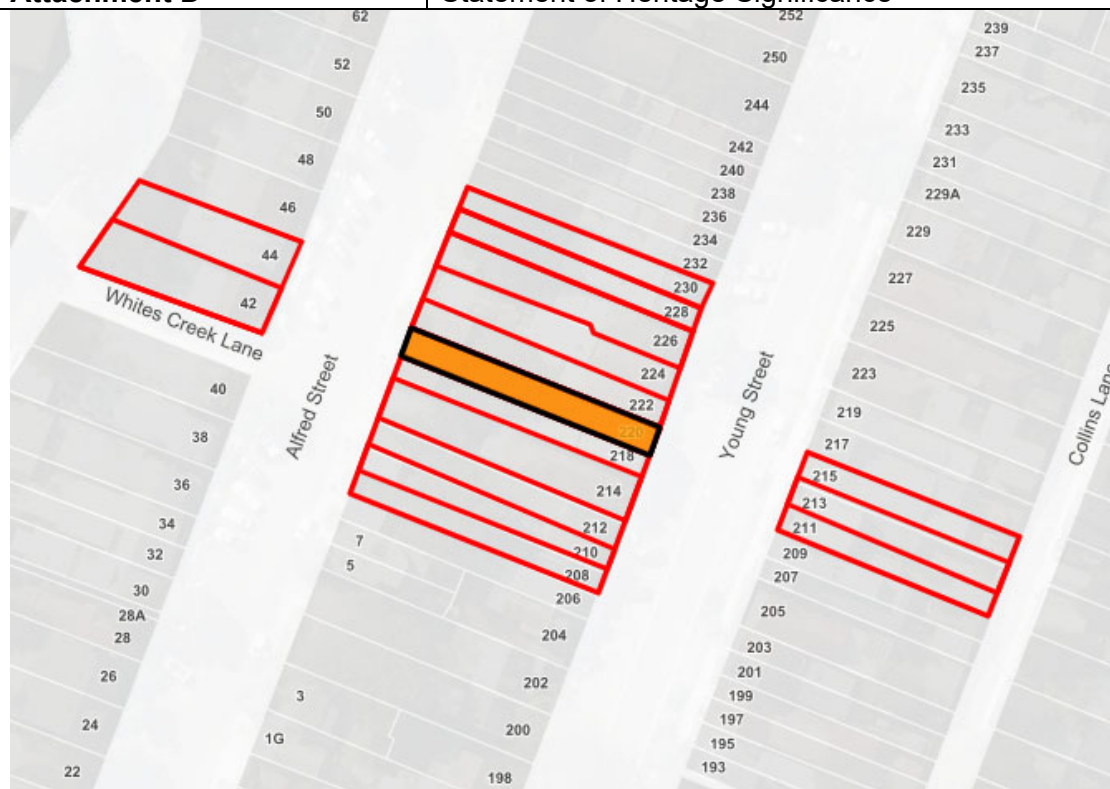






# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2020/1184
<b>Address</b>	220 Young Street ANNANDALE NSW 2038
<b>Proposal</b>	Alterations and additions to dwelling plus new garage off Alfred Street with a second storey studio over
<b>Date of Lodgement</b>	29 December 2020
<b>Applicant</b>	Ms Suzanne James
<b>Owner</b>	Mr Bradley D James Ms Suzanne James
<b>Number of Submissions</b>	Initial: 0 After Renotification: 0
<b>Value of works</b>	\$280,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation- FSR and site coverage variation exceeds 10%
<b>Main Issues</b>	Floor Space Ratio
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance



**LOCALITY MAP**

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling house plus construction of a new garage off Alfred Street with a studio level above at 220 Young Street, Annandale.

The application was notified to surrounding properties and no submissions were received in response to the initial notification. No submissions were received in response to renotification of the amended plans for the application

The main issues that have arisen from the application include:

- Breach of the Floor Space Ratio Development Standard
- Breach of the Site Coverage Development Standard

The non-compliances are acceptable given the amended form of the development and the application is therefore recommended for approval.

## 2. Proposal

To carry out alterations and additions to an existing terrace house containing part two, part three levels. The additions to the dwelling comprise a rear extension to the kitchen living area on the lower ground level. It is also proposed to demolish an existing rear garage and construct a new rear garage with studio level above on the Alfred Street frontage of the site.

The amended plans the subject of this report provide for a reduction in the height and bulk of the proposed garage/studio, with the adoption of the gable sided roof form with dormer to Arther Street and a reduction in bulk.

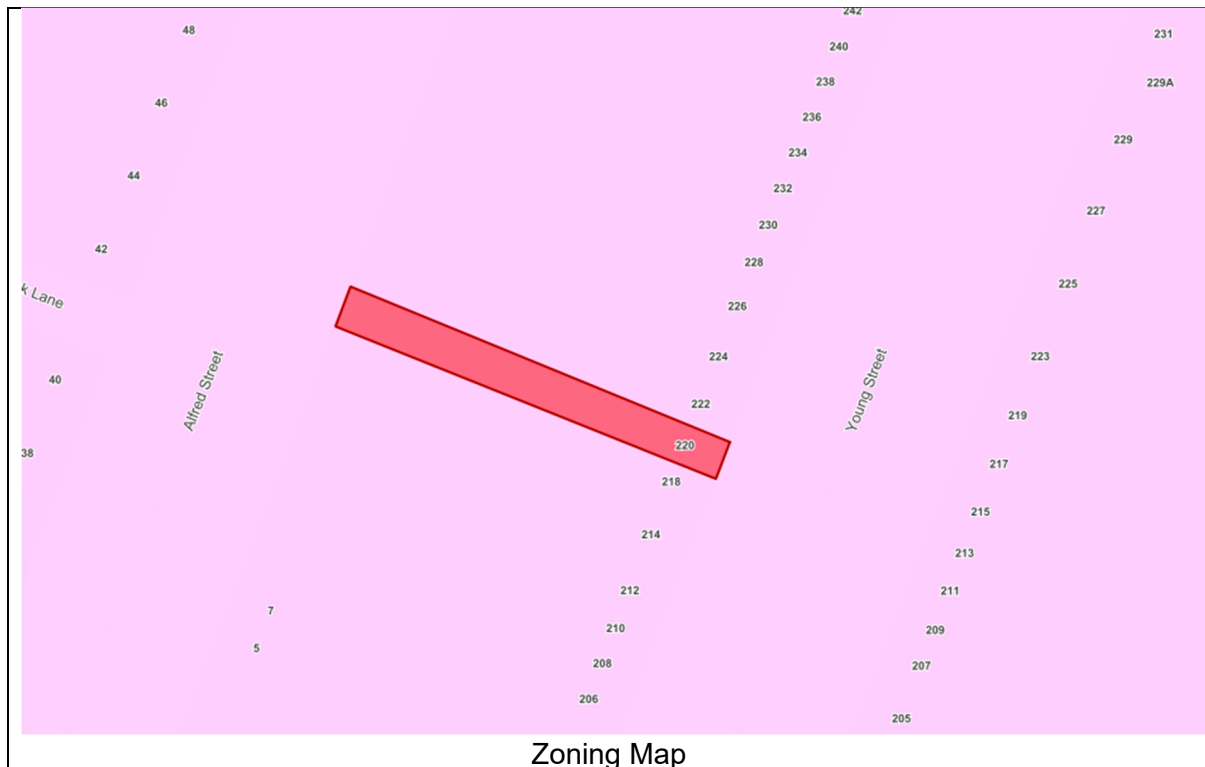
## 3. Site Description

The subject site is located on the western side of Young Street, between Booth Street & Collins Street. The site consists of one allotment and is rectangular a total area of 160sqm and is legally described as 220 Young Street Annandale.

