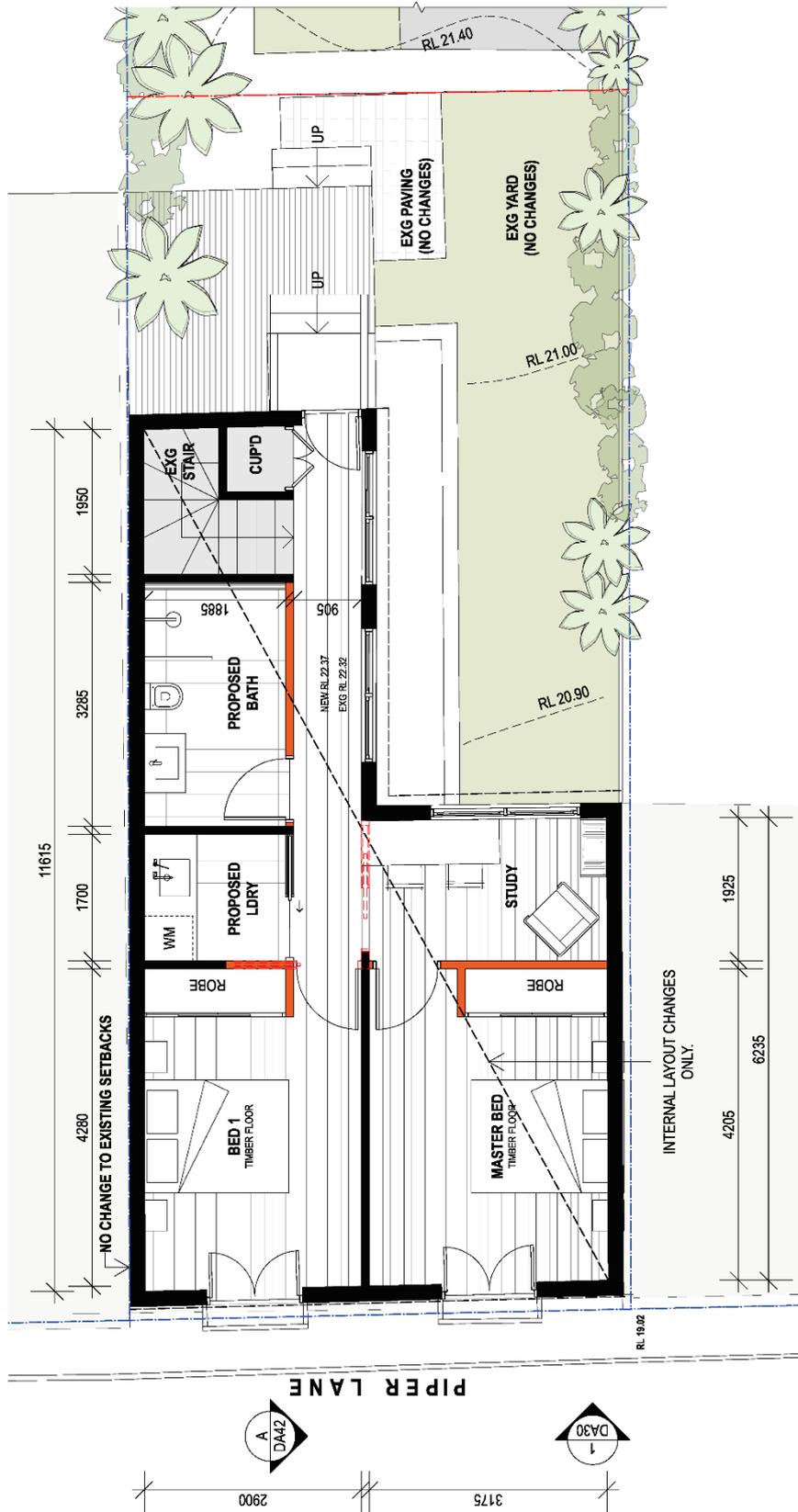
Checked By: SC

Project Date: 27/01/20

Drawing Title: DEVELOPMENT APPLICATION

Drawing No: DA_20

Revision: E



NOTES

- THIS DRAWING IS PART OF A SET AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THE SET AND IN CONFORMANCE WITH THE REQUIREMENTS OF THE LOCAL PLANNING PANEL ARCHITECT FOR REFERENCE.
- NO METRIC DIMENSIONS SHALL BE USED UNLESS SPECIFICALLY NOTED OTHERWISE.
- ALL DIMENSIONS SHOWN ARE TO FACE UNLESS SPECIFICALLY NOTED OTHERWISE.
- ALL DIMENSIONS SHOWN ARE TO FACE UNLESS SPECIFICALLY NOTED OTHERWISE.
- ALL DIMENSIONS SHOWN ARE TO FACE UNLESS SPECIFICALLY NOTED OTHERWISE.

LEGEND / KEY

EXISTING WINDOW	EXISTING TREE	EXISTING WALLS - PLAN	PROPOSED BOUNDARY BETWEEN LOTS
NEW WINDOW	NEW WALLS - ELEVATION	DEMOLITION	NEW WALLS - PLAN
EXISTING BUILDING (NO CHANGE)	NEW OR RELOCATED AT/TO ACCESS	NEW WALLS - PLAN	
FIXED			

