





 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2020/0627			
Address	307 Nelson Street ANNANDALE NSW 2038			
Proposal	Construction of a terrace style dwelling-houses, each located on existing Torrens title allotments, and associated works including swimming pool and carport fronting Nelson Lane			
Date of Lodgement	05 August 2020			
Applicant	Candella Group Pty Ltd			
Owner	Mr Wallace H Chu Ms Sylvia A Attard			
Number of Submissions	13 Unique Objections			
Value of works	\$1,093,200.00			
Reason for determination at Planning Panel	Number of submissions exceeds officer delegation			
Main Issues	Incompatible with the existing Streetscape and Heritage Conservation Area; Insufficient information provided to ensure a tree located on the adjoining property will not be adversely affected; Amenity impacts to adjoining properties in relation to solar access and visual privacy; Breaches of the Building Location Zone and Side setback controls; Non-compliance with Site Coverage Development Standard.			
Recommendation	Refusal			
Attachment A	Plans of Proposed Development			
Attachment B	Draft Conditions of Consent (if approved)			
Attachment C	Clause 4.6 Exception to Development Standards			
Attachment D	Statement of Heritage Significance			
				
LOCALITY MAP				
Subject Site		Objectors		 N
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 Construction of a terrace style dwelling-houses, each located on existing Torrens title allotments, and associated works including swimming pool and carport fronting Nelson Lane at 307 Nelson Street, Annandale.

The application was notified to surrounding properties and objections from 10 properties were received in response to the notification.

The main issues that have arisen from the application include:

- The proposal is incompatible with the existing Streetscape and Heritage Conservation Area
- Insufficient information provided to ensure a tree located on the adjoining property will not be impacted by the proposed works.
- Amenity impacts to adjoining properties in relation to solar access and visual privacy
- Breaches of the Building Location Zone and Side setback controls.
- Non-compliance with Site Coverage Development Standard.

The applicant has been given multiple opportunities to address Council's concerns, and the latest amended plans (Issue C) which form the basis of this assessment have not adequately resolved streetscape and heritage, scale, overshadowing and adjoining tree impacts. On the basis of the above, the application is recommended for refusal.

2. Proposal

The proposed development incorporates construction of a terrace style dwelling house on each of the existing allotments, as follows:

- 307a Nelson Street: two (2) storey plus basement dwelling house with private open space and a swimming pool; and
- 307b Nelson Street: two (2) storey plus basement dwelling house with an internal courtyard, rear private open space and a carport fronting onto Nelson Lane.

The proposal retains the existing trees on the site and green roofs are proposed at the rear of each of the proposed dwellings. The proposal also involves excavation in the centre and at the rear of the site to facilitate the lower ground level of the respective dwellings.

3. Site Description

The subject site is located on the eastern side of Nelson Street, between Rose Street and Piper Street. The site consists of 2 allotments and is generally rectangular shaped with a total area of 367.9 sqm.

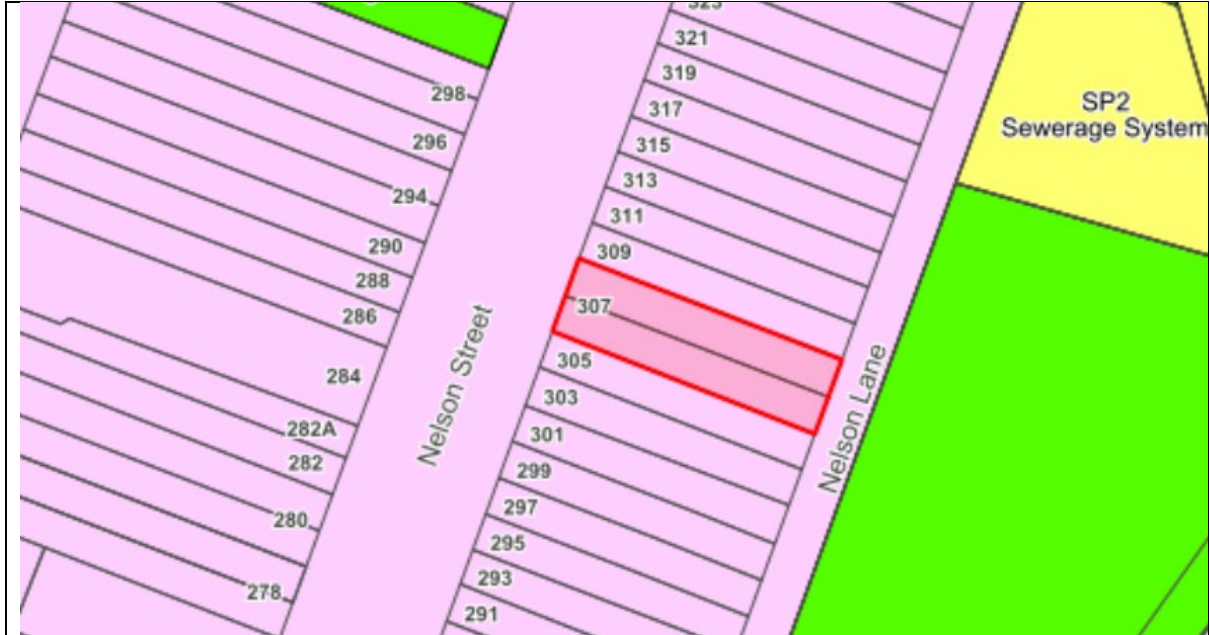
The combined site has a frontage of 10.06m to both Nelson Street and Nelson Lane, a depth of 36.585m and an overall area of 367.9m², including the following two (2) allotments:

- 307a Nelson Street (Lot 35 Section 15 DP 1865): southern allotment with a frontage of 5.03m and area of 183.95m²; and
- 307b Nelson Street (Lot 36 Section 15 DP 1865): northern allotment with a frontage of 5.03m and area of 183.95m².

The site is currently occupied by a single dwelling house, spread over both lots along with a detached single garage at the rear of Lot 36. The adjoining properties to the north and the

south consist of two storey dwellings. The combined site contains three (3) mature trees and has a fall of some 3.9m from the front to the rear. Private open space at the rear of Lot 35 is elevated some 1.6m above Nelson Lane.

The subject site is not a heritage item but is located within a heritage conservation area.



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
D/1999/997	Construction of deck and carport to rear of existing dwelling and construction of fence on Nelson Lane frontage.	Approved on 24 February 2000
CDCP/2015/107	Demolition of all existing structures including single storey dwelling, rear garage, perimeter fencing and retaining walls	Issued 8 July 2015.
D/2015/739	This DA proposed the construction of two dwellings each with rear garage, one with roof terrace on garage, removal of trees and associated landscape works.	Refused 10 February 2016
TREE/2020/0104	Tree Permit (Tree/2020/0104) was approved on 11 May 2020 for the removal of the <i>Alnus jorrulensis</i> (Evergreen Alder)	Approved 11 May 2020

Surrounding properties

Application	Proposal	Decision & Date
D/2012/491	<u>311 Nelson Street</u> Alterations and additions to an existing two storey dwelling, construction of new two storey addition with first floor balcony, demolition of the existing garage construction of new garage and landscape works.	22/05/2013 - Approved by Land and Environment Court
M/2014/79	Section 4.55 application to modify D/2012/491 which approved alterations and additions to an existing two storey dwelling, construction of new two storey addition with first floor balcony, demolition of the existing garage construction of new garage and landscape works. Modifications entail, increase size of garage and associated excavation, increase size of terrace above garage, reduce masonry walls on boundary and replace with open balustrade, lower ground level in lightwell, internal changes, new clerestory pop up to roof with additional glazing, new windows & doors to Nelson Street as indicated on plans.	Approved 09/07/201

4(b) Application history

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

Date	Discussion / Letter / Additional Information
9 October 2020	Request to withdraw letter sent to Applicant, the following issues are raised: A. Issues in relation to heritage conservation B. Issues in relation to impact to trees

	<p>C. Non-compliance with Solar Access controls under Leichhardt DCP 2013 D. Issues in relation to visual privacy E. Non-compliance with Building Location Zone and side setback controls under Leichhardt DCP 2013 F. Incorrect calculations in relation to Site Coverage G. Issues in relation to Car Parking] H. Issues in relation to Stormwater</p>
<p>30 October 2020</p>	<p>The applicant elected not to withdraw the application and provided additional information/amended plans. The amended design (i.e. issue B, 30 October 2020) consist of the following changes:</p> <ul style="list-style-type: none"> • Reduction in building height, amendment and lowering of roofline to the western (Street) elevation; • Amendment to northern elevation articulation, materials and glazing elements to both proposed dwellings; • Amendment and reconfiguration to rear yard landscape design to dwelling/Lot 307 A ("307A") including reduction in pool size and subsequent reduction in site coverage for that Lot, removal of platform lift, removal and/or reduction in fencing/screens and increased landscaping; • Amendment and reconfiguration to rear yard landscape design to dwelling/Lot 307B ("307B") including reduction in external deck, increase in soil volume, reduction in extent of fencing/screens, reduction in heights to carport, deletion of platform lift and adjustment to finished levels;
<p>19 November 2020</p>	<p>E-mail sent to applicant advising that there are unresolved issues in relation to streetscape / heritage, tree impacts (where root mapping is required) and solar access. The applicant was given until 4 January 2021 to provide additional information to resolve the issues raised above.</p>
<p>4 January 2021</p>	<p>The applicant provided additional information/amended plans. The amended design (i.e. issue C, 9 December 2020) is generally the same as issue B with the exception of the following changes:</p> <ul style="list-style-type: none"> • The building has been lifted 150mm to address Council's Engineer comment to have a minimum 150mm threshold between external and internal surfaces; • Due to the lifting of the building the west elevation has been further amended to ensure there remains a correlation between the horizontal lines of No. 307A and the neighbouring No. 305; • The east elevation has been amended with the timber batten screen fence/carport door deleted to address the Council's Heritage Officer comment regarding materiality. This has been replaced with rendered masonry and metal door; • Existing retaining wall to No. 307A has been retained; • Removal of new boundary fencing between No. 307A/305; Landscape plans amended to suit amended design including replacement of solid paved entrance paths with random stepping stones; • Amended stormwater concept plans to suit amended design and address comments raised by Council's Engineer and Arborist. <p>These plans form the basis of this assessment.</p>

The amended proposal will result in a lesser development than the development that was originally notified with the exception the proposed pool level. If the application was recommended for approval, a condition would need to be imposed requiring the proposed pool structure and associated paving to be lowered by 150mm. Subject to this condition, the amended plans were not required to be renotified.

However, as root-mapping has not been provided as requested, the solar access issues have not been resolved as requested, and there are outstanding heritage issues, the application is recommended for refusal.

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*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. The LDCP2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

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

BASIX Certificates were submitted satisfying the provisions of SEPP BASIX.

5(a)(iii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection of trees identified under the Leichhardt Development Control Plan 2013.

No trees are proposed to be removed as part of this application, and therefore, the proposal raises no issues that are contrary to the requirements of the Vegetation SEPP.

5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

5(a)(v) 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 4.4A - 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 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.3 - Flood Planning
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

(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.

Clause 2.7 - Demolition

The following information was provided by the application with respect to whether the Complying Development Certificate (CDC) for demolition of the existing dwelling is still valid and can be relied upon:

An amendment to s 4.53(1) of the EP&A Act came into force on 14 May 2020, namely that a development consent lapses:

(c) 2 years after the date on which the development consent would otherwise have lapsed if the development consent commenced operation before, and has not lapsed at, the commencement of the prescribed period.

The prescribed period is defined as the period commencing on 25 March 2020 and ending on 25 March 2022.

'Development consent' is defined in the EP&A Act as:

Consent under Part 4 to carry out development and includes, unless expressly excluded, a complying development certificate.

Therefore, in the case of your development consent, being Complying Development Certificate No. 257/15 granted on 8 July 2015, as it was granted before 25 March 2020 and has not lapsed, the lapse date is extended by 2 years. The complying development certificate was due to expire on 8 July 2020. Accordingly, it will now expire on **8 July 2022**.

Therefore, it is accepted that the applicant could rely on the approved CDC to carry out demolition of the existing dwelling.

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

Dwelling 1 (307a – Southern dwelling)

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.8:1 or 147.2 sqm	0.8:1 or 147 sqm	N/A	Yes
Landscape Area Minimum permissible: 15% or 27.6 sqm	25.6% or 47sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 110 sqm	60% or 110sqm	N/A	Yes

Dwelling 2 (307b – Northern dwelling)

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.8:1 or 147.2 sqm	0.8:1 or 147 sqm	N/A	Yes
Landscape Area Minimum permissible: 15% or 27.6 sqm	21.8% or 40sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 110 sqm	65% or 119 sqm	9 sqm or 9%	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(b) – Site Coverage

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A(b) of the LEP by 9% (9 sqm).

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

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

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:

- The proposal satisfies the objectives of the R1 General Residential zone and the objectives of the landscaped areas for residential accommodation in Zone R1 standard;
- The contravention of the site coverage standard facilitates a permissible form of residential accommodation on Lot A in a manner that achieves high amenity outcomes and results in a development that achieves landscaped area above the minimum requirement (on both lots);
- The contravention of the development standard does not result in an excessive scale and density of development at the site with both dwellings complying with the relevant FSR development standard;
- The form and scale of development responds to the broader context of the site, including the terrace style residential development in Nelson Street;
- Contravention of the standard does not contribute to adverse environmental impacts in terms of visual impacts, privacy, view loss, for adjacent sites or loss of landscape setting;
- The proposed site coverage will not give rise to adverse overshadowing, bulk and scale, noting that the proposed development will comply with the BLZ requirements of the LDCP 2013 and FSR requirements of the LLEP 2013. Specifically, the proposal could achieve absolute compliance with the site coverage standard without making any alteration to the GFA and building alignment of the dwelling on Lot A (such that the deletion of the proposed pond and reduction in the size of the plunge pool would result in compliance).

It is considered that the applicant's written rationale does not adequately demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

It is considered the development is not in the public interest because it is inconsistent with the objectives of the LR1, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP. The zoning objectives are:

Zone R1 General Residential

- *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*

As discussed in more detail in later sections in this report, the proposal in its current form is considered to be incompatible with the existing streetscape, the desired future character area and the heritage conservation area. The proposal is also considered to result in unnecessary and excessive impacts to the amenity of the adjoining properties in relation to visual privacy and solar access. Therefore, the proposal in its current form is contrary to the following zone objectives:

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

It is considered the development is not in the public interest because it is inconsistent with the objectives of the Site coverage development standard, in accordance with the objectives of the development standard, which are reproduced below:

4.3A Landscaped areas for residential accommodation in Zone R1

(1) The objectives of this clause are as follows—

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

As discussed in more detail in later sections in the report, the proposal in its current form is considered to be incompatible with the existing streetscape, the desired future character area and the heritage conservation area. Therefore the proposal in its current form is contrary to the following objective:

- (c) to ensure that development promotes the desired future character of the neighbourhood,*

Therefore, it is recommended that the Clause 4.6 exception not to be granted.

Clause 5.10 - Heritage Conservation

The following heritage response is provided in response to the revised architectural drawings prepared by ETECH Studio, dated 9 December 2020. These drawings responded to the heritage commentary provided on 7 September 2020 in response to the original proposal, which was considered not acceptable from a heritage perspective, and provided alternative solutions. Commentary from the original heritage referral is reiterated below along with additional commentary in response to the revised drawings.

1. *The applicant needs to demonstrate that demolition has commenced and that the consent under PCAP/2015/277 is still valid. Otherwise, council cannot approve a DA for the demolition of a contributory building located in a HCA which makes a positive contribution to the desired future character of the area.*

Comment: In the letter from Candella Properties Pty Ltd, dated 30 October 2020, the applicant states that both their appointed Certifier for the demolition works and their Solicitors confirmed an extension to the consent PCAP/2015/277, which does not lapse until 8 July 2022. Therefore, the current application does not seek demolition of the existing dwelling as this was already approved under PCAP/2015/277.

2. *It is recommended that the design be amended to incorporate the following design changes:*
 - a. *retain the main building form of the existing dwelling and locate any additions to the rear;*
 - b. *the main hipped roof form and what were the original 3 front rooms are be retained and incorporated into the proposal, including the fire place, chimney breast and chimney to the existing formal living room; and*
 - c. *the existing rear wall of the main building form should be retained and incorporated into the addition. Should partial demolition be required, 300mm wall nibs and bulkhead should be retained and incorporated into the proposal.*

Comment: The applicant does not propose to retain and incorporate the main building form of the existing dwelling. Though not a positive heritage outcome, they do have a current consent for its demolition.

If the applicant pursues demolition of the existing dwelling, the following applies:

3. *Demolition of a contributory building can only be considered where the dwelling is found to be structurally unsafe and cannot be reasonably repaired.*

Comment: There is an existing approval for the demolition of the subject dwelling.

4. *The following information must be provided:*
 - a. *The Heritage Impact Statement (HIS) prepared by Urbis will need to be updated containing detailed archival research relating to this particular dwelling (not general information relating to the entire suburb). The HIS must be based on primary source material. Generalist text from websites that cannot be referenced to a particular study or published history must not be included. The James Kerr methodology of analysis of historic evidence and physical fabric must be followed. Photographs are to be included of all areas proposed to be altered and the consultant has to inspect the property.*

Previous applications to council need to be researched and investigated to determine the changes to the internal layout. The surviving extent of the dwelling must be identified in plan form, including the changes in configuration of the rooms and the joinery. The survival of the internal fabric; such as timber floors, ceilings and linings are to be confirmed. An illustrated table is to be prepared describing each element within each room and whether or not it is original/early or dates from later works. The extent of survival of the original fabric needs to be identified by a Heritage Architect and not generalist Heritage Consultants.

The HIS must include a statement of significance of the dwelling (significance of the item itself and the significance of the HCA).

The above analysis should inform the design of the new work; alterations should be confined to the portions of the dwelling that can be demonstrated to date from later alterations and additions.

Comment: The current approval for demolition under PCAP/2015/277 negates the need for an updated HIS.

- b. *A structural engineer's report which identifies and explains the structural condition of the building. The report is to be prepared by a qualified structural engineer or building surveyor and is to address the structural adequacy of the building, options for the building to be made structurally safe through rectification/remediation works and options for the conservation of the building.*

Comment: The current approval for demolition under PCAP/2015/277 negates the need for a structural engineer's report.

- c. *An assessment of the proposed demolition needs to be made against the Planning Principle from Helou v Strathfield Municipal Council.*

Comment: The current approval for demolition under PCAP/2015/277 negates the need for an assessment of the demolition needs against the Planning Principle from Helou v Strathfield Municipal Council.

5. *The proposed infill dwellings are to be designed in accordance with the following:*
 - a. *the basement levels for each dwelling are to be deleted;*

Comment: The basement levels were not supported because of the extent of excavation required and the impact on the rock outcrop. C2 a. of Part C1.19 of the DCP states that the excavation of rock outcrops may be granted development consent where excavation will not adversely affect the setting of the landscape element, including when viewed from areas of the public domain. The Cover Letter states the existing rock outcrop is not visible from the public domain. Therefore, the extent of excavation required for the proposed basements is acceptable in this instance.

- b. *the front setbacks must not be staggered. They must be consistent and complementary to the front setbacks of the neighbouring dwellings at Nos. 305 and 309;*

Comment: The staggered setback is a result of the requirements of Council's Urban Forest Officer to retain the existing Jacaranda tree in front of the proposed dwelling at No. 307B. Though not the preferred outcome in respect to urban design and the streetscape character, a staggered setback will result in a front setback for the dwelling at No. 307B which is similar to the setback of the existing dwelling which is generally acceptable. The front setback of the proposed dwelling at No. 307A is sympathetic to the front setback of the dwelling to the south at No. 305.

- c. *the dwelling should contain front verandahs with separate skillion roofs;*

Comment: No change. The Cover Letter from the applicant states their heritage experts reaffirm that the proposed design is acceptable and supported from a heritage perspective. This is not agreed with as it is introducing a building form without a typical detail that is inconsistent within the immediate streetscape. The west (Nelson Street) elevation of both dwellings is required to be redesigned incorporating 2 storey front verandahs with separate skillion roofs over to break up the box form of the dwellings and to better relate to the character of the streetscape, with the slope of the verandah roofs to complement the slope of existing front verandah roofs of the adjoining dwellings.

- d. *the rear setbacks are not be stepped or cantilevered;*

Comment: Each level steps back from the level below.

- e. *the dwellings must present as single storey to Nelson Street and any 2 storey component must be set behind the ridgeline of a gable roof form. The ridgeline of the gable roof forms must complement the distance from the ridgelines of the adjoining dwellings to their front boundaries. Attic spaces within the roof forms, with a dormer window to the street elevation, may be considered.*

Comment: The north and south elevations include the outlines of the adjoining dwellings. It is therefore difficult to assess the forms of the proposed dwellings in respect to the character of the streetscape. It is evident from the sections that the proposal has been amended deleting the proposed gable roof forms to the west (Nelson Street) elevation and moving the bedrooms on level 1 of each of the dwellings forward. The box form this creates for both dwellings is not supported as it is inconsistent with the character within the immediate vicinity and the desired future character for the Nelson Street Distinctive Neighbourhood. Though the neighbouring dwellings present as single storey, 2 storey is generally acceptable within the wider streetscape, which is a mix of single and 2 storey dwellings and terraces. The planter proposed to the first floor west (front) elevation of Dwelling 307B is required to be deleted as it is not characteristic of detail within the streetscape.

- f. *any dormer windows proposed to the front (Nelson Street) elevation are to be designed in accordance with the following:*
- i. *be vertically proportioned (between a height to width ratio of 1.6:1);*
 - ii. *the same pitch and roof material as the main roof;*
 - iii. *positioned at 300mm below the ridge, measured vertically;*
 - iv. *not more than 1.5m from the bottom sill to top of the window head;*
 - v. *formed with painted timber pilasters, approximately 25% of the width of the window with a base and a lintel over;*
 - vi. *detailed in a style consistent with the style of the roof;*
 - vii. *formed of windows that are double hung, with painted timber frame;*
 - viii. *formed of side walls (cheeks) that are weatherboards; and*
 - ix. *formed of a triangular pediment.*

Comment: Deleted.

- g. *the roof forms of the dwellings are to be gable;*

Comment: The box form of the dwellings is required to be amended to include gable roof forms so they comply with C8 of Part C1.4 of the DCP which requires that new development respect for the form, scale and sitting of the immediate area. The height of the ridgelines are to be complementary to the average of the ridgelines of the adjoining dwellings at Nos. 305

and 309 Nelson Street - this will require the lowering of floor to ceiling heights on the ground and first floors to accommodate the gable roof forms.

- h. *solar panels are to be fixed so they sit flush with the roof;*

Comment: No change. The solar panels are required to be installed behind the ridgeline of the main gable roof form to the street and are to sit flush with the roof so they are not visible from the public domain.

