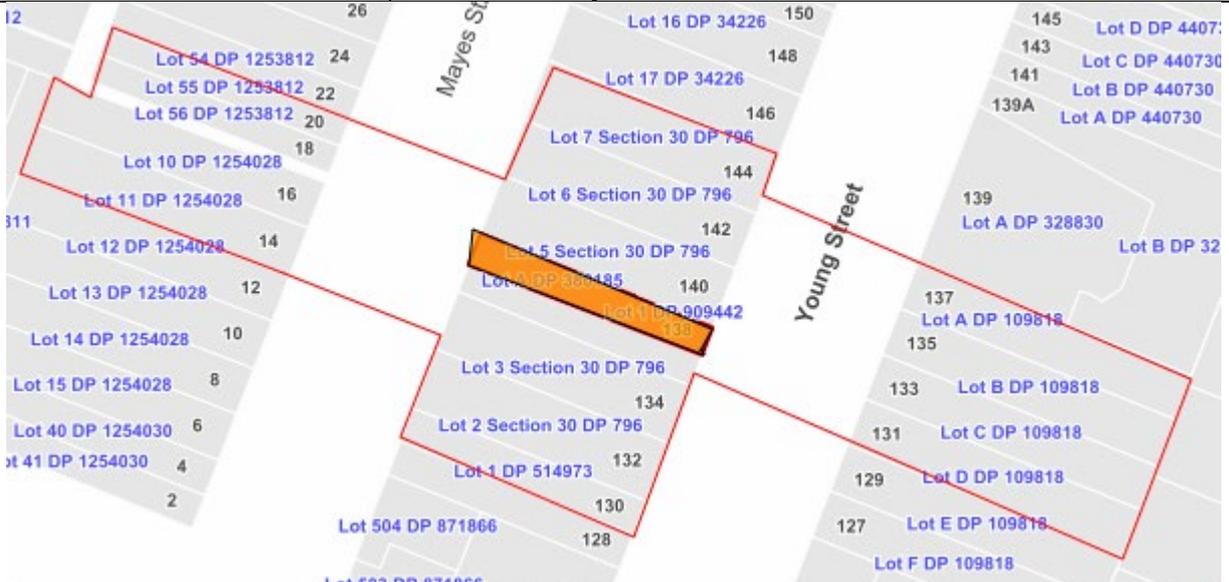


 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	DA/2020/1008			
<b>Address</b>	138 Young Street Annandale NSW 2038			
<b>Proposal</b>	Alterations and additions including two storey addition to house, and separate garage with studio room over at rear of site.			
<b>Date of Lodgement</b>	2 December 2020			
<b>Applicant</b>	Nathan Oates			
<b>Owner</b>	Nathan Oates			
<b>Number of Submissions</b>	Nil			
<b>Value of works</b>	\$594,485.00			
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variations exceed 10%			
<b>Main Issues</b>	FSR exceeds 0.9:1 Site coverage breach			
<b>Recommendation</b>	Approval with Conditions			
<b>Attachment A</b>	Recommended conditions of consent			
<b>Attachment B</b>	Plans of proposed development			
<b>Attachment C</b>	Clause 4.6 Objection			
				
LOCALITY MAP				
Subject Site		Objectors		 N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of an application for alterations and additions to 138 Young Street, Annandale. The application seeks ground and first floor additions including a new garage with first floor studio to the rear of the site.

The main issues that have arisen from the application include:

- Breach of FSR
- Breach of Site coverage

The application was notified to surrounding properties and no submissions were received.

The initial design included a significant first floor building line breach due to the addition of a first-floor balcony off the master bedroom. The applicant was required to amend the application to rectify the breach and align the first floor to the southern neighbour at 136 Young Street.

## 2. Proposal

The proposal is to demolish a first floor weatherboard extension, and the ground floor lean-to, retaining the original ground and first floor. The addition consists of a new ground floor living area and bathroom, and first floor bedroom and bathroom. To the rear of the site an existing roller door and hardstand are to be demolished to add an enclosed garage, access stair to the rear yard and a studio above with bathroom with associated landscape works. The garage is partially below ground level, resulting in the first floor studio aligning to the level of the private open space and ground floor of the main dwelling.

## 3. Site Description

The site is approximately 115m<sup>2</sup> in area and has a frontage of approximately 3.8m to Young Street and 3.9m to Mayes Street to the rear. The site is located on the eastern side of Young Street.

The site presently accommodates an adjoining double storey terrace with rear access. The adjoining properties consist of mixed single and double storey residential dwellings.

The site is located within the distinctive neighbourhood of Young Street and is not a heritage item, however it is located in a conservation area.



Fig 1: R1 – General Residential Zone – Heritage Conservation Area

#### 4. Background

##### 4(a) Site history

The following application outlines the relevant development history of the subject site.

##### Subject Site

Application	Proposal	Decision & Date
BA/1983/21618	Garage	Approved 28/06/1983

##### 4(b) Application history

A written request was sent to the applicant on 18 February 2021 requiring amendments to address the rear first floor building line zone breach, alignment levels of the rear garage and studio and material and finishes schedule.

A response and amended design was provided on 10 March 2021 to the satisfaction of Council. The application was not required to be renotified as it represented a lesser impact to neighbours.

#### 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*
- *Leichhardt Local Environmental Plan 2013 (LLEP2013)*

The following provides further discussion of the relevant issues:

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

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

The site has no history of contamination and does not require remediation.

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

A BASIX Certificate was submitted with the application and is satisfactory.

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

The site is located in the R1 Residential Zone. The proposed development under the modification entails alterations to a residential use which is permissible in the zone.

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 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.9 – Preservation of trees or vegetation
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
<b>Floor Space Ratio</b> Required: [0.9:1]	1.07:1 124.49sqm	19.4% 20.27sqm	No
<b>Landscape Area</b>	15% 17.36sqm	N/A	Yes
<b>Site Coverage</b>	64% 74.35sqm	23% 4.87sqm	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

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

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

Written requests have been submitted by the applicant in compliance with Clause 4.6(3) of the LEP identifying the following key reasoning in seeking to justify the contravention of the standards:

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

- The applicant relies upon Clause 4.6 of LLEP 2013 for a variation to this standard as the site coverage area is currently in breach.

Clause 4.4 – Floor Space Ratio

- Clause 4.4 of LLEP 2013, in conjunction with the Floor Space Ratio Map, requires that the maximum Floor Space Ratio (FSR) of buildings for the subject site shall not exceed 0.9:1.

The relevant objectives of the R1 General Residential Zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

Clause 4.6(4)(a)(ii) requires the consent authority to consider whether 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.

#### Site coverage

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

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

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

- The proposed variation comprising additional living area is appropriately scaled and located as to avoid and mitigate any significant amenity impacts.
- The rear extension does not add any unreasonable bulk to the upper floor. The proposal does not seek to alter the existing situation.
- Due to the constrained site and existing built environment, the majority of shadowing is created by the northern neighbouring dwelling and a substantial portion of shadowing is also generated by the renovated dwelling itself. Any additional shadowing to the southern property is minimal as demonstrated in the submitted shadow diagrams. The southern property at 136 Young Street also appears to exceed the site coverage requirements.
- There are no unreasonable amenity impacts to the northern dwelling at 140 Young Street, which appears to also be built beyond the maximum site coverage requirement.
- The proposal is consistent with the existing and desired built form and future character of the area.
- The proposal meets the required landscaping development standards.

#### Floor Space Ratio

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

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

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

- The design of the proposal is highly compatible with the streetscape and character of the surrounding area. The proposed alterations include features and materials consistent with the character of the surrounding area..

- The proposal maintains a bulk and scale that will complement the surrounding area. The proposed two storey presentation to Young Street is consistent with the surrounding area.
- The proposal maintains reasonable amenity to the site and surrounding area. The proposal maintains the low-density residential character, and reasonable amenity of the site and adjoining properties.
- The proposed rear access allows for a distribution of the dwelling that reduces the scale of the built form in an appropriate manner consistent with the surrounding area. The provision of the garage to the laneway results in a distribution of the built form that minimises any potential bulk and scale. The proposed FSR variation comprises a reasonable variation that is consistent with Council’s objective to manage the bulk and scale
- The proposal including the FSR variation complies with Council’s landscaped area requirements
- Both the adjoining dwellings appear to be built beyond the maximum FSR, demonstrating the FSR imposed for the subject site is unreasonable and unnecessary.

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

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

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

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

The amended provisions contained in the Draft IWLEP 2020 are not particularly relevant to the assessment of the application.

5(d) Development Control Plans

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

LDCP2013	Compliance
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes

<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A

C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.1.1 Young Street Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	N/A
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Yes
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	<b>N/A</b>
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	Yes
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	

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

The following provides discussion of the relevant issues:

#### C1.18 Laneways

The proposed garage and studio breach the side setback set out in the clause, however the design aligns with the garage and studio to the rear of 140 Young Street and the garage opening and window fenestration comply with the objectives of the clause with minimal to no environmental impacts and is supported as proposed.

#### C3.2 Site Layout and Building Design

There is a technical breach of upper floor building line zone to the northern neighbour at 140 Young Street. Environmental impacts are minimal due to the orientation of the site. In respect to the rear garage and studio, the alignment to the existing form and height of 136 Young Street is acceptable. Both adjacent properties to the north and south are completely covered with dwelling and ancillary structures, so there is minimal environmental impact in terms of overshadowing and privacy.

#### C3.3 Elevation and Materials

The proposed materials and finishes are acceptable on planning grounds. The application was amended to respond to the advice of Council's Heritage specialist and is considered satisfactory.

#### 5(e) The Likely Impacts

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

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

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

### 5(g) Any submissions

The application was notified in accordance with Council's policy for a period of 14 days to surrounding properties. No submissions were received in response to the notification.

### 5(h) The Public Interest

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

The proposal is not considered contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Heritage – no objections subject to conditions
- Engineers – no objections subject to conditions

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 Contributions are payable for the proposal.

A total contribution of \$5,944.85 is included in the recommended conditions in Appendix A.

## 8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining properties or the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clauses 4.3A(3)(b) and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering these requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variations. The proposed development will be in the public interest because the variations are not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2020/1008 for alterations and additions to dwelling and rear garage and studio at 138 Young Street Annandale subject to the conditions in the Notice of Determination.

**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**FEES**

**1. 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.

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

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

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

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

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

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

### **GENERAL CONDITIONS**

#### **2. 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**

#### **3. 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**

#### **4. 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.

#### 5. 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. 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 via the OSD/OSR tanks as necessary;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. 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;
- 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. 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;
- g. 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 Mayes Street.
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. As there is no overland flow/flood path available from the rear and central courtyards to the Mayes Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:

- a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
- b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
- c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- k. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- l. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- m. No nuisance or concentration of flows to other properties;
- n. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- o. 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;
- p. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- q. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- r. 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 100mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- s. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- t. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- u. No impact to street tree(s).

#### **6. Parking Facilities - Domestic**

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

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle

crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;

- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a natural scale of 1:25, 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 2800 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 road, 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;
- g. The setback of the vehicular crossing from the utility service on the nature strip must comply with the requirements of the relevant service authority. Written approval of the Utility Service authority must be obtained.

#### **7. Amended Architectural Plans to Reflect Dimensions of the parking facilities in condition (338)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations in condition (338).

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

#### **PRIOR TO OCCUPATION CERTIFICATE**

##### **8. 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.

#### **9. Protect Sandstone Kerb**

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

#### **10. 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.

#### **11. 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.

#### **12. Light Duty Vehicle Crossing**

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

### 13. 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.

### ADVISORY NOTES

#### Permits

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

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

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

#### Insurances

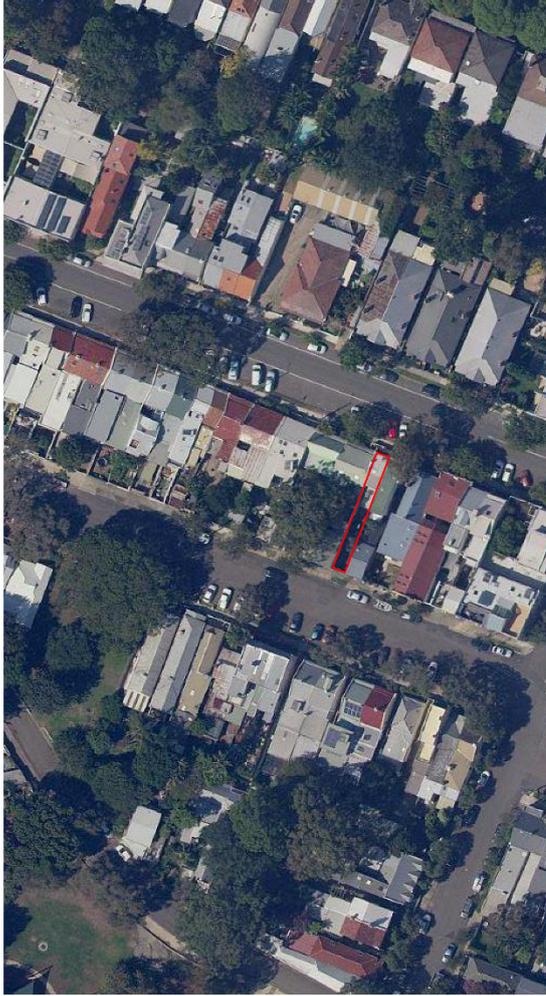
Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested

party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

**REASONS FOR REFUSAL**

A large rectangular box with a light gray border, serving as a template for a reasons for refusal. Inside this box, there is a smaller rectangular box on the left side. To the right of the smaller box, there is a semi-circular shape with its flat side at the bottom. The entire content is positioned in the upper left quadrant of the page.