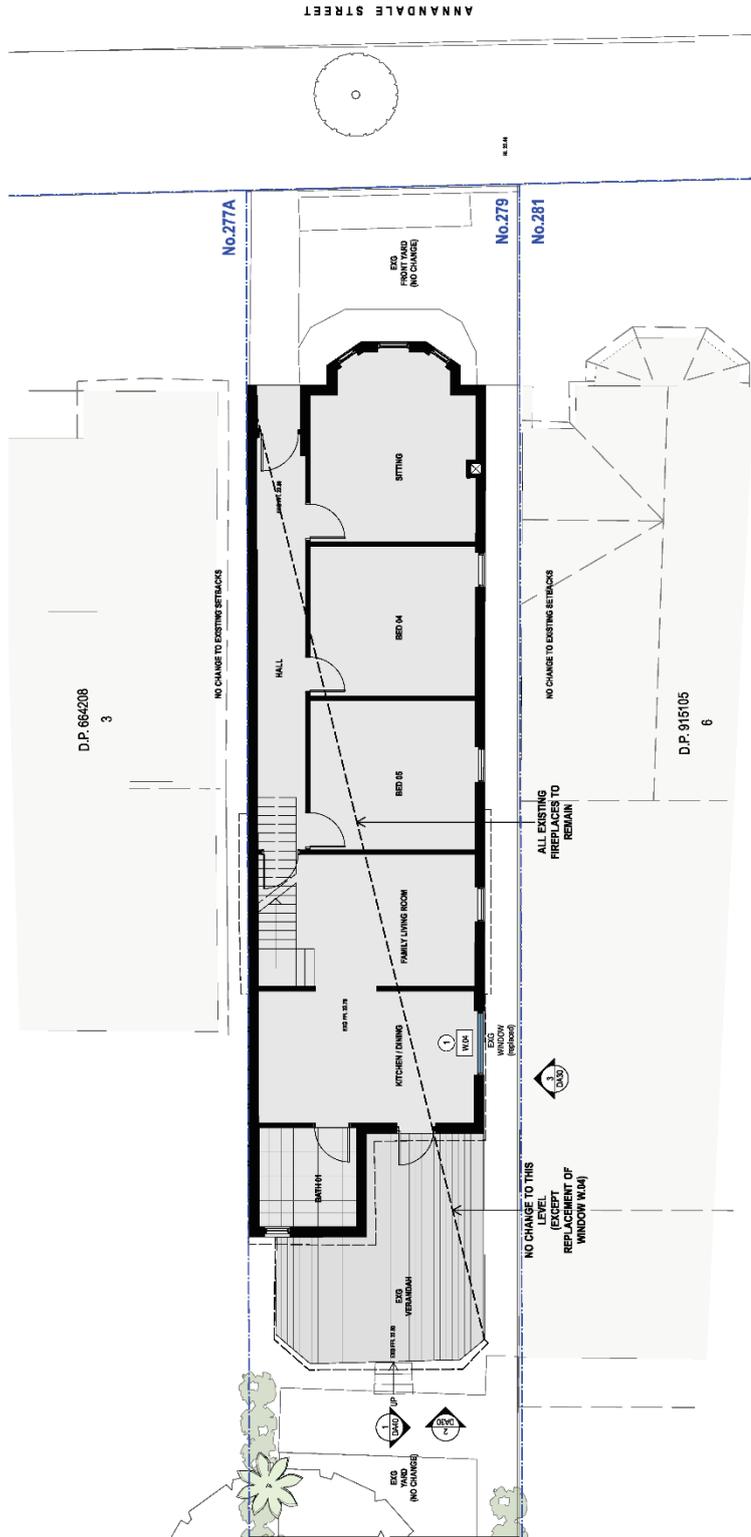
REVISIONS

No.	Date	By	Reason
A	15/01/19	SC	FINAL REVIEW/ISSUE
B	19/01/19	AM	DA (NOT LOADED)
C	14/02/20	SC	PLANNER REVIEW
D	02/03/20	SC	DA LOCOMENT

JOB NUMBER: 150 @ A3
SCALE: 1:50
DATE: 27/20
CLIENT: PAMELA FREEMAN
DRAWN BY: SC
CHECKED BY: SC
DRAWING STATUS: DEVELOPMENT APPLICATION
DRAWING NO.: DA_21
REVISION: E

Project: PROPOSITIONS AND CONDITIONS 279 ANNAMDALE STREET, ANNAMDALE NSW 2038
Client: PAMELA FREEMAN
Drawing Name: PROPOSED GROUND FLOOR PLAN (PIPER LANE STUDIO)
Author: Bennett Murdoch Architects
Scale: 1:50
Date: 27/20
Revision: E

Site: 4/4, 1 Chinton Street, St. Leonards NSW 2065
Architect: Bennett Murdoch Architects
Contact: 02 9443 9988 or info@bennettmurdoch.com.au
Phone: 02 9443 9988
Website: www.bennettmurdoch.com.au



NOTE SCOPE ON THIS LEVEL IS LIMITED TO:

- 1 REPLACEMENT OF EXISTING WINDOW (NO CHANGE TO OPENING) W/04 WITH TIMBER FRAMED DOUBLE HUNG WINDOW

THERE ARE NO OTHER WORKS ON THIS LEVEL.

NOTES

THIS DRAWING IS PART OF A SET AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THE SET. ANY CONFLICTS OR DISCREPANCIES ON THE DRAWINGS TO COMMENCEMENT OF CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE ARCHITECT FOR PREPARATION.

NO METRIC DIMENSIONS SHALL BE USED UNLESS SPECIFICALLY NOTED OTHERWISE. DIMENSIONS SHALL BE IN METERS AND MILLIMETERS UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

ONLY THE PARTS OF THE PROJECT SHOWN ON THIS DRAWING SHALL BE CONSIDERED FOR THE PURPOSES OF THIS DRAWING.

REVISIONS

No.	Revised	By	Reason
A	20/11/19	SC	FINAL REVIEW BEFORE DA
B	20/11/19	SC	FINAL REVIEW BEFORE DA
C	19/12/19	AM	DA NOT LOGGED
D	14/02/20	SC	PLANNER REVIEW
E	02/03/20	SC	DA LOGGEMENT
F	11/02/20	SC	UPDATED DA ISSUE FOR COUNCIL

LEGEND / KEY

Symbol	Description
(Circle with dot)	EXISTING TREE
(Circle with cross)	EXISTING
(Circle with diagonal lines)	EXISTING WALLS - PLAN
(Circle with horizontal lines)	DEMOLITION
(Circle with vertical lines)	PROPOSED BOUNDARY BETWEEN LOTS
(Circle with diagonal lines)	PROPOSED BOUNDARY BETWEEN LOTS
(Circle with horizontal lines)	NEW WALLS - PLAN
(Circle with vertical lines)	NEW WALLS - PLAN
(Circle with diagonal lines)	EXISTING WINDOW
(Circle with cross)	NEW WINDOW
(Circle with diagonal lines)	NEW WALLS - ELEVATION
(Circle with horizontal lines)	EXISTING BUILDING (NO CHANGE)
(Circle with vertical lines)	NEW OR RELOCATED ATTC-ACCESS
(Circle with diagonal lines)	f. FIXED