The site has a frontage to Young Street of 3.91metres and a secondary rear frontage of 4.07 metres to Alfred Street.

The site supports a terrace house which is paired with 218 Young Street to the south. The dwelling is two storeys to Young Street with a rear split level three storey form. A single storey garage is located on the Alfred Street frontage. The adjoining properties support a two storey terrace at 218 Young Street and a single storey dwelling with two storey rear section at 222 Young Street.

The subject site is located within a conservation area.



## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
BA/1992/521	Three storey addition to rear of existing dwelling	Approved 12/11/1992
TREE/2020/0155	Tree Approval Application	Approved 16/06/2020

#### Surrounding properties

Application	Proposal	Decision & Date
D/2019/464	Alterations and addition including studio addition to rear garage plus associated landscaping and demolition of plunge pool	Approved 9/03/2020
MOD/2020/0277	Section 4.55(1) Modification of Development Consent D/2019/464 seeking to delete Conditions 17(j) and 18	Approved 24/09/2020

#### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
8/3/2021	Request for further information
1/4/2021	Amended Garage Plans and details submitted
12/4/2021	Amended Dwelling Floor Plans submitted
19/4/2021	Further site Inspection

### 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 of the *Environmental Planning and Assessment Act 1979*.

#### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The following provides further discussion of the relevant issues:

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

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

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

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

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

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally inconsistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for land
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.3 - Flood Planning
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

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

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

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

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

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.8:1 or 128sqm	1.18:1 or 189.4sqm	61.4sqm or 48%	No
<b>Landscape Area</b> Minimum permissible: 15% or 24sqm	19% or 30.4sqm	-	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 96sqm	68.06% or 108.9sqm	12.9sqm or 13.44%	No

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

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A(3)(b) of the Leichhardt LEP 2013 by 12.9sqm or 13.44%.

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

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

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

- The proposal maintains the residential amenity fronting Young and Alfred Streets.
- The proposal does not have any significant adverse impacts on the adjoining residential properties in terms of views, privacy and or overshadowing as a result of the FSR non-compliance.
- The proposal satisfies the amenity controls and objectives of the LDCP 2013.
- The proposal provides for the housing needs of the community.
- The proposed works are compatible with the desired future character in relation to the bulk, form and scale of the proposed development.
- The proposal is consistent with surrounding setting and does not dominate the building height and scale.
- The proposed studio extension is to be continuing the form, bulk and scale of the recently approved DA of 222 Young Street and previously approved 218 Young Street as well as other adjacent properties in Alfred Street.
- The Site Coverage variation does not impact the provision of private outdoor space and landscaped area for vegetation.
- The proposal exceeds the LEP requirement for landscaped area, and private open space.
- The proposal maintains permeable area and vegetation to assist preventing water run-off.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, in accordance with Clause 4.6(4)(a)(ii) of Leichhardt LEP 2013 for the following reasons:

The relevant objectives of the R1 zone are:

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

The proposed breach would not be inconsistent with zone objectives given:

- The amended proposal provides adequate and compliant Landscaped Area.

- The site area is small with regard to the erection of a dwelling, providing for contemporary housing needs.
- The proposed dwelling would be compatible with the character, style, orientation and pattern of existing and approved development on the adjoining sites and in the vicinity.

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 relevant development standard objectives are:

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

The proposal is considered to be consistent with these objectives for the following reasons:

- The amended proposal provides adequate and compliant Landscaped Area.
- The proposal maintains a landscape corridor between adjoining properties.
- The development would not result in unsatisfactory amenity impacts on neighbouring properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of Leichhardt LEP 2013.

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 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Site Coverage development standard and it is recommended the Clause 4.6 exception be granted.

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the Leichhardt LEP 2013 by 48% or 61.4sqm.

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 Leichhardt LEP 2013 below.

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

- The proposed development is consistent with the approvals for both adjoining properties and the above points demonstrate that there are sufficient environmental planning grounds to justify the departure from the control.
- The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, as set out above.

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 2013 for the following reasons:

The development standard objectives are:

*To ensure that residential accommodation-*

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

The proposal is considered to be consistent with the Development Standard objectives for the following reasons:

- The existing development on the site has an FSR of 0.91:1, which excludes the bulk of the existing carport.
- The floor space ratio breach occurs by virtue of:
  - a 4.5sqm increase to the rear lower ground level of the main dwelling which does not result in significant bulk to surrounding properties; and
  - the replacement of the existing carport (which is not gross floor area) with a garage/studio, whereby the studio level (comprising 14.9sqm of additional gross floor area) is the only portion of the works resulting in additional significant apparent bulk on the site.
- The development would not result in unsatisfactory amenity impacts on neighbouring properties.
- The proposed development would be compatible with the desired future character of the area in terms of form, materials and bulk.
- The proposed FSR variation maintains the residential character of the site and surrounding area.
- The proposal satisfies the Landscaped Area development standard.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of Leichhardt LEP 2013.

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



## 5(b) Draft Environmental Planning Instruments

**5(b)(i) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)**

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

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

## 5(c) Development Control Plans

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

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.17 Minor Architectural Details	Yes
<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	No
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes

C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	N/A
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
<b>Part F: Food</b>	N/A
<b>Part G: Site Specific Controls</b>	N/A

The following provides discussion of the relevant issues:

#### C1.4 Heritage Conservation Areas and Heritage Items

The subject property at 220 Young Street, Annandale, is a contributory terrace located within the Annandale Heritage Conservation Area.