- i. *the recessed door and windows to the front façade of 307A are to be deleted and must sit flush with the front facade;*

Comment: No change. The recessed door and windows to the front façade of dwelling 307A are required to be deleted and redesigned so they sit within a flush front façade.

- j. *large expanses of glass are not to be used in areas visible from the public domain, e.g. in the west (front) or east (rear) elevations. Openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Dominancy must be given to masonry/solid elements rather than glazed areas. Blank unarticulated walls should also be avoided if visible from the public domain;*

Comment: No change. The large expanses of glass are not to be used in areas visible from the public domain, e.g. in the west (front) or east (rear) elevations. Openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame).

- k. *the first floor balcony to the front of dwelling 307B is to be deleted;*

Comment: The first floor balcony has been redesigned to a 2 storey balcony. This is acceptable providing it is redesigned in accordance with the above, e.g. a balcony form with a separate skillion roof.

- l. *glazed and metal rod balustrades (MB) are not supported and are to be replaced with vertical timber or metal balustrades;*

Comment: Metal balustrades are proposed to the front façade which are generally acceptable.

- m. *the sloping glass skylights to the east elevation of the dwellings is to be deleted. If skylights are required, they are to sit flush with the rear roof plane.*

Comment: No change. The sloping glass skylights to the east elevation of the dwellings are required to be deleted. If skylights are required, they are to sit flush with the rear roof plane.

- 6. *A revised colours and materials schedule will need to be submitted for consideration and in accordance with the following:*

- a. *materials, finishes, textures and colours must be complementary to the colour schemes of contributory dwellings within the streetscape. Reflective wall cladding is not acceptable;*

- b. *standard seam bronze metal roofing (MR) is to be replaced with a pre-coloured traditional corrugated steel roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby";*

- c. *greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used. The mid grey beige brick (BK) and concrete (CO) are to be replaced*

with rendered and painted masonry in a colour sympathetic to colour schemes of complementary dwellings within the streetscape, e.g. "Lime White" or "Pale Stone" from the Dulux Traditional range, or similar;

- d. the proposed metal cladding (MC) and timber batten finish (SC) are to be replaced with horizontally laid timber weatherboards or FC cladding painted in "Lime White" or "Pale Stone" from the Dulux Traditional range, or similar;*
- e. the proposed bronze metal rod front fence is to be replaced with a sympathetic 1.2m high timber picket fence. Alternatively, a metal palisade fence may be considered; and*
- f. the timber batten screen fence to the rear boundary is to be replaced with timber paling fence, similar to the side boundary fencing proposed and no higher than 1.8m.*

Comment: Most of the points above have been addressed. Standing Seam for the roofing is not acceptable. This needs to be replaced with a pre-coloured traditional corrugated steel roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

The footpath pattern to the front of Dwelling 307B has been replaced with irregular rectangular paving which is not consistent with the character of the HCA. The footpath design for Dwelling 307B is to be reverted back to the straight rectangular form as proposed in the Drawings Issue B, dated 30 October 2020.

In summary, the proposal (issue C) in its current form is not acceptable and significant amendments are necessary to ensure the proposal will be compatible with the existing streetscape and the heritage conservation area that it is located in.

5(b) Draft Environmental Planning Instruments

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 proposal raises no issues that are contrary to the relevant provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes - See discussion
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion

C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	No – see discussion
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Yes
Part C: Place – Section 2 Urban Character	
C2.2.1.6 Nelson Street Distinctive Neighbourhood	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.4 Dormer Windows	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	No – see discussion
C3.10 Views	Yes – see discussion
C3.11 Visual Privacy	No – see discussion
C3.12 Acoustic Privacy	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes, subject to conditions
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
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes

The following provides discussion of the relevant issues:

Clause C1.0 General Provisions

As discussed in earlier and later sections of the report, the proposal is considered to be incompatible with the heritage area and will result in adverse amenity impacts to adjoining

properties and therefore is considered to inconsistent with the following objectives under this part:

- *O4 Amenable: places and spaces provide and support reasonable amenity, including solar access, privacy in areas of private open space, visual and acoustic privacy, access to views and clean air.*
- *O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.*

C1.4 Heritage Conservation Areas and Heritage Items, C3.3 Elevation and Materials

As discussed in an earlier section of the report under 5.10 – Heritage Conservation, the proposal in its current form is considered to be incompatible with the existing streetscape and the heritage conservation that it is located in.

The proposal is also considered to be contrary to the Objectives O1d and O1e and control C8 of C.14 Heritage Conservation Areas and Heritage Items.

- *O1 Development:*
 - d. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter.*
 - e. new buildings are sympathetic in scale, form, architectural detail, fenestration and siting to the Heritage Conservation Area or Heritage Item and conforms with the Burra Charter.*
- *C8 New development need not seek to replicate period details of original buildings in proximity to the site, but rather, demonstrate respect for the form, scale and siting of the immediate area.*

The proposal is also considered to be contrary to the Objectives O1a under C3.3 – Elevations and Materials:

- *O1 Building elevation and materials visible from the public domain:*
 - a. complement the prevailing or desired future character of the neighbourhood, in particular responding to the vertical and horizontal rhythm of the streetscape.*

C1.14 Tree Management

The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

A review of the application has raised the following concerns in relation to potential impacts to trees to be retained on site as well as proposed trees to be planted as part of landscaping works.

- a. There is insufficient construction detail to demonstrate how the proposed pool will be cantilevered over the TPZ of T4.
- b. It has not been demonstrated that sufficient soil volume will be provided to support a replacement canopy specimen that will attain a height of 8m upon maturity in accordance with TREE/2020/0104 recently determined on 11/05/2020. It is noted that the replacement specimen was conditioned to be planted within 1 month or tree removal. In addition, from the supplied plans, it appears that there is little room to support the future growth of existing trees to be retained.

- c. Further root mapping will be required to ascertain if the trees to be retained will remain viable in the landscape in the long term. The standard TPZ/SRZ setbacks calculated by the Arborist under the provisions of AS4970 *protection of trees on development sites* cannot be used in this instance due to the existing growing conditions and are not accepted. It is anticipated that T2 and T4 have asymmetrical root systems. Root mapping will be required where excavation is proposed within proximity of a tree to be retained. The root exploration exercise must be undertaken by a minimum *AQF Level 5 Consulting Arborist* and prepared in accordance with *Council's Development Fact Sheets*. The Arborist must provide clear photographic evidence of the diameter of all roots located, using a diameter tape or measuring tape for scale and reference. The lengths, depths and orientation of all trenches excavated must also be clearly documented.
- d. The Arborist must provide additional comments on stormwater impacts as well. Refer to *Ground Drainage Plan*, prepared by *ABC Consultants*, dated January 2020, DWG No. C03.01.

While additional information had been provided to address points a, b and d, rootmapping has not been provided. Therefore, there is insufficient information provided to definitively conclude the subject trees, in particularly the tree located on the adjoining property, will not be impacted by the proposed development. Therefore, the proposal is inconsistent with the following objectives under C1.14 of Leichhardt DCP 2013:

- **O3** *To protect trees within and adjacent to development sites and to ensure that all new development provides an opportunity for existing and new trees to grow.*
- **O4** *To manage the urban landscape so trees continue to make a significant contribution to its quality, character and amenity.*
- **O5** *To maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.*

C2.2.1.6 Nelson Street Distinctive Neighbourhood

As discussed in more detail in an earlier section of the report in relation to Heritage Conservation, the box form, materials used and articulation of the front elevation is considered to be inconsistent with the character within the immediate vicinity and the desired future character for the Nelson Street Distinctive Neighbourhood. Therefore, the proposal in its current form is inconsistent with C11 under this part, i.e.

C11 Maintain the harmony/character of the neighbourhood by ensuring development is complementary in form and materials, and reflects the cohesiveness of the streetscape.

C3.1 Residential General Provisions

As discussed in earlier and later sections of the report, the proposal is considered to be incompatible with the heritage area and will result in adverse amenity impacts to adjoining properties and therefore is considered to inconsistent with the following objectives under this part:

- **O3** *To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.*
- **O7** *To ensure that the amenity, including solar access and visual privacy, of the development and adjacent properties is not adversely impacted.*

C3.2 Site Layout and Building Design

Building Location Zone (BLZ)

The proposed works will result in a breach of the first floor BLZ by approximately 9.75 metres in its rear alignment and the southern dwelling (i.e. 307a) will result in a breach of the ground floor BLZ by approximately 2 metres.

Subclause C6 of Part C3.2 of the DCP states that in the event of any proposed variation to the BLZ, the application must demonstrate that the building is consistent with the pattern of development in the immediate locality (usually taken as the same street) and that:

- a. *amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;*
- b. *the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;*
- c. *the proposal is compatible in terms of size, dimensions, privacy and solar access of private open space, outdoor recreation and landscaping;*
- d. *retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and*
- e. *the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.*

The proposal in its current form is not considered to be compatible with the existing streetscape or desired future character of the area. As discussed in later sections of the report, while the proposal is acceptable in regards to view loss, the proposed works does not comply with the solar access controls and the proposal as lodged is not satisfactory in regards to visual privacy impacts. The visual bulk and scale impacts from the breach of side setback controls on No. 309 Nelson Street is also considered to be excessive, therefore the application has not demonstrated that the significant variation to BLZ is justifiable.

Side Setback

A non-compliance with the setback control is noted as outlined in the following table:

Ground Floor

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern	3.5 – 4.4	0.4 – 0.9	0	0.4 – 0.9
Southern	7.4	2.66	0	2.66

First Floor

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern	7.4	2.66	0	2.66
Southern	7.4	2.66	0	2.66

The proposal therefore seeks side setback non-compliances relating to each side boundary. Subclause C8 of Part C3.2 of the DCP states that Council may allow for a departure from the side setback control where:

- a. *the proposal is consistent with the relevant Building Typology Statement as outlined in Appendix B of the DCP;*
- b. *the pattern of development in the streetscape is not compromised;*
- c. *the bulk and scale is minimised by reduced floor to ceiling heights;*
- d. *amenity impacts on adjoining properties are minimised and / or are acceptable; and*
- e. *reasonable access is retained for necessary maintenance of adjoining properties.*

The proposal in its current form is not considered to be compatible with the existing streetscape or the heritage conservation area that it is located in. As discussed in later sections of the report, while the proposal is acceptable in regards to view loss, the proposed works does not comply with the solar access controls and is not satisfactory as lodged with respect to visual privacy, and the proposal is unsatisfactory with respect to visual bulk and scale impacts, particularly when viewed from No. 309 Nelson Street, and therefore the application has not demonstrated that the variation to side setback controls are justifiable.

C3.9 Solar Access

The subject site and the surrounding lots have an east-west orientation. The following solar access controls under C3.9 apply to the proposal in relation to impacts to glazing on the surrounding sites.

- *C12 - Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice*
- *C15 - Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

In addition, C3.9 also requires protection of solar access to private open spaces of adjoining properties. The subject site has east-west orientation, and therefore, the following solar access controls apply to the proposal in relation to solar access to private open spaces of affected properties:

- *C18 - Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*
- *C19 – Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm to during the winter solstice, no further reduction of solar access is permitted.*

Assessing the impact of development on the solar access of neighbours:

In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;
- b. site orientation;
- c. the relative levels at which the dwellings are constructed;
- d. the degree of skill employed in the design to minimise impact; and
- e. whether reasonably available alternative design solutions would produce a superior result.

The most impacted property in this regard will be the southern-adjointing property at 305 Nelson Street. There will be no additional impacts to 303 Nelson Street at winter solstice between 9am and 3pm. Shadow diagrams in plan and elevation at hourly intervals during winter solstice have been provided. The shadow diagrams in elevation demonstrates that whilst there impacts to the first floor bedroom bedrooms, the proposed works will not have any additional impacts to the east-facing glazing of the living room, and therefore, complies with C12 of C3.9 – Solar Access. Solar access to skylights are not protect under C3.9 – Solar

Access, and therefore, whilst the skylights will be impacted by the proposed works, it is not a reason that warrants the application to be refused.

However, the proposal will result in additional overshadowing of the private open spaces of No. 305 Nelson Street and the impacts are summarised in the table below:

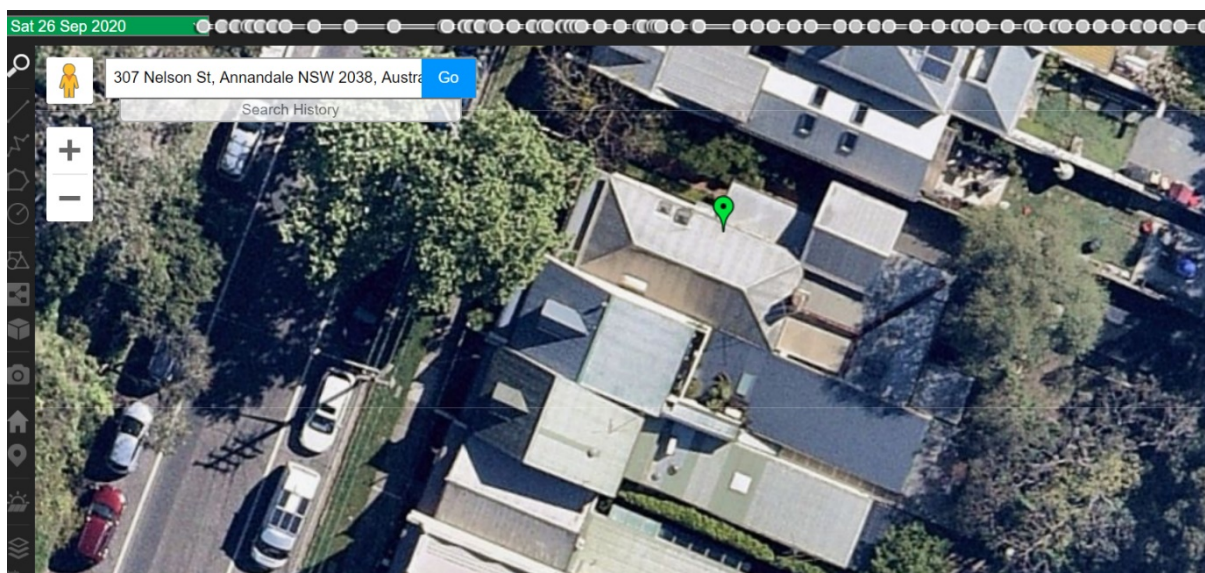
Time	POS size (sqm)	Existing Solar Access to POS (sqm)	Existing Solar Access to POS (%)	Proposed Solar Access to POS (sqm)	Proposed Solar Access to POS (%)	Change (sqm)
9:00am	55	7.6	13.8%	7.6	13.8%	0
10:00am	55	9	16.3%	9	16.3%	0
11:00am	55	12	21.8%	12	21.8%	0
12:00pm	55	13	23.6%	12.5	22.7%	-0.5
1:00pm	55	8	14.5%	7.5	13.6%	-0.5
2:00pm	55	2.3	4.2%	0.3	5.5%	-2.0
3:00pm	55	0	0%	0	0%	0

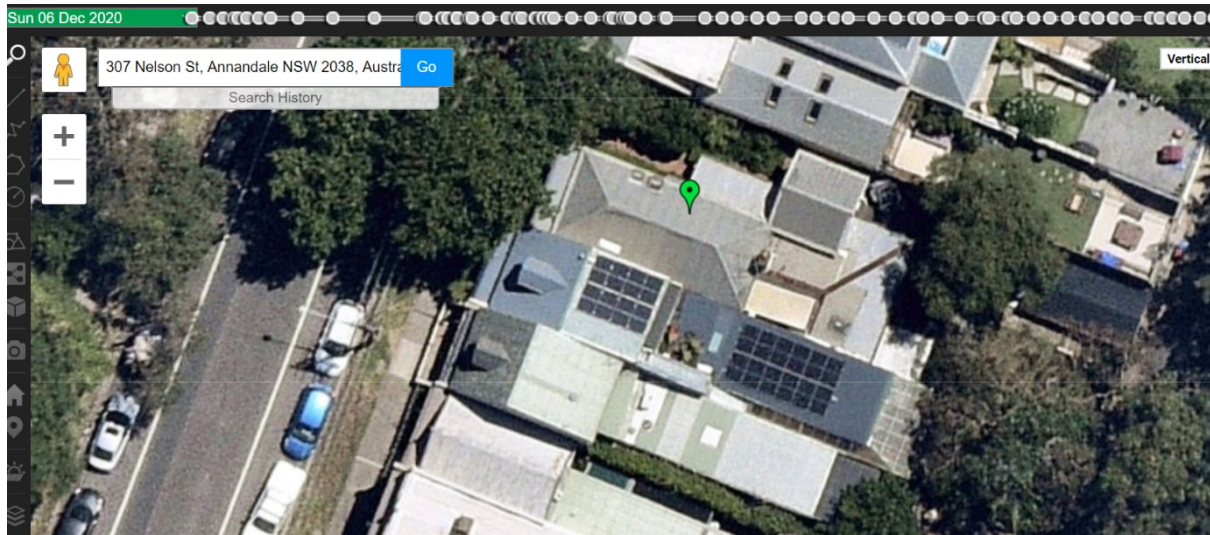
As shown on the table above, the adjoining site at 305 Nelson Street currently receives significantly less than the required amount of solar access to its private open space. As the proposed works will result in additional overshadowing of this property, the proposal does not achieve compliance with C19 of C3.9 Solar Access.

The non-compliance is directly related to the significantly breach in the rear alignment of the Building Location Zone control at first floor level. As there is an obviously alternative solution, i.e. in reducing the extent of the rear alignment of first floor level, that would have minimised overshadowing, the proposal in its current form is not considered to be acceptable.

Impact to solar panels

It is noted that solar panels were installed by No. 305 Nelson Street after the application was lodged (see images below from Near Maps)





As the proposed ridge heights of the southern dwelling will be at RL16.59, and the existing ridge height in the rear roof plane of the front section of 305 Nelson Street is between RL 17.08 and RL16.56, there will be no impacts to the solar panels at the front of the building. The solar panels at the rear section of the dwelling at 305 Nelson Street are located at a lower level and will be impacted by the proposed works. As the solar panels at the front of the dwelling will not be impacted by the proposed works and the solar panels were installed after the application was lodged, it is considered that on balance, the proposed impacts in relation to solar panels is acceptable. However, the application is recommended for refusal for other reasons outlined in this report.

C3.10 View Loss

There is an objection that has been received in relation to the loss of views from the adjoining property at 7B Victoria Street. Council will consider the following steps in the assessment of reasonable view sharing:

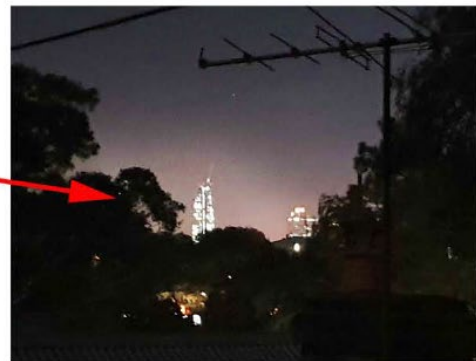
- a. What views will be affected? In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Centre Point Tower). Such views are more highly valued than district views or views without significant landmarks.*
- b. How are the views obtained and assessed? Views from private dwellings considered in development assessment are those available horizontally to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).*
- c. Where is the view enjoyed from? Views enjoyed from the main living room and entertainment areas are highly valued. Generally it is difficult to protect views from across side boundaries. It is also generally difficult to protect views from other areas within a residential building particularly if views are also available from the main living room and entertainment areas in the building concerned. Public views are highly valued and will be assessed with the observer standing at an appropriate point in a public place.*
- d. Is the proposal reasonable? A proposal that complies with all development standards (e.g. building height, floor space ratio) and planning controls (e.g. building setbacks, roof pitch etc) is more reasonable than one that breaches them."*

The following images are provided by the objection in relation to the potential loss of views from the first floor of No. 305 Nelson Street.

These iconic views would be completely lost to the residents and visitors to the upstairs living space.



Night view of iconic Barangaroo Building seated on the upper deck 305 Nelson Street





The property currently enjoy partial, distant views of the Barangaroo the ANZAC bridge from the rear deck and partial distant views of the skyline from the first floor balcony that is associated with a bedroom. As the views are not from the main living room and the views are across numerous side boundaries, these are views are considered difficult to protect and the loss of these views would not warrant refusal of the proposal. However, the application is recommended for refusal for reasons outlined elsewhere in the report.

C3.11 Visual Privacy

The following controls are applicable in C3.11 Visual Privacy

- *C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*
- *C5 The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure.*
- *C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).*
- *C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.*
- *C10 Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.*

As the first floor windows are not associated with any living rooms and have no sightlines to other windows within 9 metres and 45 degrees, the sightlines from the first floor windows are not required to be restricted.

It is noted that, while the internal floor levels are required to be lifted to address the engineering issues, the rear deck and the pool is not be required to be lifted. Contrary to this control, the external surfaces must be 150mm below the internal levels, and therefore, regardless of the visual privacy impacts, the levels of the rear deck to the proposed northern dwelling and the pool levels of the proposed southern dwelling must be lowered to RL10.00.

In regards to the potential visual privacy at the ground floor level, the amended design includes a reduction of the proposed rear deck of the northern dwelling (which now has the same setback to the rear boundary as the existing timber decking) and the proposed pool of the southern dwelling and some minor reduction of the proposed fencing/privacy screens on the northern and southern boundaries associated with these structures. It should be noted that privacy screening is proposed on top of the fencing to the side boundaries which add to the bulk and scale concerns when viewed from the adjoining properties, which is considered unsatisfactory.

In regards to impacts to 309 Nelson Street, any proposed rear decking to the northern dwelling should be lowered to a maximum RL of 10.00 to minimise any overlooking impacts and any proposed privacy screens to the fencing on the northern boundary should be deleted.

In regards to impacts to 305 Nelson Street, it is noted that the existing elevated deck at 305 Nelson Street will have sightlines into the rear yard of No. 307 Nelson Street. On balance, a reasonable approach will be to lower the pool level to a maximum finished level to be no higher than the levels of the rear deck of 305 Nelson Street (RL9.75) and provided privacy screens with a height of 1.8 metres from this level and the privacy screen to not extend beyond the rear alignment of the rear deck at 305 Nelson Street (excluding the landing).

If the application was recommended for approval, conditions would need to be imposed to address the above, however, the proposal in its current form is not considered to be acceptable in relation to visual privacy impacts.

C3.12 – Acoustic Privacy

The following controls are applicable in C3.12 Acoustic Privacy

C3 Noise generating areas that are not contained within buildings, such as private outdoor open space, parking and service equipment, is located and oriented away from bedroom windows on adjoining sites.

C8 Private open space is encouraged to be located away from bedrooms on adjoining properties to ensure minimal acoustic impacts.