Project: PROPOSITIONS AND CONDITIONS 279 ANNANDALE STREET, ANNANDALE NSW 2038

Client: PAMELA FREEMAN

Job Number: 1:100 @ A3

Scale: 1:100 @ A3

Plot Date: 12/02/20

Drawn By: SC

Drawing No: DA_22

Drawing Status: DEVELOPMENT APPLICATION

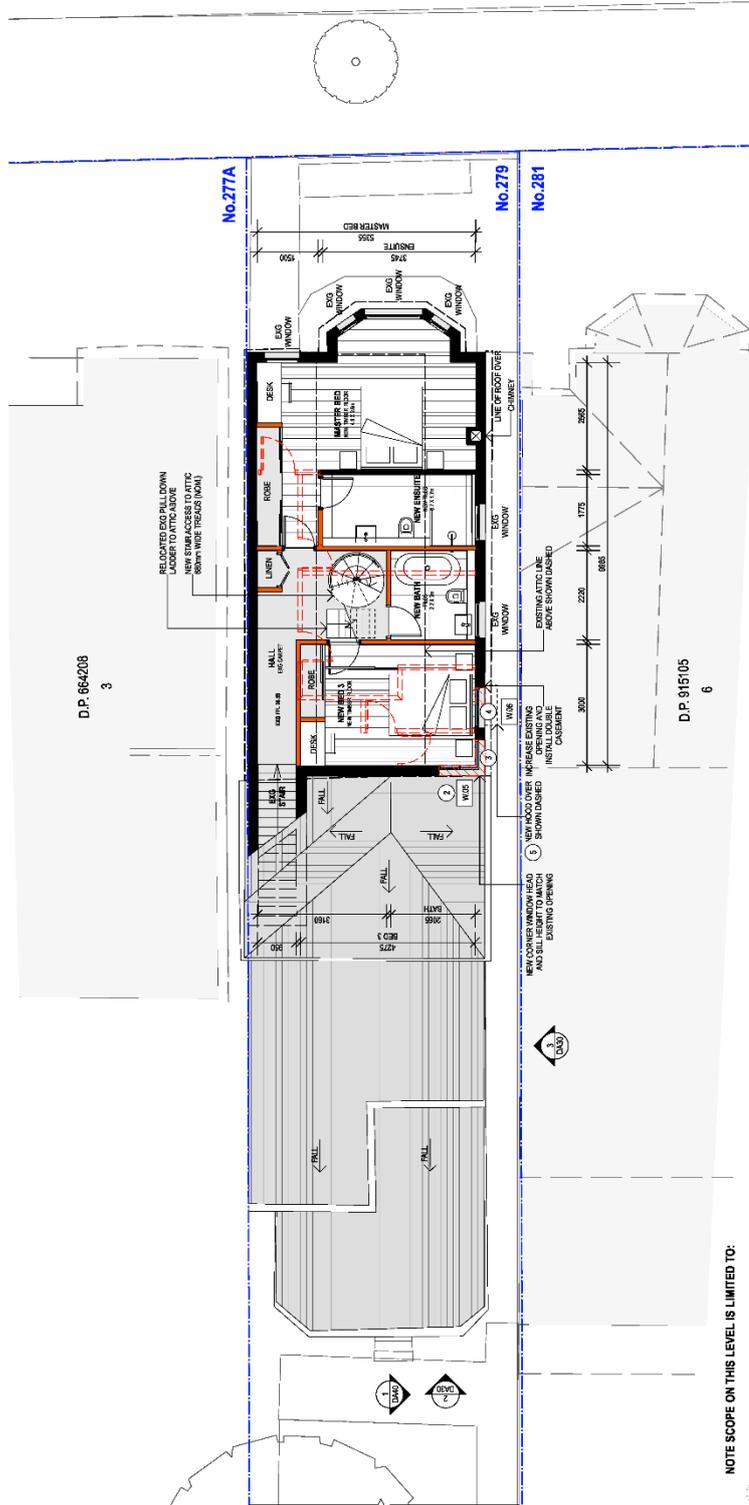
Revised: F

Author: J. Bouquie Bennett 6536

Consultant: Bennett Bouquie Architects

Address: Suite 4/04, 1 Chardon Street, St. Leonards NSW 2060

Contact: 9543 9988 or info@bennettbouquie.com.au



NOTE SCOPE ON THIS LEVEL IS LIMITED TO:

- 2 NEW TIMBER FRAMED WINDOWS (W.05, W.07) (NEW OPENINGS)
 - 3 REMOVE EXISTING WINDOW & INSTALL NEW TIMBER FRAMED CORNER WINDOW HEAD & SILL HEIGHT TO MATCH EXISTING
 - 4 REMOVE EXISTING WINDOW, INCREASE EXISTING WINDOW OPENING & INSTALL NEW TIMBER FRAMED DOUBLE CASERMENT WINDOW TO ENLARGED OPENING (W.06)
 - 5 NEW SUN HOOD (BASK REQUIREMENT) TO H.08
- THERE ARE NO OTHER WORKS ON THIS LEVEL

NOTES

THIS DRAWING IS PART OF A SET AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THE SET. ANY CONFLICTS OR DISCREPANCIES ON THE DRAWINGS TO COMMENCE CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE ARCHITECT FOR IDENTIFICATION. DISCREPANCIES TO THE ARCHITECT FOR IDENTIFICATION.

NO METALLIC BRACKETS OR OTHER DIMENSIONAL MARKS TO BE USED UNLESS SPECIFICALLY NOTED. THE DIMENSIONS SHOWN ON THIS DRAWING ARE THE DIMENSIONS OF THE WORK AS SHOWN ON THE DRAWING. DIMENSIONS OF THE WORK AS SHOWN ON THE DRAWING ARE THE DIMENSIONS OF THE WORK AS SHOWN ON THE DRAWING.

REVISIONS

No.	By	Reason	Date
A	SC	FINAL REVISION CONSULTANT ISSUE	11/01/20
B	SC	FINAL REVISION BEREEDA	11/01/20
C	SC	DA (NOT LOGGED)	11/01/20
D	SC	PLANNER REVIEW	11/01/20
E	SC	DA (LOGGED)	11/01/20

LEGEND / KEY

(Symbol)	EXISTING TREE
(Symbol)	EXISTING
(Symbol)	EXISTING WALLS - PLAN
(Symbol)	DEMOLITION
(Symbol)	PROPOSED BOUNDARY BETWEEN LOTS
(Symbol)	NEW WALLS - PLAN
(Symbol)	EXISTING WINDOW
(Symbol)	NEW WINDOW
(Symbol)	NEW WALLS - ELEVATION
(Symbol)	EXISTING BUILDING (NO CHANGE)
(Symbol)	NEW OR RELOCATED ATTIC ACCESS
(Symbol)	FIXED

Project: PROPOSED FIRST FLOOR PLAN (ANN. ST.)
Client: PAMELA FREEMAN
Architect: BENNETT ARCHITECTS
Job Number: ANNANDALE NSW 2038
Scale: 1:100 @ A3
Plot Date: 22/20
Drawn By: SC
Checked By: SC
Drawing Status: DEVELOPMENT APPLICATION
Drawing No: DA_23
Revision: E
 Suite 4/04, 1 Chardon Street, St. Leonards NSW 2060 ph: (02) 9643 9988 e: info@bennettarch.com.au
 nonhated architect: Jaqueleine Bennett 6038



NEW HOOD OVER W.06 - NORTH ELEVATION (DWELLING)
LIGHT COLOURED PAINTED TIMBER HOOD
(OVER W.06)

NEW HOOD OVER W.09 - NORTH ELEVATION (STUDIO)
COLOUR MATCHED TO EXISTING STUDIO WINDOWS
(OVER W.09)



NORTH + EAST ELEVATION WINDOWS (DWELLING)
(W.04, W.05, W.06)
WHITE PAINTED TIMBER FRAMED WINDOWS



EAST ELEVATION (STUDIO) -
DARK COLOURED POWDERCOATED STEEL
MESH FIXED TO FLAT BAR FRAME

MESH SCREEN SPECIFICATIONS:

- *PROFENCE® MESH SHEETS
- Ø5MM WIRE
- 75MM X 25MM CENTRES
- (SAMPLE CAN BE PROVIDED UPON REQUEST)

INTERPON POWDERCOAT COLOUR:
CUSTOM BLACK
MATT GN248A

MESH SCREEN PURPOSE/ADVANTAGES

- DEFINING DEFENSIBLE SPACE (THE GARDEN)
- PROVIDING A FRONT GATE / STREET ADDRESS
- LAYERING OF AND INTEREST ON THE LANEWAY FACADE
- APPROPRIATE MATERIAL FOR URBAN LANEWAY
- MAXIMISE DAYLIGHT PENETRATION TO THE GARDEN AND ROOM BEYOND
- ACTS AS TRELLIS FOR PLANTED ELEMENTS IN GARDEN



MESH FACADE ACTING AS TRELLIS



PIPER LANE WINDOWS (STUDIO) (W.01, W.02, W.03)
MONUMENT ALUMINIUM POWDER COATED WINDOWS

NOTES

THIS DRAWING IS PART OF A SET AND SHOULD BE REFERRED TO IN CONJUNCTION WITH THE OTHER DRAWINGS IN THE SET. ANY CHANGES TO THIS DRAWING SHOULD BE REFERRED TO THE ARCHITECT FOR VERIFICATION.