The application was referred to Council's Heritage Specialist who provided the following response to the proposal as lodged;

*The proposal is acceptable with the following amendments to the application:*

1. *The applicant is recommended to:*
  - a) consider a similar form to the approved garage and studio at No. 222 Young Street;
  - b) retain the existing ground and first floor layout within the main building form of the terrace, including the existing lounge and dining and bedroom and study on the first floor; and
  - c) reinstate the palisade front fence to Young Street.
2. *It is recommended that the design be amended to incorporate the following design changes:*
  - a) should partial demolition of the wall be required between the lounge and dining rooms, 300mm wall nibs and bulkhead should be retained and incorporated into the proposal;

- b) the wall height of the garage and studio is to be lowered to a maximum wall height of 3.6m;
  - c) the recessed window (W1) and the square window to the bathroom (W2) proposed in the Lane (west) elevation must be amended so they are of the same height and width dimensions, vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Windows are not to be recessed in from the façade;
  - d) The “C2 timber like cladding” to the structure shown adjoining the rear elevation at ground floor level is to be deleted from the Finishes Board.
3. *A revised Finishes Schedule will need to be submitted for consideration in accordance with the following:*
- a) brickwork proposed to the ground floor garage is to be amended to a more of a brown / red tone is to be used to complement the face brickwork in the streetscape, similar to “Bargo” from the Bowral Blends from Austral Bricks;
  - b) the vertical cladding proposed to the studio above the garage (C1) is to be amended so it is laid horizontally;
  - c) Colorbond “Basalt” proposed for the first floor wall cladding to the studio is to be replaced with a light, warm, earthy, tones; and
  - d) Colorbond “Basalt” proposed for the first floor to the studio roof is to be replaced with a pre-coloured traditional corrugated steel for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”.

The applicant subsequently provided amended plans seeking to address the above matters of concern. Those plans which are the subject of this assessment report were referred to Council’s Heritage Specialist who provided the following comments;

*The current amended drawings responded to the heritage commentary provided to the applicant in March 2021 in response to the original proposal. In this regard:*

- *The garage and studio have been amended to complement the approved garage at No. 222 Young Street, Annandale.*
- *Internal wall nibs and bulkheads are retained between the existing main dwelling lounge and dining rooms.*
- *The street wall height of the garage has been amended to 3.6m.*
- *The recessed window (W1) and the square window to the bathroom (W2) proposed in the Lane (west) elevation of the garage and studio have been replaced with a dormer window to match the dormer in the approved building adjoining at No.222, which is acceptable.*
- *The Finishes Board has been amended and the proposed colours are sympathetic to those approved as part of the adjoining development at No. 222 Young Street.*

Furthermore, the height and appearance of the proposal is consistent with adjoining development which illustrated in the images below;

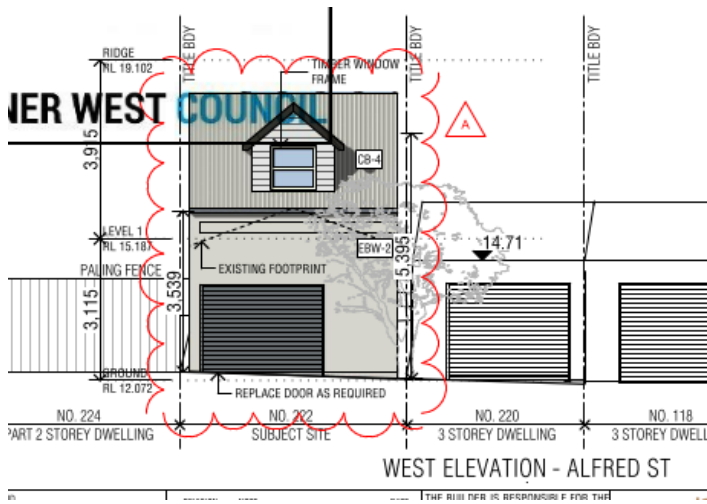


Fig 1 - Alfred Street elevation of approved garage/studio at 222 Young Street

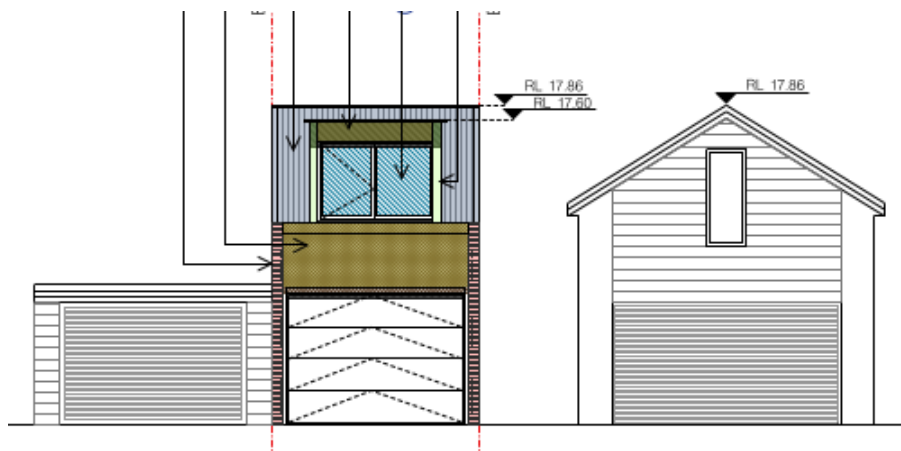


Fig 2 - Alfred Street elevation of approved garage/studio at 218 Young Street

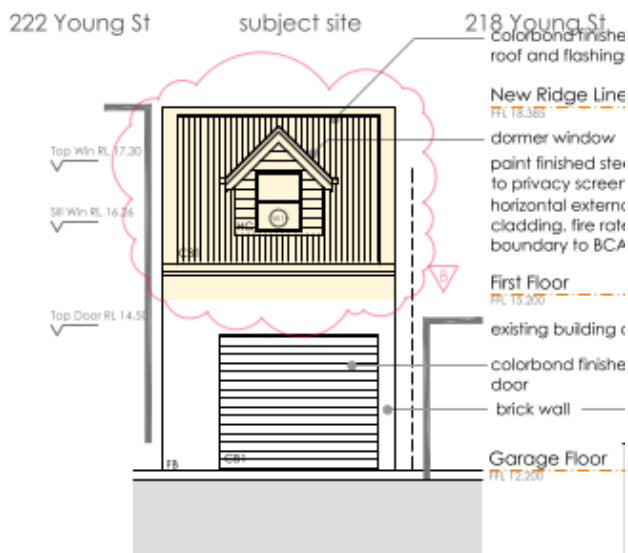


Fig 3 - Alfred Street elevation of proposed garage/studio at subject site 220 Young Street

Having regard to the above, the amended plans are considered satisfactory having regard to the provisions of Part C, Section 1.4 of LDCP 2013.

### C1.11 Parking

The application was referred to Council's Development Engineer who has indicated that the proposal is supportable subject to the imposition of conditions which are included in the recommendation.

### C3.2 Site Layout and Building Design

The rear addition to the lower ground floor of the main dwelling house is aligned approximately 2 metres forward of the recent rear additions at the adjoining northern property, 222 Young Street. The addition is approximately 2m rearward of the rear wall of the southern adjoining property 218 Young Street. Given the recent development at No.222 and the context of the site, the rear alignment is considered satisfactory with regard to the rear Building Location Zone.

The rear addition to the main dwelling house results in a breach of the side setback control by 0.45m to the southern side boundary and 0.6m to the northern side boundary. The amended garage and studio building results in a breach of the side setback control by up to 1.4m to the northern side boundary and 1.5m to the southern side boundary measured to the ridge height.

