




 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2020/0835
<b>Address</b>	84 Taylor Street ANNANDALE NSW 2038
<b>Proposal</b>	Alterations and additions to existing attached dwelling
<b>Date of Lodgement</b>	08 October 2020
<b>Applicant</b>	Mr Michael L Harris
<b>Owner</b>	Ms Marianne F Mellington Mr Michael L Harris
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$200,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds 10%
<b>Main Issues</b>	Non-compliance with FSR, site coverage and landscape area development standards
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance
	
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 and additions to existing attached dwelling at 84 Taylor 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 FSR, site coverage and landscape area development standards

The non-compliances are acceptable given that the additional floor area is located within an existing light-well/internal courtyard and the additional floor area will not result in any adverse impacts to the amenity of the surrounding properties or the streetscape and therefore the application is recommended for approval.

## 2. Proposal

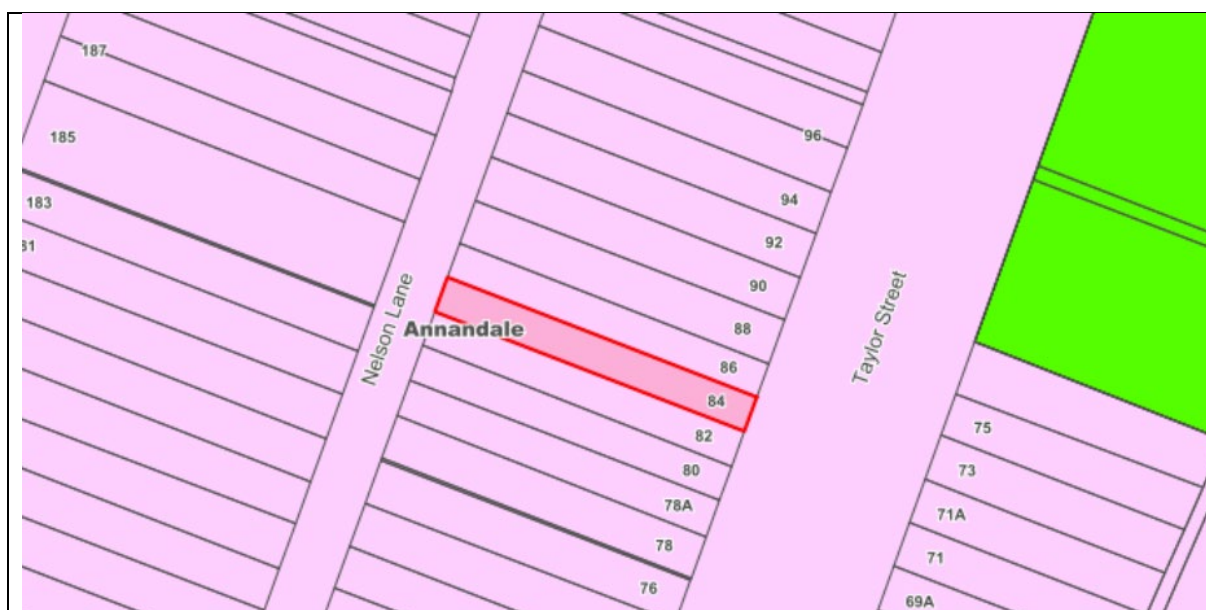
The proposed works include internal alterations, additional floor area to be provided in the existing light-well and a new awning at the rear of the main dwelling.

## 3. Site Description

The subject site is located on the western side of Taylor Street. The site consists of one allotment and is generally rectangular in shape with a total area of 142.9 sqm and is legally described as 84 Taylor Street Annandale.

The site has a frontage to Taylor Street of 3.725 metres. The site supports a two storey dwelling at the front of the property and a two storey garage/studio at the rear. The adjoining properties support two storey dwellings to the north and the south.

The subject site is not listed as a heritage item. The property is located within a conservation area. The property is not identified as a flood prone lot.





View of the subject site at 84 Taylor Street, Annandale.

## 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

**No relevant applications**

#### Surrounding properties

Application	Proposal	Decision & Date
D/2014/238	<u>84 Taylor Street</u> Alterations and additions to the existing dwelling and outbuilding, including construction of a new first floor level.	25/09/2014
M/2014/212	<u>84 Taylor Street</u> Section 96 modification of D/2014/238, which approved alterations and additions to the existing dwelling. Modification seeks to add a lightwell, window openings and internal layout changes.	05/03/2015

### 4(b) Application history

Not applicable

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 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*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

#### 5(a)(i) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

#### 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 2.7 - Demolition  
Clause 4.3A - Landscaped areas for residential accommodation in Zone R1  
Clause 4.4 – Floor Space Ratio  
Clause 4.5 - Calculation of floor space ratio and site area  
Clause 4.6 - Exceptions to development standards  
Clause 5.10 - Heritage Conservation  
Clause 6.1 - Acid Sulfate Soils  
Clause 6.4 - Stormwater management

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

The site is zoned LR1 under the *LLEP 2011*. The *LLEP 2013* defines the development as:

*“Dwelling house”*

The development is permitted with consent within the land use table. The development is consistent with the objectives of the LR1 zone.