DO NOT SCALE DRAWINGS. INCLUDE DIMENSIONS IN ALL VIEWS. DIMENSIONS SHOWN ARE UNLESS OTHERWISE SPECIFIED AND MUST BE CHECKED AGAINST THE SPECIFICATIONS SHOWN IN THE DRAWING.

REVISION SCHEDULE

No.	Description	By	Date
A	ISSUE FOR PERMIT	DAVID BERRY	14/02/20
B	ISSUE FOR PERMIT	DAVID BERRY	02/03/20
C	ISSUE FOR PERMIT	DAVID BERRY	11/03/20

LEGEND / KEY

Symbol	Description
(Symbol)	PERMIT
(Symbol)	ISSUE FOR PERMIT
(Symbol)	ISSUE FOR PERMIT

Project: PIPER LANE WINDOWS AND ADDITIONS 279 ANNANDALE STREET, ANNANDALE NSW 2038

Client: PAMELA FREEMAN

Job Number: 1100 @ A3

Scale: 1:100 @ A3

Plot Date: 12/02/20

Drawn By: SC

Checked By: SC

Drawing Name: EXTERNAL MATERIAL FINISHES

Drawing No: DA_31

Revision: C

Scale: 1:100 @ A3

Project: PIPER LANE WINDOWS AND ADDITIONS 279 ANNANDALE STREET, ANNANDALE NSW 2038

Client: PAMELA FREEMAN

Job Number: 1100 @ A3

Scale: 1:100 @ A3

Plot Date: 12/02/20

Drawn By: SC

Checked By: SC

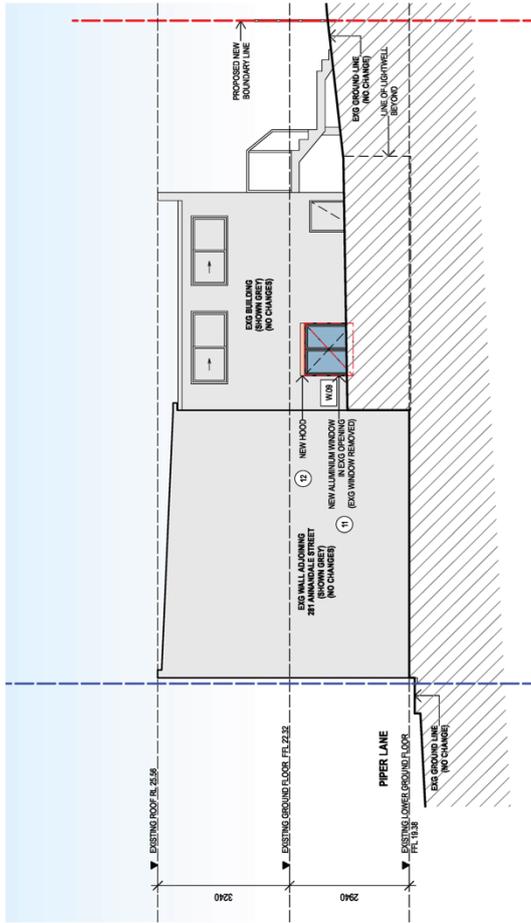
Drawing Name: EXTERNAL MATERIAL FINISHES

Drawing No: DA_31

Revision: C

Scale 4/04, 1 Chandos Street, St. Leonards NSW 2065 p: (02) 9443 9988 e: info@benneffmusa.com.au nominated architect: Jacqueline Bennett 8538

ALL ELEVATIONS AFFECTED BY PROPOSED ALTERATIONS AND ADDITIONS ARE SHOWN ON THIS DRAWING. NO CHANGES TO ANY OTHER ELEVATION.



1 WEST ELEVATION_EXG STUDIO (PIPER LANE)

2 NORTH ELEVATION_EXG STUDIO (PIPER LANE)

NOTE EXTERNAL WORK CONSISTS OF:

- 11 REMOVE EXISTING HIGH LEVEL WINDOW, AND INSTALL NEW WINDOW (W.08, W.09) TO EXISTING OPENING IN BRICKWORK. FINISH AND COLOUR TO MATCH EXISTING WINDOWS.
- 13 NEW EXTERNAL LOUVREBLIND (BASIX REQUIREMENT) W.08

THERE ARE NO OTHER EXTERNAL WORKS TO THIS ELEVATION

NOTE EXTERNAL WORK CONSISTS OF:

- 11 REMOVE EXISTING HIGH LEVEL WINDOW, AND INSTALL NEW WINDOW (W.08, W.09) TO EXISTING OPENING IN BRICKWORK. FINISH AND COLOUR TO MATCH EXISTING WINDOWS
- 12 NEW SUN HOOD (BASIX REQUIREMENT) TO W.09

THERE ARE NO OTHER EXTERNAL WORKS TO THIS ELEVATION

NOTES

THIS DRAWING IS PART OF A SET AND SHOULD BE READ IN CONJUNCTION WITH THE OTHER DRAWINGS IN THE SET. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT FOR REVISION.

DO NOT SCALE DIMENSIONS FROM THIS DRAWING. DIMENSIONS SHOWN ON THE DRAWING TAKE PRECEDENCE OVER DIMENSIONS SHOWN ON THE SITE. DIMENSIONS CONTAINED HEREIN ARE PROTECTED BY PATENT RIGHTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM BERNETT BURKADA ARCHITECTS.