The impacts of these breaches, such as overshadowing and apparent bulk, are limited and are mitigated by both the approved garage and loft developments at the rear of the adjoining properties 222 Young Street and 218 Young Street and the proposal remains compliant with the quantum of landscape area required. Consequently, given the circumstances of the case the breaches are considered satisfactory.

The amended garage and studio building now conforms to the 3.6m building envelope control.

#### 5(d) The Likely Impacts

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

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

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

#### 5(f) Any submissions

The originally submitted application was notified in accordance with Inner West Community Engagement Framework for a period of 14 days to surrounding properties. The amended plans which are the subject of this report were also notified in accordance with Inner West Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to the initial notification, nor were any submissions were received in response to notification of the amended application.

### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineer
- Heritage Officer

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$2,800 would be required for the development under the *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

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

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

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

## 9. Recommendation

- A. The applicant has made written requests pursuant to Clauses 4.3A(3)(b) and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedance is 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. DA/2020/1184 for alterations and additions to dwelling plus new garage off Alfred Street with a second storey studio over, at 220 Young Street Annandale subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
JH-DA01/B	Site Roof Plan	29/3/2021	Foster & Associates
JH-DA02/A	Dwelling Floor Plans	24/12/2020	Foster & Associates
JH-DA03/B	Sections	29/3/2021	Foster & Associates
JH-DA04/B	[Existing Dwelling] Studio Floor Plans & Sections	29/3/2021	Foster & Associates
JH-DA05/B	Elevations	29/3/2021	Foster & Associates
JH-SWC/A	Stormwater Concept Plan	4/12/2020	Foster & Associates
JH-LP/B	Landscape Plan	29/3/2021	Foster & Associates
JH-FB/B	Schedule of Finishes	29/3/2021	Foster & Associates
Rev-A	Heritage Impact Statement	Dec 2020	Foster & Associates
A400694	BASIX Certificate	11/12/2020	Foster & Associates
2020-406	Acoustic Report	9/12/2020	Acoustic Noise & Vibration Solutions

As amended by the conditions of consent.

#### FEES

##### 2. Security Deposit - Custom

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

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the



environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

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

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

Note:

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

Payment amount\*:

\$2,800.00

\*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

### **4. Long Service Levy**

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

**GENERAL CONDITIONS****5. Boundary Alignment Levels**

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

**6. Stormwater Drainage System – Simple**

Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

As there is no overland flow/flood path available from the rear and central courtyards to the Alfred Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:

1. 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;
2. 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
3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

**7. Waste Management Plan**

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

**8. Erosion and Sediment Control**

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

**9. Standard Street Tree Protection**

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

**10. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****11. 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.

**12. Dilapidation Report**

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

**13. Advising Neighbors Prior to Excavation**

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

**14. Construction Fencing**

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

**PRIOR TO CONSTRUCTION CERTIFICATE****15. 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.

**16. 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 level at the boundary must match the alignment levels issued with this consent.
- b. 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;

- c. 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;
- d. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- e. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width). 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;
- f. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;

#### **17. Party Walls**

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

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

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

#### **19. Sydney Water – Tap In**

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

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

#### **20. Acoustic Report – Aircraft Noise**

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

### **DURING DEMOLITION AND CONSTRUCTION**

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

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

**22. Survey Prior to Footings**

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

**PRIOR TO OCCUPATION CERTIFICATE****23. No Encroachments**

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

**24. Protect Sandstone Kerb**

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

**25. 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.

**26. 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.

**27. Aircraft Noise –Alterations and Additions**

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

**ADVISORY NOTES****Permits**

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

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

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

**Insurances**

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

**Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

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

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

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

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

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

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

#### Noise

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

#### Amenity Impacts General

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

#### Construction of Vehicular Crossing

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

#### Lead-based Paint

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

#### Dial before you dig

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

#### Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>

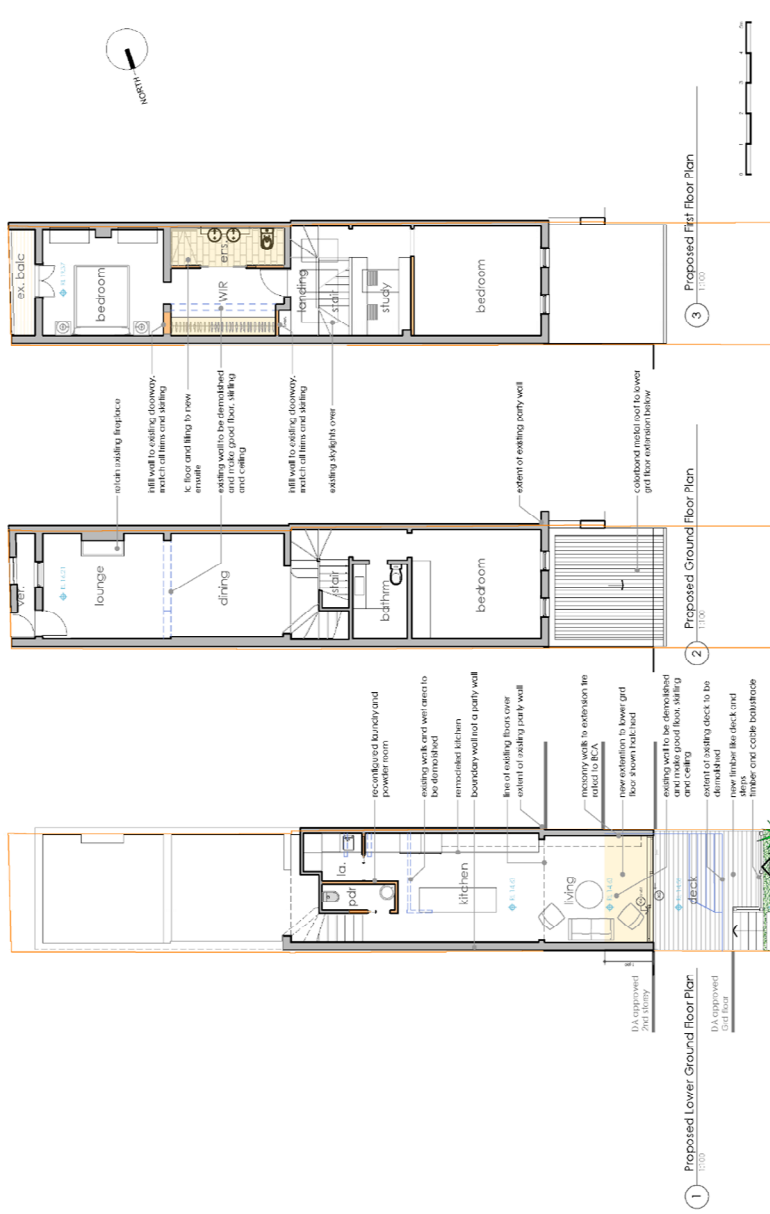


		Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig		1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom		9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441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