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.9:1 or 129 sqm	1.08:1 or 155 sqm	26 sqm or 20.5%	No
<b>Landscape Area</b> Minimum permissible: 15% or 21.6 sqm	7.6 % or 11 sqm*	10.6 sqm or 50%	No
<b>Site Coverage</b> Maximum permissible: 60% or 86 sqm	65 % or 93 sqm	7.3 sqm or 8.5%	No

Notes:

- \* It can be noted that the proposed works will not result in any reduction of the amount of the landscape area that is currently existing. The proposed works will result in an increase of landscaped area (approximately 6.8 sqm) in the central courtyard.

#### Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) - Landscaped areas for residential accommodation in Zone R1
- Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio

#### *Landscaped Area*

The applicant seeks a variation to the Landscape development standard under Clause 4.3A(3)(a) of the Leichhardt LEP by 50% or 10.6 sqm. It can be noted that the proposed works will not result in any reduction of the amount of the landscape area that is currently existing. The proposed works will result in an increase of landscaped area (approximately 6.8 sqm) in the central courtyard.

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 or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

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

- *Compliance with Clause 4.3A(3)(a) Landscaped areas is unreasonable and unnecessary as there is no reduction in landscape area under the proposal.*
- *The existing dwelling is already under the area set out in the clause, that is 15% of the site area.*
- *There is no change to the landscape area, some paving is to be removed and replaced with planting which will improve and complies with all of the objectives under this clause.*

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.

The relevant 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 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 R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The additional floor area is located within the existing light-well which is currently paved and therefore there is no reduction of the existing available amount of landscape area. The proposal will result in an increase of the amount of landscape area in the central courtyard.
- There are limited opportunities to provide additional landscape area due to the existing structures that are currently located on this site.
- The proposed works will result in better opportunities for the courtyard to be utilised for recreational activities.

The objectives of the landscape development standard are as follows:

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

It is considered the development is in the public interest because it is consistent with the objectives of the site coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The additional floor area is located within the existing light-well/internal courtyard which is currently paved and therefore there is no reduction of the existing available amount of landscape area. The proposal will result in an increase of the amount of landscape area in the central courtyard.
- There are limited opportunities to further provide additional landscape area that would allow tree planting due to the existing structures that are currently located on this site, but the proposed works will result in better opportunities for the courtyard to be utilised for recreational activities.
- The proposal will result in additional landscaped area and therefore increases the opportunity for retention and absorption of surface drainage water on 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 applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Clause 4.3A(3)(b) – Site Coverage and it is recommended the Clause 4.6 exception be granted.

#### *Site Coverage*

The applicant seeks a variation to the site coverage development standard under Clause 4.3A(3)(b) of the Leichhardt LEP by 8.5% or 7.3 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 or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

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

- *The existing site cover is already over 60%, the extra site cover is located in the light-well which increases the flow of the internal circulation and does not detract on the amenity of the dwelling.*
- *The increase has no effect on surrounding properties.*
- *The greater building footprint does not reduce the quality of the landscape area and private open space. The greater footprint is located in the internal circulation zone and increases the flow in the dwelling.*

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.

The relevant 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 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 R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The proposal is permissible development and compatible with surrounding land uses;
- The proposal will improve opportunities to work from home.
- The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale, and will have no streetscape impacts to Taylor Street.
- The proposal maintains a suitable balance between the existing landscaped areas and the built form and provides sufficient private open space on the site.
- The proposal does not result in any adverse unacceptable amenity impacts to the surrounding properties.

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

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

It is considered the development is in the public interest because it is consistent with the objectives of the site coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The additional floor area is located within the existing light-well/internal courtyard and therefore will not result in any adverse impacts to the streetscape or the heritage conservation area that the site is located within.
- The additional floor area is located within the existing light-well/internal courtyard and therefore will not result in any adverse impacts to amenity of adjoining properties.
- The proposal provides a suitable balance between private open space and built form.

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 applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Clause 4.3A(3)(b) – Site Coverage and it is recommended the Clause 4.6 exception be granted.

#### *Floor Space Ratio*

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the Leichhardt LEP by 20.5% or 26sqm. The proposal will result in additional 4 sqm in gross floor area which is located within the existing light-well.

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

- *Compliance with Clause 4.4 Floor Space Ratio is unreasonable and unnecessary as the existing development already exceeds the FSR of 0.9:1. The increase is only 3.5 sqm and is located in the internal courtyard. The proposal improves the internal circulation, provides for an internal laundry and increase access to winter sun to the ground floor of the dwelling.*
- *The proposal does not detract from the amenity of the dwelling and has no detrimental effects on surrounding 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.

The relevant 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 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 R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The proposal is permissible development and compatible with surrounding land uses;
- The proposal will improve opportunities to work from home.
- The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale, and will have no streetscape impacts to Taylor Street.
- The proposal does not result in any adverse unacceptable amenity impacts to the surrounding properties.

It is considered the development as conditioned is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP which are as follows:

- *to ensure that residential accommodation—*
  - (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
  - (ii) *provides a suitable balance between landscaped areas and the built form, and*
  - (iii) *minimises the impact of the bulk and scale of buildings,*
- The proposed development will be compatible with the desired future character of the area in relation to building bulk, form and scale, and will have no streetscape impacts to Taylor Street.
- The additional floor area is located within the existing light-well and therefore will not result in any adverse impacts in relation bulk and scale impacts to the adjoining properties.
- The additional floor area is located within the existing light-well/internal courtyard and therefore will not result in any adverse impacts to amenity of adjoining properties.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Clause 4.4 – Floor Space Ratio and it is recommended the Clause 4.6 exception be granted.

