







|  DEVELOPMENT ASSESSMENT PANEL REPORT | |
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| Application No. | DA/2024/1074 |
| Address | 70 Annandale Street Annandale |
| Proposal | Alterations and additions to an existing semi-detached dwelling, including secondary dwelling. |
| Date of Lodgement | 11 December 2024 |
| Applicant | Mr John G Pagan |
| Owner | Billie B Harkness and Wilson DR Cuervo |
| Number of Submissions | 2 |
| Cost of works | \$1,469,061.00 |
| Reason for determination at Planning Panel | Section 4.6 variation exceeds 10% (Secondary Dwelling Minimum Lot Size) |
| Main Issues | Variation to development standards, DCP compliance, public submissions |
| Recommendation | Approved with Conditions |
| Attachment A | Recommended conditions of consent |
| Attachment B | Plans of proposed development |
| Attachment C | Section 4.6 Exception to Development Standards (Secondary Dwelling Minimum Lot Size) |
| Attachment D | Section 4.6 Exception to Development Standards (FSR – Housing SEPP) |
| Attachment E | Section 4.6 Exception to Development Standards (FSR - IWLEP) |
| Attachment F | Heritage Impact Statement |
|  | |
| LOCALITY MAP | |
| Subject Site  | Objectors  |
| Notified Area  | Supporters  |

1. Executive Summary

This report is an assessment of the Development Application submitted to Council seeking development consent for alterations and additions to an existing semi-detached dwelling, including secondary dwelling at No. 70 Annandale Street, Annandale, legally described as Lot 1 in DP 1309476.

The application was notified to the surrounding properties and two submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Variation to FSR development standard;
- Variation to minimum site area development standard under *Housing SEPP*;
- Design of proposed garage and studio to Young Lane;
- Potential amenity impacts to neighbouring properties.

The non-compliances are acceptable given the technical nature of the variations (particularly regarding the minimum site area under *Housing SEPP*) and overall consistency in scale and form with surrounding development on Annandale Street. Considering this, the application is recommended for approval.

2. Proposal

The proposed development application includes the following works:

- Partial demolition of the existing dwelling, including the existing rear extension, rear garage and part of the rear roof plane;
- Construction of two storey rear extension, with ground floor open plan living area and first floor bedroom, walk in robe, ensuite and study;
- Construction of double garage with first floor studio above. The first floor level studio is to include a living area, kitchen, bedroom and ensuite;
- External landscaping works within rear private open space, front garden and central courtyard;
- Paving within rear private open space, with retractable shade awning above;
- Bin storage and access gate to Young Lane.

3. Site Description

The subject site is located on the western side of Annandale Street, between Reserve Street and Albion Street. The site consists of a single allotment which is generally rectangular shaped and has a total area of 377.9sqm. The site is legally described as Lot 1 in DP 1309476.

The site has a frontage to Annandale Street of 9.195 metres and a secondary frontage of approximately 9.165 metres to Young Lane. The site is approximately 41.15 metres long, with a gradual fall from RL 27.53 at Annandale Street to RL 25.54 at Young Lane.

The site supports a single storey semi-detached dwelling. The existing dwelling is double fronted and retains an original four room layout within the main portion of the dwelling, with a later single storey rear extension. At the rear of the site is a consolidated landscaped area and single garage, accessible from Young Lane. The subject site adjoins a smaller dwelling at No. 72 Annandale Street to the north and a single storey dwelling with two storey rear extension and two storey laneway structure at No. 68 Annandale Street. Nearby properties are between one and two storeys in height, with several contemporary rear extensions common.

The subject site is not listed as a heritage item, though it is a contributory building within the Annandale Heritage Conservation Area.

There are no prescribed trees on the subject site, though there are two *Elaeocarpus reticulatus* (Blueberry Ash) on the property to the north, close to the common boundary.



Figure 1: IWLEP Land Zoning Map (site identified in red)

R1 - General Residential



Figure 2: Subject Site

4. Background

Site history

There are no prior applications on the site of relevance to the proposed development.