Attachment B – Plans of proposed development

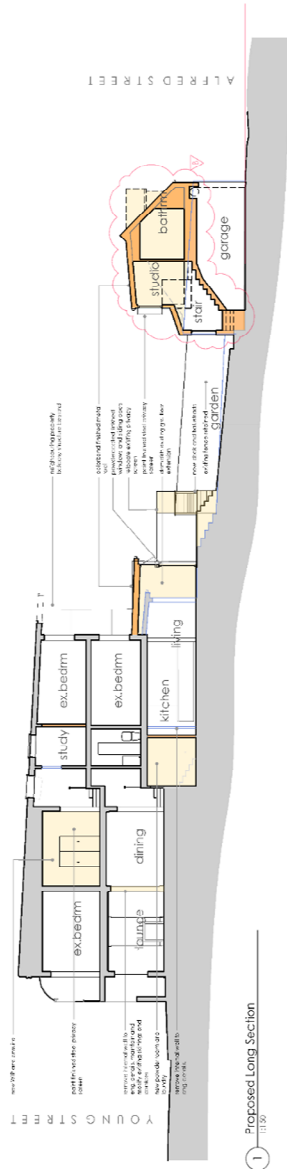
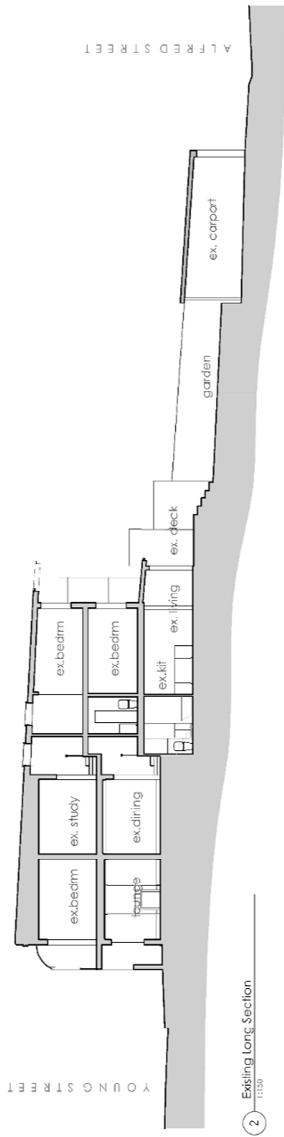


<b>fosterand associates</b> 504 JAMES STREET, LITTLETON, NSW 2000 TELEPHONE: 02 9211 7124 - MAILBOX: 0421 6467	Applicant Name: B & S James Date: 27/03/21 Description: Shed & Garage Received by Council Approval: 27/03/21	Client: B & S James	Project: Alterations and Addition to Existing Dwelling 220 Young Street, Amundale	Drawing Title: Existing and Proposed Site / Roof Plan	Date: Nov 2020 Scale: 1:200(A3) Drawn: JHDA01 Checked: JHDA01 Approved: JHDA01 Project No: 220/20/0001
	Project No: 220/20/0001				

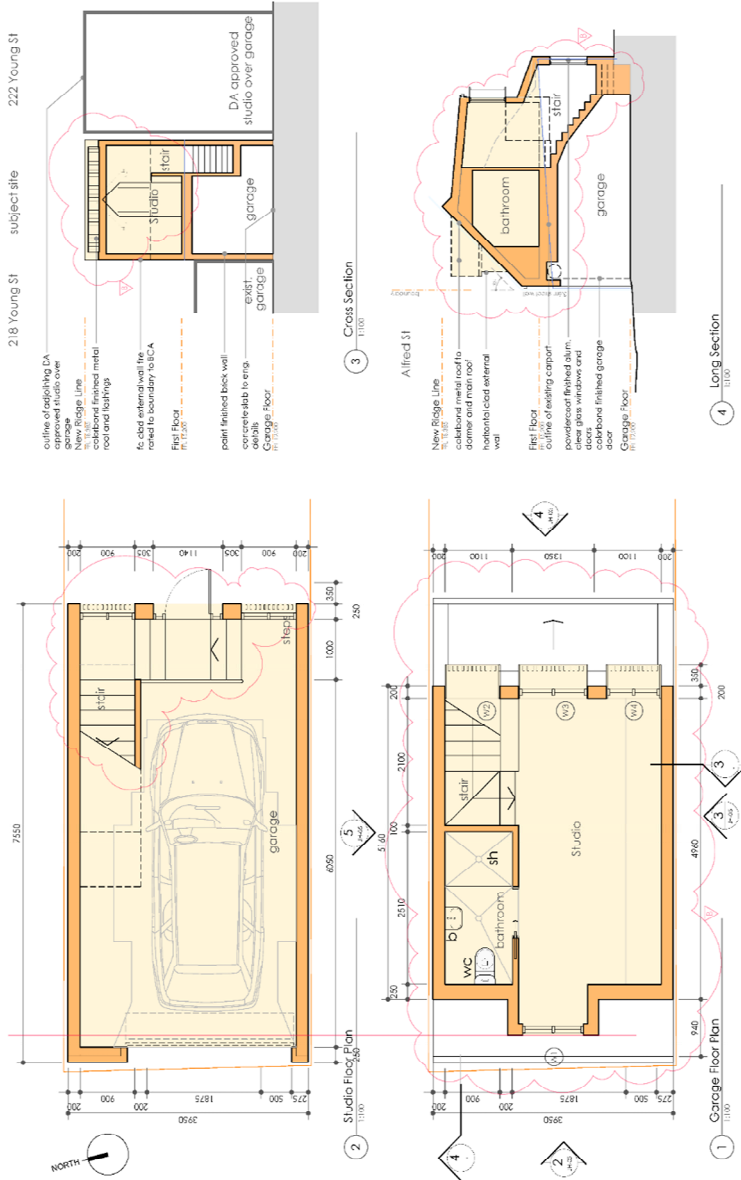


Amendments	Date	Client	Project	Drawn By	Rev
DA approved 2nd sheet	14/12/20	B & S James	Alterations and Additions to Existing Dwelling 220 Young Street, Annandale	Down G.F. Plan	Rev A
DA approved Ground floor	14/12/20	B & S James	Alterations and Additions to Existing Dwelling 220 Young Street, Annandale	Proposed Ground Floor Plan	Rev A
		B & S James	Alterations and Additions to Existing Dwelling 220 Young Street, Annandale	Proposed Dwelling Floor Plans	Rev A
		B & S James	Alterations and Additions to Existing Dwelling 220 Young Street, Annandale	Proposed First Floor Plan	Rev A

**fosterandassociates**  
 254 CANTERBURY STREET, WILHELM ROAD, 2040  
 NEWCASTLE NSW 2300  
 Telephone: (02) 495 1104, mobile: 040 040 627



<b>fosterandassociates</b> 354 CHATHAM STREET, SYDNEY NSW 2009 PHONE: (02) 9217 0104, MOBILE: (08) 164 6277	Approval A. Approved B. Referred for Council Approval	Date 29/12/21 29/12/21	Client B & S James	Project Alterations and Additions Existing Dwelling 220 Young Street, Annandale	Drawing Title Overall Sections	Date Nov 2020	Sheet B 1 of 2
	Scale 1:150 (A3)		Designer JHD/MS		Notes 1. All dimensions are in millimetres unless otherwise stated. 2. All work to be done in accordance with the Australian Standards and relevant codes of practice. 3. All work to be done in accordance with the relevant local council requirements.		