Attachment B – Plans of proposed development



FINISHES CODE/SCHEDULE	DESCRIPTION
FC01	Red Fibre Cement cladding or similar
FC02	Grey/White Fibre Cement cladding or similar
MT01	Dark painted/powdercoat
MT02	Dark brown painted/powdercoat Coloured "terran" or similar
EBW	Existing Brick Work (painted to match existing colour - blue/grey)
WR02	White painted weatherboard Lutux "Lexicon"
ALU	New window frames (external), natural aluminium/oxidized grey, or dark grey
BW01	White painted bagged brick Dulux "Lexicon"
CNU01	Ferfaced blackwork
CNU02	White painted bagged blackwork Dulux "Lexicon"
CON01	Concrete or concrete look
MT04	Corrugated/profile metal sheeting in Coloumbond "Windspray", "Walkley" or similar

ID	NAME	LAST MODIFIED
01	Rear Addition Arrangement	10/03/2021 4:58 PM
02	Studio Finishes	10/03/2021 4:58 PM
03	Lazework Balustrade	10/03/2021 4:58 PM

REF	DRAWING TITLE	REV	ISSUE	DATE
000	Front Page	06	Amendments for Council	10/03/2021
001	Area Calculations	06	Amendments for Council	10/03/2021
100	Site Plan	06	Amendments for Council	10/03/2021
101	Demolition Plan	07	Amendments for Council	10/03/2021
102	GA Lower + Ground Plan	07	Amendments for Council	10/03/2021
103	GA First + Roof Plan	05	Amendments for Council	10/03/2021
104	Stormwater Concept Plan	05	Amendments for Council	10/03/2021
105	Landscape	03	Amendments for Council	10/03/2021
200	Street Elevations	06	Amendments for Council	10/03/2021
201	Garden Elevation (internal)	03	Amendments for Council	10/03/2021
202	North Boundary Elevation	06	Amendments for Council	10/03/2021
203	South Boundary Elevation	06	Amendments for Council	10/03/2021
204	Streetscape Elevation	06	Amendments for Council	10/03/2021
205	Existing Elevations	01	Amendments for Council	10/03/2021
300	Long Section	07	Amendments for Council	10/03/2021
301	Sign Line Diagram	02	Amendments for Council	10/03/2021
500	New Window + Glaze Door...	04	Issue for DA Updated	21/12/2020
600	Winter Solslice Shadow	04	Issue for DA Updated	21/12/2020
601	Summer Solslice Shadow	04	Issue for DA Updated	21/12/2020
602	Montage Young St Facade	03	Amendments for Council	10/03/2021
603	Montage Mayes St Facade	03	Amendments for Council	10/03/2021
604	Streetscape Study Young ...	01	Amendments for Council	10/03/2021
605	Streetscape Study Mayes ...	01	Amendments for Council	10/03/2021
606	Mayes Street Sign Lines	01	Amendments for Council	10/03/2021
607	Montage Side View	02	Issue for DA Updated	21/12/2020
608	Montage Aerial	02	Issue for DA Updated	21/12/2020
609	Studio Garden Facade	02	Draft Issue For Information	20/09/2020
610	Main House Garden Facade	02	Draft Issue For Information	20/09/2020

**SUPERCONTEXT ARCHITECTURE STUDIO (SYDNEY)\***

Level 1, 117 Reservoir St  
Surry Hills, NSW, 2010  
Australia

Office | +61 (0)2 8325 1772  
studio@supercontext.studio  
www.supercontext.studio

Nominated Practice Architect  
Andrew Daly NSW ARB #9300

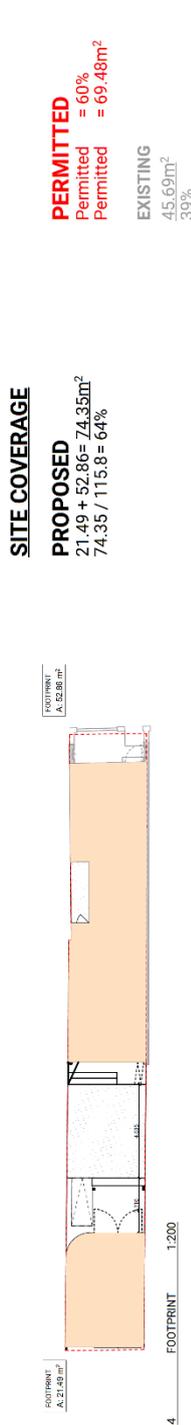
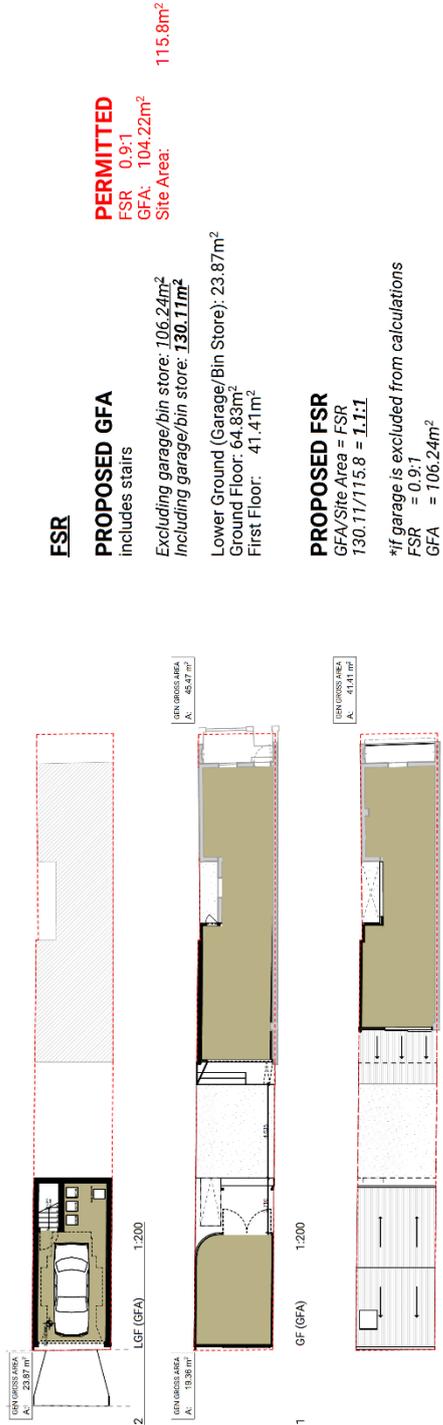
**\*SAS(SY)**