Application history

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

| Date | Discussion / Letter / Additional Information |
|----------|---|
| 4/2/2025 | <p>A request for further information was sent to the applicant requiring the following:</p> <ul style="list-style-type: none">• Clause 4.6 Request to address Site Coverage development standard;• Amendments to the design to address heritage issues (retention of existing cast iron lace to Annandale Street, reduction in scale of the studio to Young Lane, amendment to roofing finish)• Amendment to the studio design, to provide a skillion roof form and reduced internal floor to ceiling heights;• Reduction in scale of the balcony to the northern side of the first floor level. In the event of privacy impacts, the balcony was to |

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|-----------|---|
| | <p>be deleted and replaced with a window;</p> <ul style="list-style-type: none"> • Amendment to several windows to include visual privacy measure. |
| 24/2/2025 | <p>The applicant submitted a response to the request for information, via the NSW Planning Portal. The additional information included:</p> <ul style="list-style-type: none"> • Amended architectural plans, with key changes: <ul style="list-style-type: none"> • Retention of the cast iron lace to Annandale Street; • Reduction in scale of the studio, with skillion roof form, lowered floor to ceiling heights, reduced building height over stairs, deletion of cantilever over entrance path, amendment to window layout; • Privacy screening to several windows at first floor level; • Reduction in balcony size. • Clause 4.6 request to address Site Coverage variation; • Clause 4.6 request to address minimum lot size requirement for secondary dwellings; • Amended Clause 4.6 request to address FSR variation; • Amended shadow diagrams. <p>Renotification was not required in accordance with Council's Community Engagement Strategy. The supporting documentation are the subject of this report.</p> |
| 8/4/2025 | <p>The applicant submitted amended plans, removing the swimming pool and providing additional soft landscaping in its place. As a result of this change, the proposed development complied with the Site Coverage development standard under the <i>IWLEP</i>. The amended plans are the subject of this report.</p> |
| 10/4/2025 | <p>The applicant submitted an amended Clause 4.6 request to address the Site Area development standard under the <i>Housing SEPP</i> and a further Clause 4.6 request to address the FSR standard under the <i>Housing SEPP</i>. Those reports are the subject of this report.</p> |

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 (EP & A Act 1979)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

SEPP (Housing) 2021

Chapter 3 Diverse housing, Part 1 Secondary dwellings

The application seeks consent for a secondary dwelling under the *Housing SEPP*. The development standards under the *SEPP* are addressed below:

| Section | Proposal | Compliance |
|--|---|------------------------------|
| 50 - This part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. | The site is zoned R1 General Residential under the <i>IWLEP</i> , dwelling houses are permitted with consent. | Yes |
| 51 - Development consent must not be granted for the subdivision of a lot. | The proposal does not include subdivision of the existing site. | Yes |
| 52 (2)(a) - No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land. | The proposal seeks consent for a new detached secondary dwelling to the rear of the subject site, which currently contains a dwelling. No further dwellings beyond the principal and secondary dwelling are proposed. | Yes |
| 52 (2)(b) - The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house | A maximum FSR of 0.7:1 or 264.53sqm. applies to the land. The proposal results in an FSR of 0.75:1 or | No- see 4.6 assessment below |

| Section | Proposal | Compliance |
|--|--|------------------------------|
| on the land under another environmental planning instrument. | 283sqm and complies with Section 4.4 of the <i>IWLEP</i> . | |
| 52 (2)(c) the total floor area of the secondary dwelling is— (i) no more than 60sqm, or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area. | The total floor area of the proposed secondary dwelling is 36.1sqm. | Yes |
| 53 (2)(a) for a detached secondary dwelling a minimum site area of 450sqm | The total site area is 377.9sqm. | No- see 4.6 assessment below |
| 53 (2)(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out. | There are two existing parking spaces on the site. The proposal does not alter this arrangement. | Yes |

Section 4.6 – Exceptions to Development Standards

FSR development standard - Section 52(2)(b)

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022* by 18.5sqm or 7%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

Section 4.6 of the *IWLEP* allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. Section 52(2)(b) of the *Housing SEPP* is not expressly excluded from the application of Section 4.6, therefore the discretion under that Section may be considered.

A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the development standard. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the FSR standard are achieved notwithstanding the numeric non-compliance. In the absence of standard specific objectives, the applicant has submitted a response to the relevant Principles under the *Housing SEPP*.