#### Clause 5.10 - Heritage Conservation

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).

There are no listed items in close proximity that would be adversely affected by the proposal.

The subject site is part of Nelson Street Distinctive Neighbourhood of the Leichhardt DCP 2013.

The proposal is for internal alterations to a heavily altered terrace house. The subject terrace has already been extensively modified. There is a small internal courtyard that is proposed to be reduced at both ground and first floor level. An awning is also proposed to the rear elevation.

Given the impact of the past extensive internal modifications, the proposal will not create additional negative impact. Changes are localised to the rear and may not be visible from the public domain. No further impact will occur to the heritage conservation area and the proposal is generally acceptable.

#### **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 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.

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.17 Minor Architectural Details	Yes
C1.18 Laneways	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.1.6 Nelson Street Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
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 – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes

<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes

The following provides discussion of the relevant issues:

### C3.2 Site Layout and Building Design

#### *Building Location Zone*

The proposed works are located within the existing light-well/internal courtyard and therefore does not create any additional breaches to the Building Location Zone.

#### *Side Setback*

The proposed works are located within the existing light-well/internal courtyard and a technical non-compliance with the setback control is noted as outlined in the following table:

<b>Elevation</b>	<b>Proposed Maximum Wall Height (m)</b>	<b>Required setback (m)</b>	<b>Proposed setback (m)</b>	<b>Difference (m)</b>
<b>Northern</b>	5.3	1.4	1.0	0.4

It is considered that this variation can be supported on merit for the following reasons:

- It is considered that the proposed additions will be compatible with the pattern of development within the existing streetscape and Distinctive neighbourhood as the proposed additions will not be visible from the street.
- The proposal does not result in any significant view loss. There are no solar access or visual privacy amenity impacts to any adjoining properties.
- The proposed additions will not result in changes to existing access arrangements.

### C3.9 Solar Access

The proposed additional floor area are located within the existing light-well/internal courtyard and given the location of the additions and the orientation of the proposed and surrounding sites, there will be no additional overshadowing generated from the proposed additional floor area. Any shadows cast by the proposed awning structure will also be located within existing casted by the existing building and fence structures. Therefore the proposal will not result in any additional overshadowing and is satisfactory under this part.

### C3.11 Visual Privacy

The additional windows proposed on the first floor level with a bathroom, a bedroom and an corridor and all faces the light-well/internal courtyard. As there are sightlines into windows of adjoining properties within 9 metres and 45 degrees, the proposal complies with C7 under this part and there are no visual privacy impacts to adjoining properties.

### 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

### 6(b) External

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

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1000 would be required for the development under Leichhardt Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

## 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 premises/properties and the streetscape and is considered to be in the public interest.

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

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.3A(3)(a), Clause 4.3A(3)(b) and Clause 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0835 for Alterations and additions to existing attached dwelling at 84 Taylor Street ANNANDALE NSW 2038 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
DWG No. 1/3	Site Plan, Ground and First Floor Plan	July 2020	Kerry McGrath Architect
DWG No. 2/2	Section A-A, B-B, C-C, East (Street) and West Elevations	July 2020	Kerry McGrath Architect
DWG No. 3/3	North and South Elevations	Sept 2020	Kerry McGrath Architect
DWG No. Ex. 1/2	Demolition Plan - Ground and First Floor Plan, Site Plan	July 2020	Kerry McGrath Architect
DWG No. Ex. 2/2	Demolition Plan - Section A-A, B-B, C-C, West Elevations	July 2020	Kerry McGrath Architect
No. A388325	BASIX Certificate	29 August 2020	Kerry McGrath Architect

As amended by the conditions of consent.

#### FEES

##### 2. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note:

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

Payment amount\*:

\$1,000

\*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

**3. 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.

**4. Security Deposit - Standard**

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

<b>Security Deposit:</b>	\$2,209.00
<b>Inspection Fee:</b>	\$236.70

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

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

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

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

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

**GENERAL CONDITIONS****5. 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.

**6. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****7. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining property at 86 Taylor Street, Annandale to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**8. 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****9. Party Walls**

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

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

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

**11. Sydney Water – Tap In**

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

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

**DURING DEMOLITION AND CONSTRUCTION****12. Construction Hours – Class 1 and 10**

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

**13. Stormwater Drainage System**

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

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

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

**14. 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.

**ADVISORY NOTES****Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

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

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**Disability Discrimination Access to Premises Code**