**Young Street Terrace  
138 Young Street Sydney  
NSW Annandale Australia**

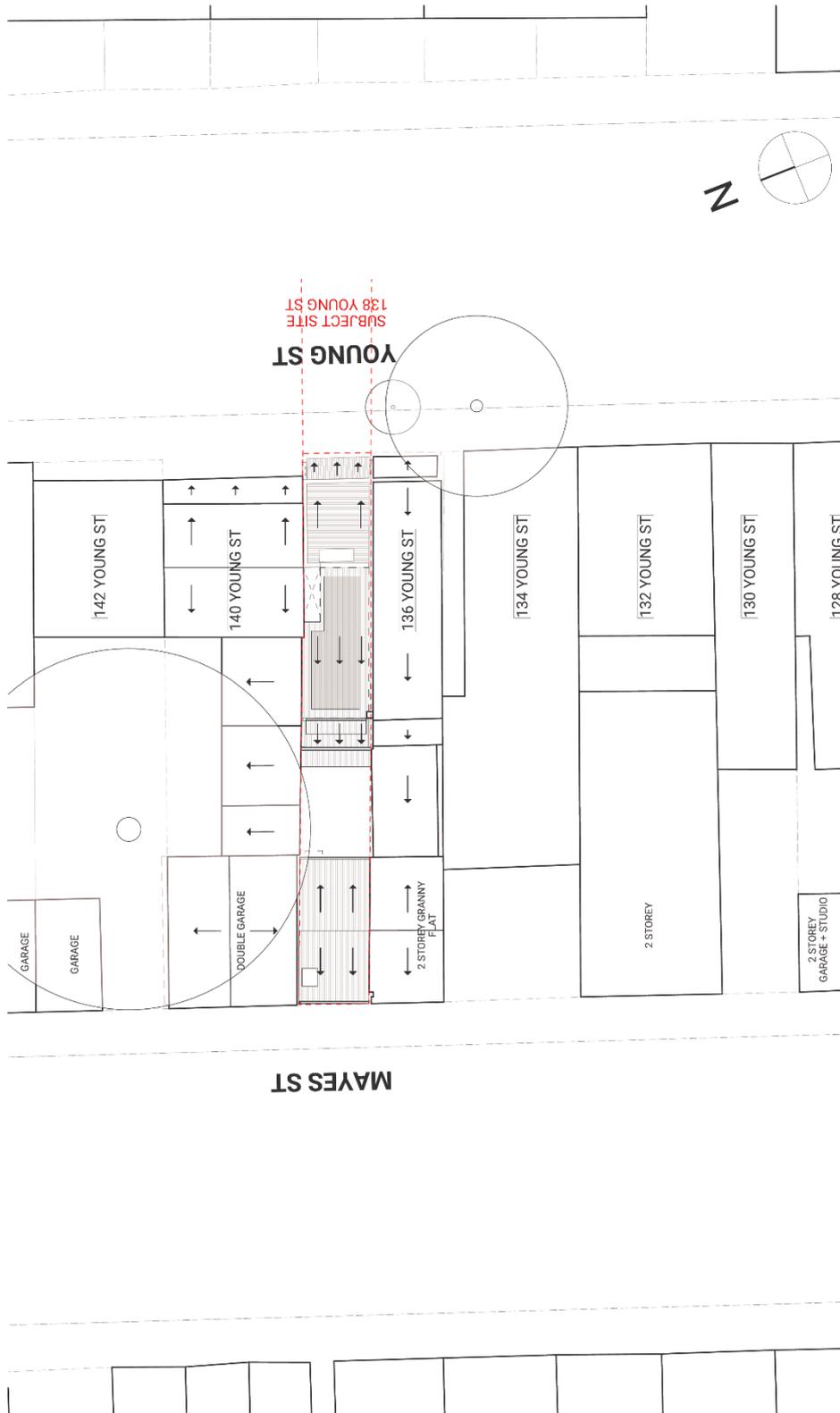
**Date 10/03/2021**

**PREPARED FOR  
Mr. Nathan Oates**

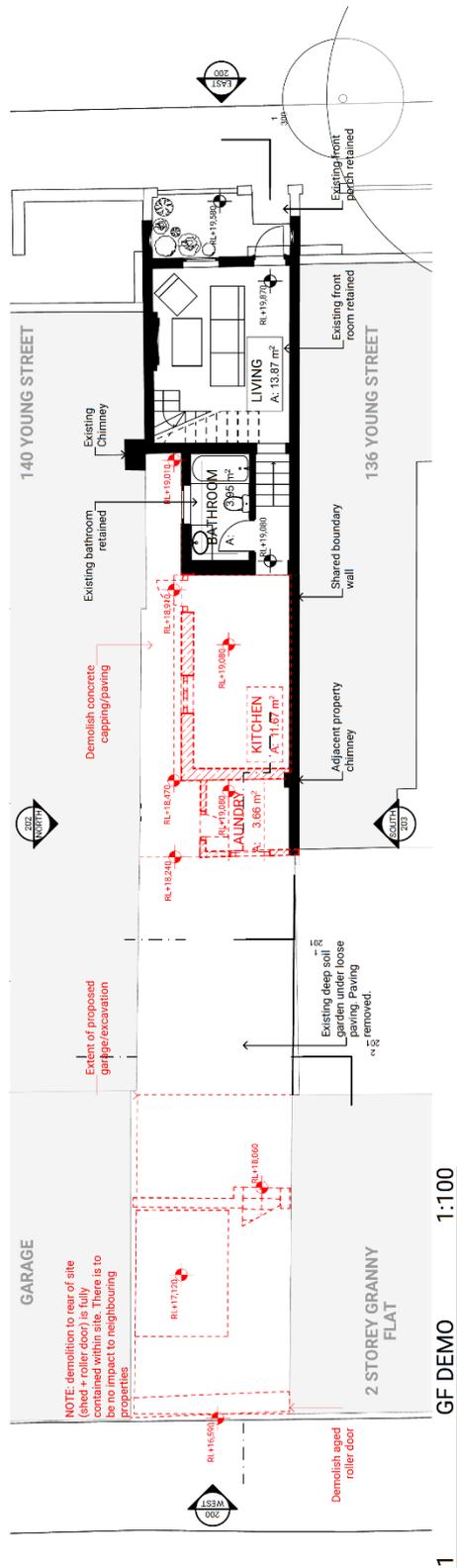
**SUPERCONTEXT**



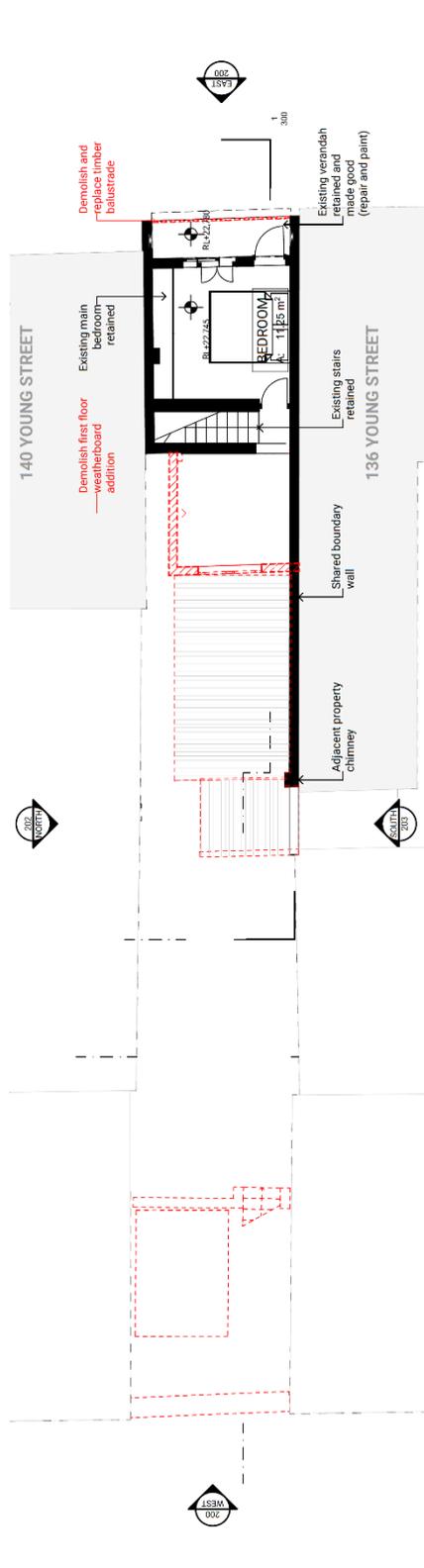
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<b>PROJECT DETAILS:</b> NAME: Young Street Terrace ADDRESS: 138 Young Street Sydney NSW, Australia AUTHORITY: Inner West Council CLIENT: Mr Nathan Cohen		TITLE: Area Calculations REV: 06 ISSUED ON: 10/03/2021	
SHEET A001 1:100 1/1/20		138 YOUNG STREET 2 STOREY GRANNY FLAT 2 STOREY PRIVATE OPEN SPACE	



<b>REVISION HISTORY:</b>		<b>CONSULTANTS:</b>		<b>PROJECT DETAILS:</b>		<b>TITLE:</b>	
Rev	Date	Client	Project Name	Name	Address	Authority	Client
1	27/11/2018	Mr. Nathan Cohen	Young Street Terrace	Young Street Terrace	138 Young Street Sydney	NSW Affordable Australia	Mr. Nathan Cohen
2	03/03/2021		138 Young Street Sydney	138 Young Street Sydney	NSW Affordable Australia	Inner West Council	
3	18/01/2021		138 Young Street Sydney	138 Young Street Sydney	NSW Affordable Australia	Inner West Council	
		<b>CONSULTANTS:</b>		<b>PROJECT DETAILS:</b>		<b>TITLE:</b>	
		CONSULTANT: [REDACTED] PROJECT NO: [REDACTED] PROJECT NAME: [REDACTED] PROJECT ADDRESS: [REDACTED] PROJECT CITY: [REDACTED] PROJECT STATE: [REDACTED] PROJECT POSTCODE: [REDACTED]		PROJECT NAME: Young Street Terrace PROJECT ADDRESS: 138 Young Street Sydney PROJECT AUTHORITY: NSW Affordable Australia PROJECT CLIENT: Inner West Council PROJECT CONTACT: Mr. Nathan Cohen		SHEET: A100 SCALE: 1:200 DATE: 10/03/2021	

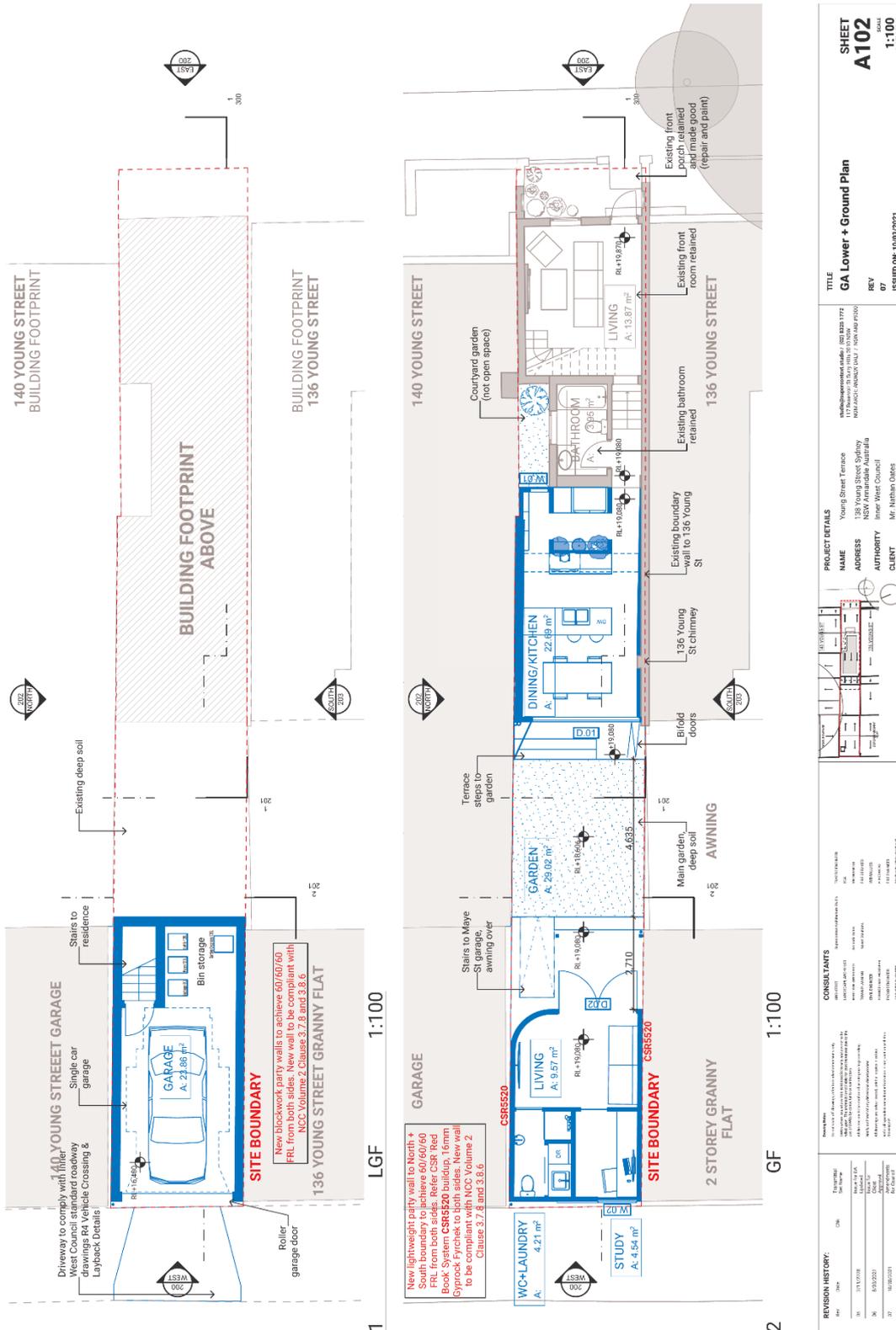


1 GF DEMO 1:100

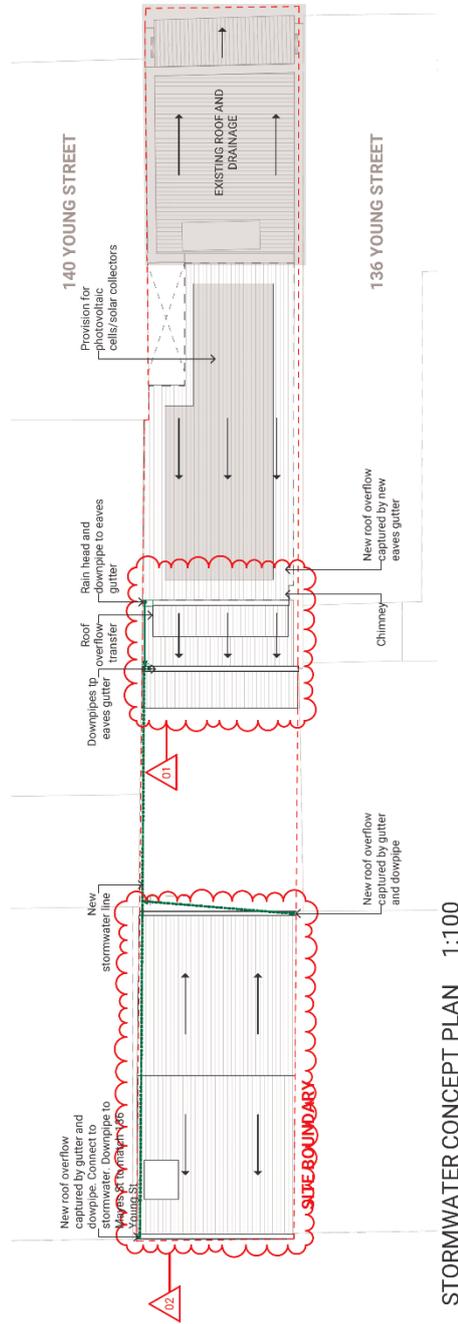


2 FF DEMO 1:100

<b>REVISION HISTORY:</b>		<b>CONSULTANTS:</b>		<b>PROJECT DETAILS:</b>		<b>TITLE:</b>	
No.	Date	Client	Project Name	Name	Address	Authority	Client
01	15/01/2024	Mr. Nathan Cohen	Young Street Terrace	138 Young Street Sydney	NSW Anandale Australia	Inner West Council	Mr. Nathan Cohen
02	15/01/2024						
03	15/01/2024						
04	15/01/2024						
05	15/01/2024						
06	15/01/2024						
07	15/01/2024						
						<b>ISSUED ON: 10/03/2021</b>	
						<b>SHEET A101</b>	
						<b>SCALE: 1:100</b>	
						<b>DATE: 15/01/2024</b>	







1 STORMWATER CONCEPT PLAN 1:100

<b>REVISION HISTORY:</b> No. Date Description 01 27/11/2018 Initial Design 02 03/03/2021 Final Design 03 10/03/2021 For Council		<b>CONSULTANTS:</b> Name: [Redacted] Address: [Redacted] Phone: [Redacted] Email: [Redacted]		<b>PROJECT DETAILS:</b> NAME: Young Street Terrace ADDRESS: 138 Young Street Sydney NSW Australia AUTHORITY: Inner West Council CLIENT: Mr Nathan Giblin		TITLE: Stormwater Concept Plan SHEET: A104 SCALE: 1:100 DATE: 10/03/2021	
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**Proposed Landscape**

Private Open Space = 29.09m<sup>2</sup> (deep soil + terrace)

Permeable/deep soil = 20.54m<sup>2</sup> 18% (deep soil garden + courtyard)  
 Impermeable/paving = 95.26m<sup>2</sup> 82% (inc. site coverage)