Principle (a) is to “enable the development of diverse housing types, including purpose-built rental housing”. The written request states the proposed development will contribute to the diversity of housing types in the locality and the secondary dwelling could be made available

for rental housing. This reasoning is accepted, as the development will diversify housing stock in the Annandale area. Accordingly, the breach is consistent with Principle (a).

Principle (c) is to “*ensure new housing development provides residents with a reasonable level of amenity*”. The written request states the proposed development will provide a good standard of inner suburban residential amenity without material adverse impacts on the amenity of neighbouring properties. As indicated, the proposed dwelling alterations and additions and secondary dwelling above garage will achieve a high degree of amenity for occupants. Neighbouring properties will similarly retain a high level of amenity, notwithstanding the FSR variation. Accordingly, the breach is consistent with Principle (c).

Principle (d) is to “*promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*”. The written request states the proposed development will provide additional housing in a well serviced location, which is accepted. Had the proposed secondary dwelling been deleted and the overall development complied with the FSR standard, this would discourage the delivery of housing in an area serviced by existing infrastructure and services, contrary to the intent of the principle. Accordingly, the breach is consistent with Principle (d).

Principle (e) is to “*minimise adverse climate and environmental impacts of new housing development*”. The written request states the proposed development will reasonably minimise adverse climate and environmental impacts. It is separately noted that the proposed development complies with the applicable landscaping requirements under the *IWLEP*, irrespective of the FSR variation. Accordingly, the breach is consistent with Principle (e).

Principle (f) is to “*reinforce the importance of designing housing in a way that reflects and enhances its locality*”. The written request states the proposed development be compatible with surrounding built form and consistent with the relevant desired future character statements, which is accepted. Accordingly, the breach is consistent with Principle (f).

Principle (g) is to “*support short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*”. The written request states the proposed secondary dwelling could be made for short-term rental accommodation, in accordance with this principle. Accordingly, the breach is consistent with Principle (g).

As the proposal achieves the Principles of the *Housing SEPP*, compliance with the FSR standard under Section 52 is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the FSR development standard:

Environmental Planning Ground 1 – *The proposal exceeds the maximum GFA by about half the floor area of the double garage, which ought not to be included in assessable floor area.* This environmental planning ground seeks to justify the FSR variation by contending

with the inclusion of the garage as FSR. As per the definition of GFA under the *IWLEP*, calculation of GFA *excludes* car parking to meet any requirements of the consent authority. In accordance with Section C1.11 of the LDCP, there is a nil parking requirement for subject site, therefore any parking above zero is included in calculations of GFA. This environmental planning ground is not accepted.

Environmental Planning Ground 2 – *The proposal includes facilities which will improve the residential amenity of the site consistent with surrounding development, thereby representing property development and conservation of resources on the site in accordance with Section 1.3(a) of the EP & A Act.* This ground is not adequately made out in relation to the specific object of the *EP & A Act* and consistency with the object may otherwise be achieved by a compliant scheme. This environmental planning ground is not accepted for those reasons.

Environmental Planning Ground 3 – *The proposal broadly complies with the relevant provisions of applicable EPIs and the LDCP, in particular the landscaped area development standard and represents orderly and economic development of the site in accordance with Section 1.3(c) of the EP & A Act.* This environmental planning ground is accepted because the proposed scope of works is a reasonable response to the applicable development standards and DCP provisions, thereby representing development of the site as envisaged by the applicable planning policies. In other words, alterations and additions to the existing dwelling to provide a rear extension and new garage with studio above is in accordance with Object (c) of the *EP & A Act*.

Environmental Planning Ground 4 – *By enabling its longer-term occupant and conservation, the proposal will extend the useful life of the building without adverse heritage or amenity impacts and represents sustainable management of built heritage in accordance with Section 1.3(f) of the EP & A Act.* As indicated, the proposed development, as amended, will not adversely affect the heritage values of the site or surrounding HCA. This environmental planning ground is accepted because the proposed development demonstrates the sustainable management of built heritage, despite the FSR variation.

Environmental Planning Ground 5 - *The proposal will allow the implementation of alterations and additions that will approve the design and amenity of the building and the health and safety of its occupants, in accordance with Section 1.3(g) and (h) of the EP & A Act.* This environmental planning ground is accepted because the proposed development demonstrates an example of good design, will support a good amenity outcome for occupants and the broader built environment, and promotes an upgrade to an existing building to protect the health and safety of occupants.