REVISION SCHEDULE

No.	Revised	By	Date
1	1/10/2020	SC	UPDATED FOR ISSUE FOR COUNCIL

LEGEND / KEY

EXISTING TREE	EXISTING
EXISTING WALLS - PLAN	EXG
DEMOLITION	ZZZZ
PROPOSED BOUNDARY BETWEEN LOTS	---
NEW WALLS - PLAN	---
EXISTING WINDOW	---
NEW WINDOW	---
NEW WALLS - ELEVATION	---
EXISTING BUILDING (NO CHANGE)	---
NEW OR RELOCATED ATTIC-ACCESS	f
FIXED	f

Project: ALTERATIONS AND ADDITIONS 279 ANNANDALE STREET, ANNANDALE NSW 2038

Client: PAMELA FREEMAN

Drawn By: SC

Plot Date: 12/8/20

Scale: 1:100 @ A3

Job Number: 1100 @ A3

Drawing No: DA_32

Revised: A

Drawing Status: DEVELOPMENT APPLICATION

Drawing Name: ADDITIONAL ELEVATIONS (PIPER LANE STUDIO)

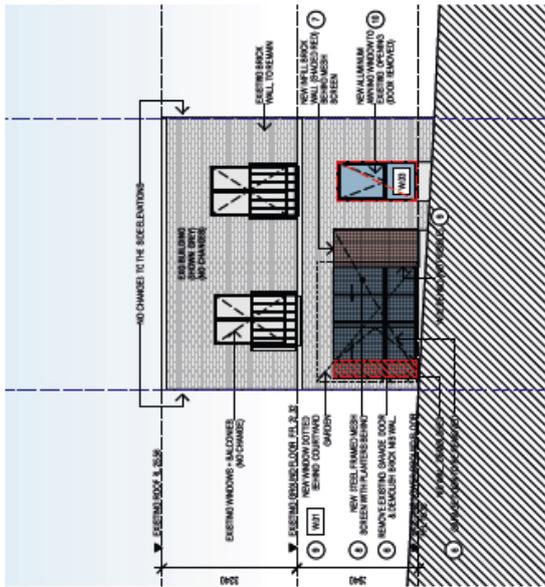
Revised: A

nominate architect: Jacqueline Bennett 6536



Studio 4/04, 1 Chandon Street, St. Leonards NSW 2065 p:(02) 9443 9988 e:info@bennettburkada.com.au

ALL ELEVATIONS AFFECTED BY PROPOSED ALTERATIONS AND ADDITIONS ARE SHOWN ON THIS DRAWING. NO CHANGES TO ANY OTHER ELEVATION.



1 EAST ELEVATION - EXG STUDIO (PIPER LANE)

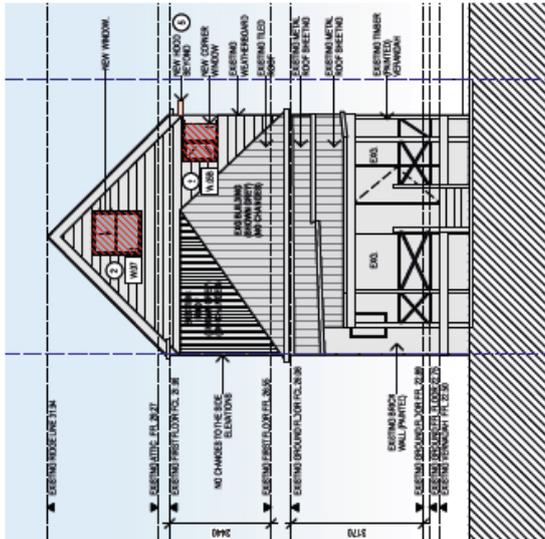
NOTE: EXTERNAL WORK CONSISTS OF:

- 6 DEMOLISH BRICKWALL TO SIDE OF GARAGE DOOR + GARAGE DOOR
- 7 NEW BRICK INFILL WALL
- 8 NEW MESH COURTYARD GARDEN SCREEN WITH PLANTER BEHIND
- 9 NEW WINDOW (W.01 + W.02)
- 10 REMOVE EXISTING HINGED DOOR, AND INSTALL NEW WINDOW (W.03) TO EXISTING OPENING IN BRICKWORK

THERE ARE NO OTHER EXTERNAL WORKS TO THIS ELEVATION



EAST VIEW - EXG STUDIO



2 EAST ELEVATION - EXG DWELLING (BACKYARD)

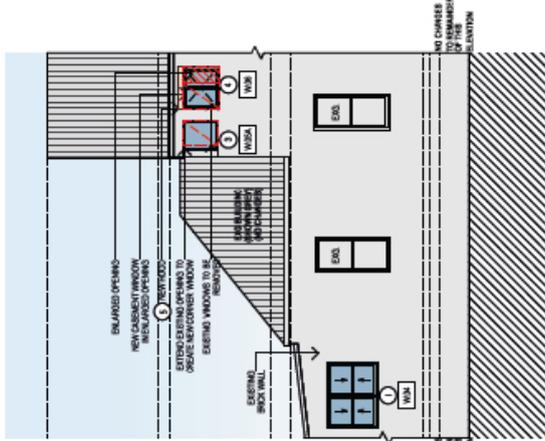
NOTE: EXTERNAL WORK CONSISTS OF:

- 2 NEW TIMBER FRAMED WINDOWS (W.05B, W.07) (NEW OPENINGS)

THERE ARE NO OTHER EXTERNAL WORKS TO THIS ELEVATION



EAST VIEW - EXG DWELLING



3 NORTH ELEVATION - EXG DWELLING (SIDE)

NOTE: EXTERNAL WORK CONSISTS OF:

- 1 REPLACEMENT OF EXISTING WINDOW (NO CHANGE TO OPENING) W.04 WITH TIMBER FRAMED DOUBLE HUNG WINDOW
- 3 REMOVE EXISTING WINDOW & INSTALL NEW TIMBER FRAMED CORNER WINDOW. HEAD & SILL HEIGHT TO MATCH EXISTING
- 4 REMOVE EXISTING WINDOW. INCREASE EXISTING WINDOW OPENING & INSTALL NEW TIMBER FRAMED DOUBLE CASSETT WINDOW TO ENLARGED OPENING (W.05)
- 5 NEW SUNHOOD (BANK REQUIREMENT) TO W.05

THERE ARE NO OTHER EXTERNAL WORKS TO THIS ELEVATION

PROPOSED WORK

Item	Code	Material	Structure Name
A	01170	SC	PRELIMINARY CONSULTANT ISSUE
B	20170	SC	FINAL REVIEW BEFORE DA
C	30170	SC	DA/DAJ/DAJ2
D	40170	SC	DA/DAJ/DAJ2
E	50170	SC	DA/DAJ/DAJ2
F	11000	SC	APPROVED/ISSUED FOR CONSTRUCTION

LEGEND (KEY)