Deep Soil Landscaped Area = 17.81m<sup>2</sup>

Total Site Area: 115.8m<sup>2</sup>

15% of Total Site Area = 17.37m<sup>2</sup>

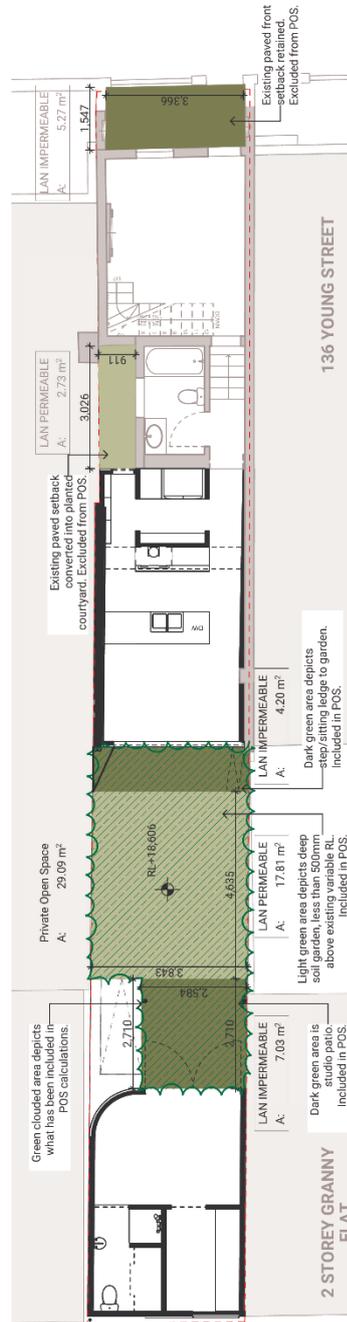
\*There is an additional deep soil courtyard (2.73m<sup>2</sup>) not included in calculations

**Existing Landscape**

Private Open Space = 64.39m<sup>2</sup>

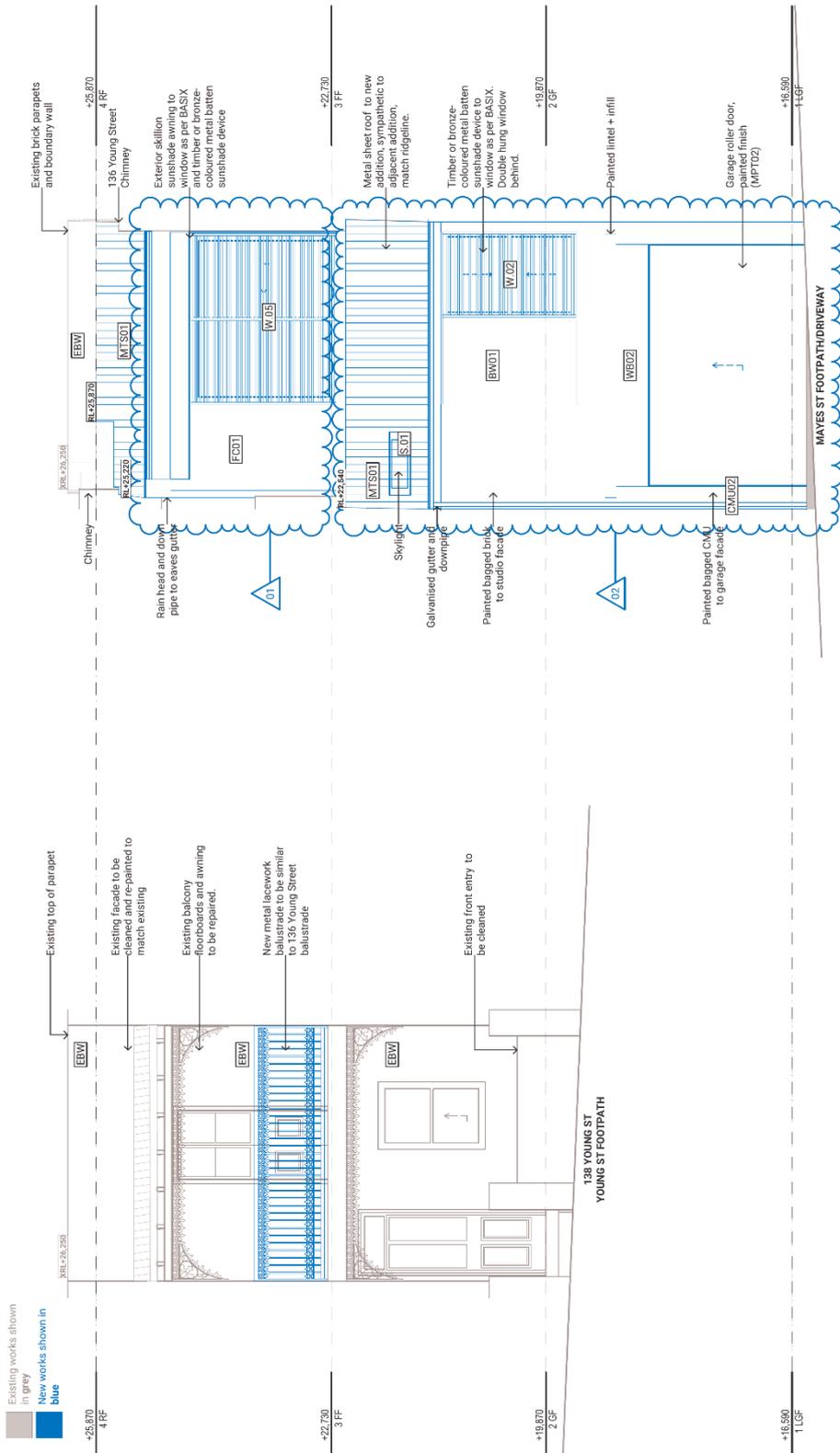
Permeable/deep soil = 12.88m<sup>2</sup>  
 Impermeable/paving = 52.27m<sup>2</sup>

Existing PoS RL variable (average +18,155)



1 LANDSCAPE DETAIL 1:100

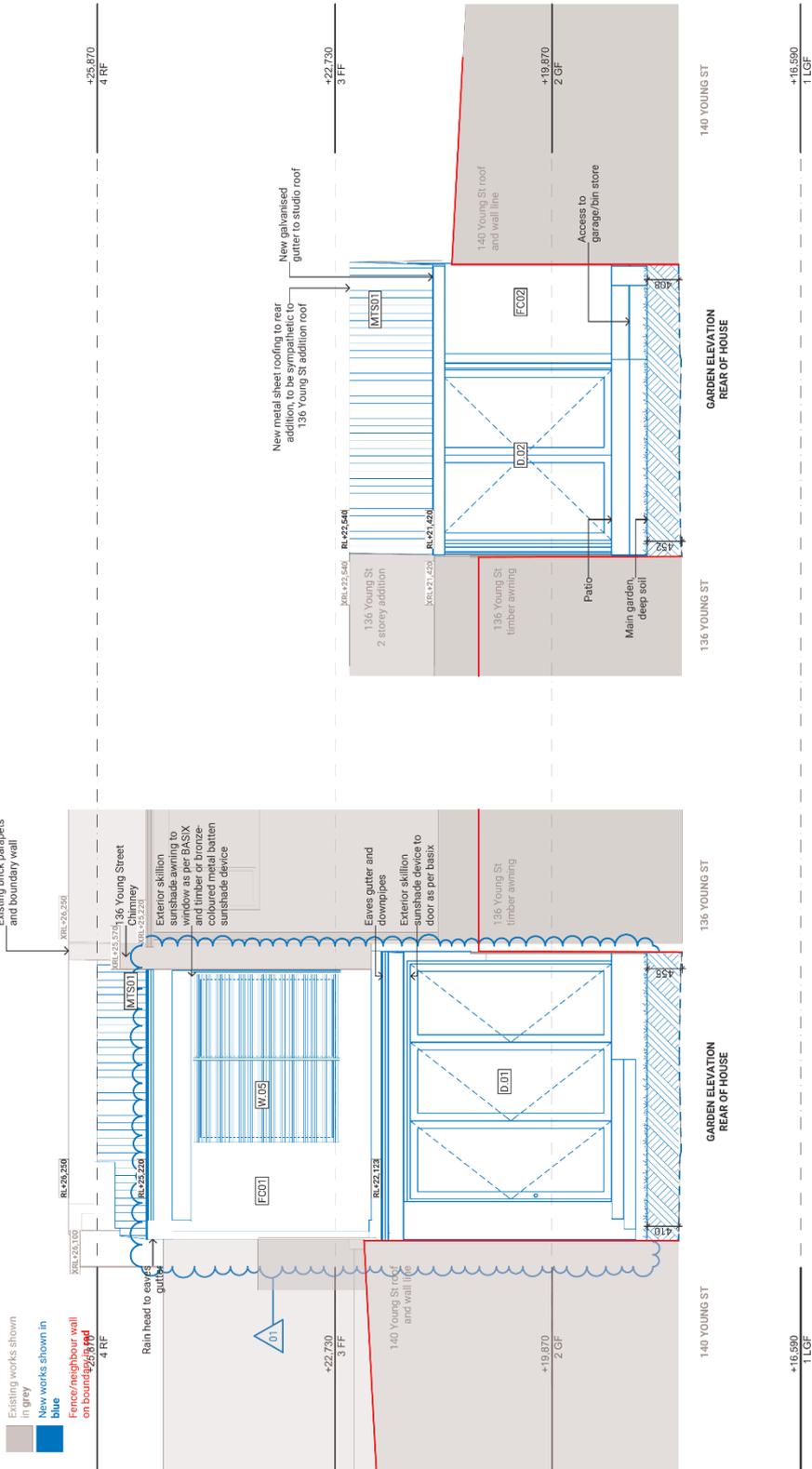
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<b>PROPOSED LANDSCAPE:</b> Private Open Space = 29.09m <sup>2</sup> Permeable/deep soil = 20.54m <sup>2</sup> Impermeable/paving = 95.26m <sup>2</sup>		<b>EXISTING LANDSCAPE:</b> Private Open Space = 64.39m <sup>2</sup> Permeable/deep soil = 12.88m <sup>2</sup> Impermeable/paving = 52.27m <sup>2</sup>		<b>REVISION HISTORY:</b> No.   Date   Description 01   10/03/2021   Initial Design 02   10/03/2021   Final Design		<b>CONSULTANTS:</b> Name: [Redacted] Address: [Redacted] Phone: [Redacted] Email: [Redacted]	



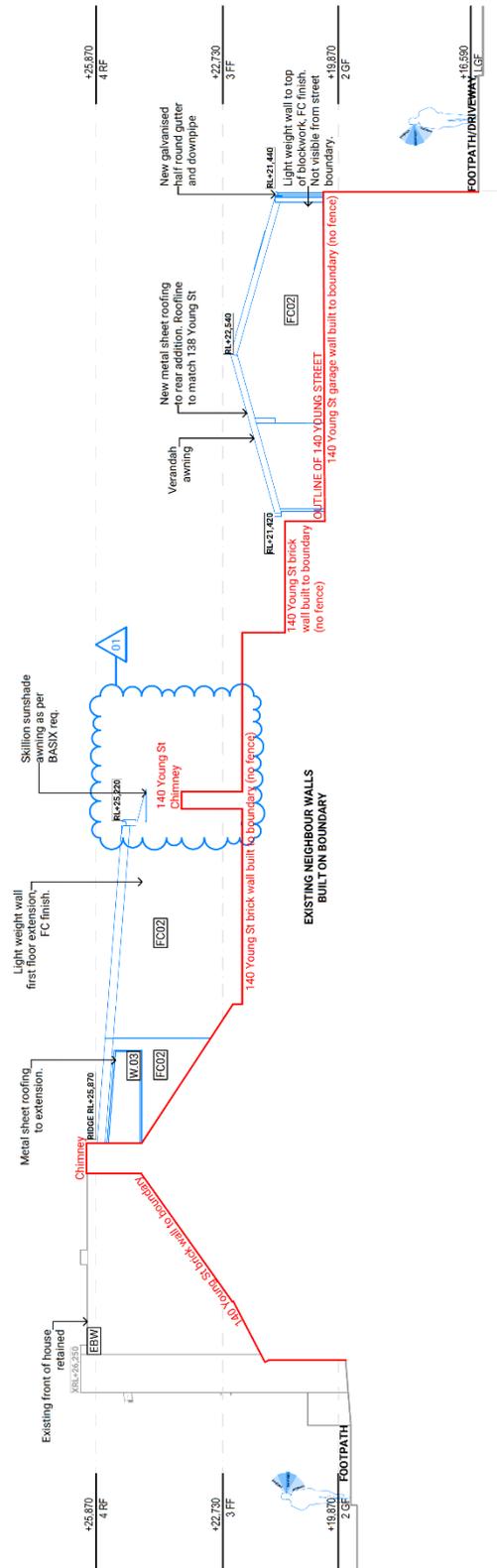
1 Young Street Elevation 1:50

2 Mayes Street Elevation 1:50

<b>REVISION HISTORY:</b> No.   Date   Description 01   07/11/2018   Initial Design 02   03/03/2021   Final Design 03   18/01/2024   For Council		<b>CONSULTANTS:</b> Name: [Redacted] Address: [Redacted] Phone: [Redacted] Email: [Redacted]		<b>PROJECT DETAILS:</b> Project Name: Young Street Terrace Address: 138 Young Street Sydney NSW, Australia Authority: Inner West Council Client: Mr Nathan Cohen		<b>TITLE:</b> Street Elevations		<b>SHEET:</b> A200 1:50 10/03/2021	
<b>REVISION HISTORY:</b> No.   Date   Description 01   07/11/2018   Initial Design 02   03/03/2021   Final Design 03   18/01/2024   For Council		<b>CONSULTANTS:</b> Name: [Redacted] Address: [Redacted] Phone: [Redacted] Email: [Redacted]		<b>PROJECT DETAILS:</b> Project Name: Young Street Terrace Address: 138 Young Street Sydney NSW, Australia Authority: Inner West Council Client: Mr Nathan Cohen		<b>TITLE:</b> Street Elevations		<b>SHEET:</b> A200 1:50 10/03/2021	