The living areas and private open spaces are provided at ground floor level and are located away from bedroom windows and therefore is considered to be satisfactory in this regard. However, the application for refusal for reasons outlined elsewhere in the report.

E1.1.3 Stormwater Drainage Concept Plan, E1.2.2 Managing Stormwater within the Site and E1.2.3 On-Site Detention of Stormwater

The amended stormwater concept plan provided is not considered to be satisfactory and must be amended as per the requirements below:

a) The revised Stormwater Drainage Concept Plan on drawing No. 19106/C02.01-C03.01 prepared by abc Consultants and dated 4 January 2021 must be amended to comply with the following specific requirements:

b) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (ARR), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP 2013;

- c) Stormwater runoff from pervious and impervious areas of the site shall be collected in a system of gutters, pipes and pits and discharged under gravity to the kerb and gutter in rear lane via OSD/OSR;*
- d) Charged or pump-out stormwater drainage systems are not used including for roof drainage;*
- e) 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);*
- f) The volume of the OSD can be reduced where on-site retention (OSR) facilities for rainwater reuse and/or stormwater reuse are proposed to service all toilets, laundries and outdoor usage. Where OSR is proposed in lieu of OSD, the offset shall be calculated at a rate of 1m³ from the OSD storage volume, for every 2.5m³ of OSR storage provided (up to a maximum OSD offset of 10m³). Offsets for larger OSD storage must be supported by detailed calculations demonstrating compliance with the objectives of Leichhardt Council's DCP 2013;*
- g) Details and dimensions of the OSD and OSR tank, the invert and top water level in the OSD and OSR shall be shown on the plan;*
- h) Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the OSD/OSR. The over flow from the storage tank must be connected under gravity to rear lane. Stormwater outlet pipe at a lower level of the storage tank and orifice plate is not required;*
- i) Depth of the OSD tank must comply with the confined space requirements, easy access must be available to the OSD/OSR for cleaning and maintenance purposes. The depth shown on Stormwater Drainage Concept Plans is not accepted;*
- j) The Stormwater Drainage Concept Plan must be prepared on a copy of the ground floor plan of approved architectural plans. The proposed OSD/OSR under the living area is not permitted;*
- k) Drainage pipes under the floor slabs must be laid straight without bends, inspection openings must be provided on the upstream and downstream ends for cleaning purposes. Access must be available to all downpipe connections;*
- l) Drainage pipes must be laid at a minimum grade of 1%. All pipes' diameter and invert level and pits surface and invert level must be shown on the amended drainage plans;*
- m) A 150mm step up shall be provided between the finished surface level of the external areas and the finished floor level of the internal rooms.*

If the application was recommended for approval, this will be required to be addressed via a deferred commencement condition. However the amendments required to address flooding will lead to further amenity and design impacts and the application is recommended for approval for reasons mentioned elsewhere in the report.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

Impact to heritage and desired future character of the area

The proposal in its current form is considered to be incompatible with the existing streetscape and the heritage conservation area that it is located in. If approved, it will set an undesired precedent of the type and form of in-fill new dwellings located within the Annandale Heritage Conservation Area.

Amenity impacts to adjoining properties

The siting, location and form of the proposed dwellings and associated structures will result in unnecessary and excessive amenity impacts to the adjoining properties.

5(f) The suitability of the site for the development

It is considered that the proposal will have an adverse impact on the adjoining properties and is incompatible with the existing streetscape and heritage conservation area and therefore it is considered that the site is unsuitable to accommodate the proposed development.

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.

Submissions were received from 11 Properties.

The following issues raised in submissions have been discussed in this report:

- Issues in relation to Floor Space Ratio – see Section 5(a) – Clause 4.4 – Floor Space Ratio
- Issues in relation to Changing the character of the area/Height, Bulk and Scale – see Section 5(d) - C1.3 Alterations and additions, C1.4 Heritage Conservation Areas and Heritage Items, C2.2.1.6 Nelson Street Distinctive Neighbourhood and C3.2 Site Layout and Building Design
- Issues in relation solar access – see Section 5(d) – C3.9 – Solar Access
- Issues in relation to view loss – see Section 5(d) – C3.10 – View Loss
- Issues in relation visual privacy and acoustic privacy – see Section 5(d) - C3.11 Visual and Acoustic Privacy.

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Incidents between the owners of 305 and 307 Nelson Street regarding proximity of cloth/shade to gas water heater and installation of gas water heater attached to the wall of 305 Nelson Street

Comment: This is a civil matter between the owners and 305 and 307 Nelson Street.

Issue: Inaccurate sketches of 309 Nelson Street which are referenced throughout the application.

Comment: The amended design is now based on survey information from D/2012/491 which included surveyed levels of the rear yard of No. 309 Nelson Street. However, it can be noted that the proposed visual bulk and scale impacts generated by the ground floor component of the proposed northern dwelling is considered to be unsatisfactory and will be included as a reason of refusal.

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 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
- Engineering
- Urban Forest

6(b) External

The application was referred to the following external bodies.

- Ausgrid – no objections

7. Section 7.11 Contributions/7.12 Levy

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. In the event that approval of the application is recommended, Section 7.11 contributions are payable for the proposal.

8. Conclusion

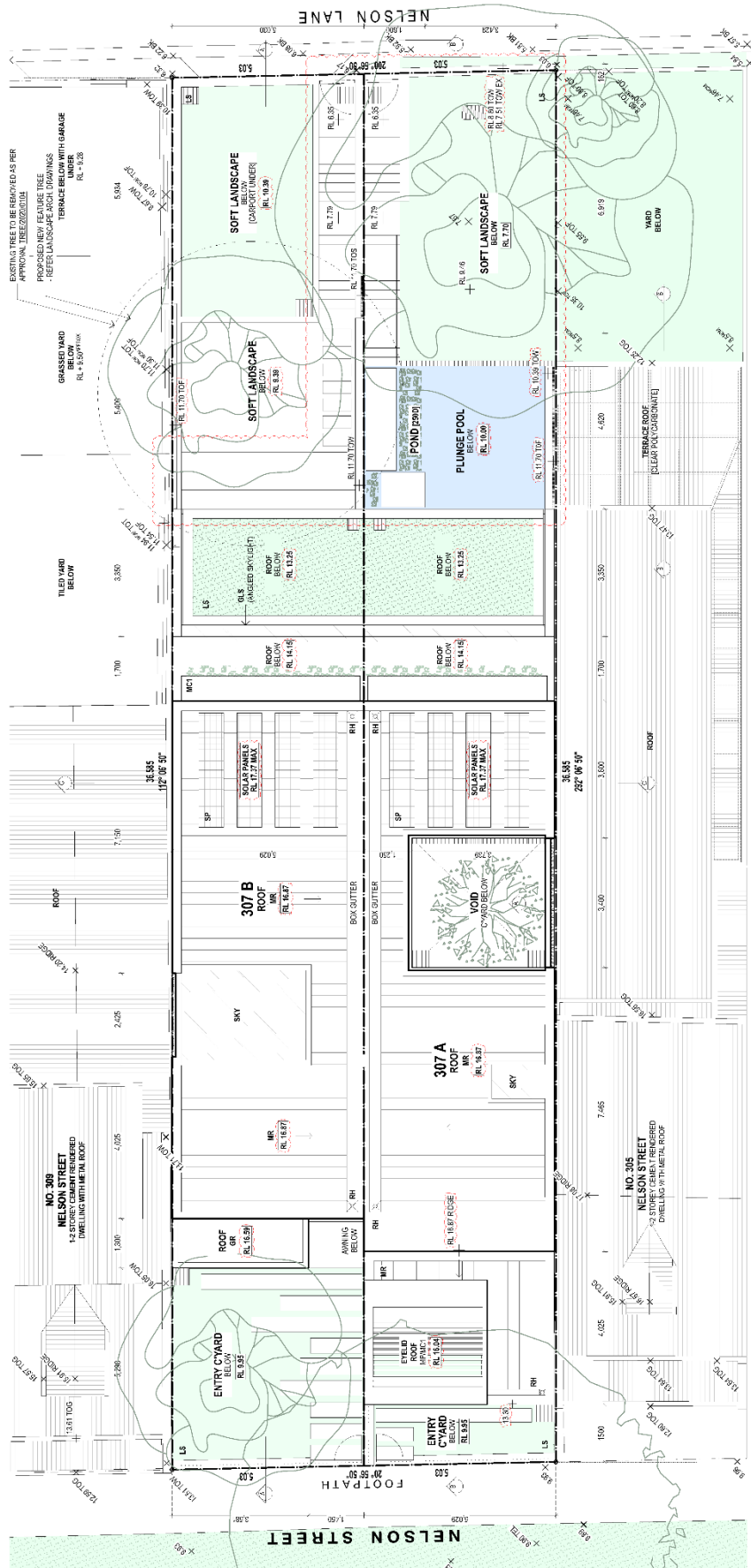
The development would result in significant impacts on the amenity of the adjoining properties and the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary 4.3A of the *Leichhardt Local Environmental Plan 2013*. After considering the request, the Panel is not satisfied that compliance with the standard is unnecessary or unreasonable in the circumstance of the case or that there are insufficient environmental planning grounds to support the variation, and further, the proposed variation is not supportable as the proposed design is inconsistent with the objectives of the development standard and the zone within which the development is located.
- 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*, **refuse** Development Application No. DA/2020/0627 for construction of terrace style dwelling-houses, each located on existing Torrens title allotments, and associated works including swimming pool and carport fronting Nelson Lane at 307 Nelson Street ANNANDALE NSW 2038 for the following reasons.
 1. The proposed development is inconsistent and has not demonstrated compliance with the relevant sections of the Leichhardt Local Environmental Plan 2013:
 - a) Clause 1.2 – Aims of the Plan;
 - b) Clause 2.3 – Zone objectives and Land Use Table; and
 - c) Clause 4.3A Landscaped areas for residential accommodation in Zone R1; and

2. The Clause 4.6 variation supplied in support of the proposal does not adequately demonstrate that compliance with the standard is unnecessary or unreasonable in the circumstances of the case or that there are insufficient environmental planning grounds to support the variation, and further, the proposed development is inconsistent with the objectives of the development standard and the zone within which the development is located.
3. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013:
 - a) Part C1.0 - General Provisions;
 - a) Part C1.4 - Heritage Conservation Areas and Heritage Items;
 - b) Part C1.14 - Tree Management;
 - c) Part C2.2.1.6 - Nelson Street Distinctive Neighbourhood;
 - d) Part C3.1 - Residential General Provisions;
 - e) Part C3.2 - Site Layout and Building Design;
 - f) Part C3.3 - Elevation and Materials;
 - g) Part C3.9 - Solar Access; and
 - h) Part C3.11 - Visual Privacy.
4. The proposal would result in adverse environmental impacts on the built environment in the locality.
5. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed.
6. The approval of this application is considered contrary to the public interest.

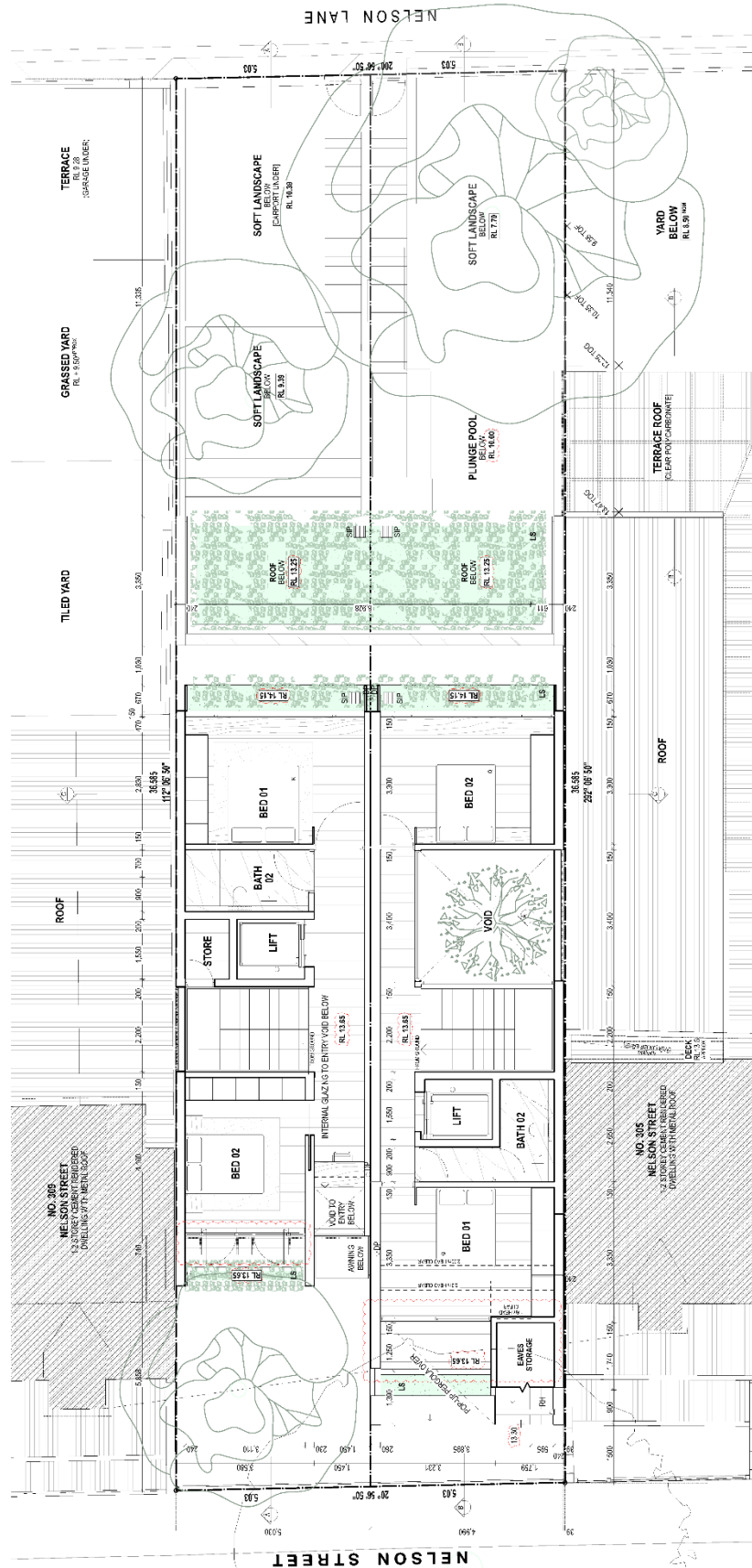


ETCH
 User: Carahill Group
 Project: ANNANDALE TERRACES
 Address: 150-152 ANNANDALE ST, ANNANDALE NSW 2159
 Date: 20/08/2024
 Scale: 1:1000
 Drawing: PLAN - ROOF
 Author: JRM
 Checker: JRM
 Approver: JRM
 Status: Development Application

01 PLAN - ROOF
 SCALE: 1:1000@A17 1:1000@A3

LEGEND

- 1. EXISTING ROOF
- 2. PROPOSED ROOF
- 3. ROOF ABOVE
- 4. ROOF BELOW
- 5. TERRACE ROOF
- 6. TERRACE ROOF (SLUMP PUT CONCRETE)
- 7. TERRACE ROOF (SLUMP PUT CONCRETE)
- 8. TERRACE ROOF (SLUMP PUT CONCRETE)
- 9. TERRACE ROOF (SLUMP PUT CONCRETE)
- 10. TERRACE ROOF (SLUMP PUT CONCRETE)
- 11. TERRACE ROOF (SLUMP PUT CONCRETE)
- 12. TERRACE ROOF (SLUMP PUT CONCRETE)
- 13. TERRACE ROOF (SLUMP PUT CONCRETE)
- 14. TERRACE ROOF (SLUMP PUT CONCRETE)
- 15. TERRACE ROOF (SLUMP PUT CONCRETE)
- 16. TERRACE ROOF (SLUMP PUT CONCRETE)
- 17. TERRACE ROOF (SLUMP PUT CONCRETE)
- 18. TERRACE ROOF (SLUMP PUT CONCRETE)
- 19. TERRACE ROOF (SLUMP PUT CONCRETE)
- 20. TERRACE ROOF (SLUMP PUT CONCRETE)
- 21. TERRACE ROOF (SLUMP PUT CONCRETE)
- 22. TERRACE ROOF (SLUMP PUT CONCRETE)
- 23. TERRACE ROOF (SLUMP PUT CONCRETE)
- 24. TERRACE ROOF (SLUMP PUT CONCRETE)
- 25. TERRACE ROOF (SLUMP PUT CONCRETE)
- 26. TERRACE ROOF (SLUMP PUT CONCRETE)
- 27. TERRACE ROOF (SLUMP PUT CONCRETE)
- 28. TERRACE ROOF (SLUMP PUT CONCRETE)
- 29. TERRACE ROOF (SLUMP PUT CONCRETE)
- 30. TERRACE ROOF (SLUMP PUT CONCRETE)
- 31. TERRACE ROOF (SLUMP PUT CONCRETE)
- 32. TERRACE ROOF (SLUMP PUT CONCRETE)
- 33. TERRACE ROOF (SLUMP PUT CONCRETE)
- 34. TERRACE ROOF (SLUMP PUT CONCRETE)
- 35. TERRACE ROOF (SLUMP PUT CONCRETE)
- 36. TERRACE ROOF (SLUMP PUT CONCRETE)
- 37. TERRACE ROOF (SLUMP PUT CONCRETE)
- 38. TERRACE ROOF (SLUMP PUT CONCRETE)
- 39. TERRACE ROOF (SLUMP PUT CONCRETE)
- 40. TERRACE ROOF (SLUMP PUT CONCRETE)
- 41. TERRACE ROOF (SLUMP PUT CONCRETE)
- 42. TERRACE ROOF (SLUMP PUT CONCRETE)
- 43. TERRACE ROOF (SLUMP PUT CONCRETE)
- 44. TERRACE ROOF (SLUMP PUT CONCRETE)
- 45. TERRACE ROOF (SLUMP PUT CONCRETE)
- 46. TERRACE ROOF (SLUMP PUT CONCRETE)
- 47. TERRACE ROOF (SLUMP PUT CONCRETE)
- 48. TERRACE ROOF (SLUMP PUT CONCRETE)
- 49. TERRACE ROOF (SLUMP PUT CONCRETE)
- 50. TERRACE ROOF (SLUMP PUT CONCRETE)



PRELIMINARY - NOT FOR CONSTRUCTION

ETCH

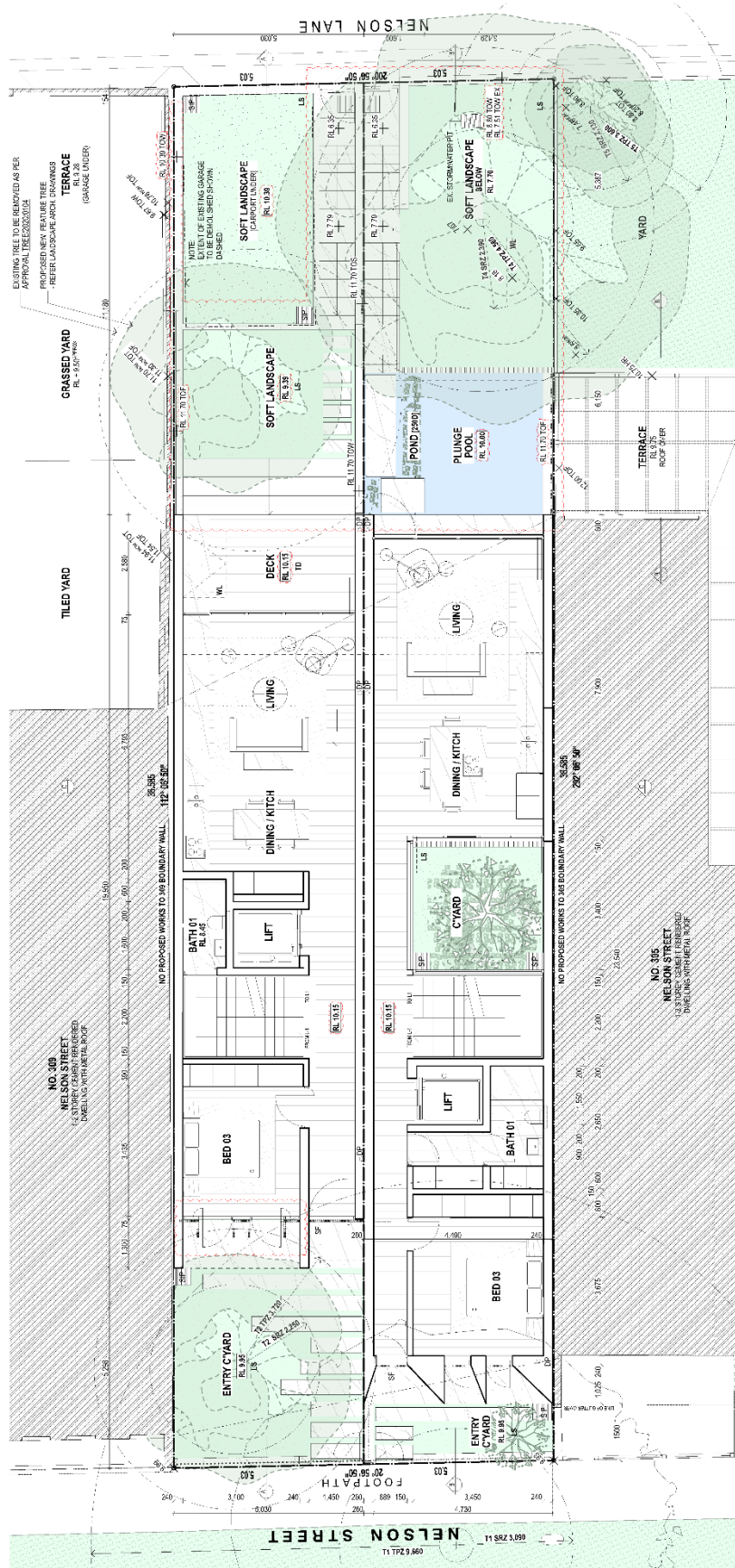
Client: Candlish Group
Project: PLAN - FIRST
Site Name: ANNANDALE TERRACES
Site Number: 090
Design Number: AT11
Date: 20/08/2020
Scale: 1:500
Author: A. WILSON
Checked: J. GIBSON
Approved: M. GIBSON