Environmental Planning Ground 6 - *Because of its size, shape and access to a rear lane, the site is suitable for the proposed development.* Although it is not contended that the site is suitable for the proposed development as a whole, this is a sEP & A rate matter of consideration under Section 4.15 of the *EP & A Act*, rather than being of relevance to the satisfaction of matters applicable under an EPI (in this case the *Housing SEPP*). This environmental planning ground is not accepted.

Cumulatively, and while not all the grounds have been adequately made out, grounds 3-5 are considered sufficient to justify contravening the development standard.

For the reasons outlined above, it is recommended that the section 4.6 exception be granted.

Minimum site area development standard – Section 53(2)(a)

The applicant seeks a variation to the above-mentioned development standard found at Section 53(2)(a) of the *Housing SEPP* by providing a written request pursuant to Section 4.6 of the *IWLEP*. The *Housing SEPP* requires a minimum site area of 450sqm for development of secondary dwellings, while the subject site has a site area of 377.9sqm, representing a shortfall of 72.1sqm or 16%.

In accordance with Section 4.15 of the *EP & A Act*, a provision of an EPI that allows flexibility in the application of a development standard may be applied to the non-discretionary standard. Section 4.6 of the *IWLEP* allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP* justifying the proposed contravention of the development standard. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP* below.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the minimum site area standard are achieved notwithstanding the numeric non-compliance. In the absence of standard specific objectives, the applicant has submitted a response to the relevant Principles under the *Housing SEPP*.

Principle (a) is to “*enable the development of diverse housing types, including purpose-built rental housing*”. The written request states the proposed development will contribute to the diversity of housing types in the locality and the secondary dwelling could be made available for rental housing. This reasoning is accepted, as the development will diversify housing stock in the Annandale area by providing a dwelling typology suitable for rental housing. Accordingly, the breach is consistent with Principle (a).

Principle (c) is to “*ensure new housing development provides residents with a reasonable level of amenity*”. The written request states the proposed development will provide a good standard of inner suburban residential amenity without material adverse impacts on the amenity of neighbouring properties. As indicated, the proposed secondary dwelling will achieve a high degree of amenity for occupants, including ample solar access. The overall development will maintain compliance with the landscaped area requirements and will include ample private open space. Accordingly, the breach is consistent with Principle (c).

Principle (d) is to “*promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*”. The written request states the proposed development will provide additional housing in a well serviced location, which is accepted. Had the shortfall in site area limited the potential for a secondary dwelling on the site, this would limit the delivery of housing in an area serviced by existing infrastructure and services, contrary to the intent of the principle. Accordingly, the breach is consistent with Principle (d).

Principle (e) is to “*minimise adverse climate and environmental impacts of new housing development*”. The written request states the proposed development will reasonably minimise adverse climate and environmental impacts. It is separately noted that the proposed development complies with the applicable landscaping requirements under the *IWLEP*, demonstrating an appropriate balance between built and unbuilt areas. Accordingly, the breach is consistent with Principle (e).

Principle (f) is to “*reinforce the importance of designing housing in a way that reflects and enhances its locality*”. The written request states the proposed development be compatible with surrounding built form and consistent with the relevant desired future character statements. This is accepted considering the scale of existing development to Young Lane is similar to that proposed, with several secondary dwellings existing on surrounding properties. Accordingly, the breach is consistent with Principle (f).

Principle (g) is to “*support short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*”. The written request states the proposed secondary dwelling could be made for short-term rental accommodation, in accordance with this principle. Accordingly, the breach is consistent with Principle (g).

As the proposal achieves the Principles of the *Housing SEPP*, compliance with the Minimum Site Area standard under Section 53 is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the minimum site area development standard:

Environmental Planning Ground 1 – *The proposed secondary dwelling is located over a double garage to a rear lane. If it did not contain a kitchen, it would not be a secondary dwelling and the development standard would not be applicable, but the external appearance would be the same. Provision of a studio dwelling rather than just additional accommodation in studio form is consistent with the objective of the R1 zone: to propose for a variety of housing types and densities. No good planning purpose would be served by declining to grant consent on the basis of this non-compliance.* As indicated in the written request, the nature of the variation is such that it would exist had the proposed secondary dwelling been proposed as a studio associated with the main dwelling house on the site. In other words, the proposed development would comply with the standard. There are no impacts on the surrounding area as a result of providing a secondary dwelling on the site, in a well-served location. This environmental planning ground is therefore accepted.