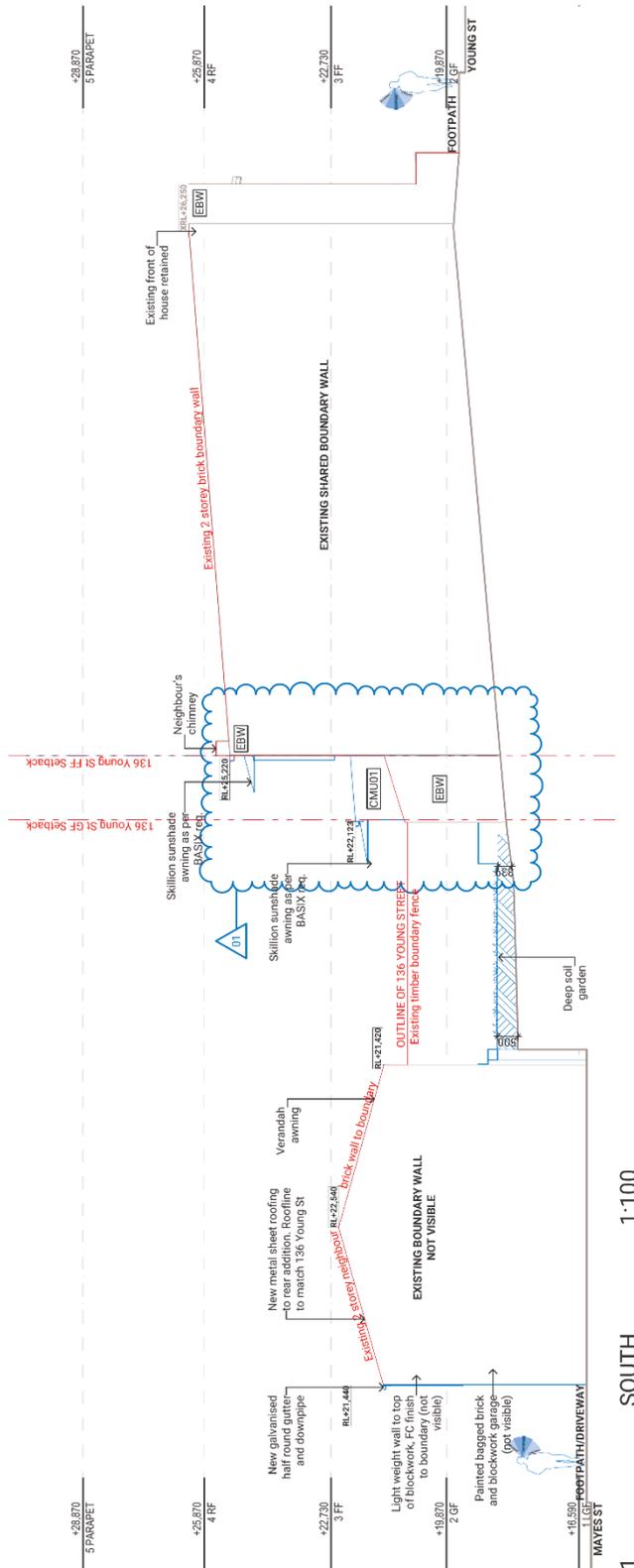
1 Garden Elevation Rear 1:50      2 Garden Elevation Studio 1:50



1 NORTH 1:100

- Fence/Neighbour wall on boundary in red
- Existing works shown in grey
- New works shown in blue

<b>REVISION HISTORY:</b> Rev   Date   Description 01   07/10/2018   Issue for IAP 02   08/03/2021   Issue for IAP 03   10/03/2021   For Council		<b>CONSULTANTS:</b> Name   Address   Phone   Email PROJECT MANAGER: [Name]   [Address]   [Phone]   [Email] DESIGNER: [Name]   [Address]   [Phone]   [Email]	
<b>PROJECT DETAILS:</b> NAME: Young Street Terrace ADDRESS: 138 Young Street Sydney NSW Australia AUTHORITY: Inner West Council CLIENT: Mr Nathan Collins		TITLE: North Boundary Elevation SHEET: A202 SCALE: 1:100 DATE: 10/03/2021	

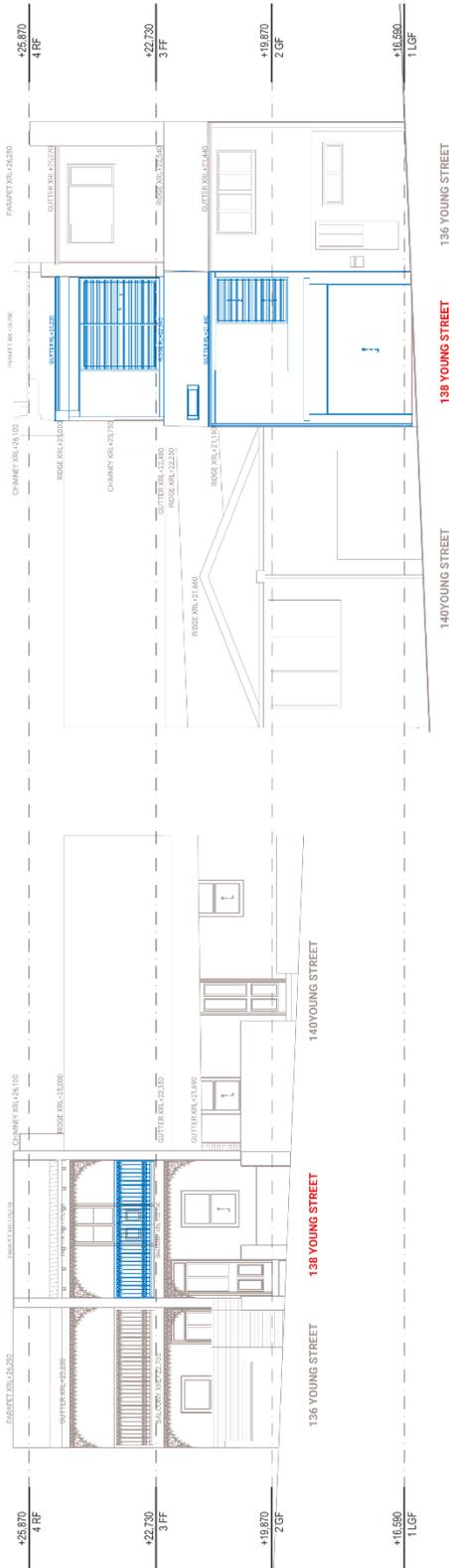


1 SOUTH 1:100

Fence/Neighbour wall on boundary in red  
 Existing works shown in grey  
 New works shown in blue

<b>REVISION HISTORY:</b> No.   Date   Description 01   27/10/2018   Issue for IAP 02   03/03/2021   Issue for IAP 03   18/01/2024   Issue for IAP		<b>CONSULTANTS:</b> Name   Address   Phone   Email H2O ARCHITECTURE   136 Young Street, Sydney NSW 1500   02 9550 1234   h2o@h2o.com.au H2O ARCHITECTURE   136 Young Street, Sydney NSW 1500   02 9550 1234   h2o@h2o.com.au	
<b>PROJECT DETAILS:</b> NAME: Youngs Street Terrace ADDRESS: 136 Young Street, Sydney NSW 1500 AUTHORITY: Inner West Council CLIENT: Mr Nathan Collins		TITLE: South Boundary Elevation SHEET: A203 SCALE: 1:100 DATE: 10/03/2021	

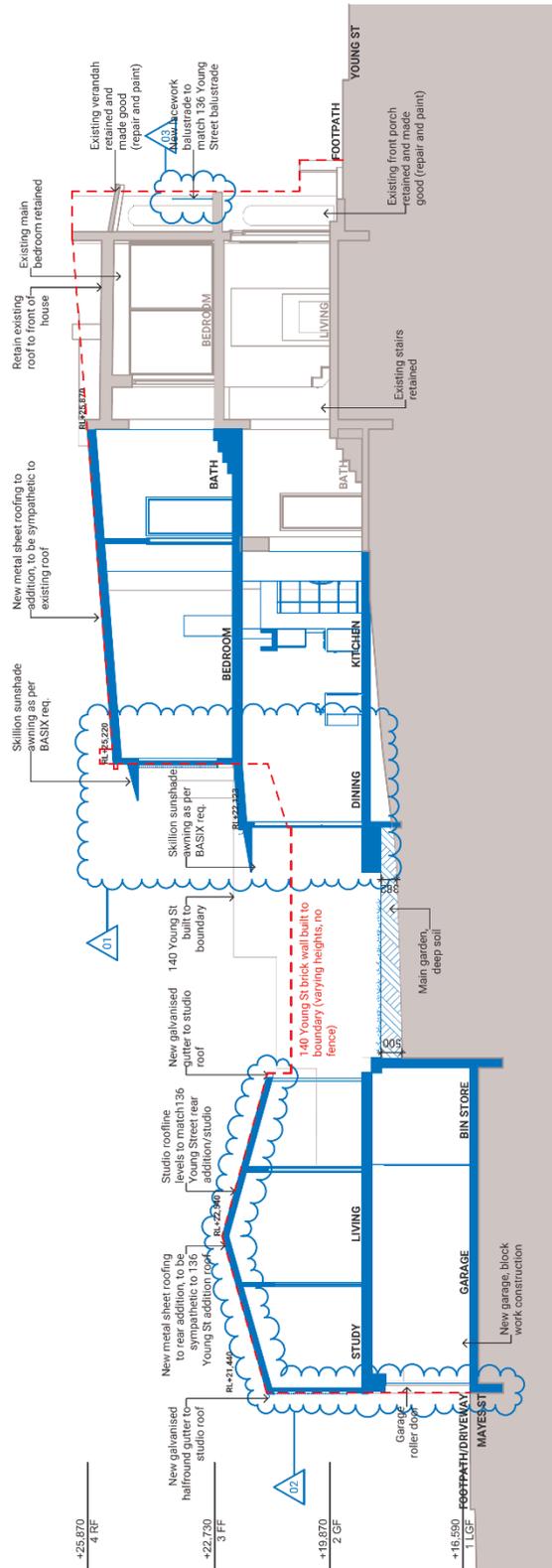
Existing works shown  
in grey  
New works shown in  
blue