	EXISTING TREE
	EXISTING WALL
	EXISTING WALLS - PLAN
	DEMOLITION
	PROPOSED BOUNDARY BETWEEN LOTS
	NEW WALLS - PLAN

Project: ALTERATIONS AND ADDITIONS 279 ANNAMALLE STREET, ANNAMALLE NSW 2038

Job Number: 199

Scale: 1:100 @ A3

Client: PAMELA FREEMAN

Project No: 13020

Drawn By: Thomas Siska

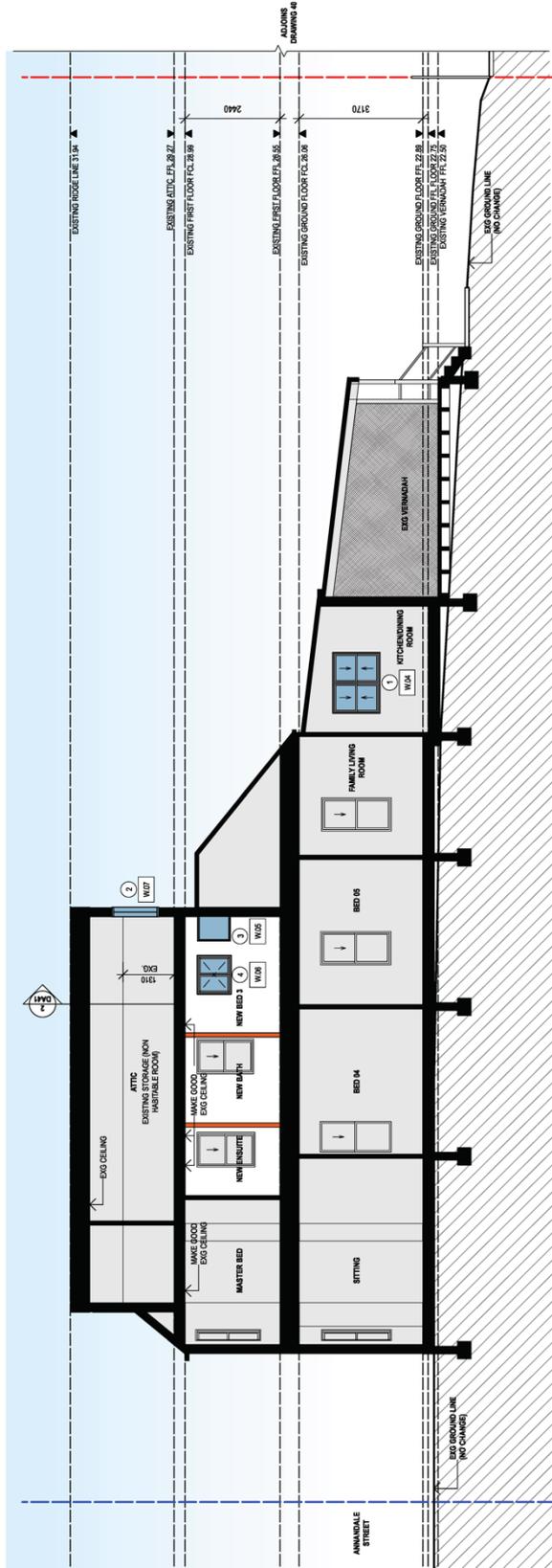
Checked By: DA, 30

Date: 20/08/20

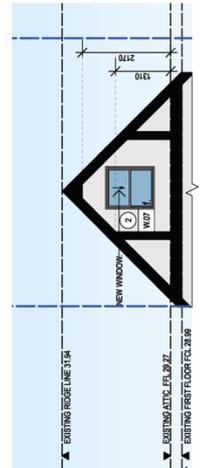
Project Name: ELEVATIONS DEVELOPMENT APPLICATION

Site No: F

Block: F



1 SECTION_EXG DWELLING (ANNANDALE STREET)



2 ATTIC SECTION_EXG DWELLING (ANNANDALE STREET)

- NOTE EXTERNAL WORK CONSISTS OF:**
(NO CHANGE TO GREY AREAS)
- 1 REPLACEMENT OF EXISTING WINDOW (NO CHANGE TO OPENING) W.04 WITH TIMBER FRAMED DOUBLE HUNG WINDOW
 - 2 NEW TIMBER FRAMED WINDOWS (W.05B, W.07) (NEW OPENINGS)
 - 3 REMOVE EXISTING WINDOW & INSTALL NEW TIMBER FRAMED CORNER WINDOW. HEAD & SILL HEIGHT TO MATCH EXISTING
 - 4 REMOVE EXISTING WINDOW. INCREASE EXISTING WINDOW OPENING & INSTALL NEW TIMBER FRAMED DOUBLE CASEMENT WINDOW TO ENLARGED OPENING (W.05)

REVISIONS SCHEDULE

No.	Revised By	Revised Date	Revised Description
A	20/11/19	SC	FINAL REVIEW BEFORE DA
B	18/12/19	AK	DA (NOT LOADED)
C	14/02/20	SC	PLANNER REVIEW
D	02/03/20	SC	DA LOADEMENT

LEGEND / KEY

	EXISTING TREE
	EXISTING WALLS - PLAN
	DEMOLITION
	PROPOSED BOUNDARY BETWEEN LOTS
	NEW WALLS - PLAN
	EXISTING WINDOW
	NEW WINDOW
	NEW WALLS - ELEVATION
	EXISTING BUILDING (NO CHANGE)
	NEW OR RELOCATED ATTIC ACCESS
	f. FIXED

NOTES

THIS DRAWING IS PART OF A SET AND SHOULD BE REFERRED TO WITH THE OTHER DRAWINGS IN THE SET. ANY CHANGES TO THIS DRAWING SHOULD BE MADE TO ALL DRAWINGS IN THE SET. THIS DRAWING IS THE PROPERTY OF BERNETT MURADA ARCHITECTS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF BERNETT MURADA ARCHITECTS.

DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE OVER DIMENSIONS SHOWN ON THE DRAWING. DIMENSIONS SHOWN ON THE DRAWING ARE FOR INFORMATION ONLY. FOR THE SPECIFIC PROJECT, REFER TO THE SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE PROJECT.

Project: PROPOSED ADDITIONS 279 ANNANDALE STREET, ANNANDALE NSW 2038

Client: PAMELA FREEMAN

Job Number: 1:100 @ A3

Scale: 1:100 @ A3

Plot Date: 2/2/20

Drawn By: SC

Checked By: SC

Drawing Status: DEVELOPMENT APPLICATION

Drawing No: DA_11

Revision: D

Project Name: SECTION 01 (ANN. ST)

Architect: Bernett Murada Architects

Address: Suite 4/04, 1 Chardon Street, St. Leonards NSW 2065

Contact: 9943 9948 or info@bernettmurada.com.au

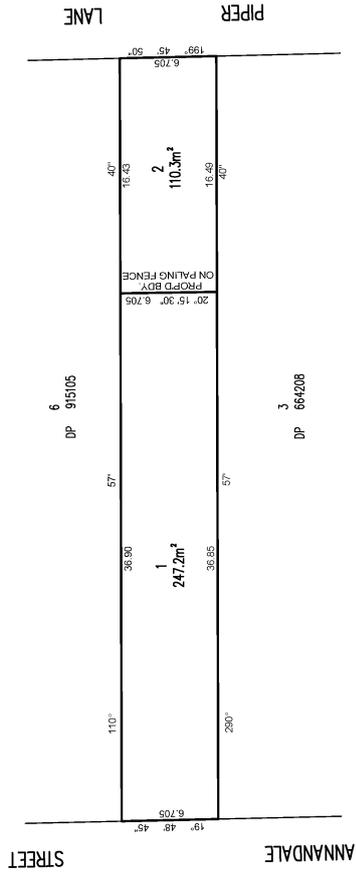
Architect: Jacqueline Bennett 8538

Sheet 1 of 1 sheets

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

DRAFT PLAN OF SUBDIVISION



Surveyor: Date of Print: Surveyor's Ref:	ANDREW KOROMPAY 04/12/2019 1809 DRAFT SUB	DRAFT PLAN OF SUBDIVISION OF LOT 1 IN DP 914020	LCA: INNER WEST Locality: ANNANDALE Parish: PETERSHAM Lengths are in metres. Reduction Ratio 1 : 200	Registered
--	---	---	---	------------

10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

Attachment C- Clause 4.6 Exception to Development Standards



279 Annandale Street –
Annandale – Minimum Lot
Size

Clause 4.6 Variation Statement – February 2020

MODURBAN.COM.AU



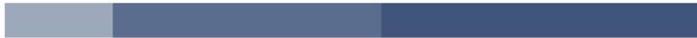
CONTENTS

CONTENTS	1
Introduction	1
The Standards Being Objected to	2
Proposed Variation to Clause 4.1 Minimum Subdivision Lot Size	3

MODURBAN.COM.AU
Copyright disclaimer © 2019

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client. Any unauthorised reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without express written permission from Mod Urban Pty Ltd.