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

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

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

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

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

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

**Noise**

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

**Amenity Impacts General**

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

and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

#### Lead-based Paint

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

#### Dial before you dig

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

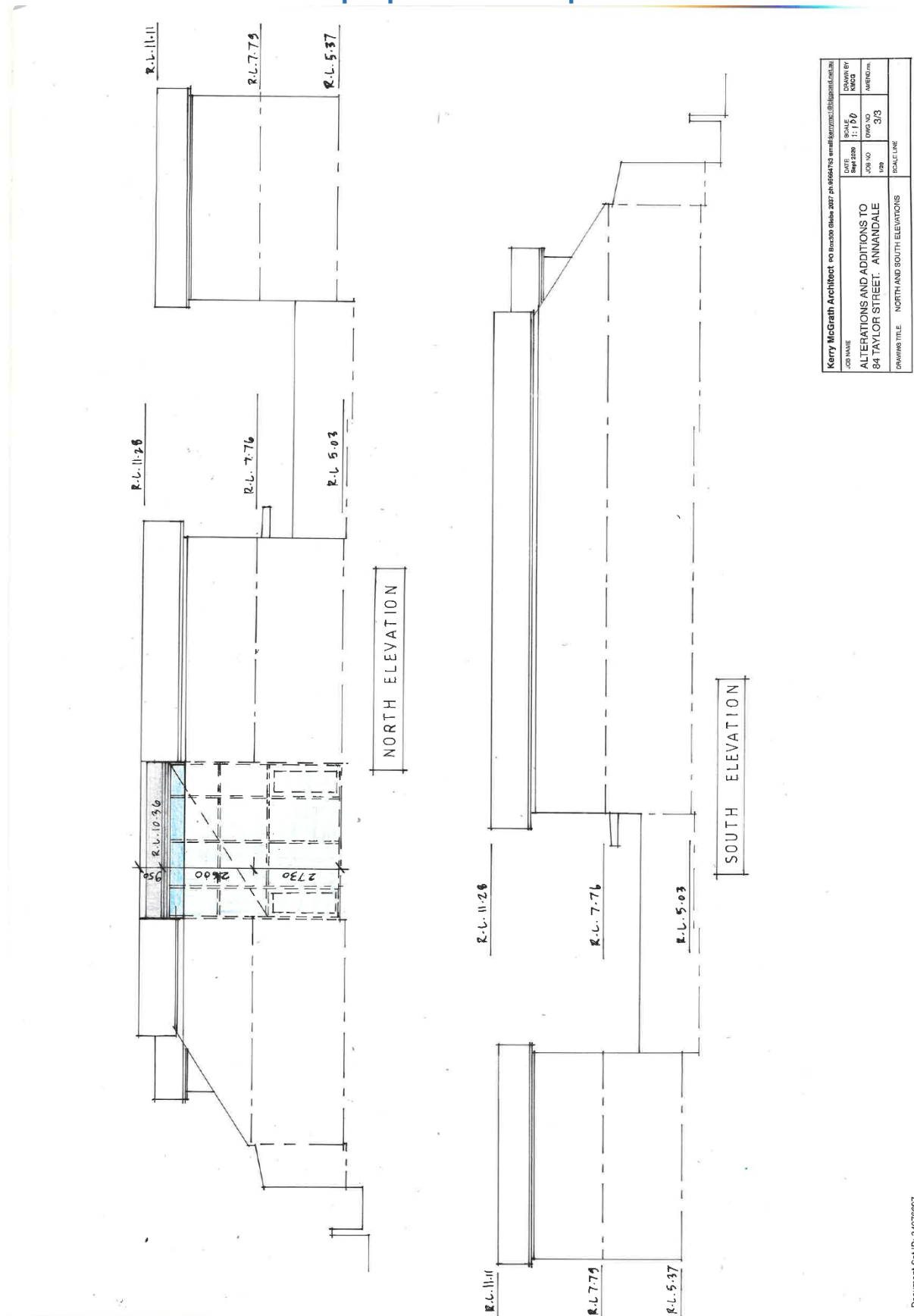
#### Useful Contacts

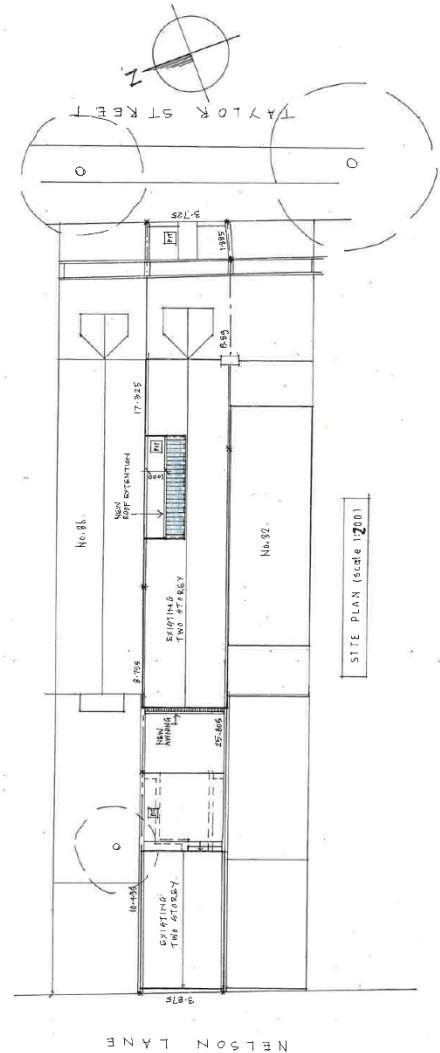
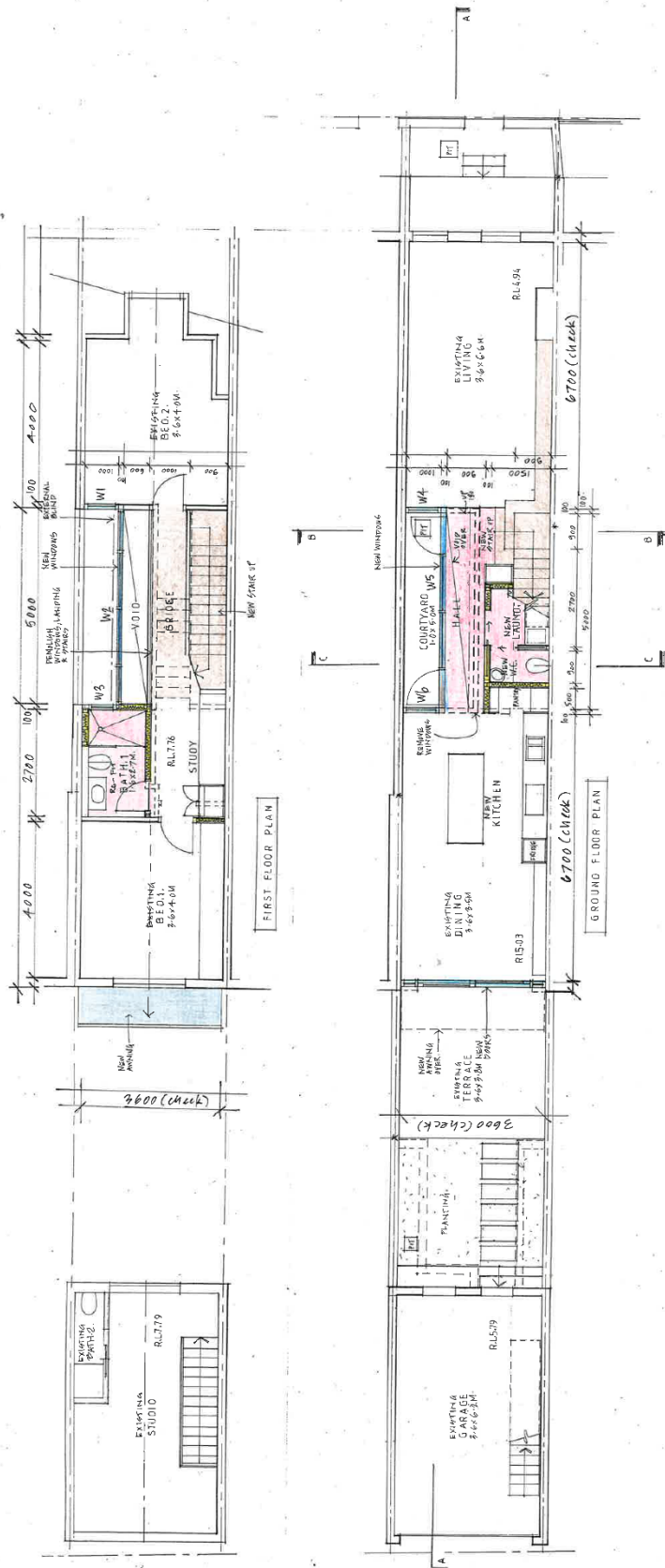
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior.toyoudig.com.au">www.dialprior.toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

#### Street Numbering

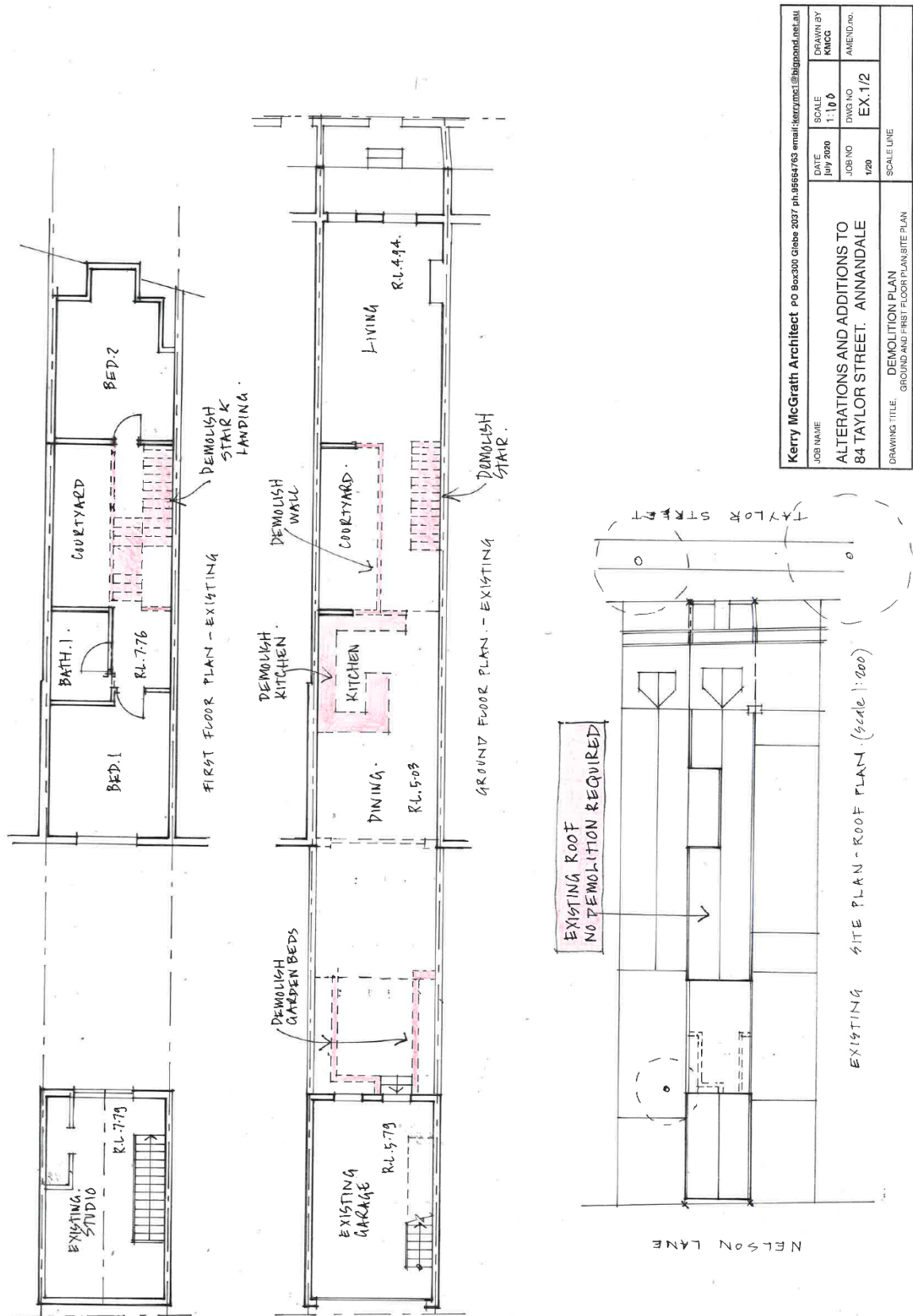
If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