2 Mays Street Streetscape 1:100

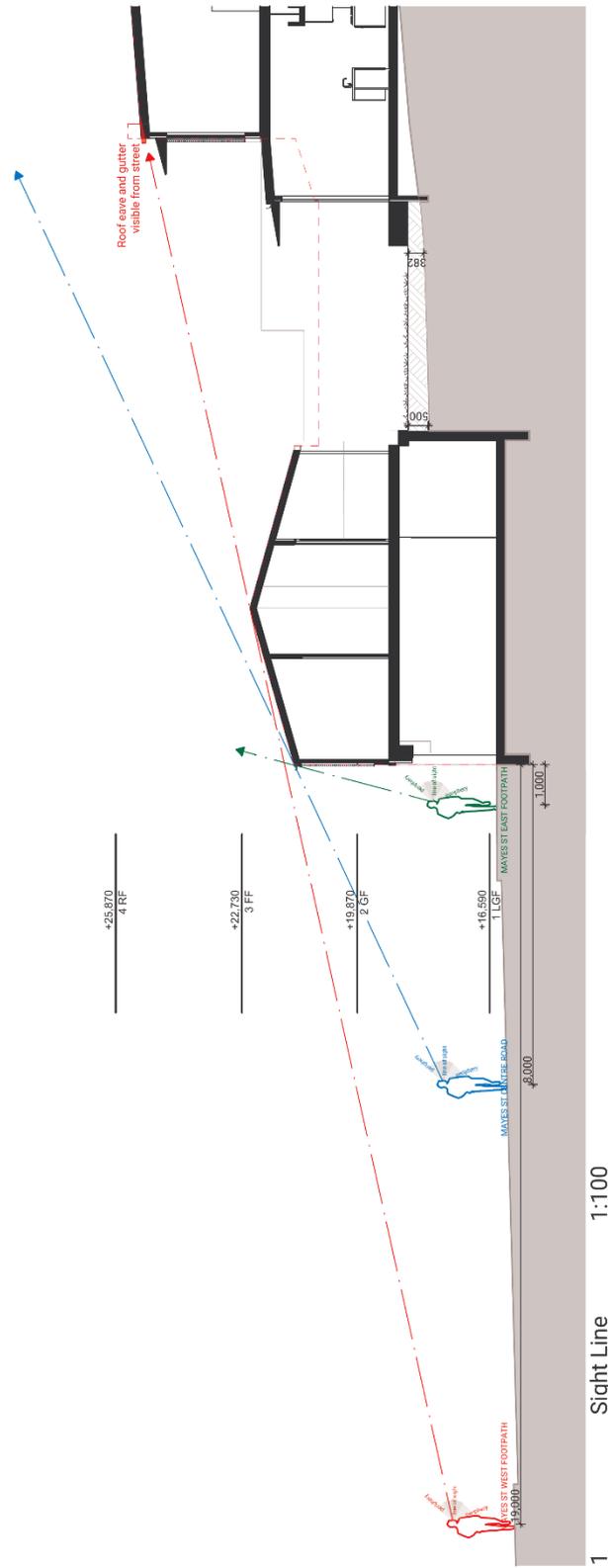
1 Young Street Streetscape 1:100

<b>REVISION HISTORY:</b> No.   Date   Description 01   18/01/2024   Initial Design 02   03/03/2024   Final Design		<b>CONSULTANTS:</b> Name   Contact Info   Address [Faded text]   [Faded text]   [Faded text]		<b>PROJECT DETAILS:</b> NAME   Young Street Terrace ADDRESS   138 Young Street Sydney NSW Australia AUTHORITY   Inner West Council CLIENT   Mr Nathan Cohen		<b>TITLE:</b> Streetscape Elevation REV   05 ISSUED ON: 10/03/2024	
<b>SHEET:</b> A204 1:100 (A1:100)				100 1024 1772 NSW ARCHITECTURE / NSW ARCHITECTURE		100 1024 1772 NSW ARCHITECTURE / NSW ARCHITECTURE	



- ▭ Fence/Neighbour wall on boundary in red
- ▭ Existing works shown in grey
- ▭ New works shown in blue

<b>REVISION HISTORY:</b> <table border="1"> <tr> <th>No.</th> <th>Date</th> <th>Description</th> </tr> <tr> <td>01</td> <td>27/10/2018</td> <td>Issue for IAP</td> </tr> <tr> <td>02</td> <td>03/03/2021</td> <td>Issue for IAP</td> </tr> <tr> <td>03</td> <td>18/03/2021</td> <td>Issue for IAP</td> </tr> </table>		No.	Date	Description	01	27/10/2018	Issue for IAP	02	03/03/2021	Issue for IAP	03	18/03/2021	Issue for IAP	<b>CONSULTANTS:</b> ARCHITECT: JAMES WATSON ARCHITECTURE ADDRESS: 136 YOUNG STREET SYDNEY NSW 2043 PHONE: 02 9550 1234 EMAIL: JAMES@JAMESWATSONARCHITECTURE.COM.AU PROJECT NO: JW/2018/001		<b>PROJECT DETAILS:</b> PROJECT NAME: Young Street Terrace ADDRESS: 138 Young Street Sydney NSW Annandale Australia AUTHORITY: Inner West Council CLIENT: Mr Nathan Cohen		<b>TITLE:</b> Long Section REV: 07 SHEET A300 1:100 DATE: 18/03/21	
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02	03/03/2021	Issue for IAP																	
03	18/03/2021	Issue for IAP																	
<b>ISSUED ON:</b> 10/03/2021				PROJECT NO: 10012221772 NON-PUBLIC ARCHITECTURAL DRAWING / NOT FOR CONSTRUCTION															



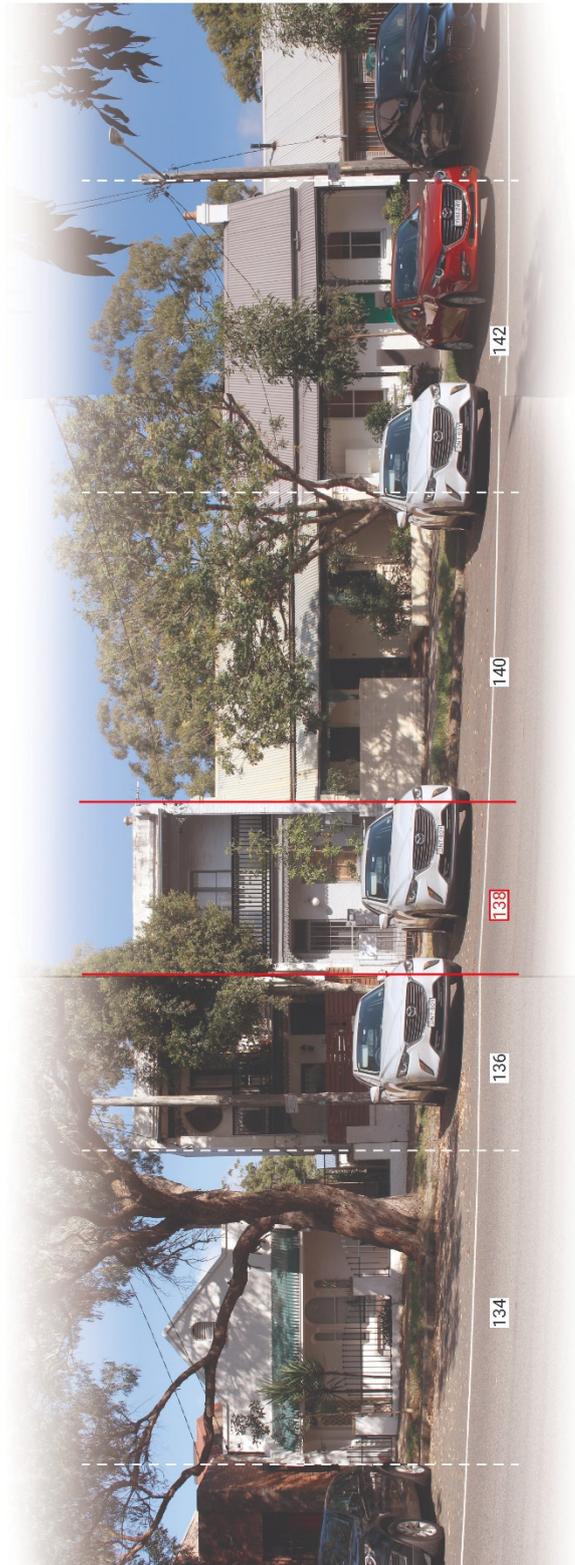
1 Sight Line 1:100

<b>REVISION HISTORY:</b> No.   Date   Description X   07/03/2021   Initial Design Y   10/03/2021   Final Design		<b>CONSULTANTS:</b> Name: [Redacted] Address: [Redacted] Phone: [Redacted] Email: [Redacted]		<b>PROJECT DETAILS:</b> Name: Young Street Terrace Address: 138 Young Street Sydney NSW Australia Authority: Inner West Council Client: Mr Nathan O'Brien		<b>TITLE:</b> Sight Line Diagram REV 02 ISSUED ON: 10/03/2021		<b>SHEET:</b> A301 1:100 (A1) (A2) (A3)	
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29	10/03/2021	ISSUED FOR PERMIT												

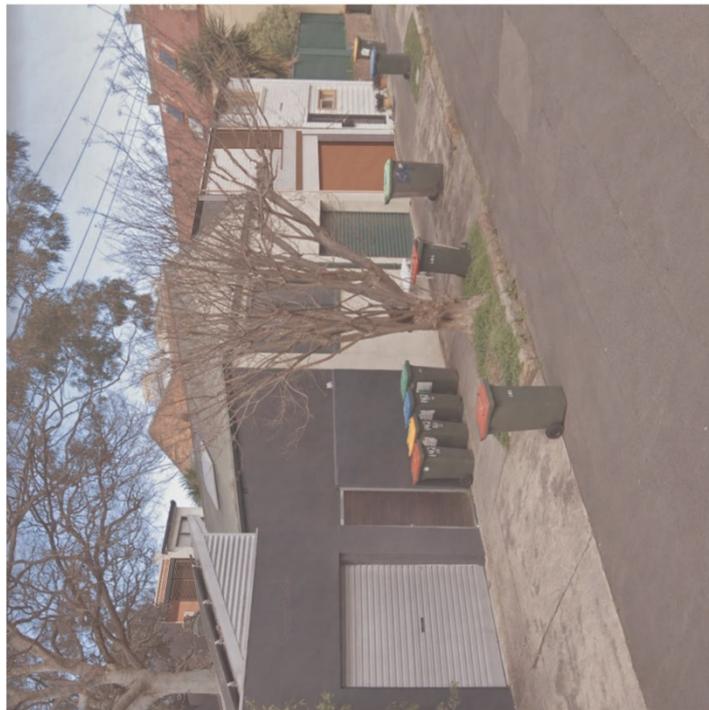
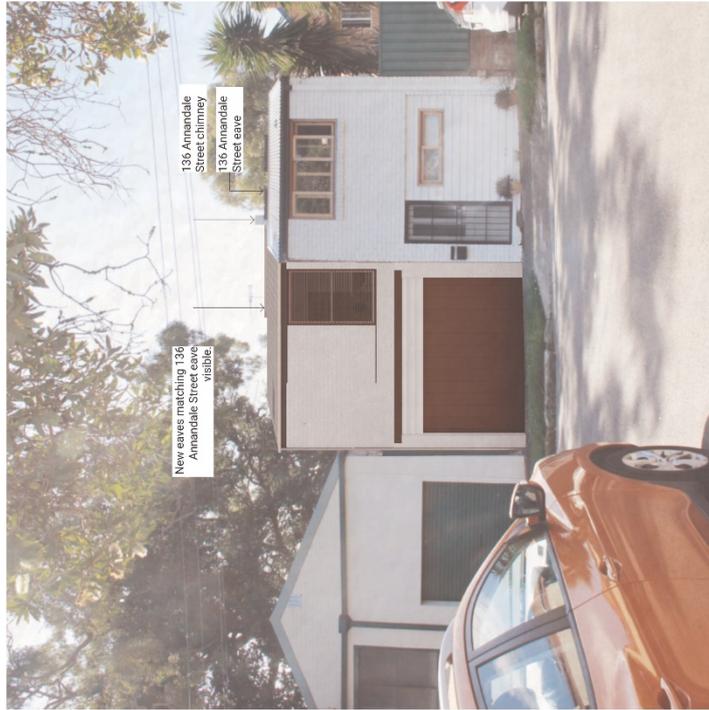




<p><b>REVISION HISTORY:</b></p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>10/03/2021</td> <td>ISSUED FOR PERMIT</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	01	10/03/2021	ISSUED FOR PERMIT	<p><b>CONSULTANTS:</b></p> <p>PROJECT NO: 1001222-1772          PROJECT NAME: Young Street Terrace          ADDRESS: 138 Young Street Sydney NSW 1585          AUTHORITY: Inner West Council          CLIENT: Mr Nathan Cohen</p>	<p><b>PROJECT DETAILS:</b></p> <p>PROJECT NAME: Young Street Terrace          ADDRESS: 138 Young Street Sydney NSW 1585          AUTHORITY: Inner West Council          CLIENT: Mr Nathan Cohen</p>		<p><b>TITLE:</b> Streetscape Study Young Street</p> <p><b>SHEET:</b> A604</p> <p>REV: 01          ISSUED ON: 10/03/2021</p>
REV	DATE	DESCRIPTION								
01	10/03/2021	ISSUED FOR PERMIT								