**foster and associates**  
 254 CHAPMAN STREET, LEYBOLD NSW 2150  
 TELEPHONE: (02) 98111794, MOBILE: (040) 14477

**Project:** Alterations and Additions to Existing Dwelling 220 Young Street, Annandale

**Client:** B & S James

**Drawings Title:** Existing Dwelling Floor Plans and Sections

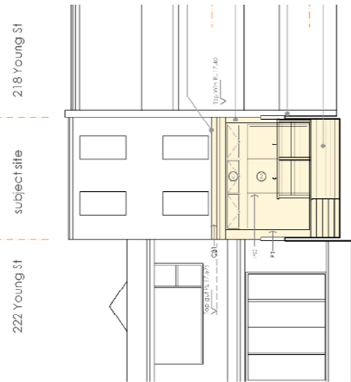
**Date:** 29.02.21  
**Drawn:** [blank]  
**Checked:** [blank]  
**Reviewed:** [blank]  
**Approved:** [blank]

**Date:** Nov 2020  
**Scale:** 1:300 (100/AS)  
**Drawn:** JHD/AGA  
**Checked:** [blank]  
**Reviewed:** [blank]  
**Approved:** [blank]

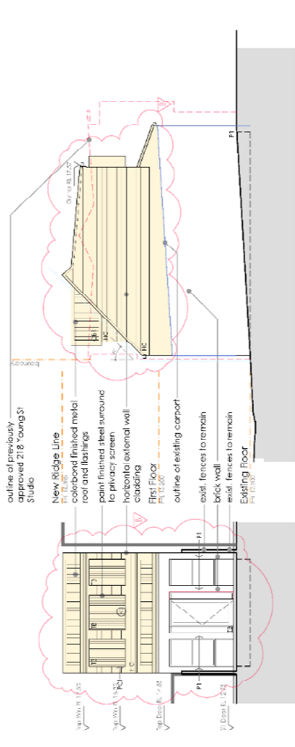
**Rev:** B

**Comments:** 1. All drawings are to be checked for rooming. 2. All drawings are to be checked for rooming. 3. All drawings are to be checked for rooming. 4. All drawings are to be checked for rooming.

note:  
for finishes codes please refer to separate finish board JH-CatB

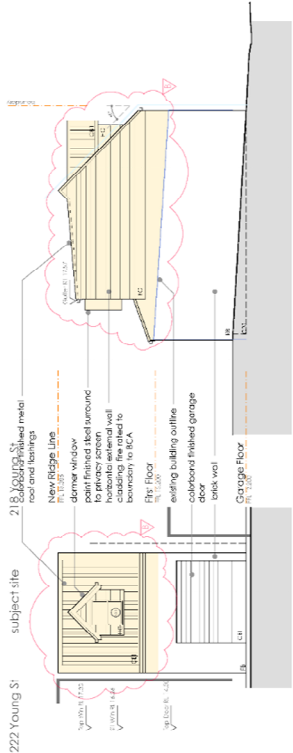


1 Rear West House Elevation  
1:100



4 Garage Studio Internal (East) Elevation  
1:100

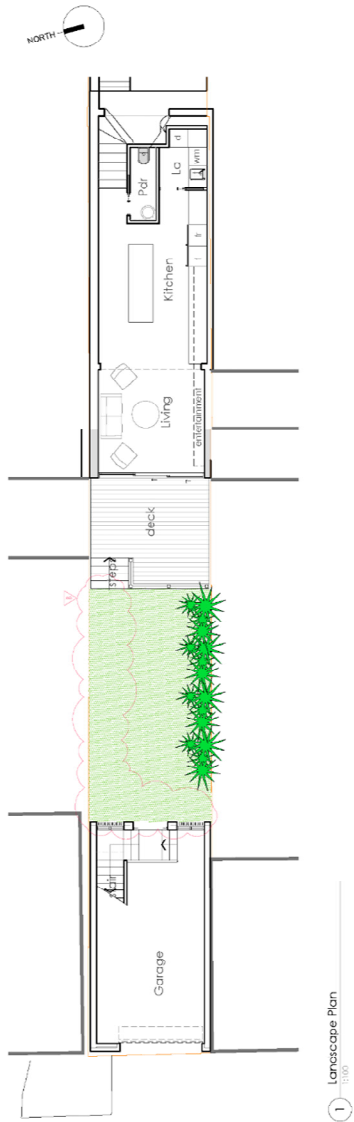
5 Garage Studio Side (North) Elevation  
1:100



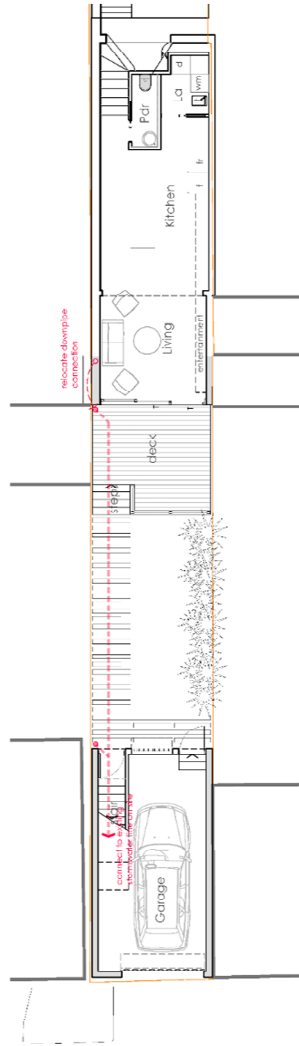
2 Garage Studio Lane (West) Elevation  
1:100

3 Garage Studio Side (South) Elevation  
1:100

<p><b>fosterandassociates</b> 334 CALIFORNIA STREET, MELBURN VIC 3049 Telephone: (03) 9581 1700 mobile: (042) 047477</p>	<p><b>Project</b> Alterations and Additions to Existing Dwelling 220 Young Street, Annandale</p>	<p><b>Client</b> B &amp; S James</p>	<p><b>Drawings Title</b> Elevations</p>	<p><b>Date</b> Nov 2020 <b>Issue</b> B</p>
<p><b>Drawings Description</b> B Revised for Council Approval</p>		<p><b>Scale</b> 1:100/A3 <b>Drawn by</b> J.H.DAOS <b>Checked by</b> J.H.DAOS The drawings shall be prepared in accordance with the Australian Standards for Engineering Drawings AS 1100.1-1100.5</p>		



<b>fosterandassociates</b> 254 CAMBER STREET, SYDNEY NSW 2050 Telephone: 02 9810 0000, mobile: 0412 041200	Approved: 6 Date: 27/02/20 Received for Council Approval: 27/02/20	Client: <b>B &amp; S James</b>	Subject: Alterations and Additions to Existing Dwelling 220 Young Street, Annandale	Drawn/Title: Landscape Plan	Date: Nov 2020 Issue: B Scale: 1:1000/A3 Drawn: JHUP Checked: JHUP Comments: Issue of 28th Nov 2020 for Council Approval. For Information only.
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1 Stormwater Concept Plan  
1:100



<b>fosterandassociates</b> 5M CATHERINE STREET, LEVIELOD NSW 2040 PHONE: (02) 9591 1104, (02) 9591 1407	Amendments: None. Description: A. Issued for Council Approval	Date: 04.12.20	Client: B & S James	Project: Alterations and Additions to Existing Dwelling 220 Young Street, Armadale	Drawing Title: Stormwater Concept Plan	Date: Nov 2020	Rev: A
	Drawn by: JHS/VC		Scale: 1:100(A3)		Drawing and issue of this document is void unless accompanied by a signed copy of the relevant Council Resolution.		