SYMBOL	DESCRIPTION
○	VOID
□	ROOF BELOW
▨	SOFT LANDSCAPE
▩	PLUNGE POOL
▭	GRASSED YARD
▯	TILED YARD
▮	TERRACE
▸	YARD BELOW

- 1. ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE SPECIFIED.
- 2. FINISH FLOOR LEVELS SHALL BE AS SHOWN ON THIS PLAN UNLESS OTHERWISE SPECIFIED.
- 3. ALL WALLS TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
- 4. ALL FLOORS TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
- 5. ALL ROOFS TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
- 6. ALL ROOFS TO BE FINISHED WITH INTERLOCKING CONCRETE TILES UNLESS OTHERWISE SPECIFIED.
- 7. ALL ROOFS TO BE FINISHED WITH POLYURETHANE INSULATION UNLESS OTHERWISE SPECIFIED.
- 8. ALL ROOFS TO BE FINISHED WITH GYPSUM BOARD UNLESS OTHERWISE SPECIFIED.
- 9. ALL ROOFS TO BE FINISHED WITH PLASTER UNLESS OTHERWISE SPECIFIED.
- 10. ALL ROOFS TO BE FINISHED WITH CARPET UNLESS OTHERWISE SPECIFIED.
- 11. ALL ROOFS TO BE FINISHED WITH VINYL UNLESS OTHERWISE SPECIFIED.
- 12. ALL ROOFS TO BE FINISHED WITH TILES UNLESS OTHERWISE SPECIFIED.
- 13. ALL ROOFS TO BE FINISHED WITH SLATES UNLESS OTHERWISE SPECIFIED.
- 14. ALL ROOFS TO BE FINISHED WITH CORRUGATED IRON UNLESS OTHERWISE SPECIFIED.
- 15. ALL ROOFS TO BE FINISHED WITH GALVANIZED IRON UNLESS OTHERWISE SPECIFIED.
- 16. ALL ROOFS TO BE FINISHED WITH ALUMINUM UNLESS OTHERWISE SPECIFIED.
- 17. ALL ROOFS TO BE FINISHED WITH STEEL UNLESS OTHERWISE SPECIFIED.
- 18. ALL ROOFS TO BE FINISHED WITH COPPER UNLESS OTHERWISE SPECIFIED.
- 19. ALL ROOFS TO BE FINISHED WITH BRASS UNLESS OTHERWISE SPECIFIED.
- 20. ALL ROOFS TO BE FINISHED WITH SILVER UNLESS OTHERWISE SPECIFIED.
- 21. ALL ROOFS TO BE FINISHED WITH GOLD UNLESS OTHERWISE SPECIFIED.
- 22. ALL ROOFS TO BE FINISHED WITH PEARL UNLESS OTHERWISE SPECIFIED.
- 23. ALL ROOFS TO BE FINISHED WITH RUBY UNLESS OTHERWISE SPECIFIED.
- 24. ALL ROOFS TO BE FINISHED WITH EMERALD UNLESS OTHERWISE SPECIFIED.
- 25. ALL ROOFS TO BE FINISHED WITH DIAMONDS UNLESS OTHERWISE SPECIFIED.
- 26. ALL ROOFS TO BE FINISHED WITH JEWELS UNLESS OTHERWISE SPECIFIED.
- 27. ALL ROOFS TO BE FINISHED WITH TREASURES UNLESS OTHERWISE SPECIFIED.
- 28. ALL ROOFS TO BE FINISHED WITH GEMS UNLESS OTHERWISE SPECIFIED.
- 29. ALL ROOFS TO BE FINISHED WITH STONES UNLESS OTHERWISE SPECIFIED.
- 30. ALL ROOFS TO BE FINISHED WITH METALS UNLESS OTHERWISE SPECIFIED.
- 31. ALL ROOFS TO BE FINISHED WITH MINERALS UNLESS OTHERWISE SPECIFIED.
- 32. ALL ROOFS TO BE FINISHED WITH ORES UNLESS OTHERWISE SPECIFIED.
- 33. ALL ROOFS TO BE FINISHED WITH ROCKS UNLESS OTHERWISE SPECIFIED.
- 34. ALL ROOFS TO BE FINISHED WITH SOILS UNLESS OTHERWISE SPECIFIED.
- 35. ALL ROOFS TO BE FINISHED WITH PLANTS UNLESS OTHERWISE SPECIFIED.
- 36. ALL ROOFS TO BE FINISHED WITH ANIMALS UNLESS OTHERWISE SPECIFIED.
- 37. ALL ROOFS TO BE FINISHED WITH HUMANS UNLESS OTHERWISE SPECIFIED.
- 38. ALL ROOFS TO BE FINISHED WITH GODS UNLESS OTHERWISE SPECIFIED.
- 39. ALL ROOFS TO BE FINISHED WITH SPIRITS UNLESS OTHERWISE SPECIFIED.
- 40. ALL ROOFS TO BE FINISHED WITH ENLIGHTENMENT UNLESS OTHERWISE SPECIFIED.
- 41. ALL ROOFS TO BE FINISHED WITH WISDOM UNLESS OTHERWISE SPECIFIED.
- 42. ALL ROOFS TO BE FINISHED WITH KNOWLEDGE UNLESS OTHERWISE SPECIFIED.
- 43. ALL ROOFS TO BE FINISHED WITH TRUTH UNLESS OTHERWISE SPECIFIED.
- 44. ALL ROOFS TO BE FINISHED WITH JUSTICE UNLESS OTHERWISE SPECIFIED.
- 45. ALL ROOFS TO BE FINISHED WITH PEACE UNLESS OTHERWISE SPECIFIED.
- 46. ALL ROOFS TO BE FINISHED WITH LOVE UNLESS OTHERWISE SPECIFIED.
- 47. ALL ROOFS TO BE FINISHED WITH KINDNESS UNLESS OTHERWISE SPECIFIED.
- 48. ALL ROOFS TO BE FINISHED WITH COMPASSION UNLESS OTHERWISE SPECIFIED.
- 49. ALL ROOFS TO BE FINISHED WITH MERCY UNLESS OTHERWISE SPECIFIED.
- 50. ALL ROOFS TO BE FINISHED WITH GRACE UNLESS OTHERWISE SPECIFIED.

NO. 305 NELSON STREET
ANNANDALE TERRACES
DRAWING FOR THE ROOF

DATE: 20/08/2020
SCALE: 1:500
DRAWN BY: A. WILSON
CHECKED BY: J. GIBSON
APPROVED BY: M. GIBSON



01 PLAN - GROUND FLOOR
SCALE 1:50@A17:1100@A3

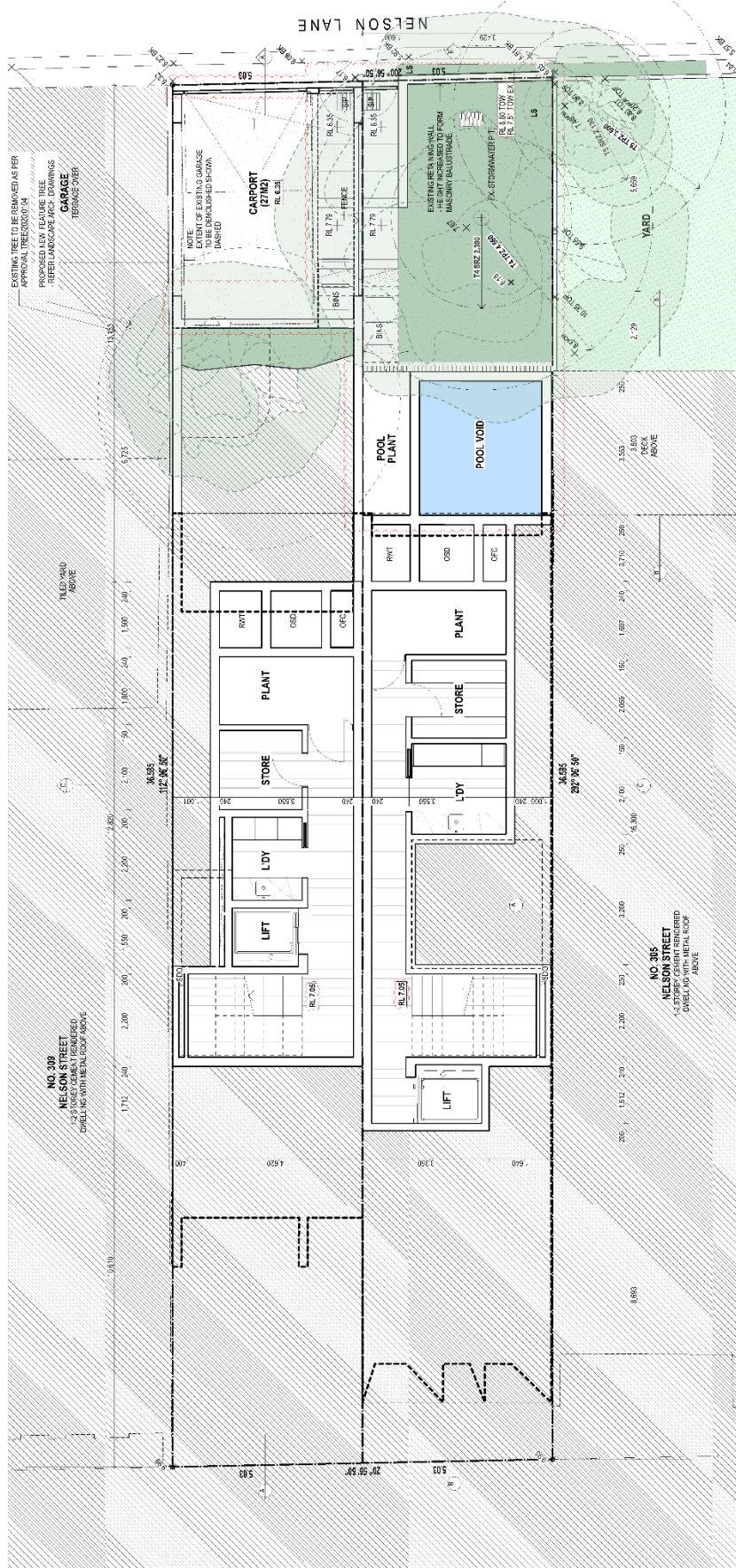
ETCH
Candella Group
ANNANDALE TERRACES
100 MERRYLANDS RD
ANNANDALE NSW 1580
Tel: 02 9630 9000
www.etch.com.au

PRELIMINARY - NOT FOR CONSTRUCTION

Client: Candella Group
Drawing Title: PLAN - GROUND
Project Number: 090
Drawing Number: A112
Project Name: Annandale Terraces
Date: 12/05/2024
Author: [Name]
Checked: [Name]
Approved: [Name]
Development Application

REVISIONS:

NO.	DATE	DESCRIPTION
1	12/05/2024	ISSUED FOR PERMIT
2	12/05/2024	REVISIONS TO PERMIT
3	12/05/2024	REVISIONS TO PERMIT
4	12/05/2024	REVISIONS TO PERMIT
5	12/05/2024	REVISIONS TO PERMIT
6	12/05/2024	REVISIONS TO PERMIT
7	12/05/2024	REVISIONS TO PERMIT
8	12/05/2024	REVISIONS TO PERMIT
9	12/05/2024	REVISIONS TO PERMIT
10	12/05/2024	REVISIONS TO PERMIT



PRELIMINARY - NOT FOR CONSTRUCTION

Project: ANNANDALE TERRACES
 Project Number: 010
 Date: 15/08/2023
 Drawn by: [Name]
 Checked by: [Name]
 Scale: 1:100

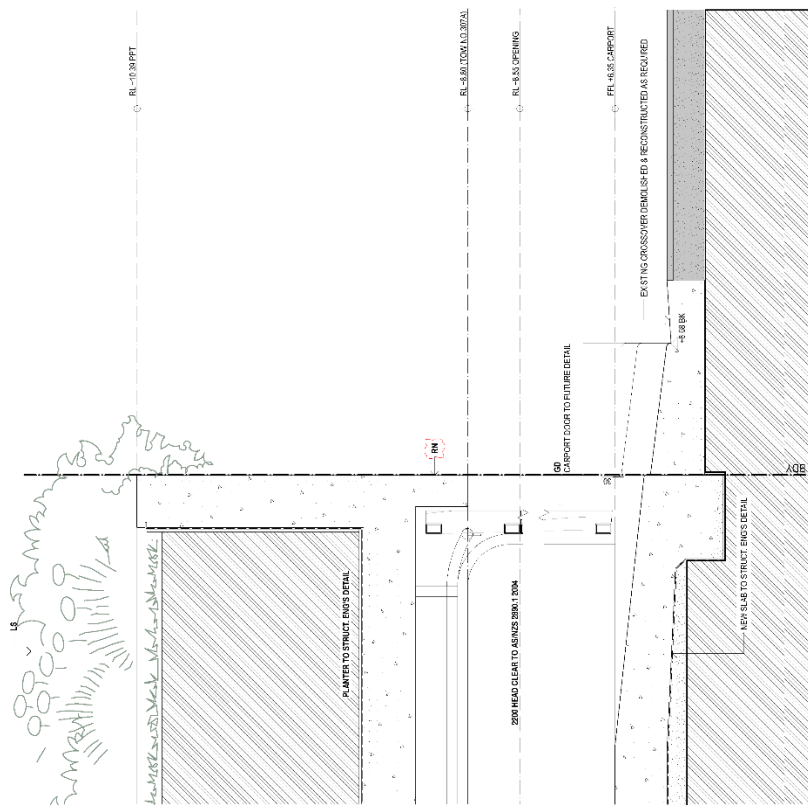
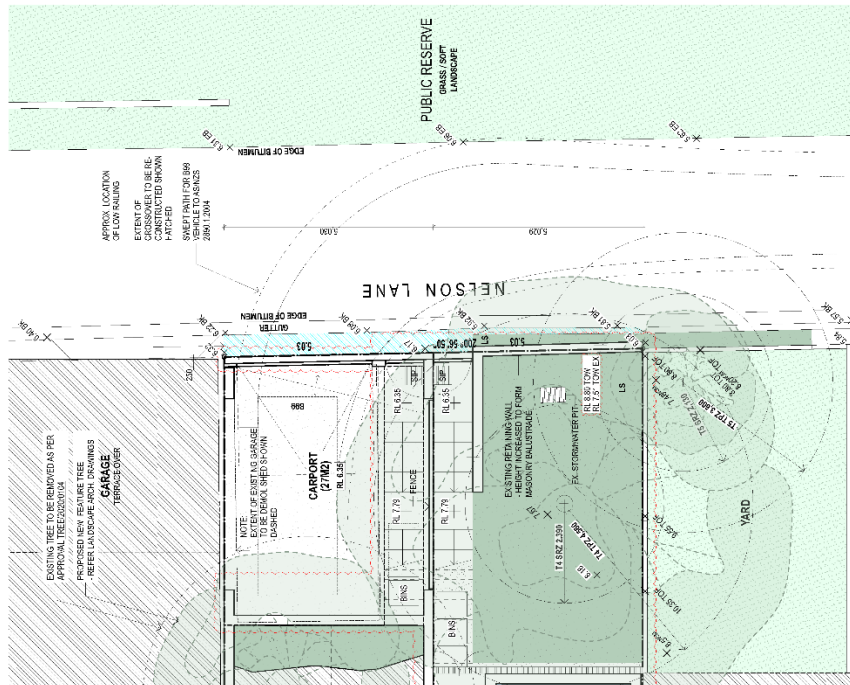
ETOH
 Caradell Group
 1/250 ANNANDALE TERRACE
 ANNANDALE NSW 1580
 PH: (02) 9372 2222
 WWW.ETOH.COM.AU

**NO. 303
 NELSON STREET**
 4 STOREY GROUND FLOOR
 DEVELOPMENT ABOVE

**NO. 305
 NELSON STREET**
 4 STOREY GROUND FLOOR
 DEVELOPMENT ABOVE

- 1. SITE PLAN
- 2. FLOOR PLAN
- 3. SECTION
- 4. ELEVATION
- 5. EXISTING AND PROPOSED LANDSCAPE DRAWINGS
- 6. EXISTING AND PROPOSED SITE PLAN
- 7. EXISTING AND PROPOSED SECTION
- 8. EXISTING AND PROPOSED ELEVATION
- 9. EXISTING AND PROPOSED LANDSCAPE DRAWINGS
- 10. EXISTING AND PROPOSED SITE PLAN
- 11. EXISTING AND PROPOSED SECTION
- 12. EXISTING AND PROPOSED ELEVATION
- 13. EXISTING AND PROPOSED LANDSCAPE DRAWINGS
- 14. EXISTING AND PROPOSED SITE PLAN
- 15. EXISTING AND PROPOSED SECTION
- 16. EXISTING AND PROPOSED ELEVATION
- 17. EXISTING AND PROPOSED LANDSCAPE DRAWINGS
- 18. EXISTING AND PROPOSED SITE PLAN
- 19. EXISTING AND PROPOSED SECTION
- 20. EXISTING AND PROPOSED ELEVATION

01 PLAN - BASEMENT
 SCALE 1:50 @ A1 / 1:100 @ A3



PRELIMINARY - NOT FOR CONSTRUCTION

ETCH

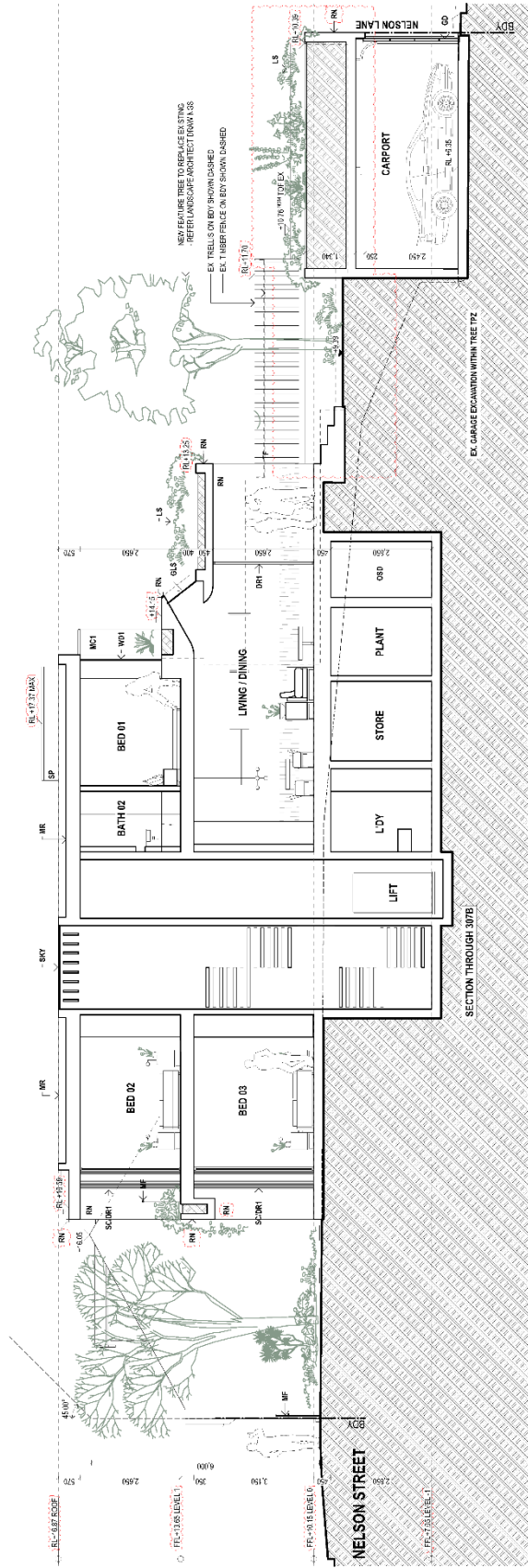
PROJECT: ANNANDALE TERRACES
 CLIENT: [Redacted]
 ADDRESS: [Redacted]
 PROJECT NUMBER: A121

DATE: 15/05/18
 DRAWN BY: [Redacted]
 CHECKED BY: [Redacted]

SCALE: 1:50@A1 1:100@A3

FILE: [Redacted]

APPROVED BY: [Redacted]



SECTION - A
SCALE 1:30 @A1 1:100 @A3

PRELIMINARY - NOT FOR CONSTRUCTION

Client: **Canterville Group**
 Project Name: **SECTION A**
 Project No: **030**
 Date: **12/01/2023**
 Drawn: **AJ**
 Checked: **AJ**
 Approved: **AJ**
 Development Application

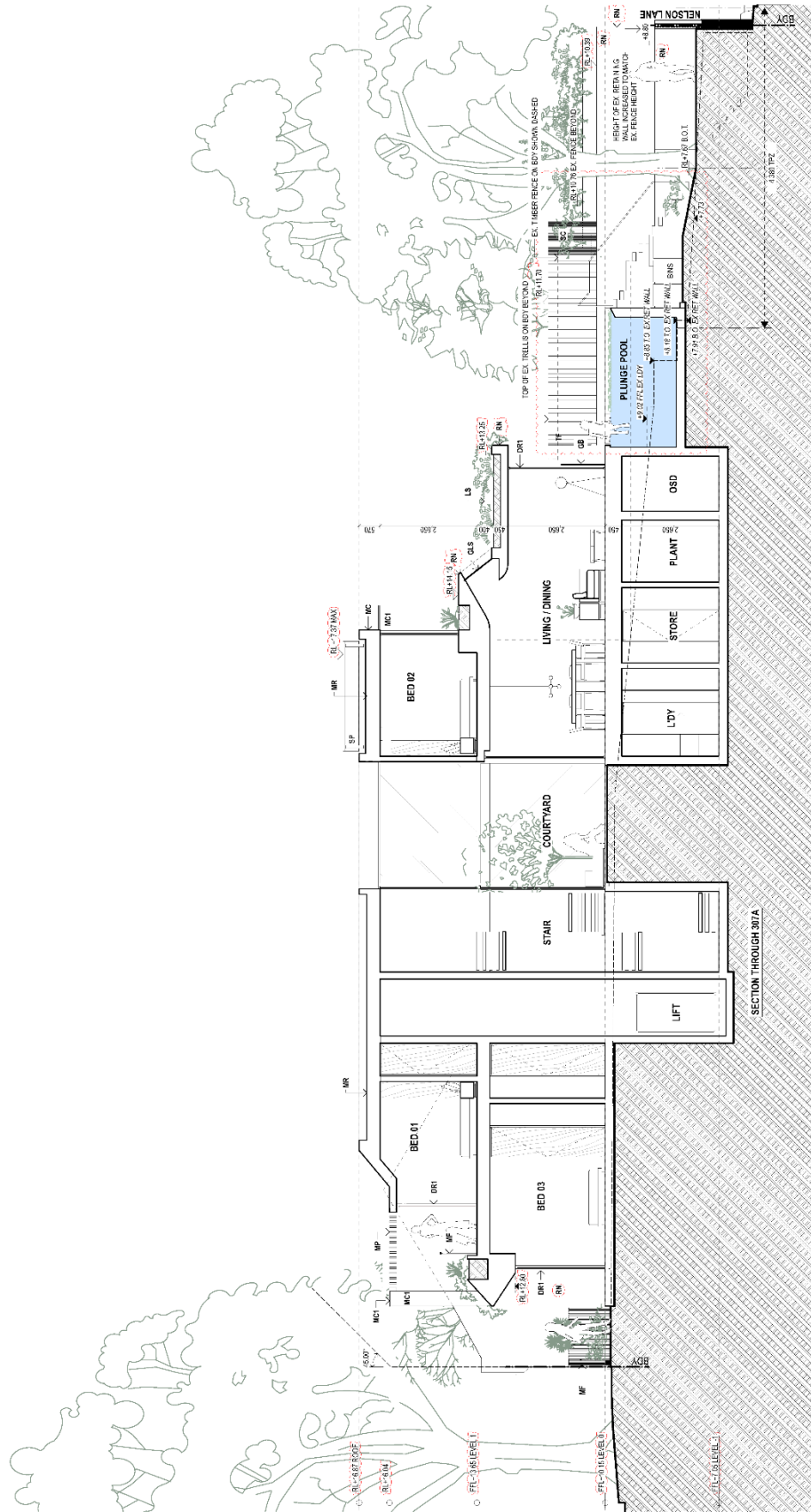
ETCH
 Engineering & Technical
 10/100 Victoria Road
 North Sydney NSW 1585
 Tel: 02 9439 2200
 Fax: 02 9439 2201
 Email: info@etch.com.au
 Website: www.etch.com.au