<p><b>REVISION HISTORY:</b></p> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>01</td> <td>10/03/2021</td> <td>ISSUED FOR PUBLIC COMMENT</td> </tr> </table>	REV	DATE	DESCRIPTION	01	10/03/2021	ISSUED FOR PUBLIC COMMENT	<p><b>CONSULTANTS:</b></p> <p>PROJECT MANAGER: JAMES WATSON          DESIGNER: JAMES WATSON          CHECKER: JAMES WATSON          APPROVED: JAMES WATSON          ADDRESS: 138 YOUNG STREET SYDNEY          NSW 1585 AUSTRALIA</p>	<p><b>PROJECT DETAILS:</b></p> <p>NAME: Young Street Terrace          ADDRESS: 138 Young Street Sydney NSW 1585 Australia          AUTHORITY: Inner West Council          CLIENT: Mr Nathan Cohen</p>	<p><b>TITLE:</b>          Streetscape Study Mayes Street</p> <p>REV: 01          ISSUED ON: 10/03/2021</p>	<p><b>SHEET:</b>          A605</p> <p>1 of 1          DATE: 10/03/21</p>
REV	DATE	DESCRIPTION								
01	10/03/2021	ISSUED FOR PUBLIC COMMENT								



<b>REVISION HISTORY:</b> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>01</td> <td>10/03/2021</td> <td>ISSUED FOR APPROVAL</td> </tr> </table>		REV	DATE	DESCRIPTION	01	10/03/2021	ISSUED FOR APPROVAL	<b>CONSULTANTS:</b> PROJECT NO: 10012221772 PROJECT NAME: Young Street Terrace ADDRESS: 138 Young Street Sydney NSW Annandale Australia AUTHORITY: Inner West Council CLIENT: Mr Nathan O'Brien		<b>TITLE:</b> Mayes Street Sight Lines REV: 01 ISSUED ON: 10/03/2021	
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Attachment C – Clause 4.6 Variation



**Request to Vary Site Coverage Under Clause 4.6 of  
Leichhardt Local Environmental Plan 2013**

**Alterations and Additions at  
138 Young Street, Annandale**

**November 2020**



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## Introduction

This request made under Clause 4.6 of the Leichhardt Local Environmental Plan 2013 accompanies a proposal for alterations and addition at 138 Young Street, Annandale. This request should be read in conjunction with the Statement of Environmental Effects prepared by Navon Solutions. This variation request relates to Clause 4.3A(3)(b) for site coverage. This request is considered appropriate for the proposal as will be discussed below. The relevant provisions of Clause 4.3A(3)(b) under the Leichhardt LEP 2013 reads as follows:

### **4.3A Landscaped areas for residential accommodation in Zone R1**

- (3) Development consent must not be granted to development to which this clause applies unless:
- b) the site coverage does not exceed 60% of the site area.

## The Site and Surrounding Area

The site is rectangular in shape and has an area of 115.8sqm. The site has side boundaries of 14.225m (south) and 20.31m (north), a front width of 3.76m and rear width of 3.86m. The legal description of the site is Lot A DP380185 and the land falls by approximately 2m from the front to the rear. The site is located on the western side of Young Street and currently comprises a two storey terrace with a car space at the rear lane. Pedestrian access to the property is via Young Street and at the rear via Mayes Street.

Terraces along Young Street adjoin the property to the north and south. Similar style lot configurations surround the site along Young Street and Mayes Street which have a mix of single storey, and two storey terraces. The Mayes Street Reserve is located approximately 45m to the north and approximately 550m south of the site is Parramatta Road.

## The Proposed Variation

The Leichhardt LEP 2013 includes provisions for exception to development standards 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.



*(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.*

In accordance with Clause 4.6 (4)(a)(i), this written request addresses the matters required to be demonstrated by Clause 4.6 (3) relating to the proposed variation to site coverage. The following figures summarise the proposed variation.

Site area: 115.8sqm

Maximum Site Coverage: 60% (69.48sqm)

Proposed Site Coverage: 65% (75.76sqm)

As demonstrated, the proposed variation seeks a variation of only 6.28sqm, or 9%.

According to the Leichhardt LEP 2013, 'site coverage' means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- a) any basement,*
- b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,*
- c) any eaves,*



*d) unenclosed balconies, decks, pergolas and the like.*

This Clause 4.6 variation request addresses the following criteria and demonstrates that the proposed variation is:

- Consistent with the objectives of the site coverage development standard
- Consistent with the objectives of the R1 General Residential zone
- Consistent with State and regional policies
- Considered to result in a better planning outcome
- Justified on environmental grounds
- In the public interest

### **Consistent with the Site Coverage Objectives**

This Clause 4.6 report addresses the proposed variation in relation to the site coverage objectives as follows.

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

Comments: The proposal introduces 17.54qm of landscaped area, which improves the existing non-compliance of 12.9sqm and meets the minimum 15% requirement. Both landscaping and private open space on the site maintains compliance with Council's provisions.

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

Comments: The proposed additional living space at ground level is built to the boundary of the neighbouring properties. This built form is characteristic of the area and consistent with Council's side setback provisions. In the proposed addition to the boundary, the proposal does not comprise any associated amenity impacts including overshadowing or privacy.

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

Comments: As detailed in the accompanying Statement of Environmental Effects, the proposal is consistent with the heritage character of the neighbourhood particularly defined by the adjoining properties. This roof form matches the prevailing pitched roof forms of the neighbouring dwellings of the adjoining properties and those in the surrounding area.



The proposed addition to the ground floor living area at the rear comprises an increase in site coverage. This addition is not visible and does not impact the streetscape.

- 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,*

Comments: The site is capable to be drained in accordance with the submitted stormwater concept plan.

- e) *to control site density,*

Comments: Aside from the associated variation to site coverage, the proposal complies with all indicators of appropriate site density including the proposed character, landscaping, setbacks, and amenity. The proposal does not alter the density of the site. The density remains at 1 dwelling on the 115.8sqm site with improved amenity.

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

Comments: The proposed variation to site coverage does not compromise the landscaped or private open space areas. The proposal complies with the minimum landscaped area provisions.

### **Consistent with the R1 General Residential Zone Objectives**

This Clause 4.6 report addresses the proposed variation in relation to the relevant R1 General Residential zone objectives as follows.

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

Comments: The proposal addresses the need for additional housing with improved amenity. The existing dwelling does not reflect the needs of a modern family and as a result the proposal provides additional living space and improved amenity.



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

Comments: The proposal is sought in response to the housing type and densities demanded in the area.

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

Comments: The residential proposal does not hinder the provision of other land uses that provide facilities or services in the zone.

- *To improve opportunities to work from home.*

Comments: The proposed alterations encourage opportunities for residents to be able to perform an increased range of activities including working from home through the provision of the home office above the garage.

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

Comments: The adjoining properties in the surrounding area along Young Street include a range of single and two storey terrace dwellings with pitched roofs. The heritage characteristics of the existing building is retained as at the façade towards Young Street will be unchanged, only an extension is proposed to the rear. The proposal is compatible with the adjoining and surrounding area for the following reasons:

- The modest extension maintains the appearance and scale of a residential dwelling consistent with the surrounding area.
  - The proposed roof form is consistent with the predominant roof form in the surrounding area.
  - The existing orientation of the building is retained across the site.
  - There are no trees impacts by the proposal and the provides contributes additional landscaping to the site.
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*



Comments: The proposal includes onsite landscaped areas in combination with internal floor areas and private open space.

- *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.*

Comments: The proposal does not involve any subdivision.

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

Comments: The proposal largely retains the existing built form. When viewed from the main frontage at Young Street, the proposal will still be seen as a two storey dwelling and is compatible with the existing streetscape. The two storey rear garage/home office is also considered to be integrated with the streetscape, particularly in relation to 136 Young Street. The proposal does not have an adverse impact on the privacy, or solar access of the site or adjoining properties.

### Consistent with State and Regional Policies

The proposed variation ensures the site can achieve a high quality outcome as envisaged by the Environmental Planning and Assessment Act 1979. The proposal does not compromise the desired future character of the area and is consistent with the relevant policies.

### Results in a Better Planning Outcome

The proposed alterations and additions are expected to generate a better planning outcome for the following reasons:

- The proposal includes additional living area located at the rear of the property. This proposed arrangement provides additional living area in an inconspicuous manner that does not impact on the amenity of any adjoining properties. The provision of living area on a limited site in this manner is appropriate, and better reflects the needs of modern households.
- The proposal will have no impact on access arrangements to and from the subject site nor the adjoining properties or those in the immediate vicinity.
- The design incorporates extending the existing side lightwell to provide improved internal amenity to the constrained site.
- The provision of a two storey building at the rear to accommodate the garage and home office is a better planning outcome compared to attaching the home office to the existing dwelling which would lead to increased site coverage, reduced landscaping, and a restricted private open space.



- The proposal does not compromise the existing landscaping or private open space area available on the site. Residential recreation and landscaping opportunities are maintained.

The adjoining properties already comprise substantial site coverage as demonstrated in Figures 1 and 2 below. The proposed alterations and additions are therefore compatible with the existing built environment.



Figure 1: Rear view of existing dwelling



Figure 2: View of the site from Mayes Street



### Justification on Environmental Grounds

The following reasons justify the variation to the proposed site coverage:

- The proposed variation comprising additional living area is appropriately scaled and located as to avoid and mitigate any significant amenity impacts.
- The rear extension does not add any unreasonable bulk to the upper floor.
- Due to the constrained site and existing built environment, the majority of shadowing is created by the northern dwelling and a substantial portion of shadowing is also generated by the renovated dwelling itself. Any additional shadowing to the southern property is minimal as demonstrated in the submitted shadow diagrams. The southern property at 136 Young Street also appears to exceed the site coverage requirements.
- There are no unreasonable amenity impacts to the northern dwelling at 140 Young Street, which appears to also be built beyond the maximum site coverage requirement.
- The proposal is consistent with the existing and desired built form and future character of the area.
- The proposal meets the required landscaping development standards.

Figure 3 below shows the proposal in relation to the adjoining properties, demonstrating the site provides a more suitable balance of built and open areas, compared to the adjoining properties. These properties clearly do not comply with the site coverage development standard. Subsequently, the design exhibits a high quality outcome for the site and surrounding area with no unreasonable environmental impacts.

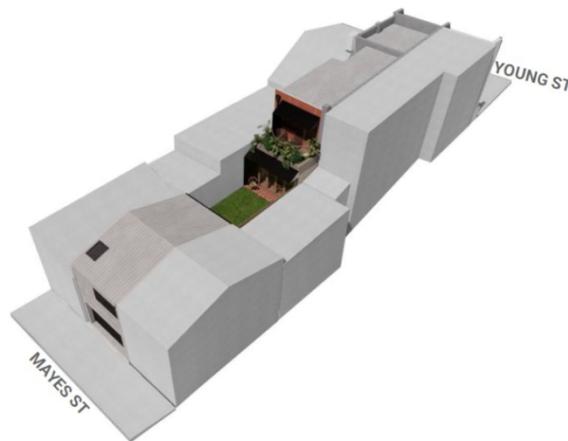


Figure 3: 3D model of the proposal



### Is in the Public Interest

The proposal improves the amenity of the dwelling without compromising the character of the surrounding area, or amenity of nearby and adjoining properties.

### Unreasonable and Unnecessary Development Standard

The application of the site coverage provision to the proposal is considered unreasonable and unnecessary for the following reasons:

- The broad application of site coverage provision does not recognise the prevalence of established narrow rectangular like shaped lots. The application of site coverage controls must be nuanced to consider the historical settlement patterns of narrow rectangular like shaped lots in the surrounding area and the impracticability of applying broad site coverage controls to all properties in conjunction with Council's DCP provisions.
- Despite the variation, the proposal does not cause any significant adverse amenity impacts on the site or adjoining properties.
- Despite the variation, the proposal is consistent and compatible with the character of the surrounding area.
- The rear area is already comprised by a lower level dedicated for car parking, despite there being a storage shed in this location. Due to the existing adjoining buildings built to the boundary with no side windows, there are no unreasonable impacts created by utilising the rear space as floor area.
- The site coverage provision does not consider the ability for a site to accommodate floor areas for reasonably sized dwellings on smaller lots. Unlike the FSR provision, the site coverage provision comprises a single rate of 60% applicable to all sites in the Leichhardt LGA, including Annandale.

### Conclusion

Based on the above assessment, the proposal at 138 Young Street, Annandale can achieve full compliance with the objectives and intentions of Clause 4.3A Landscaped areas for residential accommodation in Zone R1 under the Leichhardt LEP 2013. It has also been demonstrated that the proposal can comply with the relevant R1 General Residential zoning objectives. The proposal provides a better planning outcome and the site coverage standards are unreasonable and unnecessary. The proposal has been designed to improve the dwelling's amenity for the residents and will not bear any significant impact to the amenity of the adjoining and nearby dwellings. The proposed variations should therefore be considered favourably by Council.