# Attachment B – Plans of proposed development



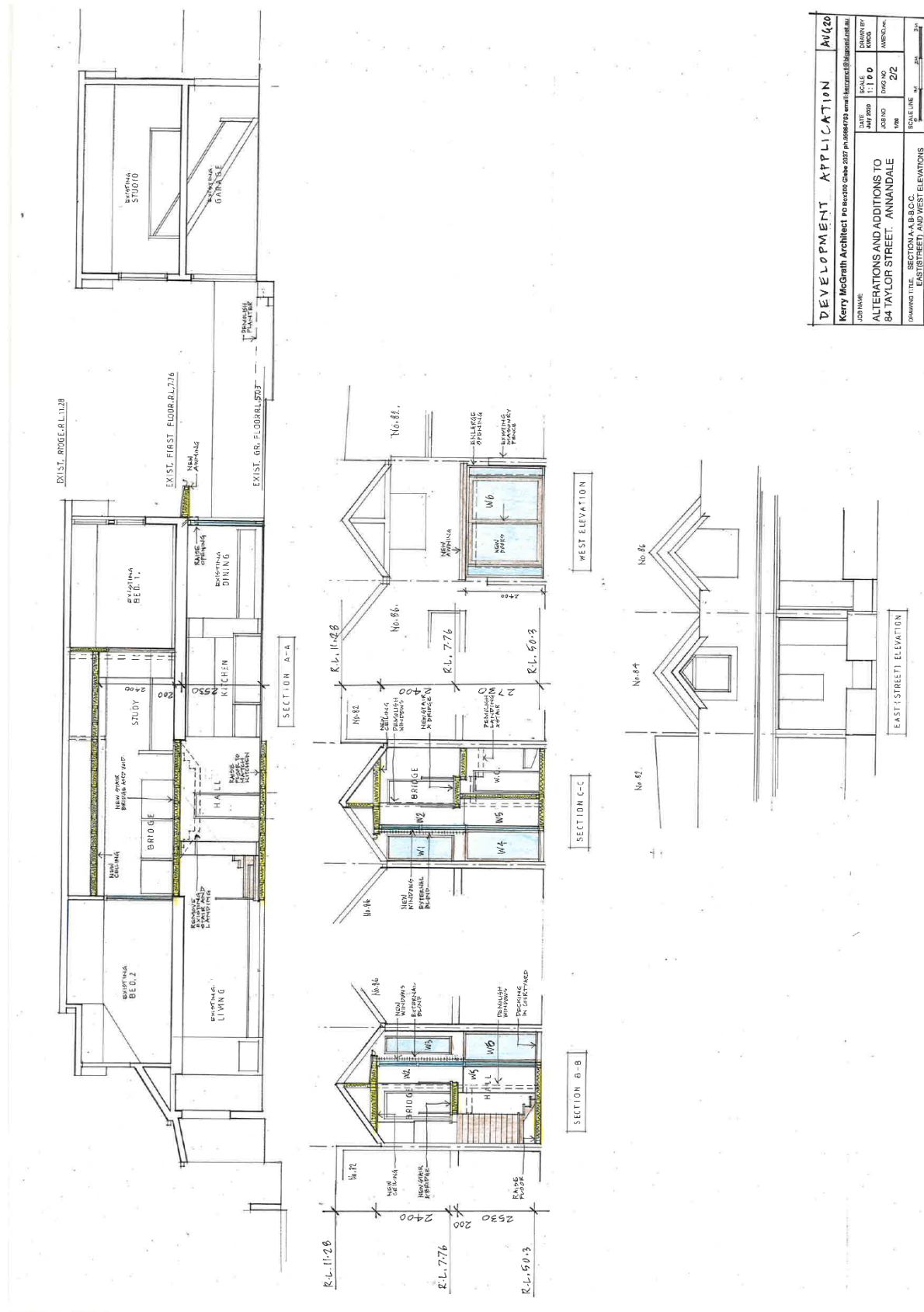


DEVELOPMENT APPLICATION			
Kerry McGrath Architect PO Box 1000 Glen 2037 Ph: 08 8454 5454 Email: kerry@kerryarchitect.com.au			
JOB NAME	SCALE	DATE	DRAWN BY
ALTERATIONS AND ADDITIONS TO 84 TAYLOR STREET, ANNANDALE	1:100	JUL 2023	JUL 2023
DRAWING NO.	1/3	DATE NO.	DATE NO.
100	1/3	100	1/3
SITE PLAN		SCALE LINE	
DRAWING TITLE: GROUND AND FIRST FLOOR PLAN		SCALE: 1:100	