INTRODUCTION

1. Overview

This Clause 4.6 Variation request has been prepared in support of the development application for the alterations to the detached dwelling house at 279 Annandale Street, Annandale and the proposed subdivision of the lot from one single lot to two torrens title lots.

This Clause 4.6 Variation has been submitted in conjunction with the Statement of Environmental Effects (SEE) that assessed the proposed works as described above. The request for variation of the development standard has been prepared in accordance with the requirements of Clause 4.6 of the Leichardt LEP 2013 (LLEP 2013) which has the following aims and objectives:

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

The proposed variations to development standards for the proposed development are in relation to Clause 4.1 Minimum subdivision lot size of the LLEP 2013. In summary the following variations are proposed:

Leichardt LEP 2013 Clause	LLEP 2013 Development Standard	Proposed Development Non Compliance
4.1 Minimum subdivision lot size	Minimum Lot Size = 200m ²	Minimum Lot Size (Annandale Street frontage) = 247.2m ² Minimum Lot Size (Piper Lane Frontage) = 110.3m ²

In accordance with Clause 4.6 of the LLEP 2013 Council is required to consider the following:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This Clause 4.6 Variation request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards.





THE STANDARDS BEING OBJECTED TO

2. Relevant Development Standards

The development standards being requested to be varied are 4.1 Minimum subdivision lot size of the LLEP 2013.

2.1 The objectives/underlying purpose of the clause

A key determination of the appropriateness of a variation to a development standard is the proposal's compliance with the underlying objectives and purpose of the development standard. Therefore, while there is a specified numerical control for Clause 4.1 Minimum subdivision lot size, the objectives and underlying purpose behind each of the development standards are basic issues for consideration in the development assessment process.

Section 3 of this Clause 4.6 Variation addresses the proposed variation to Clause 4.1 Minimum subdivision lot size development standard.

2.2 Proposed Variation to Standards

The proposed variations to development standards for the proposed development are in relation to Clause 4.1 Minimum subdivision lot size of the LLEP 2013. In summary the following variations to development standards are proposed:

Leichardt LEP 2013 Clause	LLEP 2013 Development Standard	Proposed Development Non Compliance
4.1 Minimum subdivision lot size	Minimum Lot Size = 200m ²	Minimum Lot Size (Annandale Street frontage) = 247.2m ² Minimum Lot Size (Piper Lane Frontage) = 110.3m ²





PROPOSED VARIATION TO CLAUSE 4.1 MINIMUM SUBDIVISION LOT SIZE

3. Overview

Pursuant to Clause 4.6 of LLEP 2013, we hereby seek exception to the 200m² minimum subdivision lot size standard applicable pursuant to Clause 4.1 Minimum subdivision lot size of LLEP 2013. Clause 4.6(4)(ii) requires that such a request must establish that the proposed contravention is consistent with the objectives of the standard and the zone.

The proposed variation to the minimum lot size standard is a result of the applicant seeking to subdivide the lot to ensure the main dwelling house (Annandale Road) and the studio accommodation (Piper Lane) are on individual lots. The proposal essentially formalizes an existing arrangement whereby the applicant has erected a fence that separates the main dwelling and the studio.

3.1 Objectives of the Standard

The objectives of the standard are as follows:

- (a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,*
- (b) to ensure that lot sizes are capable of supporting a range of development types.*

Notwithstanding the proposed variation to the numerical standard, the proposed development is nevertheless consistent with these objectives:

- (a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,*

The proposal does not result in any significant reduction to the existing rear garden of the dwelling. The proposal will maintain compliance with the relevant Clause 4.3 landscape and site coverage requirements.

With the exception of FSR that is already non-compliant at the site, the two existing dwellings that will be situated on individual lots as a result of the subdivision comply with all relevant development controls.

The proposed subdivision will still maintain the character of the area, and will not significantly alter the patterns of subdivision. The proposal is essentially a new boundary internal to the lot which would not be discernable from the Piper Lane frontage or Annandale Street frontages.

The existing building fronting Piper Lane already presents as a different dwelling from the main dwelling house fronting Annandale Street.

- (b) to ensure that lot sizes are capable of supporting a range of development types.*

The two new lots created as a result of the subdivision are suitable for residential development and is therefore considered to provide a positive outcome in terms of the development attributes, visual quality and amenity of the neighbourhood.

There are no changes to the Annandale Street frontage, and proposal will result in visual improvements to Piper Lane through creating an entry courtyards and window in place of a garage shutter and blank door. Accordingly, the proposed development provides significant visual interest from all perspectives including adjoining properties, and the streetscape.



The overall scale and bulk of two existing dwellings do not change and as a result of the subdivision are similar to surrounding residential developments in the area, and are considered appropriate to the locality.

In light of the proposals contribution to achieving the desired future character of the area, a strict compliance with the minimum lot size would serve no material planning purpose, other than numerical compliance with a generic Council control. The proposal is essentially a new boundary internal to the lot which would not be discernable from the Piper Lane frontage or Annandale Street frontages.

3.2 Objectives of the Zone

The site is currently zoned R1 General Residential under the Leichardt LEP 2013. The proposal results in alterations to the existing dwellings and subdivision of the lot into two lots, and is therefore considered permissible within the R1 zone, as outlined in the accompanying SEE.

The proposed alterations and subdivision are consistent with the R1 zone objectives in that:

- *To provide for the housing needs of the community.*
 - The proposal will add to delivering a mix of well-designed housing that meets the needs of Sydney's growing population by providing a greater number of smaller family dwellings to meet the changing population as well as increasing overall supply to ease pressures in the rental market.
- *To provide for a variety of housing types and densities.*
 - The proposal gives provision of additional smaller family housing (Piper Lane) for entry level type residents within the Sydney housing market, that adds to the diversity of dwelling types in Sydney, whilst maintaining the existing dwelling located on site.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - The proposed use gives provision of improved residential dwellings that are compatible with the surrounding residential land uses and provides for the continued use of the site as a residential allotment.
 - The scale of the development and its typology is considered to be appropriate for the site and the surrounding area and meets the needs of the local residents and the wider Sydney metropolitan area.
- *To improve opportunities to work from home.*
 - Whilst not specifically designed as a work from home dwellings, there is opportunity for future occupiers to work from either living spaces or bedrooms.
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
 - The proposed alterations and subdivision is of a compatible scale and orientation to the adjoining dwellings which are directly adjacent to the site. The scale and bulk and massing of both dwellings is not altered by the proposal, and is appropriate for the surrounding streetscape.