Legend:
 01: EX. TRELLIS ON EBY SHOWN DASHED
 02: NEW FEATURE TREE TO REPLACE EX. STING
 03: EX. TRELLIS ON EBY SHOWN DASHED
 04: EX. TRELLIS ON EBY SHOWN DASHED
 05: EX. TRELLIS ON EBY SHOWN DASHED
 06: EX. TRELLIS ON EBY SHOWN DASHED
 07: EX. TRELLIS ON EBY SHOWN DASHED
 08: EX. TRELLIS ON EBY SHOWN DASHED
 09: EX. TRELLIS ON EBY SHOWN DASHED
 10: EX. TRELLIS ON EBY SHOWN DASHED

Legend:
 11: EX. TRELLIS ON EBY SHOWN DASHED
 12: EX. TRELLIS ON EBY SHOWN DASHED
 13: EX. TRELLIS ON EBY SHOWN DASHED
 14: EX. TRELLIS ON EBY SHOWN DASHED
 15: EX. TRELLIS ON EBY SHOWN DASHED
 16: EX. TRELLIS ON EBY SHOWN DASHED
 17: EX. TRELLIS ON EBY SHOWN DASHED
 18: EX. TRELLIS ON EBY SHOWN DASHED
 19: EX. TRELLIS ON EBY SHOWN DASHED
 20: EX. TRELLIS ON EBY SHOWN DASHED

Legend:
 21: EX. TRELLIS ON EBY SHOWN DASHED
 22: EX. TRELLIS ON EBY SHOWN DASHED
 23: EX. TRELLIS ON EBY SHOWN DASHED
 24: EX. TRELLIS ON EBY SHOWN DASHED
 25: EX. TRELLIS ON EBY SHOWN DASHED
 26: EX. TRELLIS ON EBY SHOWN DASHED
 27: EX. TRELLIS ON EBY SHOWN DASHED
 28: EX. TRELLIS ON EBY SHOWN DASHED
 29: EX. TRELLIS ON EBY SHOWN DASHED
 30: EX. TRELLIS ON EBY SHOWN DASHED

Legend:
 31: EX. TRELLIS ON EBY SHOWN DASHED
 32: EX. TRELLIS ON EBY SHOWN DASHED
 33: EX. TRELLIS ON EBY SHOWN DASHED
 34: EX. TRELLIS ON EBY SHOWN DASHED
 35: EX. TRELLIS ON EBY SHOWN DASHED
 36: EX. TRELLIS ON EBY SHOWN DASHED
 37: EX. TRELLIS ON EBY SHOWN DASHED
 38: EX. TRELLIS ON EBY SHOWN DASHED
 39: EX. TRELLIS ON EBY SHOWN DASHED
 40: EX. TRELLIS ON EBY SHOWN DASHED



SECTION - B
SCALE 1:500 @ A1 / 1:100 @ A3

PRELIMINARY - NOT FOR CONSTRUCTION

ETCH

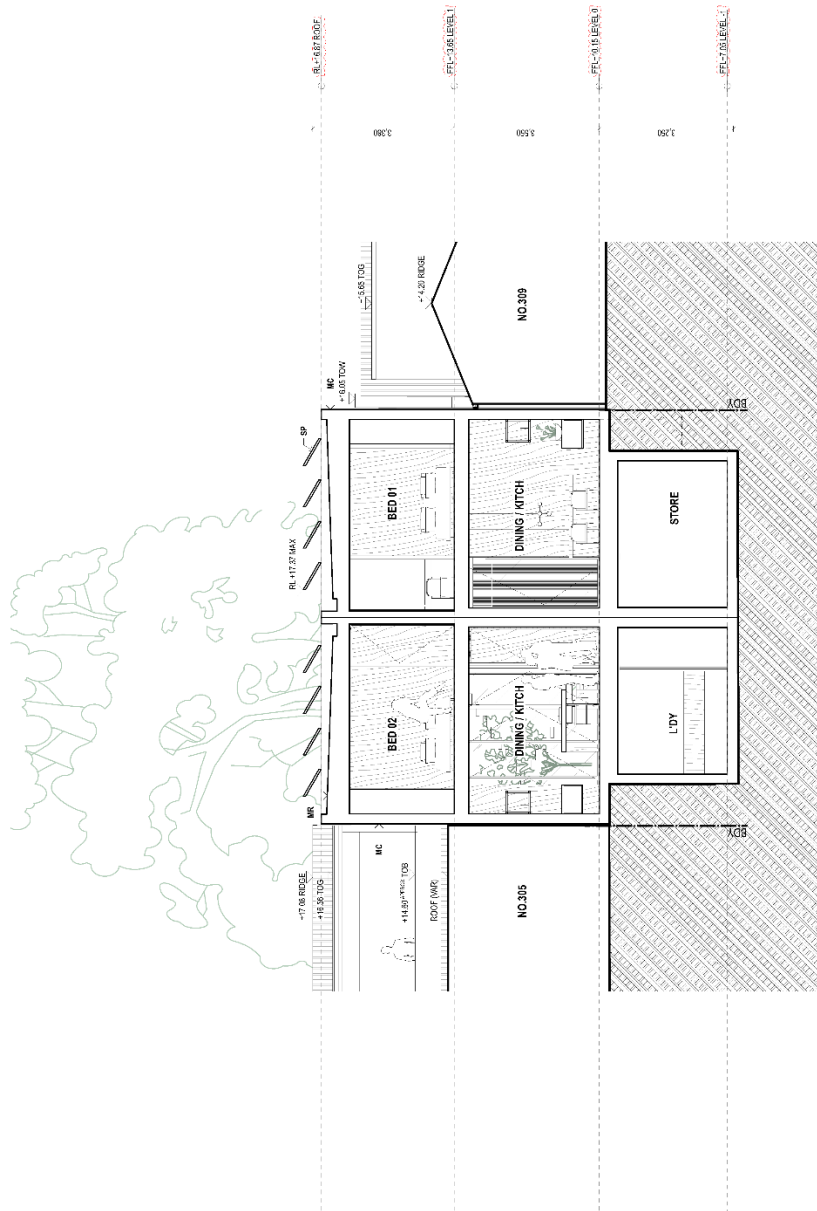
Client: **Carroll's Group**
 Project: **MANLY TERRACES**
 Location: **MANLY, N.S.W.**
 Date: **20/08/2024**

Section: **SECTION B**
 Drawing Number: **090**
 Revision: **A212**

Author: **J. CARROLL**
 Designer: **J. CARROLL**
 Checker: **J. CARROLL**
 Date: **20/08/2024**

Scale: **1:500 @ A1 / 1:100 @ A3**

Notes:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 2. ALL WALLS ARE 200mm THICK UNLESS OTHERWISE SPECIFIED.
 3. ALL FLOORS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 4. ALL ROOFS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 5. ALL EXTERIOR WALLS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 6. ALL EXTERIOR DOORS AND WINDOWS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 7. ALL EXTERIOR STAIRS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 8. ALL EXTERIOR TERRACES ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 9. ALL EXTERIOR PATIOS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.
 10. ALL EXTERIOR BALCONIES ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.



01 SECTION - C SCALE 1:50 @ A1:1:100@A3

PRELIMINARY - NOT FOR CONSTRUCTION

Client: Curlew Group
 Project: 47-58 BROADWAY TERRACES
 47-58 BROADWAY TERRACES
 UNIT NO. 305, 309
 47-58 BROADWAY TERRACES
 SYDNEY NSW 1585

Drawn By: [Name]
 Checked By: [Name]
 Date Printed: [Date]
 Date Issued: [Date]

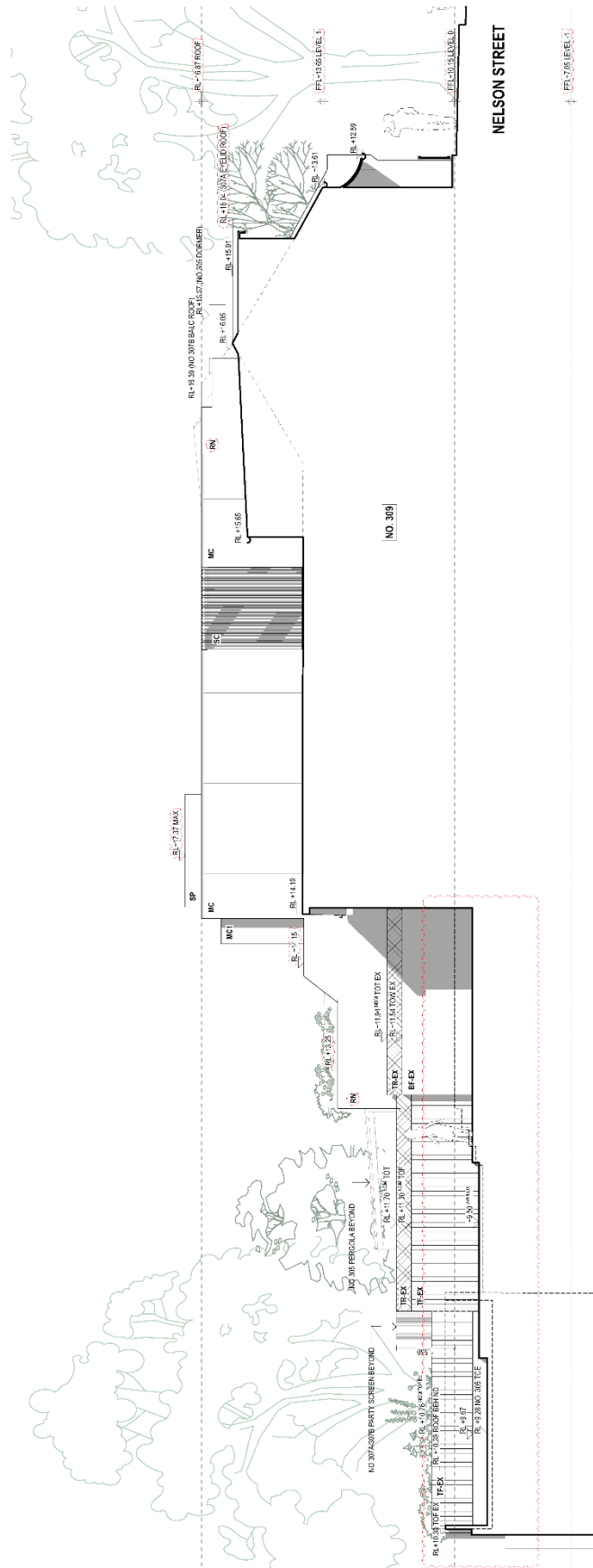
Project No: 158
 Drawing No: 01
 Revision: [None]

Author: [Name]
 Designer: [Name]
 Checker: [Name]
 Date Issued: [Date]

Scale: 1:50 @ A1:1:100@A3

Notes:
 1. ALL DIMENSIONS TO FACE UNLESS SPECIFIED OTHERWISE.
 2. REFER TO ARCHITECTURAL DRAWINGS FOR FINISHES AND MATERIALS.
 3. REFER TO STRUCTURAL DRAWINGS FOR COLUMN LOCATIONS AND BEAM SIZES.
 4. REFER TO MECHANICAL DRAWINGS FOR RIGGING AND SERVICES.
 5. REFER TO ELECTRICAL DRAWINGS FOR SWITCHING AND LIGHTING.
 6. REFER TO PLUMBING AND SANITARY DRAWINGS FOR FIXTURES AND SERVICES.
 7. REFER TO LANDSCAPE ARCHITECTURE DRAWINGS FOR EXTERIOR FINISHES AND PLANTING.
 8. REFER TO CIVIL ENGINEERING DRAWINGS FOR TERRACING AND PAVING.
 9. REFER TO ENVIRONMENTAL DRAWINGS FOR SOUND AND VIBRATION.
 10. REFER TO COMMUNITY CONSULTATION DRAWINGS FOR PUBLIC COMMENTS AND RESPONSES.

Legend:
 [Symbol] EXISTING
 [Symbol] TO BE DEMOLISHED
 [Symbol] TO BE CONSTRUCTED
 [Symbol] TO BE RECONSTRUCTED
 [Symbol] TO BE REFINISHED
 [Symbol] TO BE REPLACED
 [Symbol] TO BE MAINTAINED



NELSON LN

01 - ELEVATION - NORTH
SCALE 1:50 @ A1:1100 @ A3

ETCH
 Environmental Technical Consultants
 10/100 Springvale Road
 Springvale, VIC 3171
 Tel: 03 9487 1234
 Fax: 03 9487 1235
 Email: info@etch.com.au
 Website: www.etch.com.au

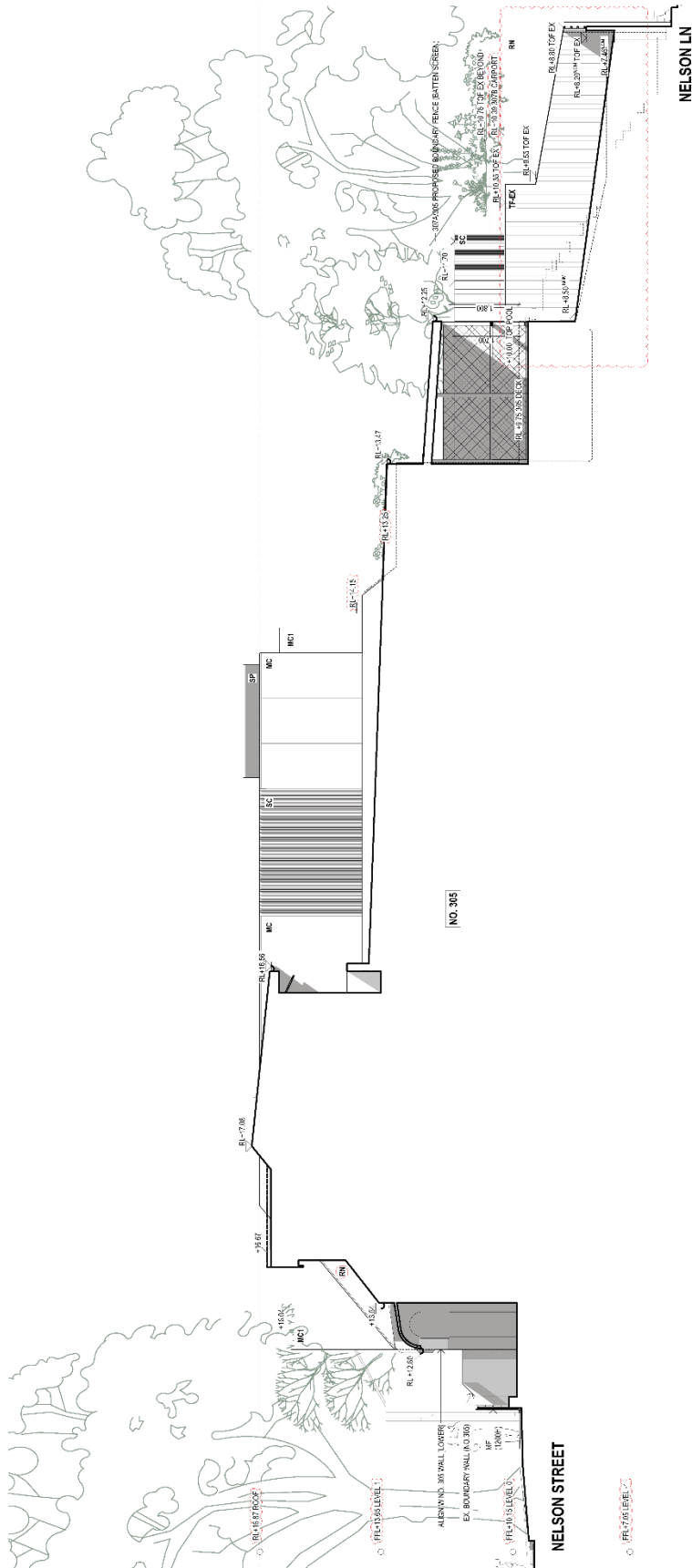
Project: **MANVILLE TERRACES**
 Client: **MANVILLE TERRACES**
 Date: **09/09/2023**
 Drawing No: **A3/01**

Author: **ETCH**
 Checked: **ETCH**
 Date: **09/09/2023**

Scale: **1:50**
 Orientation: **NORTH**

Notes: **PRELIMINARY - NOT FOR CONSTRUCTION**

- 1. DATE: 09/09/2023
- 2. DRAWN BY: ETCH
- 3. CHECKED BY: ETCH
- 4. SCALE: 1:50
- 5. ORIENTATION: NORTH
- 6. PROJECT: MANVILLE TERRACES
- 7. CLIENT: MANVILLE TERRACES
- 8. DRAWING NO: A3/01
- 9. DATE: 09/09/2023
- 10. SCALE: 1:50
- 11. ORIENTATION: NORTH
- 12. PROJECT: MANVILLE TERRACES
- 13. CLIENT: MANVILLE TERRACES
- 14. DRAWING NO: A3/01
- 15. DATE: 09/09/2023
- 16. SCALE: 1:50
- 17. ORIENTATION: NORTH
- 18. PROJECT: MANVILLE TERRACES
- 19. CLIENT: MANVILLE TERRACES
- 20. DRAWING NO: A3/01
- 21. DATE: 09/09/2023
- 22. SCALE: 1:50
- 23. ORIENTATION: NORTH
- 24. PROJECT: MANVILLE TERRACES
- 25. CLIENT: MANVILLE TERRACES
- 26. DRAWING NO: A3/01
- 27. DATE: 09/09/2023
- 28. SCALE: 1:50
- 29. ORIENTATION: NORTH
- 30. PROJECT: MANVILLE TERRACES
- 31. CLIENT: MANVILLE TERRACES
- 32. DRAWING NO: A3/01
- 33. DATE: 09/09/2023
- 34. SCALE: 1:50
- 35. ORIENTATION: NORTH
- 36. PROJECT: MANVILLE TERRACES
- 37. CLIENT: MANVILLE TERRACES
- 38. DRAWING NO: A3/01
- 39. DATE: 09/09/2023
- 40. SCALE: 1:50
- 41. ORIENTATION: NORTH
- 42. PROJECT: MANVILLE TERRACES
- 43. CLIENT: MANVILLE TERRACES
- 44. DRAWING NO: A3/01
- 45. DATE: 09/09/2023
- 46. SCALE: 1:50
- 47. ORIENTATION: NORTH
- 48. PROJECT: MANVILLE TERRACES
- 49. CLIENT: MANVILLE TERRACES
- 50. DRAWING NO: A3/01



01 ELEVATION SOUTH
SCALE 1:500 @ A1 / 1:100 @ A3

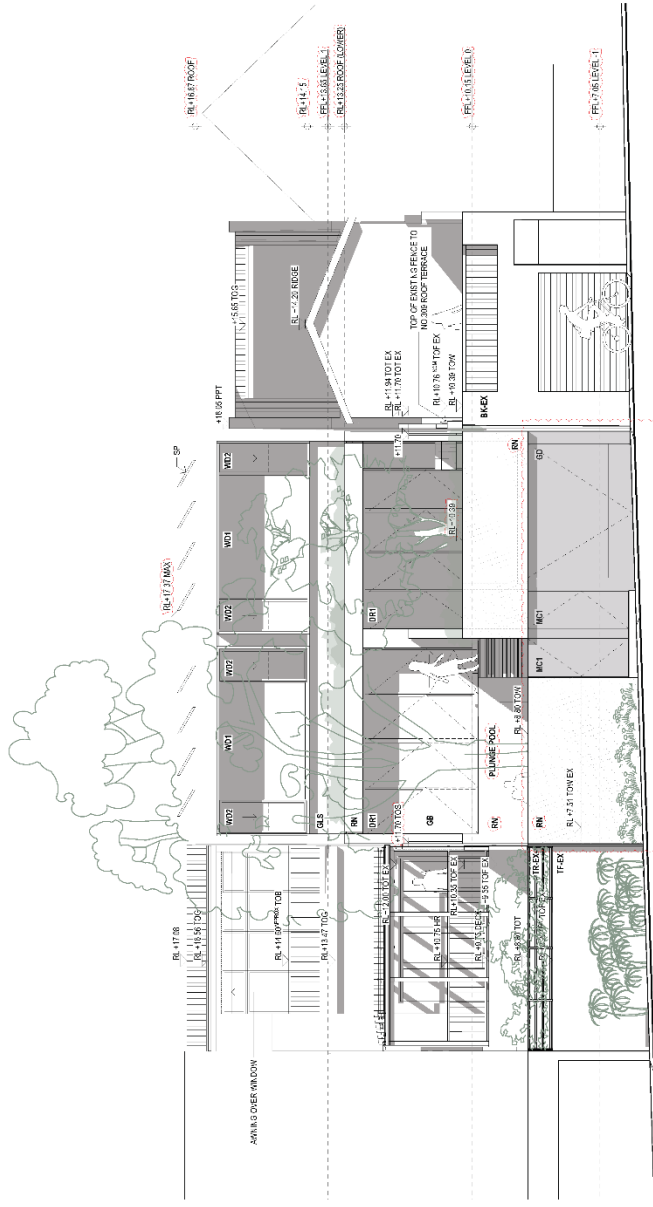
PRELIMINARY - NOT FOR CONSTRUCTION

Client: Carable Group
Project: 177 MANLY TERRACES
Address: 177 MANLY TERRACE, MANLY NSW 1522
Date: 08/03/2024
Drawn: [Name]
Checked: [Name]
Approved: [Name]
Development Application

ETCH
Engineering & Technical Consulting
177 MANLY TERRACE, MANLY NSW 1522
PH: 02 9375 1234
WWW.ETCHNSW.COM.AU