Kerry McGrath Architect PO Box 300 Glebe 2037 ph:9556763 email:kerry.mca1@bigpond.net.au			
JOB NAME	DATE	SCALE	DRAWN BY
ALTERATIONS AND ADDITIONS TO	July 2020	1:100	KMCC
84 TAYLOR STREET, ANNANDALE	JOB NO	DWG NO	AMEND NO.
	1/20	EX.1/2	
DRAWING TITLE	SCALE LINE		
DEMOLITION PLAN	GROUND AND FIRST FLOOR SITE PLAN		





DEVELOPMENT APPLICATION		AVG20
Kerry McGrath Architect Pty Ltd 2017 (in accordance with latest planning rules)		
JOB NAME	SCALE	DATE
ALTERATIONS AND ADDITIONS TO	1:100	2017
84 TAYLOR STREET, ANNANDALE	DATE	2017
DRAWING TITLE	SECTION A-B-C-C	SECTION A-B-C-C
EAST STREET AND WEST ELEVATIONS		

## Attachment C- Clause 4.6 Exception to Development Standards



# INNER WEST COUNCIL

## Development Applications

### Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHARDT LOCAL ENVIRONMENTAL PLAN 2013

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

Development Application Details:	
Address:	84 Taylor Street Annandale
Proposed Development:	<ul style="list-style-type: none"> <li>Reconfigure internal courtyard &amp; stairs</li> <li>Add awning to rear, enlarge opening</li> </ul>

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



## INNER WEST COUNCIL

### Development Applications Exceptions to Development Standards

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

The objectives of this clause are

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

**Why is compliance with the standard unreasonable or unnecessary?**

**What are the special circumstances in this case?**

**(To answer consider whether a development that complies is unnecessary or unreasonable)**

Compliance with Clause 4.3A(3)(b) the site coverage does not exceed 60% of the site area is unnecessary as the 72% proposed site cover does not reduce the size or quality of the landscape area.

The existing site cover is already over 60% the extra site cover is located in the internal courtyard which increases the flow of the internal circulation and does not detract on the amenity of the dwelling. The increase has no effect on surrounding properties.

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

**Is the proposal consistent with the objectives of the relevant zone?**

The objective of the clause is (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

The greater building footprint does not reduce the quality of the landscape area or private open space. The greater footprint is located in the internal circulation zone & increases the flow in the dwelling.

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

**Applicant's  
signature:**

  
M. J. Hamer

**Date:**

21 / 8 / 2020

**Privacy statement**

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

**Instructions for applicants**

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

Lodging an application requires a completed application form.

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

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

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

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

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

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

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

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

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

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



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

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


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

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

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

Development Application Details:	
<b>Address:</b>	84 Taylor street Annandale
<b>Proposed Development:</b>	<ul style="list-style-type: none"> <li>Reconfigure internal courtyard &amp; stairs</li> <li>Add awning to rear, enlarge opening</li> </ul>

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

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

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

The objectives of this clause are

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

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

Compliance with Clause 4.7 or 4.4a) Floor Space Ratio is unreasonable & unnecessary as the ~~proposed~~ existing development already exceeds the F.S.R of 0.9:1. The increase is only 3.5m<sup>2</sup> and is located in the internal courtyard. The proposal improves the internal circulation, provides for an internal laundry & increase access to winter sun to the ground floor of the dwelling. The proposal does not detract from the amenity of the dwelling & has no detrimental effects on surrounding properties.

Is the proposed development consistent with the objectives of the particular standard?



Is the proposal consistent with the objectives of the relevant zone?

The objectives of the clause are

(a) to ensure that residential accommodation

i) is compatible with the desired character of the area in relation to building bulk, form & scale and ii) provides a suitable balance between landscaped areas & built form and iii) minimise the impact and scale of buildings.

The proposal makes no change to the building bulk, form or scale ~~is~~ and no change to the balance of landscape & built form. The proposal is compatible with the desired character of the area.