Environmental Planning Ground 2 – *By providing additional accommodation in this form, the proposal represents proper development and conservation of resources on the site in accordance with Section 1.3(a) of the EP & A Act.* This environmental planning ground is accepted because by providing a secondary dwelling in an area well-served by existing infrastructure.

Environmental Planning Ground 3 - *The proposal broadly complies with the relevant provisions of applicable EPIs and the LDCP, in particular the landscaped area and site coverage development standards and represents orderly and economic development of the site in accordance with Section 1.3(c) of the EP & A Act.* This environmental planning ground is accepted because the proposed scope of works is a reasonable response to the applicable development standards and DCP provisions, thereby representing development of the site as envisaged by the applicable planning policies. Incorporating a secondary dwelling on the subject site does not result in any subsequent impacts on neighbouring properties, such as the technical nature of the variation.

Environmental Planning Ground 4 – *The proposed garage and secondary dwelling fronting the lane will be consistent with existing built form, will not have adverse heritage or amenity impacts and represents sustainable management of built heritage in accordance with Section 1.3(f) of the EP & A Act.* This environmental planning ground is accepted considering the scale and use of development on surrounding lots fronting Young Lane, some of which include secondary dwellings located above garages. The development represents an appropriate design response to the HCA and does not adversely impact the amenity of neighbouring properties.

Environmental Planning Ground 5 - *The proposal will provide a good standard of design and amenity and will reasonably optimise the health and safety of its occupants in accordance with s1.3(g) and s1.3(h) of the EP & A Act.* This environmental planning ground is accepted

because the proposed development will achieve a good standard of occupant amenity without unreasonably impacting neighbouring occupants.

Environmental Planning Ground 6 - *Because of its size, shape and access to a rear lane, the site is suitable for the proposed development.* The subject site benefits from a secondary street frontage to Young Lane, which enables access and building separation from the main dwelling on the site. This environmental planning ground is accepted because the site is deemed to have sufficient capacity to accommodate the proposed secondary dwelling.

Cumulatively, the grounds are considered sufficient to justify contravening the development standard.

For the reasons outlined above, it is recommended that the section 4.6 exception be granted.

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP & A Regulation 2021*.

SEPP (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

Section 6.6 under Part 6.2 of the *Biodiversity and Conservation SEPP* provides matters for consideration which apply to the proposal. The subject site is located within the designated hydrological catchment of the Sydney Harbour Catchment and is subject to the provisions contained within Chapter 6 of the above *Biodiversity Conservation SEPP*.

It is considered that the proposal remains consistent with the relevant general development controls under Part 6.2 of the *Biodiversity Conservation SEPP* and would not have an adverse effect in terms of water quality and quantity, aquatic ecology, flooding, or recreation and public access.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP)*.

Part 1 – Preliminary

| Section | Proposed | Compliance |
|-----------------------------|--|------------|
| Section 1.2 Aims of Plan | The proposal satisfies the section as follows: <ul style="list-style-type: none"> The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents, | Yes |

| Section | Proposed | Compliance |
|---------|--|------------|
| | <ul style="list-style-type: none"> The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West. | |

Part 2 – Permitted or prohibited development

| Section | Proposed | Compliance |
|--|---|----------------------------|
| Section 2.3 Zone objectives and Land Use Table | <p>The application proposes alterations and additions to an existing dwelling house and construction of a secondary dwelling. Dwelling houses are permissible with consent within the R1 General Residential zone, while secondary dwellings (a form of residential accommodation) are permissible with consent as an innominate use within the zone.</p> <p>The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community by increasing the number of bedrooms within the existing dwelling while providing a secondary dwelling. This will increase the variety of housing options available within the residential zone. The design and scale of the proposed works will maintain the built and natural features of the surrounding area.</p> | Yes |
| Section 2.7 Demolition requires development consent | <p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. | Yes, subject to conditions |