- 1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 11. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 12. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 13. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 14. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 15. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 16. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 17. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 11. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 12. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 13. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 14. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 15. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 16. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 17. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

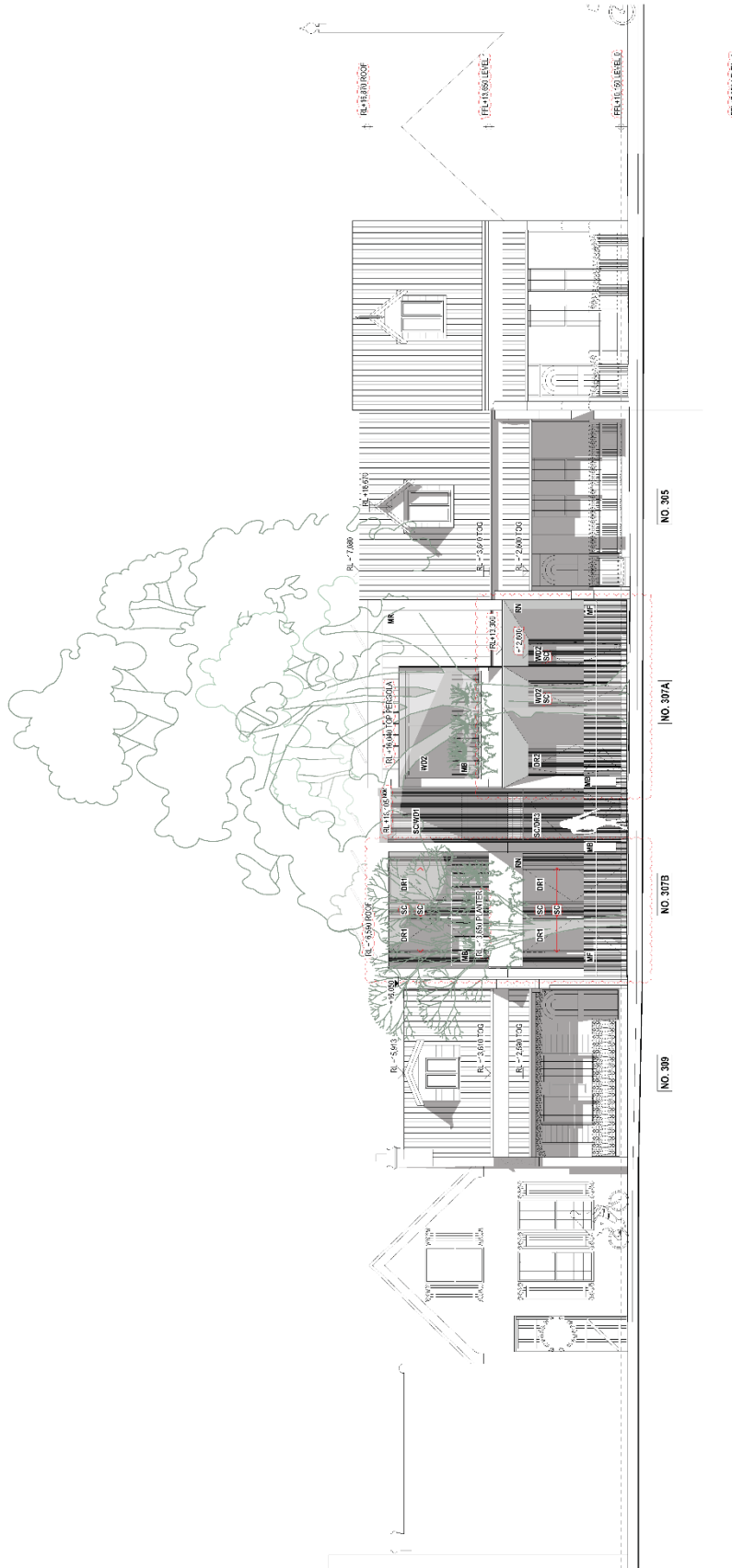


01 ELEVATION - EAST (NELSON LANE)
SCALE 1:500 @ A1 / 1:100 @ A3

- 1. MATERIALS TO BE USED
- 2. FINISHES TO BE USED
- 3. COLOR CODES TO BE USED
- 4. FINISHES TO BE USED
- 5. FINISHES TO BE USED
- 6. FINISHES TO BE USED
- 7. FINISHES TO BE USED
- 8. FINISHES TO BE USED
- 9. FINISHES TO BE USED
- 10. FINISHES TO BE USED
- 11. FINISHES TO BE USED
- 12. FINISHES TO BE USED
- 13. FINISHES TO BE USED
- 14. FINISHES TO BE USED
- 15. FINISHES TO BE USED
- 16. FINISHES TO BE USED
- 17. FINISHES TO BE USED
- 18. FINISHES TO BE USED
- 19. FINISHES TO BE USED
- 20. FINISHES TO BE USED
- 21. FINISHES TO BE USED
- 22. FINISHES TO BE USED
- 23. FINISHES TO BE USED
- 24. FINISHES TO BE USED
- 25. FINISHES TO BE USED
- 26. FINISHES TO BE USED
- 27. FINISHES TO BE USED
- 28. FINISHES TO BE USED
- 29. FINISHES TO BE USED
- 30. FINISHES TO BE USED
- 31. FINISHES TO BE USED
- 32. FINISHES TO BE USED
- 33. FINISHES TO BE USED
- 34. FINISHES TO BE USED
- 35. FINISHES TO BE USED
- 36. FINISHES TO BE USED
- 37. FINISHES TO BE USED
- 38. FINISHES TO BE USED
- 39. FINISHES TO BE USED
- 40. FINISHES TO BE USED
- 41. FINISHES TO BE USED
- 42. FINISHES TO BE USED
- 43. FINISHES TO BE USED
- 44. FINISHES TO BE USED
- 45. FINISHES TO BE USED
- 46. FINISHES TO BE USED
- 47. FINISHES TO BE USED
- 48. FINISHES TO BE USED
- 49. FINISHES TO BE USED
- 50. FINISHES TO BE USED
- 51. FINISHES TO BE USED
- 52. FINISHES TO BE USED
- 53. FINISHES TO BE USED
- 54. FINISHES TO BE USED
- 55. FINISHES TO BE USED
- 56. FINISHES TO BE USED
- 57. FINISHES TO BE USED
- 58. FINISHES TO BE USED
- 59. FINISHES TO BE USED
- 60. FINISHES TO BE USED
- 61. FINISHES TO BE USED
- 62. FINISHES TO BE USED
- 63. FINISHES TO BE USED
- 64. FINISHES TO BE USED
- 65. FINISHES TO BE USED
- 66. FINISHES TO BE USED
- 67. FINISHES TO BE USED
- 68. FINISHES TO BE USED
- 69. FINISHES TO BE USED
- 70. FINISHES TO BE USED
- 71. FINISHES TO BE USED
- 72. FINISHES TO BE USED
- 73. FINISHES TO BE USED
- 74. FINISHES TO BE USED
- 75. FINISHES TO BE USED
- 76. FINISHES TO BE USED
- 77. FINISHES TO BE USED
- 78. FINISHES TO BE USED
- 79. FINISHES TO BE USED
- 80. FINISHES TO BE USED
- 81. FINISHES TO BE USED
- 82. FINISHES TO BE USED
- 83. FINISHES TO BE USED
- 84. FINISHES TO BE USED
- 85. FINISHES TO BE USED
- 86. FINISHES TO BE USED
- 87. FINISHES TO BE USED
- 88. FINISHES TO BE USED
- 89. FINISHES TO BE USED
- 90. FINISHES TO BE USED
- 91. FINISHES TO BE USED
- 92. FINISHES TO BE USED
- 93. FINISHES TO BE USED
- 94. FINISHES TO BE USED
- 95. FINISHES TO BE USED
- 96. FINISHES TO BE USED
- 97. FINISHES TO BE USED
- 98. FINISHES TO BE USED
- 99. FINISHES TO BE USED
- 100. FINISHES TO BE USED

ETCH
 Chartered Group
 201, Market Street
 Sydney, NSW 2000
 Tel: (02) 9232 4000
 Fax: (02) 9232 4001
 www.etch.com.au

PRELIMINARY - NOT FOR CONSTRUCTION
 EAST ELEVATION
 Project Number: 000
 Drawing Number: A309
 Date: 14/11/2014
 Status: Approved
 Development Application



17 ELEVATION - WEST (E. SON ST)
SCALE 1:50 @ A1 (1:10 @ A0)

PRELIMINARY - NOT FOR CONSTRUCTION

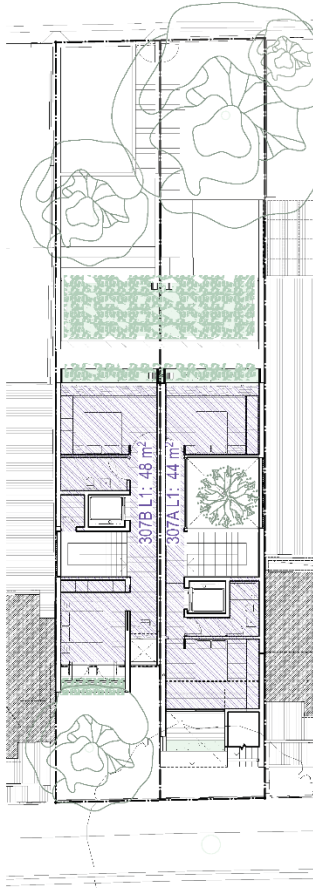
<p>ARCHITECT ETCH ARCHITECTURE 10/110 WILSON ST, SYDNEY NSW 1585 TEL: 02 9550 1234 WWW.ETCHARCHITECTURE.COM.AU</p>		<p>CLIENT ANNANDALE TERRACES 10/110 WILSON ST, SYDNEY NSW 1585 TEL: 02 9550 1234 WWW.ETCHARCHITECTURE.COM.AU</p>	
<p>PROJECT WEST ELEVATION 10/110 WILSON ST, SYDNEY NSW 1585 TEL: 02 9550 1234 WWW.ETCHARCHITECTURE.COM.AU</p>		<p>DATE 10/11/2023 10/11/2023 10/11/2023 10/11/2023</p>	
<p>DESCRIPTION Development Application</p>		<p>STATUS Approved Approved Approved Approved</p>	
<p>SCALE 1:50 @ A1 (1:10 @ A0)</p>		<p>PROJECT NO. 10/110 WILSON ST, SYDNEY NSW 1585 TEL: 02 9550 1234 WWW.ETCHARCHITECTURE.COM.AU</p>	

SITE AREA: 18km2 (each allotment)
 LEP FSR: 0.8:1
 LEP GFA: 1472m2

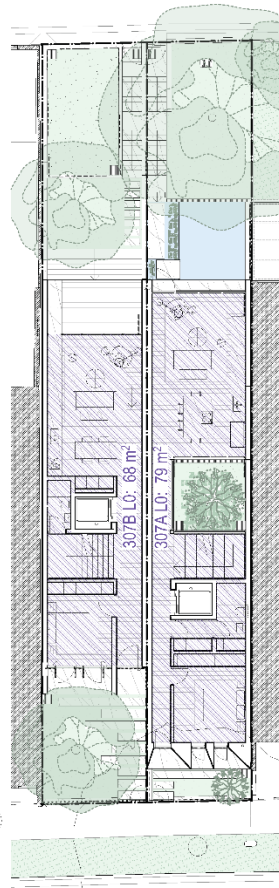
AREA SCHEDULE

307A L1: 44m2
 L1: 79m2
 L1: 44m2
 Total: 167m2

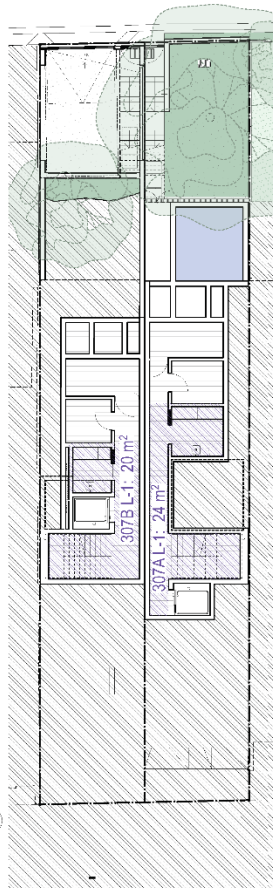
307B L1: 68m2
 L1: 68m2
 L1: 20m2
 Total: 156m2



01 GFA - FIRST FLOOR
 SCALE 1:100@A1 / 1:200@A3



02 GFA - GROUND FLOOR
 SCALE 1:100@A1 / 1:200@A3



03 GFA - BASEMENT
 SCALE 1:100@A1 / 1:200@A3

ETCH Engineering & Technical Consulting
 1/111-113 The Arcade, Sydney NSW 2000 Australia
 Tel: 02 9232 2222 Fax: 02 9232 2223
 Email: info@etch.com.au Website: www.etch.com.au

Client: **Griffiths Group**
 Project: **ANNANDALE TERRACES**
 Project No: **2017/0001**
 Date: **10/08/2017**

Drawn: **ADT**
 Checked: **ADT**
 Date: **10/08/2017**

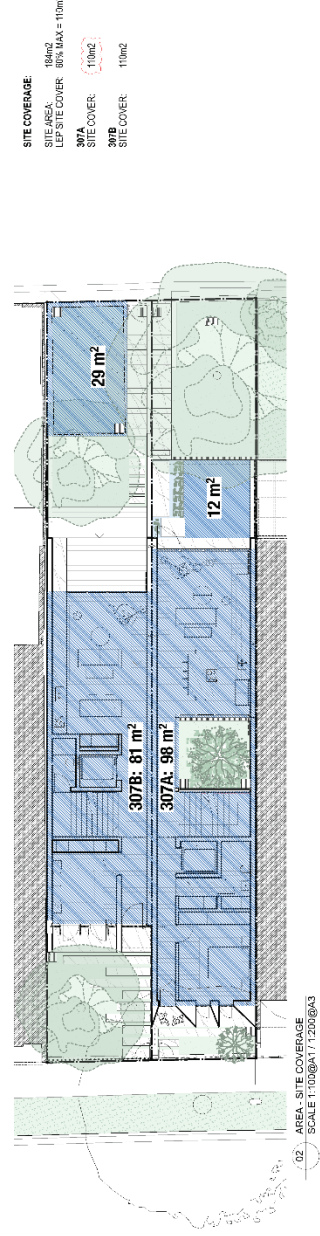
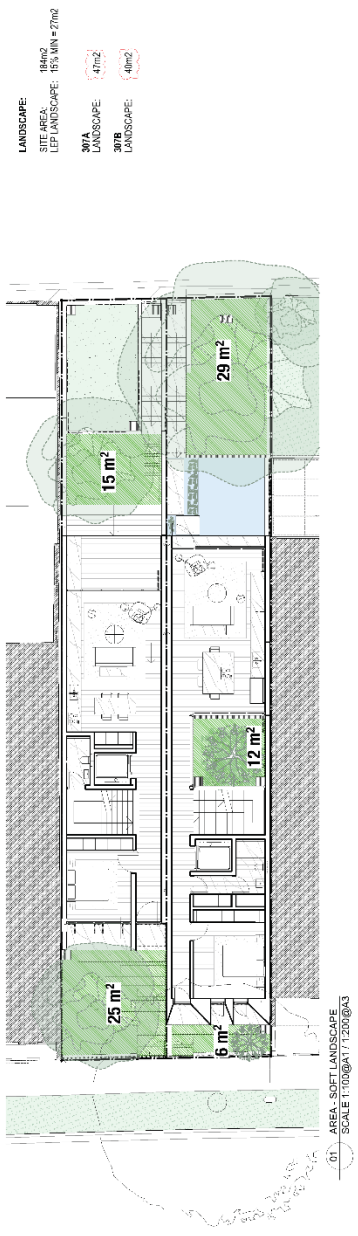
Scale: **1:100**
 Sheet: **1** of **1**

PRELIMINARY - NOT FOR CONSTRUCTION

REV: 01/08/2017
 BY: ADT
 TO: ADT
 REASON: P&I
 DATE: 10/08/2017
 TIME: 10:00 AM
 USER: ADT
 FILE: 100001.dwg

ET: ARCHITECTURAL DRAWING
 BY: ADT
 DATE: 10/08/2017
 TIME: 10:00 AM
 USER: ADT
 FILE: 100001.dwg

1. APPROVED BY LOCAL COUNCIL
 2. APPROVED BY STATE GOVERNMENT
 3. APPROVED BY FEDERAL GOVERNMENT
 4. APPROVED BY COMMONWEALTH GOVERNMENT
 5. APPROVED BY LOCAL GOVERNMENT
 6. APPROVED BY STATE GOVERNMENT
 7. APPROVED BY FEDERAL GOVERNMENT
 8. APPROVED BY COMMONWEALTH GOVERNMENT
 9. APPROVED BY LOCAL GOVERNMENT
 10. APPROVED BY STATE GOVERNMENT
 11. APPROVED BY FEDERAL GOVERNMENT
 12. APPROVED BY COMMONWEALTH GOVERNMENT



PRELIMINARY - NOT FOR CONSTRUCTION

<p>Client: ETOH</p> <p>Project Name: ANNANDALE TERRACES</p> <p>Project Number: 080</p> <p>Project Manager: [Name]</p> <p>Design Lead: [Name]</p> <p>Scale: 1:100</p>	<p>Drawn by: [Name]</p> <p>Checked by: [Name]</p> <p>Approved: [Name]</p> <p>Date: [Date]</p>	<p>Project Number: 080</p> <p>Project Name: ANNANDALE TERRACES</p> <p>Project Manager: [Name]</p> <p>Design Lead: [Name]</p> <p>Scale: 1:100</p>
---	---	---

<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>2</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>3</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>4</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>5</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>6</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>7</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>8</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>9</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> <tr> <td>10</td> <td>ISSUED FOR PERMIT</td> <td>10/10/2023</td> </tr> </table>	No.	Description	Date	1	ISSUED FOR PERMIT	10/10/2023	2	ISSUED FOR PERMIT	10/10/2023	3	ISSUED FOR PERMIT	10/10/2023	4	ISSUED FOR PERMIT	10/10/2023	5	ISSUED FOR PERMIT	10/10/2023	6	ISSUED FOR PERMIT	10/10/2023	7	ISSUED FOR PERMIT	10/10/2023	8	ISSUED FOR PERMIT	10/10/2023	9	ISSUED FOR PERMIT	10/10/2023	10	ISSUED FOR PERMIT	10/10/2023	<p>PROJECT INFORMATION:</p> <p>Project Name: ANNANDALE TERRACES</p> <p>Project Number: 080</p> <p>Project Manager: [Name]</p> <p>Design Lead: [Name]</p> <p>Scale: 1:100</p>
No.	Description	Date																																
1	ISSUED FOR PERMIT	10/10/2023																																
2	ISSUED FOR PERMIT	10/10/2023																																
3	ISSUED FOR PERMIT	10/10/2023																																
4	ISSUED FOR PERMIT	10/10/2023																																
5	ISSUED FOR PERMIT	10/10/2023																																
6	ISSUED FOR PERMIT	10/10/2023																																
7	ISSUED FOR PERMIT	10/10/2023																																
8	ISSUED FOR PERMIT	10/10/2023																																
9	ISSUED FOR PERMIT	10/10/2023																																
10	ISSUED FOR PERMIT	10/10/2023																																



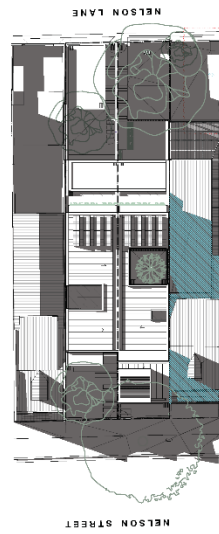
01 SHADOW DIAGRAM EXISTING - 9AM JUNE 21
SCALE 1:200@A1 / 1:200@A3



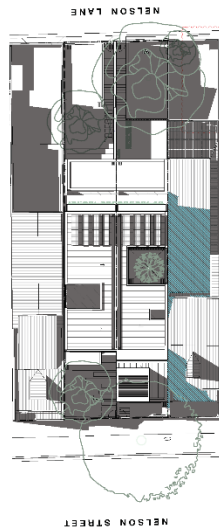
03 SHADOW DIAGRAM EXISTING - 10AM JUNE 21
SCALE 1:200@A1 / 1:200@A3



05 SHADOW DIAGRAM EXISTING - 11AM JUNE 21
SCALE 1:200@A1 / 1:200@A3



02 SHADOW DIAGRAM PROPOSED - 9AM JUNE 21
SCALE 1:200@A1 / 1:200@A3



04 SHADOW DIAGRAM PROPOSED - 10AM JUNE 21
SCALE 1:200@A1 / 1:200@A3



06 SHADOW DIAGRAM PROPOSED - 11AM JUNE 21
SCALE 1:200@A1 / 1:200@A3

SHADOWS CAST
ADDITIONAL SHADOWS

ETCH
 Environmental Technical Consulting
 100/102 Campbell Street
 North Sydney NSW 1585
 Tel: (02) 9550 6900
 Email: info@etch.com.au
 www.etch.com.au

PROJECT
 ANANDALE TERRACES
 379-381 ANANDALE TERRACE
 ANANDALE NSW 1588

PROJECT NUMBER
 090

DESIGNER
 ETC GROUP
 100/102 CAMPBELL STREET
 NORTH SYDNEY NSW 1585
 TEL: (02) 9550 6900
 EMAIL: INFO@ETCH.COM.AU
 WWW.ETCH.COM.AU

DATE
 09 JUN 21

BY
 JAMES WATTS

APPROVED
 JAMES WATTS
 09 JUN 21

FOR
 DEVELOPMENT APPLICATION

PRELIMINARY - NOT FOR CONSTRUCTION

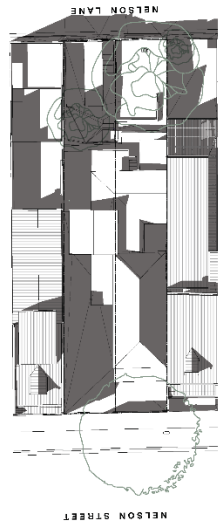
- 1. SITE PLAN
- 2. SHADOW DIAGRAM EXISTING - 9AM JUNE 21
- 3. SHADOW DIAGRAM EXISTING - 10AM JUNE 21
- 4. SHADOW DIAGRAM EXISTING - 11AM JUNE 21
- 5. SHADOW DIAGRAM PROPOSED - 9AM JUNE 21
- 6. SHADOW DIAGRAM PROPOSED - 10AM JUNE 21
- 7. SHADOW DIAGRAM PROPOSED - 11AM JUNE 21
- 8. DEVELOPMENT APPLICATION FORM
- 9. SITE PLAN
- 10. SHADOW DIAGRAM EXISTING - 9AM JUNE 21
- 11. SHADOW DIAGRAM EXISTING - 10AM JUNE 21
- 12. SHADOW DIAGRAM EXISTING - 11AM JUNE 21
- 13. SHADOW DIAGRAM PROPOSED - 9AM JUNE 21
- 14. SHADOW DIAGRAM PROPOSED - 10AM JUNE 21
- 15. SHADOW DIAGRAM PROPOSED - 11AM JUNE 21
- 16. DEVELOPMENT APPLICATION FORM
- 17. SITE PLAN
- 18. SHADOW DIAGRAM EXISTING - 9AM JUNE 21
- 19. SHADOW DIAGRAM EXISTING - 10AM JUNE 21
- 20. SHADOW DIAGRAM EXISTING - 11AM JUNE 21
- 21. SHADOW DIAGRAM PROPOSED - 9AM JUNE 21
- 22. SHADOW DIAGRAM PROPOSED - 10AM JUNE 21
- 23. SHADOW DIAGRAM PROPOSED - 11AM JUNE 21
- 24. DEVELOPMENT APPLICATION FORM
- 25. SITE PLAN