- 
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
 - The proposal maintains all existing landscape features and the pattern of landscaped areas is as existing through maintaining the existing fence, and private rear garden for each dwelling, and will enable future use by 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.*
 - The proposed subdivision will still maintain the character of the area, and will not significantly alter the patterns of subdivision. The proposal is essentially a new boundary internal to the lot which would not be discernable from the Piper Lane frontage or Annandale Street frontages.
 - The existing building fronting Piper Lane already presents as a different dwelling from the main dwelling house fronting Annandale Street.
 - *To protect and enhance the amenity of existing and future residents and the neighbourhood.*
 - The proposal will preserve neighbouring amenity including with respect to views, solar access, natural ventilation and privacy.
 - No overshadowing will occur to neighbouring dwellings and their open space.
 - The level of solar access received by the new dwelling is acceptable and gives good provision of natural light to habitable rooms.
 - No overlooking or loss of privacy is likely to occur.

3.3 Establishing if the Development Standard is Unreasonable or Necessary

In *Wehbe v Pittwater Council [2007] NSWLEC 827* Preston CJ set-out the five ways of establishing that compliance with a development standard is unreasonable or unnecessary in support of justifying a variation:

1. *Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
4. *Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *Establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary".*

3.4 Establishing if the Development Standard is Unreasonable or Necessary

In applying the tests of *Wehbe v Pittwater Council* [2007] NSWLEC 827, only one of the above rationales is required to be established. Notwithstanding the proposed variation, as demonstrated in Sections 3.1 and 3.2, the proposal is consistent with the underlying objectives of the standard for site coverage and the R1 zone of LLEP 2013.

3.5 Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Land and Environment Court (LEC) addressed the 'sufficiency' of environmental planning grounds:

The environmental planning grounds relied on in written request under cl 4.6 must be 'sufficient'. There are two respects in which the written request needs to be 'sufficient'. First the environmental planning grounds advanced in the written request must be sufficient 'to justify contravening the development standard' The focus of Cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must satisfy the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, the LEC found that the environmental ground advanced by the applicant in the Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site. In this regard, the proposed variation is particular to the circumstances of the proposed development on the site for the following reasons:

- The proposal is consistent with the underlying objective or purpose of the standard as demonstrated in **Section 3.1**.
- The objectives of the zone are still achieved.
- It should be considered that the site has a unique opportunity to provide improved standards of residential accommodation, and in terms of two dwelling types that are in demand in Sydney, and flexibility in the application of built form controls to the subject site should be considered.
- The existing building envelope of both buildings is maintained and is consistent with the existing building envelope of the adjoining dwellings and other similar development.
- The proposed subdivision will still maintain the character of the area, and will not significantly alter the patterns of subdivision. The proposal is essentially a new boundary internal to the lot which would not be discernable from the Piper Lane frontage or Annandale Street frontages. The existing building fronting Piper Lane already presents as a different dwelling from the main dwelling house fronting Annandale Street.
- The bulk and scale of the proposal is consistent with this style of residential building which is common for residential areas.

- 
- The proposal will add to delivering a mix of well-designed housing that meets the needs of Sydney's growing population by providing a greater number of smaller family dwellings to meet the changing population as well as increasing overall supply to ease pressures in the rental market.
 - The proposal will not significantly impact on the amenity of adjoining occupiers.
 - The proposal will not result in any unreasonable privacy intrusion or loss of daylight access to adjacent properties.

3.6 The public benefit of maintaining the development standard

There is no public benefit in maintaining the numerical minimum lot size development standard in this instance as it is not achievable. As outlined in Section 3.5 above, there are a number of planning and urban design outcomes that warrant the proposed variation to the development standard and it is therefore considered to be in the public interest for the variation to be supported in this case.

3.7 Overview

This exception to the development standard demonstrates that the proposed variation to site coverage standard should be supported because:

- The proposed subdivision formalises the existing arrangement of the site, of two standalone residential buildings and their built form and character are consistent with the underlying objectives of the zone.
- The proposed variation allows for the provision of improved residential accommodation, for small family housing.
- The proposed variation does not result in any unreasonable privacy, sunlight, view loss or visual impacts.
- The proposed variation to the standard does not raise any matter of significance for State or regional environmental planning.
- There is no public benefit in maintaining strict compliance with the standard.
- Strict application of the standard is therefore unreasonable and unnecessary in the circumstances of the case.

Overall, it is considered that the proposed variation to the minimum subdivision lot size is entirely appropriate and can be clearly justified having regard to the matters listed within LLEP Clause 4.6.

3.8 Conclusion

It is requested that council supports the proposed variation to Clause 4.1 of the LLEP 2013 for the following reasons:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- The proposed variation allows for the provision of separate residential accommodation, for small family housing.
- No unreasonable environmental impacts are introduced as a result of the proposal.
- There is no public benefit in maintaining strict compliance with the standards.

Attachment D – Statement of Heritage Significance

Godden Mackay Logan

Area 18 Annandale Conservation Area

Landform

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

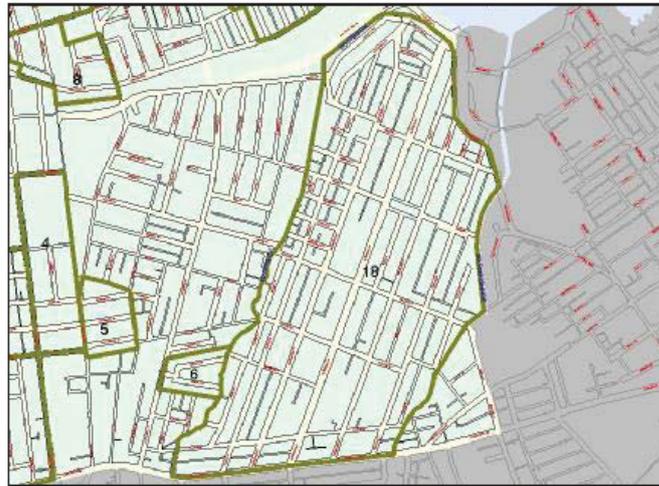


Figure 18.1 Annandale Conservation Area Map.

History

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

The first subdivision of 1876 reveals a grid of streets and allotments covering the land bounded by Parramatta Road, Johnston, Collins and Nelson Streets. Robert Johnston transferred this portion to his son, George Horatio, in June 1876 who sold off 75 lots to John Young, who then purchased the remainder of the estate for 121,000 pounds in October 1877. Young then sold the land to the Sydney Freehold Land and Building Investment Co Ltd, which he formed in 1878 to subdivide and sell the 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

Godden Mackay Logan

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,

Godden Mackay Logan

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.

Godden Mackay Logan

- 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.

Godden Mackay Logan

- 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).

Godden Mackay Logan

- 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'.