Part 4 – Principal development standards

| Section | Proposed | | Compliance |
|---|--|-------------------|----------------------|
| Section 4.3C (3)(a) Landscaped Area | Minimum | 20% or 75.6sqm | Yes |
| | Proposed | 24% or 91sqm | |
| | Variation | N/A | |
| Section 4.3C (3)(b) Site Coverage | Maximum | 60% | No |
| | Proposed | 59.9% or 236sqm | |
| | Variation | N/A | |
| Section 4.4 Floor space ratio | Maximum | 0.7:1 or 264.5sqm | No |
| | Proposed | 0.74:1 or 283sqm | |
| | Variation | 18.5sqm or 7% | |
| Section 4.5 Calculation of floor space ratio and site area | The site area and floor space ratio for the proposal has been calculated in accordance with the section. | | Yes |
| Section 4.6 Exceptions to development standards | The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4. | | See discussion below |

Section 4.6 – Exceptions to Development Standards

Floor Space Ratio development standard

The applicant seeks a variation to the above-mentioned development standard under section 4.6 of the *IWLEP* by 18.5sqm or 7%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP* justifying the proposed contravention of the development standard. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP* below.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the FSR standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4** is *"to establish a maximum floor space ratio to enable appropriate development density"*. The written request states the area of the proposed development responsible for the non-compliance is the garage, which will not increase the population density on the site. This reasoning is accepted, particularly considering the variation less than half the equivalent floorspace of the proposed double garage. When considering the development as a whole, the proposed overall floor space ratio will continue to enable an appropriate development density, with a reasonable balance of built, unbuilt and landscaped areas. Accordingly, the breach is consistent with the first objective.

The **second objective of Section 4.4** is *"to ensure development density reflects its locality"*. The written request states the proposal represents development compatible with surrounding built form in this part of Annandale and is consistent with the relevant desired future character provisions under the LDCP. Considering the proposed additions are of a comparable scale to existing and recently approved development on surrounding lots which back onto Young Lane, the development density may be considered reflective of its locality. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.4** is *"to provide an appropriate transition between development of different densities"*. The written request states the proposal does not adjoin an area with a different density control, which is accepted considering the identical zoning of surrounding properties. In any event, the proposed development reasonably transitions from a single storey scale to Annandale Street, to a two storey scale to Young Lane. Accordingly, the breach is consistent with the third objective.

The **fourth objective of Section 4.4** is “to minimise adverse impacts on local amenity”. The written request states the amended proposal has been designed to reasonably minimise impacts on neighbouring amenity. As discussed in Section 4 of this report, the design of the studio has been amended to reduce the overall roof height, in turn reducing shadow impacts to No. 68 Annandale Street. Further amendments to the design in relation to first floor windows and balcony have mitigated potential visual privacy impacts to surrounding properties. Accordingly, the breach is consistent with the fourth objective.

The **fifth objective of Section 4.4** is “to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain”. The written request states the proposal will significantly increase landscaped area, particularly at the rear of the site, which will enhance the use and enjoyment of the private open space on the site. As a recommended condition of consent, a requirement for tree planting will ensure an increase in tree canopy on the site. Accordingly, the breach is consistent with the fifth objective.

As the proposal achieves the objectives of the FSR standard, compliance is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the FSR development standard:

Environmental Planning Ground 1 – *The proposal exceeds the maximum GFA by about half the floor area of the double garage, which ought not to be included in assessable floor area.* This environmental planning ground seeks to justify the FSR variation by contending with the inclusion of the garage as FSR. As per the definition of GFA under the *IWLEP*, calculation of GFA *excludes* car parking to meet any requirements of the consent authority. In accordance with Section C1.11 of the *LDLP*, there is a nil parking requirement for subject site, therefore any parking above zero is included in calculations of GFA. This environmental planning ground is not accepted.

Environmental Planning Ground 2 – *The proposal includes facilities which will improve the residential amenity of the site consistent with surrounding development, thereby representing property development and conservation of resources on the site in accordance with Section 1.3(a) of the EP & A Act.* This ground is not adequately made out in relation to the specific object of the *EP & A Act* and consistency with the object may otherwise be achieved by a compliant scheme. This environmental planning ground is not accepted for those reasons.