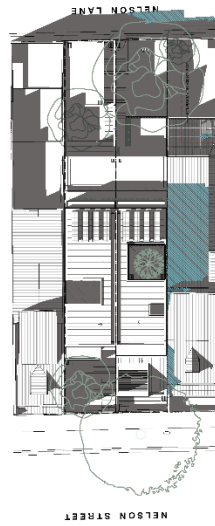
03 - SHADOW DIAGRAM EXISTING - 1PM JUNE 21
SCALE 1:200 @ A1 1:200 @ A3



04 - SHADOW DIAGRAM PROPOSED - 1PM JUNE 21
SCALE 1:200 @ A1 1:200 @ A3



01 - SHADOW DIAGRAM EXISTING - 12PM JUNE 21
SCALE 1:200 @ A1 1:200 @ A3



02 - SHADOW DIAGRAM PROPOSED - 12PM JUNE 21
SCALE 1:200 @ A1 1:200 @ A3

SHADOWS CAST
ADDITIONAL SHADOWS

ETCH
Engineering & Technical Consulting
10/11-13/15 Market Street, Sydney NSW 1590
Phone: (02) 9550 6600
Fax: (02) 9550 6601
www.etch.com.au

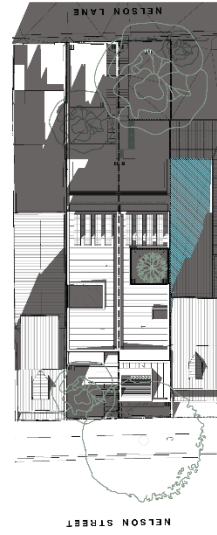
PRELIMINARY - NOT FOR CONSTRUCTION
Project: ANNAVALE TERRACES
Client: ANNAVALE TERRACES
Date: 12/06/21
Scale: 1:200 @ A1 1:200 @ A3
Author: [Name]
Check: [Name]
Approved: [Name]
Development Application

01 - SHADOW DIAGRAM EXISTING - 12PM JUNE 21
02 - SHADOW DIAGRAM PROPOSED - 12PM JUNE 21
03 - SHADOW DIAGRAM EXISTING - 1PM JUNE 21
04 - SHADOW DIAGRAM PROPOSED - 1PM JUNE 21

01 - SHADOW DIAGRAM EXISTING - 12PM JUNE 21
02 - SHADOW DIAGRAM PROPOSED - 12PM JUNE 21
03 - SHADOW DIAGRAM EXISTING - 1PM JUNE 21
04 - SHADOW DIAGRAM PROPOSED - 1PM JUNE 21



03 SHADOW DIAGRAM EXISTING - 3PM JUNE 21
SCALE: 1:200 @ A1 / 1:200 @ A3



04 SHADOW DIAGRAM PROPOSED - 3PM JUNE 21
SCALE: 1:200 @ A1 / 1:200 @ A3



05 SHADOW DIAGRAM EXISTING - 2PM JUNE 21
SCALE: 1:200 @ A1 / 1:200 @ A3



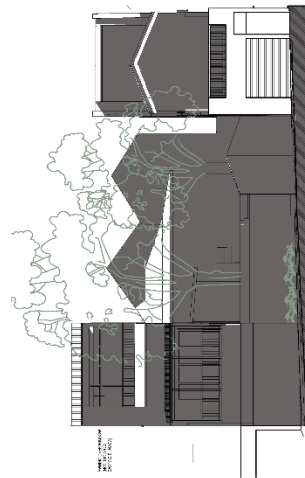
06 SHADOW DIAGRAM PROPOSED - 2PM JUNE 21
SCALE: 1:200 @ A1 / 1:200 @ A3



PRELIMINARY - NOT FOR CONSTRUCTION

<p>ETCH Environmental Technical Consulting 1/100 The Esplanade North Sydney NSW 1585 Ph: (02) 9439 2000 Fax: (02) 9439 2001 Email: info@etch.com.au www.etch.com.au</p>	<p>PROJECT Client: CH2M Group Project Name: ANNANDALE TERRACES 250 ANNANDALE TERRACE ANNANDALE NSW 1585 Project Number: 090 Project Manager: ARIJ Date: 15/06/2021 Drawn: [Name] Checked: [Name] Date Issued: 15/06/2021 Scale: 1:200 Development Application</p>
--	--

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200
 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300
 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400
 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500
 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600
 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700
 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800
 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900
 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000



05 SHADOW DIAGRAM ELEVATION - 11AM EXISTING
SCALE 1:100



05 SHADOW DIAGRAM ELEVATION - 10AM EXISTING
SCALE 1:100



07 SHADOW DIAGRAM ELEVATION - 9AM EXISTING
SCALE 1:100



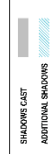
06 SHADOW DIAGRAM ELEVATION - 11AM PROPOSED
SCALE 1:100



04 SHADOW DIAGRAM ELEVATION - 10AM PROPOSED
SCALE 1:100



02 SHADOW DIAGRAM ELEVATION - 9AM PROPOSED
SCALE 1:100



PRELIMINARY - NOT FOR CONSTRUCTION

Project: **ANNANDALE TERRACES**
 Client: **ETOH**
 Design: **ETOH**
 Date: **20/06/2018**

Project No: **001**
 Drawing No: **001**
 Drawing Title: **SHADOW DIAGRAM - SHADOW ELEVATION 9AM - 11AM, JUNE 21**

Scale: **1:100**
 Date: **20/06/2018**

Author: **[Name]**
 Checker: **[Name]**
 Date Plotted: **[Date]**

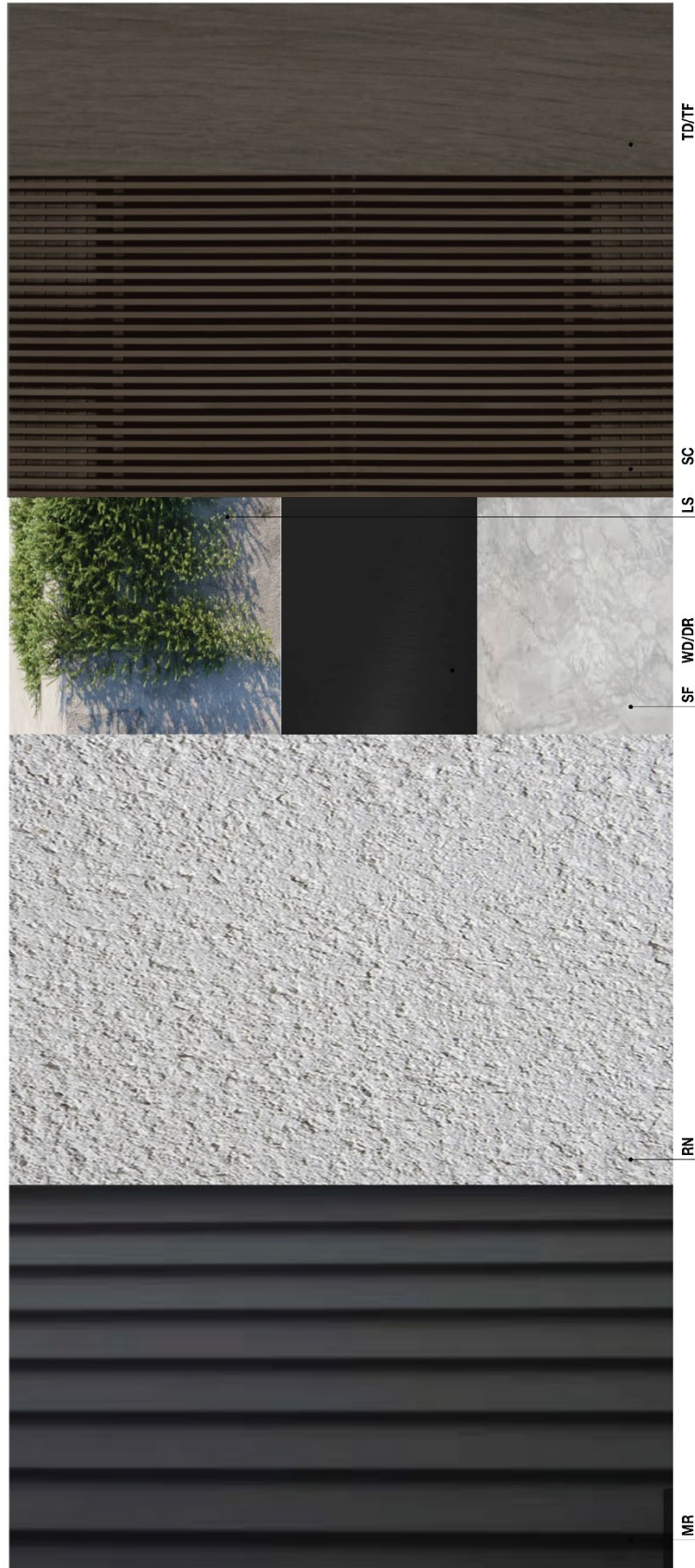
Project Location: **[Address]**
 State: **[State]**
 City: **[City]**
 Suburb: **[Suburb]**

Project No: **[Number]**
 Drawing No: **[Number]**
 Drawing Title: **[Title]**

REVISIONS

NO.	DATE	DESCRIPTION
01	20/06/2018	ISSUED FOR PERMIT
02	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
03	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
04	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
05	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
06	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
07	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
08	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
09	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
10	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
11	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
12	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
13	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
14	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
15	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
16	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
17	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
18	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
19	20/06/2018	REVISIONS TO SHADOW DIAGRAMS
20	20/06/2018	REVISIONS TO SHADOW DIAGRAMS

DATE: 20/06/2018
 TIME: 10:00
 SCALE: 1:100
 SHEET NO: 001
 TOTAL SHEETS: 001



PRELIMINARY - NOT FOR CONSTRUCTION

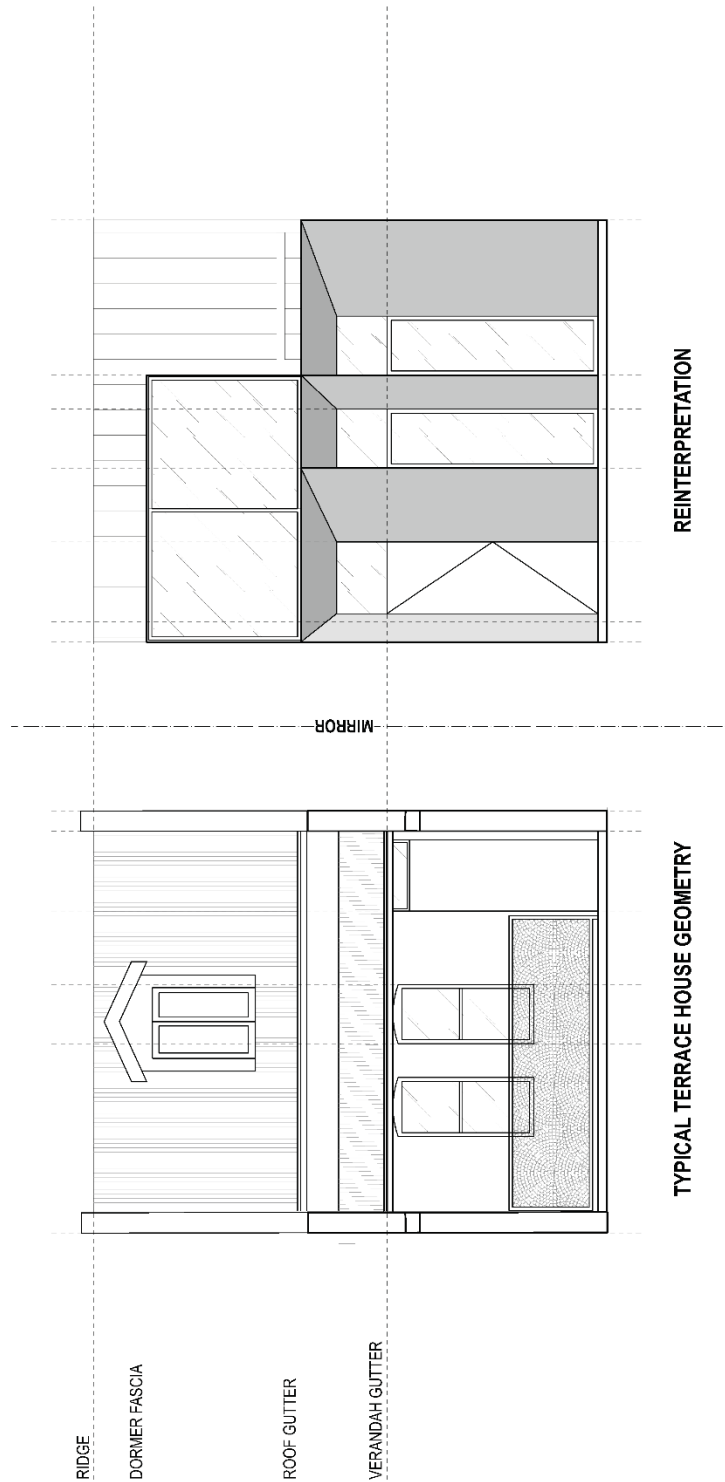
Client	CHIMES GROUP
Drawn By	MATERILITY
Project Number	000
Project Name	ANNANDALE TERRACES
Drawn Date	11/03/2024
Drawn Scale	1:100
Drawn Sheet	1 of 1
Drawn By	000
Drawn Date	11/03/2024
Drawn Scale	1:100
Drawn Sheet	1 of 1
Drawn By	000
Drawn Date	11/03/2024
Drawn Scale	1:100
Drawn Sheet	1 of 1
Drawn By	000
Drawn Date	11/03/2024
Drawn Scale	1:100
Drawn Sheet	1 of 1
Drawn By	000
Drawn Date	11/03/2024
Drawn Scale	1:100
Drawn Sheet	1 of 1

ETCH

Annandale Terraces
11/03/2024
1:100
1 of 1

ETCH
Annandale Terraces
11/03/2024
1:100
1 of 1

ETCH
Annandale Terraces
11/03/2024
1:100
1 of 1



ETCH
 Environmental Technical Consulting
 10/11 Macquarie Street, Sydney NSW 2000
 Tel: (02) 9231 2222
 Fax: (02) 9231 2223
 Email: info@etch.com.au
 Website: www.etch.com.au

PRELIMINARY - NOT FOR CONSTRUCTION

Client: **Canberra Group**
 Project: **FACADE RATIONAL**
 Site: **ANNANDALE TERRACES**
 Date: **09/08/2010**
 Drawn: **ASBZ**
 Checked: **[Signature]**
 Scale: **1:100**
 Status: **Development Application**

REV: 01/08/10
 1/1: FACADE RATIONAL
 1/1.1: FACADE RATIONAL
 1/1.2: FACADE RATIONAL
 1/1.3: FACADE RATIONAL
 1/1.4: FACADE RATIONAL
 1/1.5: FACADE RATIONAL
 1/1.6: FACADE RATIONAL
 1/1.7: FACADE RATIONAL
 1/1.8: FACADE RATIONAL
 1/1.9: FACADE RATIONAL
 1/1.10: FACADE RATIONAL

REV: 01/08/10
 1/1: FACADE RATIONAL
 1/1.1: FACADE RATIONAL
 1/1.2: FACADE RATIONAL
 1/1.3: FACADE RATIONAL
 1/1.4: FACADE RATIONAL
 1/1.5: FACADE RATIONAL
 1/1.6: FACADE RATIONAL
 1/1.7: FACADE RATIONAL
 1/1.8: FACADE RATIONAL
 1/1.9: FACADE RATIONAL
 1/1.10: FACADE RATIONAL

REV: 01/08/10
 1/1: FACADE RATIONAL
 1/1.1: FACADE RATIONAL
 1/1.2: FACADE RATIONAL
 1/1.3: FACADE RATIONAL
 1/1.4: FACADE RATIONAL
 1/1.5: FACADE RATIONAL
 1/1.6: FACADE RATIONAL
 1/1.7: FACADE RATIONAL
 1/1.8: FACADE RATIONAL
 1/1.9: FACADE RATIONAL
 1/1.10: FACADE RATIONAL

Attachment B – Draft Conditions of Consent

CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. Ad-Hoc Deferred Commencement Condition 1

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

1. Amended plans are to be submitted incorporating the following amendments:
 - a. The box form of the dwellings is to be amended to include gable roof forms. The height of the ridgelines are to be complementary to the average of the ridgelines of the adjoining dwellings at Nos. 305 and 309 Nelson Street. This will require the lowering of floor to ceiling heights on the ground and first floors to accommodate the gable roof forms.
 - b. The recessed door and windows to the front façade of dwelling 307A are to be deleted and redesigned so they sit within a simple front façade.
 - c. The west (Nelson Street) elevation of both dwellings is to be redesigned incorporating 2 storey front verandahs with separate skillion roofs over. The slope of the verandah roofs are to complement the slope of existing front verandah roofs of the adjoining dwellings.
 - d. The planter proposed to the first floor west (front) elevation of Dwelling 307B is to be deleted.
 - e. Large expanses of glass are not to be used in areas visible from the public domain, e.g. in the west (front) or east (rear) elevations. Openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame).
 - f. The sloping glass skylights to the east elevation of the dwellings is to be deleted. If skylights are required, they are to sit flush with the rear roof plane.
 - g. Solar panels are to be designed and installed so they sit behind the ridgeline of the main gable roof form to the street and are to sit flush with the roof.
 - h. The footpath design for Dwelling 307B is to be reverted back to the straight rectangular form as proposed in the Issue B of the drawings prepared by ETCH Studio, dated 30 October 2020.
 - i. Proposed rear decking to the northern dwelling should be lowered to a maximum RL of 10.00 to minimise any overlooking impacts and any proposed privacy screens to the fencing on the northern boundary to be deleted.
 - j. Lower the pool level of the southern dwelling to a maximum finished level to be no higher than the levels of the rear deck of 305 Nelson Street (RL9.75) and provided privacy screens with a height of 1.8 metres from this level and the privacy screen to not extend beyond the rear alignment of the rear deck at 305 Nelson Street (excluding the landing).
 - k. BASIX certificates consistent with the changes to be provided.
2. The applicant is to engage the services of an AQF level 5 Consulting Arborist to undertake a non-destructive root investigation along the northern boundary of the site within the vicinity of the potentially impacted tree located in 309 Nelson Street in accordance with Council's *Development Fact Sheet 3. Root Mapping Reports*. Root mapping must be carried out to verify the quantity, type, size and location of roots from trees on adjoining property.
3. Upon the root mapping investigation being undertaken, the applicant is required to provide an updated Tree Protection Plan containing tree-specific and site-specific

protection measures for trees on adjoining property, including the location of TPZ fencing to be installed. If fencing cannot be erected around the TPZ, the report should specify the location of alternative tree protection measures within the TPZ.

4. Amended architectural plans are to be submitted reflecting any recommendations of the arborist report required by 'Deferred Commencement' Conditions 1-5 to ensure the future retention, health and stability of all existing trees on adjoining properties

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

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
Drawing Number A101, Issue C	SITE PLAN/SITE ANALYSIS	09.12.20	Etch Studio
Drawing Number A110, Issue C	PLAN - ROOF	09.12.20	Etch Studio
Drawing Number A111, Issue C	PLAN - FIRST	09.12.20	Etch Studio
Drawing Number A112, Issue C	PLAN - GROUND	09.12.20	Etch Studio
Drawing Number A113, Issue C	PLAN - BASEMENT	09.12.20	Etch Studio
Drawing Number A121, Issue C	CARPORT/CROSSOVER DETAILS	09.12.20	Etch Studio
Drawing Number A201, Issue C	SECTION A	09.12.20	Etch Studio
Drawing Number A202, Issue C	SECTION B	09.12.20	Etch Studio
Drawing Number A203, Issue C	SECTION C	09.12.20	Etch Studio
Drawing Number A301, Issue C	NORTH ELEVATION	09.12.20	Etch Studio
Drawing Number A302, Issue C	SOUTH ELEVATION	09.12.20	Etch Studio

Drawing Number A303, Issue C	EAST ELEVATION	09.12.20	Etch Studio
Drawing Number A304, Issue C	WEST ELEVATION	09.12.20	Etch Studio
Drawing Number A801, Issue C	MATERIALITY	09.12.20	Etch Studio
Drawing Number A801, Issue C	FACADE RATIONAL	09.12.20	Etch Studio
1084726M_02	BASIX Certificate No.	12 May 2020	IGS
L-01, Issue B	LANDSCAPE PLAN	15-12-20	Ecodesign
PROJECT: 2011	ARBORICULTURAL IMPACT ASSESSMENT REPORT	15th May 2020	STURT NOBLE ARBORICULTURE
Ref: 19106-003-SR	Structural Design Report	19 June 2020	ABC Consults Structural Engineers

As amended by the conditions of consent.

FEES

2. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$21,560.78 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; ‘Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access (“CP”) has been paid to the Council.

The above contribution is the contribution applicable as at 21 January 2021.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$18,480.00
Community Facilities and Services	\$2,824.00
Light Rail Access Works	\$18.90
Local Area Traffic Management	\$203.75
Bicycle Works	\$34.13
TOTAL	\$21,560.78

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

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.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

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 - 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:	\$5000.00
Inspection Fee:	\$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. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise

as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

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.

10. 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.

PRIOR TO ANY DEMOLITION

11. 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 properties 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.

12. 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.

13. 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.