<b>fosterandassociates</b> 304 CANTERBURY STREET, SULLYVILLE NSW 2040 Telephone: 627 768 1104, Mobile: 0401 040277		Amendments: 1. New 2. Revised 3. Revised for Council Approval	Date: 29.03.23 29.03.23	Client: B & S James	Project: Alterations and Additions To Existing Dwelling 220 Young Street, Armanville	Drawn By: Finishes Board	Date: Nov 2023	Item: B
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Scale: 1:100 (A3)  
 Drawing created by B&S James using AutoCAD  
 All dimensions are in millimetres unless otherwise stated  
 For information only

## Attachment C- Clause 4.6 Exception to Development Standards

### Appendix B

#### 4.6 Exemption to Development Standards

This Clause 4.6 variation has been prepared in support of development application for the alterations and additions to a dwelling house at 220 Young Street, Annandale. The development proposed is generally consistent with the planning controls applying to the site however given that a small rear extension is proposed to the lower ground floor and a Studio added above the location of the existing carport, a Clause 4.6 variation objection to the FSR and Site Coverage controls is required.

The proposal exceeds both Clause 4.3A (3)(b) which stipulates that the maximum of 60% Site Coverage and Clause 4.4 (2)(b) which specifies a maximum FSR of 0.8:1. The proposal adopts Site Coverage of 71.7% of the site area does not comply with the 60% control and proposes a FSR of 0.98:1 exceeding the 0.8:1.

Clause 4.6 of Leichhardt LEP 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3 which provides:

(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 Clause 4.6(3) In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

#### 4.6 Exemption to Development Standards

Objectives of R1 General Residential Zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.

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

**FSR**

The objectives of the FSR development standard are stated as:

- (1 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
  - (ii) provides a suitable balance between landscaped areas and the built form, and
  - (iii) minimises the impact of the bulk and scale of buildings,

The proposal seeks an FSR of 1.08 : 1 (173.7m<sup>2</sup>) which varies from Council’s maximum FSR in Clause 4.4 (2)(b) of 0.8:1 (128.5m<sup>2</sup>) by 35.1% (45.2m<sup>2</sup>).

A summary of the existing and proposed FSR is set out below:

Site area: 160.6m<sup>2</sup>

Existing

Car parking	28.6m <sup>2</sup>
Lower Ground Floor	30.7m <sup>2</sup>
Ground Floor	50.3m <sup>2</sup>
First Floor	<u>52.8m<sup>2</sup></u>
Total Existing GFA	162.4m <sup>2</sup>

Total Existing FSR: 1.01 : 1

Proposed

Lower Ground Floor	36.2m <sup>2</sup>
Ground Floor	50.3m <sup>2</sup>
First Floor	52.8m <sup>2</sup>
Studio/Garage	<u>34.4m<sup>2</sup></u>
Total Proposed GFA	173.7m <sup>2</sup>

Total Proposed FSR: 1.08 : 1

LEP Maximum FSR: 0.8:1 (128.5m<sup>2</sup>)

Note: The above calculations excludes circulation such as stairs however if by definition they are included the area increases by 12.4m<sup>2</sup>

**Site Coverage**

The proposal also seeks a Site Coverage of 71.7% (115.1m<sup>2</sup>) which varies from Council maximum in Clause 4.3A (3)(b) of 60% (96.4m<sup>2</sup>) by 19.5% (18.7m<sup>2</sup>). The increase proposed is only minor however being 6.4m<sup>2</sup> (4%).

A summary of the existing and proposed Site Coverage is set out below:

Site area: 160.6m<sup>2</sup>

Existing Site Coverage – 67.7% (108.7m<sup>2</sup>)

Proposed Site Coverage – 71.7% (115.1m<sup>2</sup>)

The objectives of the Landscaped Area development standard are stated as:

- (1) (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,
  - (b) to maintain and encourage a landscaped corridor between adjoining properties,
  - (c) to ensure that development promotes the desired future character of the neighbourhood,
  - (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,
  - (e) to control site density,
  - (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.
- (3) Development consent must not be granted to development to which this clause applies unless—
- (a) the development includes landscaped area that comprises at least—
    - (i) where the lot size is equal to or less than 235 square metres—15% of the site area, or
    - (b) the site coverage does not exceed 60% of the site area.

#### Justification of Variation

An exemption to the development standard clause 4.4 and 4.3A of the Leichhardt Local Environmental Plan 2013 (LEP 2013), being the Floor Space Ratio and Site Coverage, is sought for the proposal given the proposal satisfies the objectives of the clauses in the following:

- The proposal maintains the residential amenity fronting Young and Alfred Streets.
- The proposal does not have any significant adverse impacts on the adjoining residential properties in terms of views, privacy and or overshadowing as a result of the FSR non-compliance.
- The proposal satisfies the amenity controls and objectives of the LDCP 2013.
- The proposal provides for the housing needs of the community.
- The proposed works are compatible with the desired future character in relation to the bulk, form and scale of the proposed development.
- The proposal is consistent with surrounding setting and does not dominate the building height and scale.
- The floor space ratio is commensurate with adjoining and nearby floor space ratios.
- The proposed studio extension is to be continuing the form, bulk and scale of the recently approved DA of 222 Young Street and previously approved 218 Young Street as well as other adjacent properties in Alfred Street.
- The proposed FSR variation maintains the low-density residential character of the site and surrounding area.

- The Site Coverage variation does not impact the provision of private outdoor space and landscaped area for vegetation.
- The proposal exceeds the LEP requirement for landscaped area and private open space.
- The proposal maintains permeable area and vegetation to assist preventing water run-off.
- The amenity of the site and surrounding heritage conservation area of Alfred Street is improved and increased to a higher standard as a result of a quality infill development such as the proposal.

FSR and Site coverage can be a very misleading reflection of a development's scale and impact and while outside the numerical controls this proposal demonstrates that it is consistent with the adjoining properties, meets the amenity controls and satisfies all the stated local objectives. The strict application of the FSR and Site Coverage development standard in this particular case is considered unreasonable and unnecessary.