**Request to Vary Floor Space Ratio Under Clause 4.6 of  
Leichhardt Local Environmental Plan 2012**

**Proposed Alterations and Additions at  
138 Young Street, Annandale**

**November 2020**



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## Introduction

This request made under Clause 4.6 of the Leichhardt Local Environmental Plan 2013 accompanies a proposal for alterations and additions at 138 Young Street, Annandale. It should be read in conjunction with the Statement of Environmental Effects prepared by Navon Solutions. The proposal involves a variation to Clause 4.4 floor space ratio (FSR) under the Leichhardt LEP 2013. This request to vary the development standard is considered appropriate for the proposal as will be discussed below. The proposal does not involve any other development standard variations.

## The Site and Surrounding Area

The site is rectangular in shape and has an area of 115.8sqm. The site has side boundaries of 14.225m (south) and 20.31m (north), a front width of 3.76m and rear width of 3.86m. The legal description of the site is Lot A DP380185 and the land falls by approximately 2m from the front to the rear. The site is located on the western side of Young Street and currently comprises a two storey terrace with a car space at the rear lane. Pedestrian access to the property is via Young Street and at the rear via Mayes Street.

Terraces along Young Street adjoin the property to the north and south. Similar style lot configurations surround the site along Young Street and Mayes Street which have a mix of single storey, and two storey terraces. The Mayes Street Reserve is located approximately 45m to the north and approximately 550m south of the site is Parramatta Road.

## The Proposed Variation

The Leichhardt LEP 2013 include provisions for exception to development standards 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.*

*(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.*

In accordance with Clause 4.6 (4)(a)(i), this written request addresses the matters required to be demonstrated by Clause 4.6 (3) relating to the proposed variation to the floor space ratio (FSR). The FSR provisions of the Leichhardt LEP 2013 in 4.4 read as follows:

#### **4.4 Floor space ratio**

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

*(2B) Despite subclause (2), the floor space ratio for development for the purpose of residential accommodation—*

- (a) on land shown edged black or pink on the Floor Space Ratio Map is not to exceed—*
  - (i) in the case of development on a lot with an area of less than 150 square metres—0.9:1,*

According to Clause 4.5(2) of the Leichhardt LEP 2013, *the **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.*



According to the Leichhardt LEP 2013, the **gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

The proposal seeks an FSR of 1.13:1 (130.94sqm) and varies from Council's maximum FSR of 0.9:1 (104.22sqm) by 25.6% (26.72sqm). A summary of the proposed FSR appears below.

Site area: 115.8sqm  
Max FSR: 0.9:1 (104.22sqm)  
Lower Ground Level: 23.87sqm  
Ground Floor: 65.67sqm  
First Floor: 41.4sqm  
Total Proposed GFA: 130.94sqm  
Total Proposed FSR: 1.13:1

Figure 1 below shows the existing hardstand car space being occurred by a shed for storage and is bounded by two brick walls associated with the adjoining properties. Figure 2 demonstrates the variation subject to this application, given Council does not exclude car parking as GFA.





### Consistent with the Floor Space Ratio Objectives

Clause 4.4 of the Leichhardt LEP 2013 includes objectives for the floor space ratio standard. These objectives are addressed in relation to the proposal as follows:

*(a) to ensure that residential accommodation—*

*(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and*

Comment: Despite the variation to FSR, the proposal complies with the building height and setback controls. Subsequently the building will be compatible with the site and surrounding area. The proposed variation does not impact upon the predominant bulk, scale, streetscape or character of the surrounding area. The proposed FSR variation maintains the low-density residential character of the site and surrounding area. The amenity of the site and surrounding heritage conservation area is maintained to an appropriate standard.

*(ii) provides a suitable balance between landscaped areas and the built form, and*

Comment: The existing site does not provide any landscaping in the rear and the proposal seeks to introduce 17.54sqm of landscaped area, considered to be a substantial improvement and complies with the 15% requirement. The proposed rear additions are compatible with the site and surrounding properties, while providing an appropriately sized private open space for the residents.

*(iii) minimises the impact of the bulk and scale of buildings,*

Comment: The proposal including the variation to FSR has been skilfully designed without creating unreasonable bulk and scale impacts. Considering other dwellings within the vicinity of the site, the proposal represents a similar form, particularly the rear two storey garage/home office.

*(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

Comment: The proposal relates to a residential dwelling and therefore this objective is not relevant.



### Consistent with the R1 General Residential Zone Objectives

The land use table of the Leichhardt LEP 2013 includes objectives for the site's R1 General Residential zoning. These objectives in relation to the proposal are addressed below.

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

Comments: The proposed FSR variation addresses the need for housing that suits contemporary lifestyles. The proposal accommodates the housing needs of the residents and improves living areas and amenity particularly in the provision of improved natural lighting, ventilation and access to the private open space area. The proposal also increases the landscaped area on the site and creates a landscaped interface with both adjoining properties.

The proposed garage and home office fronting Mayes Street are consistent with similar forms, particular 136 Young Street. The provision of floor space to the rear is consistent with Council's provisions. The proposed garage and storage area allow for the storage of garbage bins away from the public domain in an easily accessible location.

The proposed FSR variation is specifically related to the provision of a car parking space to the laneway. This car parking space provides vehicular access that is consistent with the function of the laneway and consistent with Council's objectives:

- To provide parking that meets the needs of the residents,
- To minimise visual impacts, that will not visually dominate the building façade,
- To enable safe, convenient and efficient movement of vehicles,
- To provide on-site car parking for a range of vehicles including cars

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

Comments: The proposed FSR variation accommodates a two bedroom dwelling that diversifies the form of housing and provides more dwelling choice in the area. The improved housing choice maintains a consistent building form and character of the surrounding heritage conservation area.

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

Comments: The proposed residential alterations and additions relates to a dwelling and no other land use.



- *To improve opportunities to work from home*

Comments: The proposal incorporates a home office above the garage to encourage opportunities for residents to perform an increased range of activities including working from home.

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

Comments: The proposal is consistent with the orientation, style, and character of the surrounding area as outlined by Council's provisions. The building envelope proposed is located and scaled in a manner that is consistent with Council's provisions for the heritage conservation area. The proposal complies with Council's physical building envelope provisions including building height, and setbacks.

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

Comments: The proposal includes landscaped areas, which was previously not present on the site, for the use and enjoyment of the residents and complies with Council's landscaped area provisions.

- *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*

Comments: The proposal does not involve subdivision.

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

Comments: The proposal maintains reasonable amenity to the site and surrounding area. The proposed privacy, solar access, outlook and view sharing outcomes of the site and surrounding area are maintained to a reasonable standard.



### Consistent with State and Regional Policies

The proposed variations ensure the site can achieve a high quality outcome without compromising the desired future character or the amenity of the surrounding area. The proposal is consistent with the objects of the Environmental Planning and Assessment Act 1979 and with relevant state and regional policies.

### Results in a Better Planning Outcome

The proposal is expected to generate a better planning outcome for the following reasons:

- The proposed variation to the FSR improves the internal amenity for the future residents without any significant impacts to the amenity of adjoining properties.
- The distribution of floor area across two levels enables the dwelling to largely remain within the existing footprint.
- The two storey rear garage and home office is a superior planning outcome, compared to attaching the home office to the dwelling, which would leave no space available for private open space and landscaping.
- The proposed density is commensurate with the future character of the character and surrounding area.
- The proposed FSR variation accommodates the liveability and adaptability of the dwelling to the contemporary needs and choice of future residents.
- The proposal involves converting the existing area designated as a hardstand car space, currently being used by a shed for storage, into functional space as a garage. This area is currently underutilised and is adjoined by two brick walls as shown in Figure 1 above. A Long Section shown in Figure 2 above demonstrates the area subject to the variation, which is a result of the existing site conditions.
- The proposed garage results in a better outcome by encouraging less on-street car parking. The calculated FSR includes the whole garage as part of GFA. The garage is included on Council's advice that the maximum car parking rate suggests these car parking spaces are not required. It should be noted that the provision of car parking serves the particular purpose that is consistent with Council's objectives.



### Justification on Environmental Grounds

The proposal comprises necessary upgrades to the existing dwelling. The following environmental planning grounds are sufficient in justifying the proposed variation of the FSR provisions:

- The proposed FSR variation is internalised and distributed in a manner that maintains a reasonable bulk and scale of the surrounding area. The dwelling maintains its presentation to Young Street as a two storey dwelling.
- The proposed FSR variation is distributed in a manner that maintains the privacy of residents on adjoining properties. The proposed floor area is designed in a manner that maintains complying setbacks, with windows and areas that avoid direct outlook of adjoining properties.
- The proposed FSR variation is distributed in a manner that maintains view sharing and outlook opportunities of adjoining properties. The proposed rear extension to the dwelling and the rear garage and home office are located in a manner consistent with the prevailing building pattern of the streetscape and surrounding residential area.
- The proposed FSR variation does not impede on the site's ability to provide the required amount of landscaping throughout the site, consistent with the landscaped setting of the surrounding area.
- Both the adjoining sites appear to be built beyond the maximum FSR, demonstrating the design of the subject dwelling at 138 Young Street will not be out of character, and a FSR variation is not unique for the area.
- No unreasonable shadowing impacts are proposed by the variation, given the floor area associated with the garage is on a lower level than the principal open spaces of the southern property.



Figure 3 below shows the proposal in relation to the adjoining properties, demonstrating the site provides a more suitable balance of built and open areas, compared to the adjoining properties. Subsequently, the design exhibits a high quality outcome for the site and surrounding area with no unreasonable environmental impacts.

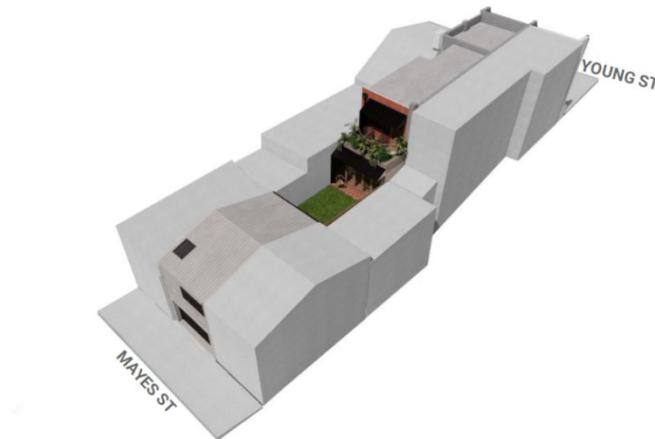


Figure 3: 3D model of the proposal

### Is in the Public Interest

The proposal and associated variation to the FSR is in the public interest. The proposal provides improved internal and external amenity for the residents. The variation is accommodated without generating any significant impacts to the adjoining amenity or public domain.

### Unreasonable and Unnecessary Floor Space Ratio Development Standard

Wehbe v Pittwater Council (2007) NSWLEC 827 sets out the methods of establishing why compliance with the development standards are unreasonable or unnecessary. The application of the floor space ratio provision to the proposal is considered unreasonable and unnecessary, consistent with for the following reasons:

- The FSR standard is unreasonable because it does not consider the consistency and compatibility of the proposal with the streetscape and character of the surrounding area. The proposed alterations include features and materials consistent with the character of the surrounding area.



- The strict application of the FSR standard does not consider the capacity of the proposal to maintain a bulk and scale that will suit the surrounding area. The proposed two storey presentation to Young Street is consistent with the surrounding area.
- The strict application of the FSR standard does not consider the proposal maintaining reasonable amenity to the site and surrounding area. The proposal maintains the low-density residential character, and reasonable amenity of the site and adjoining properties.
- The floor area dedicated to the garage and bin storage represents 18.2% (23.87sqm) of the total GFA for the site, demonstrating Council's onerous requirement to include car parking as GFA.
- The strict application of the FSR standard is unreasonable because it fails to consider the capacity of the site with the rear access. The rear access allows for a distribution of the dwelling that reduces the scale of the built form in an appropriate manner consistent with the surrounding area. The provision of the garage to the laneway results in a distribution of the built form that minimises any potential bulk and scale. The proposed FSR variation comprises a reasonable variation that is consistent with Council's objective to manage the bulk and scale.
- The proposal including the FSR variation complies with Council's landscaped area requirements.
- Both the adjoining dwellings appear to be built beyond the maximum FSR, demonstrating the FSR imposed for the subject site is unreasonable and unnecessary.



### Conclusion

Based on the above assessment, the proposal at 138 Young Street, Annandale can achieve full compliance with the objectives and intentions of both Clause 4.4 Floor space ratio and the R1 General Residential zone under the Leichhardt LEP 2013. This report also validates the proposal can be justified to provide a better planning outcome and the floor space ratio standard applicable is unreasonable and unnecessary given the existing site conditions and the desired future character of Annandale.

The proposal will not lead to unreasonable amenity impacts to the surrounding residential properties in terms of bulk, scale, privacy and overshadowing. The proposed alterations and additions have been designed to provide a high standard of amenity for the residents and will enhance the existing Mayes Street streetscape. The proposed FSR variation should therefore be considered favourably by Council.