 <b>INNER WEST COUNCIL</b> <b>Development Applications</b> <b>Exceptions to Development Standards</b>					
<b>Applicant's signature:</b>	 <i>H. J. Vanni</i>	<b>Date:</b> 21 / 8 / 2020			
<b>Privacy statement</b>					
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<p>This form must be lodged with your Development Application. Both an electronic and hard copy should be provided.</p> <p>Lodging an application requires a completed application form.</p> <p>All relevant information and the payment of the required fee (where a fee applies).</p> <p>Application will be checked at lodgement to ensure the required information is provided.</p> <p><b>Incomplete/illegible applications will not be accepted and will be returned to you.</b></p> <p><b>Lodge by email:</b> <a href="mailto:council@innerwest.nsw.gov.au">council@innerwest.nsw.gov.au</a></p> <p><b>Lodge in person:</b> Inner West Council's Customer Service Centres:</p> <ul style="list-style-type: none"><li>• Ashfield – 260 Liverpool Road Ashfield.</li><li>• Leichhardt – 7-15 Wetherill Street Leichhardt.</li><li>• Petersham – 2-14 Fisher Street Petersham.</li></ul> <p><b>Opening hours:</b> Monday-Friday, 8:30am-5:00pm <a href="http://www.innerwest.nsw.gov.au/ContactUs">www.innerwest.nsw.gov.au/ContactUs</a></p> <p><b>Cashiering:</b> 8:30am-4:30pm.</p> <p><b>Lodge by mail:</b> Inner West Council, PO Box 14, Petersham NSW 2049</p>					
<table style="width: 100%; border: none;"><tr><td style="width: 33%; vertical-align: top;">Inner West Council Exceptions to Development Standards</td><td style="width: 33%; vertical-align: top; text-align: center;">council@innerwest.nsw.gov.au PO Box 14, Petersham, NSW 2049</td><td style="width: 33%; vertical-align: top; text-align: right;">Updated May 2018 Page 3 of 4</td></tr></table>			Inner West Council Exceptions to Development Standards	council@innerwest.nsw.gov.au PO Box 14, Petersham, NSW 2049	Updated May 2018 Page 3 of 4
Inner West Council Exceptions to Development Standards	council@innerwest.nsw.gov.au PO Box 14, Petersham, NSW 2049	Updated May 2018 Page 3 of 4			



## INNER WEST COUNCIL

### Development Applications Exceptions to Development Standards

PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

<b>About this form:</b>	Use this form to request a variation to a development standard for a Development Application.
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<input checked="" type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – Clause 6.13 of LEP 2013
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**INNER WEST COUNCIL**  
**Development Applications**  
**Exceptions to Development Standards**

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

The objectives of this clause are

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

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

Compliance with Clause 4.3A(3)(a) Landscaped areas is unreasonable & unnecessary as there is no reduction in landscape area under the proposal. The existing dwelling is already under the area set out in the Clause, that is 150% of the site area.


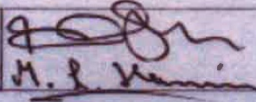
The existing landscape area is less than the proposed as under the proposal we are removing paving & replacing with planting.

Is the proposed development consistent with the objectives of the particular standard?

Is the proposal consistent with the objectives of the relevant zone?

(1) The objectives of this Clause are a) to provide landscaped areas that are suitable for substantial tree planting & for the use and enjoyment of residents b) to maintain & encourage a landscape corridor between adjoining properties c) to ensure development promotes the desired future character of the neighbourhood d) to encourage ecologically sustainable e) to control site density & f) to limit building footprint.

There is no change to the landscape area, some paving is to be removed & replaced with planting which will improve all of the objectives under the clause.

 <b>INNER WEST COUNCIL</b> <b>Development Applications</b> <b>Exceptions to Development Standards</b>		
<b>Applicant's signature:</b>	 M. J. Hannin	<b>Date:</b> 21 / 8 / 2020
<b>Privacy statement</b>		
<p>Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the <i>Government Information (Public Access) Act 2009</i>, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.</p>		
<b>Instructions for applicants</b>		
<p>This form must be lodged with your Development Application. Both an electronic and hard copy should be provided.</p> <p>Lodging an application requires a completed application form.</p> <p>All relevant information and the payment of the required fee (where a fee applies).</p> <p>Application will be checked at lodgement to ensure the required information is provided.</p> <p><b>Incomplete/illegible applications will not be accepted and will be returned to you.</b></p> <p><b>Lodge by email:</b> <a href="mailto:council@innerwest.nsw.gov.au">council@innerwest.nsw.gov.au</a></p> <p><b>Lodge in person:</b> Inner West Council's Customer Service Centres:</p> <ul style="list-style-type: none"><li>• Ashfield – 260 Liverpool Road Ashfield.</li><li>• Leichhardt – 7-15 Wetherill Street Leichhardt.</li><li>• Petersham – 2-14 Fisher Street Petersham.</li></ul> <p><b>Opening hours:</b> Monday-Friday, 8:30am-5:00pm <a href="http://www.innerwest.nsw.gov.au/ContactUs">www.innerwest.nsw.gov.au/ContactUs</a></p> <p><b>Cashiering:</b> 8:30am-4:30pm.</p> <p><b>Lodge by mail:</b> Inner West Council, PO Box 14, Petersham NSW 2049</p>		
<div style="display: flex; justify-content: space-between; font-size: small;"><div>Inner West Council Exceptions to Development Standards</div><div><a href="mailto:council@innerwest.nsw.gov.au">council@innerwest.nsw.gov.au</a> PO Box 14, Petersham, NSW 2049</div><div>Updated May 2018 Page 3 of 4</div></div>		

## Attachment D – Statement of Heritage Significance of HCA

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### Area 18 Annandale Conservation Area

#### Landform

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



Figure 18.1 Annandale Conservation Area Map.

#### History

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Sources

Information provided by Max Solling.

#### Significant Characteristics

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

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

#### Statement of Significance or Why the Area is Important

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

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

#### Management of Heritage Values

##### Generally

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

##### Retain

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

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

#### Avoid

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

#### Further Work

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

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