The proposed development is consistent with the approvals for both adjoining properties and the above points demonstrate that there are sufficient environmental planning grounds to justify the departure from the LEP control. The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

Attachment D – Statement of Heritage Significance

fosterandassociates

heritage impact statement

PROPOSED STUDIO OVER GARAGE  
AND REAR LOWER LEVEL EXTENSION  
TO THE RESIDENCE AT 220 YOUNG STREET,  
ANNANDALE.

Revision A

December 2020

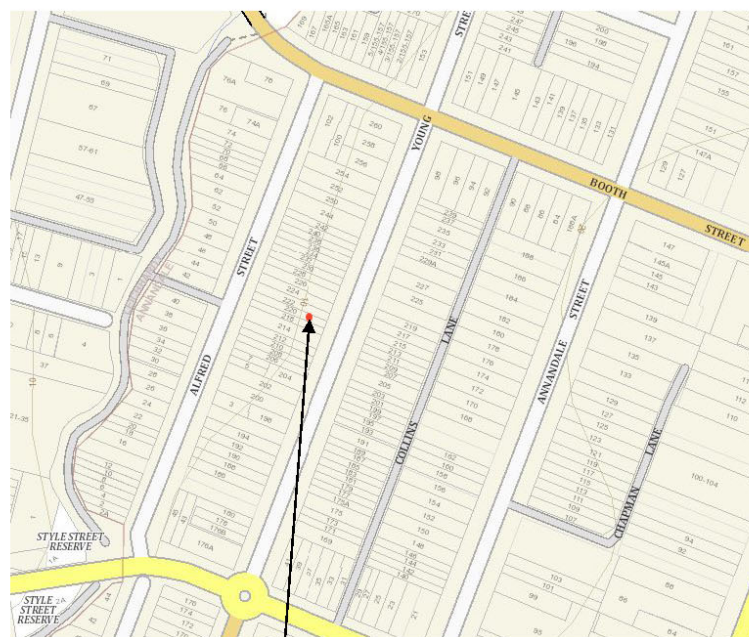
Prepared by:  
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This document is submitted to Inner West Council (the Council) and forms part of the Development Application (DA) for an extension to the existing residence at 186 Young Street, Annandale.

The house is located within the Annandale Conversation Area. The property is not a heritage listed item.

The site is located within the Annandale - Young Street Distinctive Neighbourhood on the Western side of Young Street.

The site is located on the Western side of Young Street, South of Booth Street in Annandale. The property is identified as number 220 Young Street and adjoins other residential properties on its North and South boundaries. The property has rear lane access from Alfred Street. Refer to **figures 04-07**.



**figure –01** Location Map. ● The site 220 Young Street. (Six Maps)

The site is located on the western side of Young Street and has a frontage to Alfred Street. The land falls from the east to west toward Alfred Street from Young Street. It is one of two semi-detached dwellings built in the terrace house typology.

The locality of Young Street is dominated by one and two storey detached and semi-detached dwellings. The site accommodates a part two-storey and part three-storey dwelling, with a detached carport fronting Alfred Street.

The site is bounded to the West by Alfred Street a bitumen surfaced road with parking permitted on both sides of the street. The western side of Alfred Street is dominated by garages at street level with newer first floor studios

above becoming more common place.

The adjoining site to the North is 222 Young Street has DA approval for a new studio over a garage outbuilding fronting Alfred Street. The height and roof form proposed for this studio is the same as the approved DA for 222 Young Street with matching Ridge height and gutter levels.

Immediately to the South is 218 Young Street which has a part two storey and part three storey dwelling fronting Young Street. Fronting Alfred Street it has a garage structure.

To the West on the other side of Alfred Street are single and two storey residential properties.

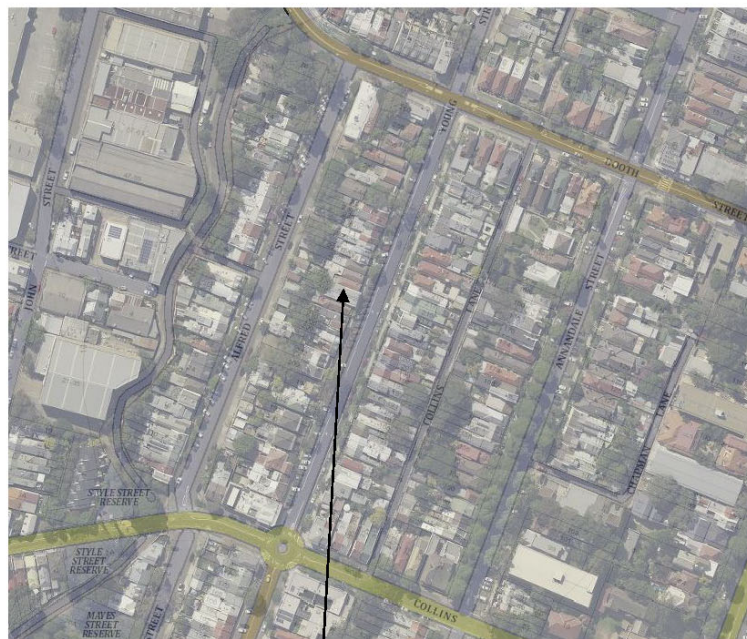


figure -02 Aerial Photograph. ● The site 220 Young Street. (Six Maps)



The Site



figure – 03 View of the front of 220 from Young Street.



figure – 04 View of rear of site from Alfred Street. ● The site 220 Young Street.

To the South



figure – 05 Alfred Street context just South of the subject site.



figure – 06 Alfred Street context further South of the site.

To the West



figure – 07 Neighbouring properties across Alfred Street.



figure – 08 Rear yard of the subject site looking toward the existing carport.



figure – 09 Rear yard of the subject site looking toward the existing house.

### Heritage impact

The heritage impacts would be minimal due to the maintenance of the essential character of the original dwelling at the front of the property and the proposed alterations and extension are located to the rear of the property. The development along Alfred Street comprises mostly of older garages and carport structures combined with new developments of studios over garages. The adjoining property has an approval for a studio over garage with the same gable form and mass.

The proposal seeks to provide additional space required by the family (owners) in a dwelling that is a contributory element within the Annandale Conservation Area and within the limits permissible under the development controls of Inner West Council;

The form, character and scale of the proposal ensures that the existing dwelling is retained as the dominant element when viewed from Young Street with the proposed changes not visible from Young Street. The proposed studio over garage fronting Alfred Street is consistent in scale and form of all the recent development on this side of the Lane.

#### Heritage and Conservation

The site is a contributor to the general conservation area of Annandale however is not a local heritage item, refer to **figure 11** below.



figure –1s Heritage Map. ● The site 220 Young St.

## CONCLUSION

The proposal submitted to Leichhardt Council will add to the amenity of the Young Street and Alfred Street localities by providing extra facilities to a family home of appropriate design and finishes. The proposal represents a well considered and quality development that would be a positive contributor to the local urban setting and which addresses the intent of the Council's codes and the requirements.