14. Hoardings

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

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

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

PRIOR TO CONSTRUCTION CERTIFICATE

15. 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

16. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

17. Dilapidation Report – Pre-Development – Minor

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

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

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans 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 concept plan on Drawing No. 19106/C02.01-C03.01 prepared by abc Consultants and dated 4 January 2021 must be amended to comply with the following;
- 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 a public road/directly to Council's piped drainage system 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. Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the OSD/OSR. The over flow from the storage tank must be connected under gravity to the kerb and gutter of a public road. Stormwater outlet pipe at a lower level of the storage tank and orifice plate is not required;
- j. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- k. Depth of the OSD tank must comply with the confined space requirements, easy access must be available to the OSD/OSR for cleaning and maintenance purposes.
- l. The Stormwater Drainage Concept Plan must be prepared on a copy of the ground floor plan of approved architectural plans. The proposed OSD/OSR under the living area is not permitted;
- m. Drainage pipes under the floor slabs must be laid straight without bends, inspection openings must be provided on the upstream and downstream ends for cleaning purposes. Access must be available to all downpipe connections;
- n. Drainage pipes must be laid at a minimum grade of 1%. All pipes' diameter and invert level and pits surface and invert level must be shown on the amended drainage plans;
- o. A 150mm step up shall be provided between the finished surface level of the external areas and the finished floor level of the internal rooms.

- p. As there is no overland flow/flood path available from the rear and central courtyards to the Nelson 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.
- q. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- r. No nuisance or concentration of flows to other properties;
- s. 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;
- t. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- u. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- v. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- w. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- x. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- y. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system;
- z. No impact to street tree(s).

19. Changes to Levels

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

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

20. Parking Facilities - Domestic

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

- a. The garage/carport 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; and
- g. The external form and height of the approved structures must not be altered from the approved plans.

21. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

DURING DEMOLITION AND CONSTRUCTION

22. Materiality Board

Prior to commencement of any excavation, demolition or construction work, the Materiality Board is to be revised replacing the proposed Standing Seam for the roofing with a pre-coloured traditional corrugated steel roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

PRIOR TO OCCUPATION CERTIFICATE

23. 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.

24. Protect Sandstone Kerb

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

25. 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.

26. 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.

27. Redundant Vehicle Crossing

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

28. Parking Signoff – Minor Developments

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

29. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

30. Separate Drainage Systems

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

ON-GOING

31. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

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.

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.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

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.

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 Payments Corporation	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.diysafe.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 - SITA Environmental Solutions	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.

Permits

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

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

- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Insurances

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

Public Domain and Vehicular Crossings

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

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

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

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

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

REASONS FOR REFUSAL

1. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a. Clause 1.2 – Aims of the Plan;
 - b. Clause 2.3 – Zone objectives and Land Use Table;
 - c. Clause 4.3A – 4.3A Landscaped areas for residential accommodation in Zone R1; and
 - d. Clause 4.6 – Exceptions to Development Standards.
2. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a. Part C1.0 - General Provisions;

- b. Part C1.4 – Heritage Conservation Areas and Heritage Items;
 - c. Part C1.14 - Tree Management;
 - d. Part C2.2.1.6 - Nelson Street Distinctive Neighbourhood;
 - e. Part C3.1 - Residential General Provisions;
 - f. Part C3.2 - Site Layout and Building Design;
 - g. Part C3.3 - Elevation and Materials;
 - h. Part C3.9 – Solar Access; and
 - i. Part C3.11 - Visual Privacy.
3. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979
 4. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.
 5. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

Attachment C- Clause 4.6 Exception to Development Standards

SJB Planning



Clause 4.6 – Exceptions to Development Standards

Request to Vary Clause 4.3A – Landscaped areas for residential accommodation in Zone R1 (Clause 4.3A)

Address: 307 Nelson Street, Annandale

1.0 Introduction

This is a written request to contravene a development standard pursuant to Clause 4.6 – Exceptions to Development Standards of the Leichhardt Local Environmental Plan (LLEP) 2013. The development standard for which the contravention is sought is Clause 4.3A – landscaped areas for residential accommodation in Zone R1 under LLEP 2013.

The contravention is in relation to site coverage on one lot only of the two allotments comprising the development site (i.e. the southern allotment at 307a Nelson Street - Lot 35 Section 15 DP 1865). In all other respects both lots comply with all other provisions of Clause 4.3A.

1.1 Overview of the proposal

The development site is located at 307 Nelson Street, Annandale, backing onto Nelson Lane, and comprises two (2) allotments which are legally described as Lots 35 & 36, Section 15, in DP 1865.

The proposal seeks consent for the construction of a terrace style dwelling house on each of the existing allotments as follows:

- 307a Nelson Street: two (2) storey plus basement dwelling house with private open space and a swimming pool; and
- 307b Nelson Street: two (2) storey plus basement dwelling house with an internal courtyard, rear private open space and a carport fronting onto Nelson Lane.

The proposal retains the existing trees on the site and green roofs are proposed at the rear of each of the proposed dwellings.

2.0 Description of the planning instrument, development standard and proposed variation

2.1 What is the name of the environmental planning instrument that applies to the land?

Leichhardt Local Environmental Plan (LLEP) 2013.

2.2 What is the zoning of the land?

The land is zoned R1 General Residential.

2.3 What are the objectives of the zone?

The objectives of the zone are:

8886_5_Clause 4.6 Statement_Min_Landscape Area_20210120

1 / 12

L2/490 Crown St, Surry Hills planning@sjb.com.au T 61 2 9380 9911
Sydney NSW 2010 sjb.com.au F 61 2 9380 9922

SJB Planning (NSW) Pty Ltd ACN 112 509 501

- *"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."*

2.4 What is the development standard being varied?

The development standard being varied is Clause 4.3A. Landscaped areas for residential accommodation in Zone R1 - specifically Clause 4.3A (3) (b) as it relates to site coverage.

2.5 Is the development standard a performance based control? Give details.

No. The development standard at Clause 4.3A (3) (b) is a numerical control.

2.6 Under what clause is the development standard listed in the environmental planning instrument?

The development standard is listed under Clause 4.3A (3) (b) of LLEP 2013.

2.7 What are the objectives of the development standard?

The objectives of the development standard are contained in Subclause 4.3A(1)(a)-(f), and are:

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

2.8 What is the numeric value of the development standard in the environmental planning instrument?

Clause 4.3A(3) prescribes:

- A minimum landscaped area of 15% of the site area for lots equal to or less than 235m²;
- A minimum landscaped area of 20% of the site area for lots greater than 235m²;
- A maximum site coverage of 60%.

Clause 4.3A (4) prescribes:

- Requirements for calculating both site coverage and landscape area.

This request to contravene a development standard is in respect to the site coverage on one lot only. In all other respects both lots comply with the landscaped area provisions of Clause 4.3A.

Table 1 demonstrates compliance with the minimum landscape area for both allotments at 307 Nelson Street.

Lot and Size	Control (min)	Proposed landscape area	Compliance	Variation	% Varied
307a Nelson Street	15% (27m ²)	25.5% (47m ²)	Yes	N/A	N/A
Lot 35 Section 15 DP 1865 183.95m ²					
307b Nelson Street	15% (27m ²)	21.7% (40m ²)	Yes	N/A	N/A
Lot 36 Section 15 DP 1865 183.95m ²					

Table 1: Proposed minimum landscape area

For both 307a and 307b Nelson Street, the minimum requirements of 15% landscape area will be exceeded.

Table 2 demonstrates the degree of compliance and non-compliance with the maximum site coverage requirements, as well as the degree of variation.

Lot and Size	Control (max)	Proposed site coverage	Compliance	Variation	% Varied
307a Nelson Street	60% (110.37m ²)	64.7% (119m ²)	No	8.63m ²	7.8% (8.63m ² / 110.37m ²)
Lot 35 Section 15 DP 1865 183.95m ²					
307b Nelson Street	60% (110.37m ²)	60% (110m ²)	Yes	N/A	N/A
Lot 36 Section 15 DP 1865 183.95m ²					

Table 2: Proposed maximum site coverage

8896_5_Clause 4.6 Statement_Min Landscape Area_20210120

The proposed development will contravene the site coverage by 8.63m² at 307a Nelson Street (i.e. Lot 35 Section 15 DP 1865) which represents a 7.8% variation. The proposed site coverage for 307b Nelson Street will comply with the requirement.

A visual representation of the abovementioned proposed landscape area and site coverage is provided in Figures 1 and 2. The calculation of both site area and landscape area has been undertaken in accordance with Clause 4.3A(4)

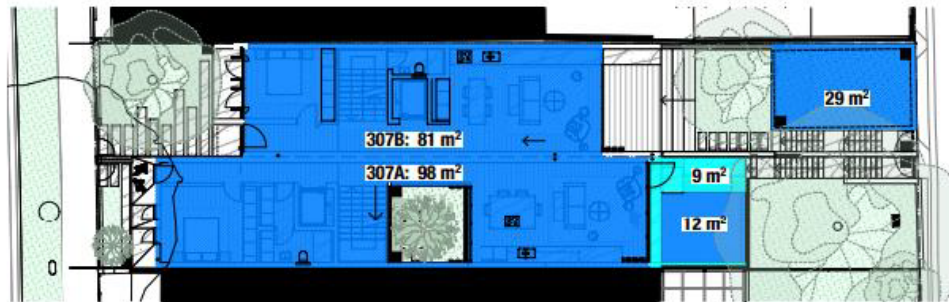


Figure 1: Proposed site coverage



Figure 2: Proposed landscaped area

3.0 Assessment of the Proposed Contravention

3.1 Overview

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan and reads as follows.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (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.

8886_5_Chause 4.6 Statement_Min_Landscape Area_20210120

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *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.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence."*

This request has been prepared having regard to the authorities on Clause 4.6, contained in the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3');*
- *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;*
- *RebelMH Neutral Bay v North Sydney Council [2019] NSWCA 130;*
- *Baron Corporation v The Council of the City of Sydney [2019] NSWLEC 61; and*
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245.*

3.2 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

3.2.1 The objectives of the development standard can be achieved notwithstanding non-compliance with the development standard

The contravention is solely related to the site coverage on Lot A. Lot A exceeds the minimum landscaped area standard, Lot B exceeds the minimum landscaped area standard, and Lot B is compliant with the maximum site coverage standard.

The objectives of the standard for residential accommodation in Zone R1 standard are addressed as follows:

- (a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*

On Lot A the 25.5% landscaped area will be suitable to allow for the establishment and retention of substantial vegetation. There are landscaped areas at the front yard, centre courtyard and at the rear. The distribution of landscape areas across the site will allow for planting within deep soil zones and increased opportunities for multiple and interesting diverse private open space areas for the enjoyment of residents on Lot A.

The contravention of the site coverage requirement on Lot A will not prevent the objective being achieved.

- (b) *to maintain and encourage a landscaped corridor between adjoining properties,*

The development has been designed to maximise landscaped corridors within the rear setback. Compliance with the rear BLZ will allow for a rear setbacks consistent with existing adjacent residential development. In particular the rear ground floor building alignment of the dwelling at Lot A is consistent with the rear alignment of the dwelling at No. 305 Nelson Street (i.e. the set back to the building alignment of the proposed dwelling to the rear boundary is slightly greater than the corresponding setback of the dwelling at No.305 Nelson Street).

The proposed pool area in the rear yard at Lot A aligns with the raised covered rear deck at No. 305 Nelson Street and the proposed rear lawn at Lot A aligns with the lawned area at the rear of No. 305 Nelson Street.

The proposed landscaped area allows for the retention of existing vegetation in the rear yards of Lot A and No. 305 Nelson Street.

The contravention of the site coverage requirement on Lot A will not prevent the objective being achieved.

- (b) *to ensure that development promotes the desired future character of the neighbourhood,*

The desired future character is derived from the full suite of planning controls applicable.

In this case landscaped area will provide for substantial planting and a landscaped corridor, consistent with the intent of the standard.

The resultant built form arising from the non-compliance with the site coverage development standard is consistent and compatible with the context and built form in the surrounding streetscape. The proposal is of a scale, a density, a height and a landscaped area that is consistent with the fundamental built form controls and the pattern of development in the immediate and wider vicinity.

- (d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*

The proposed development is supported by sufficient landscaped area that will contribute to the protection and enhancement of the hydrological and ecological health of the site and wider catchment area. Furthermore, the development will maximise opportunities for retention of surface drainage water on site, with the provision of rainwater tanks.

(e) to control site density,

The proposed site coverage on Lot A, notwithstanding the contravention, will nonetheless be compatible with the density of development in Nelson Street and surrounding area. On Lot A and Lot B FSR compliance is achieved and both lots comply with the minimum landscaped area standard.

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

The proposal provides an amount of landscaped area above the minimum requirements on Lot A and Lot B, allowing for deep soil planting and retention of existing trees that provide for canopy planting in and around the development.

The general arrangement of landscape area and open space across both lots will allow for areas of Principal Private Open Space to be provided at levels adjacent to internal living room area.

The proposal also includes rooftop landscaping that on both allotments. While not calculated as "landscaped area" for the purpose of Clause 4.3A, the additional rooftop gardens will nonetheless result in a broader and more diverse landscape design and amenity, and will provide significant benefits to future residents as a result. The landscaped design will also provide visual interest and 'greening' of the dwellings when viewed from w-adjacent properties and the rear lane (public domain).

A development that strictly complies with the site coverage on Lot A is unreasonable and unnecessary in this circumstance for the following reasons:

- The proposal satisfies the objectives of the R1 General Residential zone and the objectives of the landscaped areas for residential accommodation in Zone R1 standard;
- The contravention of the site coverage standard facilitates a permissible form of residential accommodation on Lot A in a manner that achieves high amenity outcomes and results in a development that achieves landscaped area above the minimum requirement (on both lots);
- The contravention of the development standard does not result in an excessive scale and density of development at the site with both dwellings complying with the relevant FSR development standard;
- The form and scale of development responds to the broader context of the site, including the terrace style residential development in Nelson Street;
- Contravention of the standard does not contribute to adverse environmental impacts in terms of visual impacts, privacy, view loss, for adjacent sites or loss of landscape setting;
- The proposed site coverage will not give rise to adverse overshadowing, bulk and scale, noting that the proposed development will comply with the BLZ requirements of the LDCP 2013 and FSR requirements of the LLEP 2013. Specifically, the proposal could achieve absolute compliance with the site coverage standard without making any alteration to the GFA and building alignment of the dwelling on Lot A (such that the deletion of the proposed pond and reduction in the size of the plunge pool would result in compliance).

3.2.2 Is the underlying objective or purpose of the standard not relevant to the development?

The clear objective of the development standard is to provide for an appropriate area for landscaping and site coverage to facilitate planting, areas of principle private open space, ecological sustainable development

(ESD), as well as promoting a scale and intensity of development that responds to the R1 General Residential zone.

The underlying objective and purpose of the standard is relevant to the proposal and has been addressed in detail above.

3.2.3 *Would the underlying objective or purpose be defeated or thwarted if compliance was required?*

The underlying objective or purpose of the development standard would not be defeated or thwarted if compliance was required.

However, the proposed site coverage maintains the following planning outcomes:

- A development that is able to demonstrate compliance with the minimum requirement for landscape area;
- A development that is able to demonstrate compliance with the maximum floor space ratio (FSR) control requirement, ensuring density on the site is consistent with the envisaged site densities for the R1 General Residential zone;
- Opportunities for the promotion of deep soil planting, areas of PPOS, and rear landscape corridor;
- A development that responds to the character of the location and the streetscape of dwelling character of Nelson Street; and
- Appropriate front and rear setbacks in line with existing building location zones (BLZs) to ensure building footprints respond to adjacent dwellings.

3.2.4 *Has the development standard been virtually abandoned or destroyed by the Council's own actions in departing from the standard?*

The development standard cannot be said to be abandoned or destroyed.

3.2.5 *Is the zoning of the land unreasonable or inappropriate?*

The zoning of the land is reasonable and appropriate given the sites location, which has a history of varied residential development and densities.

3.2.6 *Other reasons*

Consistency with the Objectives of the R1 General Residential Zone

- *To provide for the housing needs of the community.*

The proposal is for a type of residential accommodation that is permissible in the R1 General Residential zone. The proposal will provide housing which will increase the housing stock within an existing residential locality. The proposal is consistent with the above objective.

- *To provide for a variety of housing types and densities.*

The proposal will provide for two new dwellings in a residential zone that is characterised by single dwellings. The dwellings are sympathetic in design with the characteristics of the conservation area, are consistent with (or less than) the densities of approved dwellings in the vicinity and will offer a high standard of contemporary amenities and services for future residents.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is for residential accommodation and does not seek consent for other uses.

- *To improve opportunities to work from home.*

Through the delivery of two well designed contemporary dwellings, the development will result in increased opportunities for home office space.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

The proposal, notwithstanding the contravention of Lot A with the site coverage standard, will be compatible for the reasons outlined above in Section 3 of this Statement.

- *To provide landscaped areas for the use and enjoyment of existing and future residents.*

The proposal has been designed to incorporate high quality landscaped areas for the use and enjoyment of future residents and to provide landscaping that is consistent with adjoining lots. The proposal is able to demonstrate compliance with the minimum requirements for landscaped area, as well as positioning of PPOS in areas adjacent to the internal living area.

- *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 proposal does not involve subdivision. The contravention of the site coverage development standard will result in a development that is compatible with the pattern of dwelling development in the immediate vicinity and broader surrounding area.

- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposal, inclusive of the contravention of the development standard, is consistent with the existing development at adjacent sites and those along Nelson Street in terms of lot size, orientation, height, and density. The non-compliance with the site coverage standard will not result in adverse amenity impacts upon adjoining properties above those impacts that could be reasonably be expected of a development that is commensurate with the prevailing density and scale of existing site and surrounding context.

The proposal provides landscaped areas that are consistent with, or in excess of Council's minimum landscaped area requirement and which are suitable for substantial tree planting/retention and are of a size and arrangement suitable for the use and enjoyment of residents.

3.3 Are there sufficient environmental planning grounds to justify contravening the development standard?

3.3.1 Environmental planning grounds

It is considered that there are sufficient environmental planning grounds to justify contravening the development standard, being:

- The non-compliance with the site coverage development standard at 307 Nelson Street will not prohibit compliance with the requirements for landscaped area and FSR.

- The proposal does not set a precedent for non-compliance with site coverage standard in the locality, with Council having approved similar non-compliant developments.
- The site coverage control, working in unison with minimum landscape area, seeks to limit the extent of built form across the site to minimise bulk and scale and amenity issues for the site and adjacent low density residential development. In this regard the proposal ensures these outcomes through the compliance with front and rear setback controls, maximum FSR standards and minimum landscape area requirements. The compliant setbacks result in a development that is able to provide deep soil landscaped area (impervious area) to above Council's minimum requirements. As such the proposal will result in an entirely appropriate landscaped setting for the dwellings.
- The element of the development that does contribute to non-compliance with the site coverage across Lot A is positioned in the rear at ground level. Combined with the rear setbacks, the non-compliant element will not result in adverse bulk and scale impacts when viewed from the public domain or from adjacent and surrounding residential properties. Compliance could be achieved without a reduction in FSR, and without any noticeable change and appreciation of the property from adjacent sites and or the public domain.
- The non-compliance with the standard does not result in a scale of building that is out of character with the surrounding low density residential pattern of development, including recently approved development in the locality.
- The proposed dwelling configuration responds to the environmental and planning objectives whilst considering and adapting to the context, especially, the current and future alignment of adjacent residential development and the topography of the site.
- The built form outcome is appropriate to the locality and will result in a building that will display architectural merit and responds appropriately to the heritage significance of the Conservation Area, whilst providing high levels of amenity for future occupants of the site and maintain amenity for adjacent sites.
- The development provides for a visually interesting design that minimises disruption to the existing adjoining dwellings to the south and north, whilst providing landscaped area and deep soil planting opportunities for future residents.
- The proposed landscaped design for both proposed dwellings are of high quality and include landscaping at the front, centre and rear of the properties and also include roof gardens. The landscaping is a feature of the proposal and the minor non-compliance of one dwelling with the site coverage standard in no way prevents the proposal from achieving the aims and objectives of the landscaped area standards.

In the circumstances of the current DA, the particular nature of the site, the absence of significant adverse impacts and the compatibility of the development with the clearly established pattern of development in Nelson Street (not least the pattern of similar densities) warrants a variation to the site coverage development standard.

It is therefore considered that there are sufficient environmental planning grounds to justify the departure of the development standard and compliance with the standard is unreasonable and unnecessary for this specific proposal, as the proposal will comply with the objectives of the standard.

3.3.2 The Public Interest

The proposal is in the public interest as it is consistent with the objectives of the landscaped areas for residential accommodation in Zone R1 development standard and the R1 General Residential zone pursuant to LLEP 2013, as discussed in detail above.

In the circumstances of the case, there are sufficient planning grounds, particular to the site, to justify contravening the development standard as the contravening element does not create any additional unreasonable adverse amenity impacts when compared to a building with a compliant site coverage.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard and is compatible with the desired future character of the General Residential zone.

3.4 Matters for the Consent Authority to Consider

Subclause 4.6(4) sets out matters that the matters that the consent authority must be satisfied, in granting consent to a development that breaches a development standard. These matters are briefly outlined below.

3.4.1 Has the written request adequately addressed subclause 4.6(3)

The matters required to be addressed are detailed at Section 3.2 and 3.3. It is considered that the objection is well founded in this instance and that granting an exception to the development can be supported in the circumstances of the case.

3.4.2 The proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone

As detailed in Section 3.3.2 above, the proposal is considered to be in the public interest as it is consistent with the objectives of the site coverage and landscaped area standard and the objectives of the R1 General Residential zone.

3.4.3 Concurrence of the Secretary has been obtained

In granting concurrence, the consent authority is required to consider the following matters.

- “(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence”*

The contravention of the development standard in this case does not raise an issue of State or regional planning significance as it relates to local and contextual conditions.

Generally speaking, there is public benefit in maintaining standards. However, there is also public benefit in maintaining a degree of flexibility in specific circumstances. For reasons outlined in Section 3.2 and 3.3 in the specific circumstances of this case, there is no public benefit in maintaining the development standard.

Regarding other matters required to be taken into consideration, it is noted that the concurrence of the Secretary has been assumed.

4.0 Conclusion

The proposed variation is based on the reasons contained within this formal request for an exception to the standard.

The proposal accords with the stated objectives for the R1 General Residential zone and Clause 4.3A landscaped areas for residential accommodation in Zone R1 development standard. The additional site coverage on Lot A does not contribute to significant adverse amenity impacts and does not result in a building that is out of proportion or scale with surrounding existing and anticipated development.

The overall aesthetic appearance and scale of the development is compatible with the desired future character of locality.

Contextually, the proposal will provide a development of scale and density that appropriately responds to the sites' location within the general residential zone. The built form outcomes, with particular attention on proposed site coverage, are appropriate to the locality and will result in a dwelling on Lot A (307 Nelson Street) that responds to the streetscape and the arrangements of existing residential dwellings in the vicinity of the site.

It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

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'.