Environmental Planning Ground 3 – *The proposal broadly complies with the relevant provisions of applicable EPIs and the LDLP, in particular the landscaped area development standard and represents orderly and economic development of the site in accordance with Section 1.3(c) of the EP & A Act.* This environmental planning ground is accepted because the proposed scope of works is a reasonable response to the applicable development standards and DCP provisions, thereby representing development of the site as envisaged by the applicable planning policies. In other words, alterations and additions to the existing

dwelling to provide a rear extension and new garage with studio above is in accordance with Object (c) of the *EP & A Act*.

Environmental Planning Ground 4 – *By enabling its longer-term occupant and conservation, the proposal will extend the useful life of the building without adverse heritage or amenity impacts and represents sustainable management of built heritage in accordance with Section 1.3(f) of the EP & A Act.* As indicated, the proposed development, as amended, will not adversely affect the heritage values of the site or surrounding HCA. This environmental planning ground is accepted because the proposed development demonstrates the sustainable management of built heritage, despite the FSR variation.

Environmental Planning Ground 5 - *The proposal will allow the implementation of alterations and additions that will approve the design and amenity of the building and the health and safety of its occupants, in accordance with Section 1.3(g) and (h) of the EP & A Act.* This environmental planning ground is accepted because the proposed development demonstrates an example of good design, will support a good amenity outcome for occupants and the broader built environment, and promotes an upgrade to an existing building to protect the health and safety of occupants.

Environmental Planning Ground 6 - *Because of its size, shape and access to a rear lane, the site is suitable for the proposed development.* Although it is not contended that the site is suitable for the proposed development as a whole, this is a separate matter of consideration under Section 4.15 of the *EP & A Act*, rather than being of relevance to the satisfaction of matters applicable under an EPI (being the *IWLEP*). This environmental planning ground is not accepted.

Cumulatively, and while not all the grounds have been adequately made out, grounds 3-5 are considered sufficient to justify contravening the development standard.

For the reasons outlined above, it is recommended that the section 4.6 exception be granted.

Part 5 – Miscellaneous provisions

| Section | Proposed | Compliance |
|--|--|----------------------------|
| Section 5.4 Controls relating to miscellaneous permissible uses | Section 5.4(9) states that secondary dwellings are limited to a maximum gross floor area of 60sqm, or 35% of the gross floor area of the principal dwelling, whichever is greater (35% being 132.26sqm). The proposed secondary dwelling is 36.1sqm in area and is therefore acceptable with regard to this Section. | Yes |
| Section 5.10 Heritage conservation | The subject site is a contributory building within the Annandale Heritage Conservation Area (HCA). The proposal was amended in response to a request for information during the assessment, with key changes from a heritage perspective including providing a roof finished in Colorbond 'Windspray', reduction in the scale of the studio addition by deleting the cantilever, amendment to the roof form of the studio addition by | Yes, subject to conditions |

| Section | Proposed | Compliance |
|---------|--|------------|
| | <p>providing a skillion roof. The amended proposal will also retain the existing cast iron lace to the front verandah.</p> <p>The proposed fenestration to Young Lane is inconsistent with traditional patterns of fenestration as found throughout the Annandale HCA. In particular, external louvres to the windows and irregular sill heights will limit visual consistency within Young Lane. As such, a design change condition is recommended to replace Windows W30-W34 with double hung timber windows. The external privacy screening to W33 and W34 may be deleted, given the absence of visual privacy impacts.</p> <p>The proposal achieves the objectives of this section as follows:</p> <ul style="list-style-type: none"> • The scale of the garage structure has been appropriately reduced, • The proposed link is acceptable as it does not cut into the main portion of the cottage while the extent of demolition to the rear roof plane for the proposed skylight is acceptable; • The development has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building <p>Subject to the above design change condition in relation to studio windows, the proposal preserves the environmental heritage of the Inner West.</p> | |

Part 6 – Additional local provisions

| Section | Proposed | Compliance |
|---|---|----------------------------|
| Section 6.1 Acid sulfate soils | The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. | Yes |
| Section 6.2 Earthworks | The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. | Yes |
| Section 6.3 Stormwater Management | The development maximises the use of permeable surfaces and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment. | Yes, subject to conditions |
| Section 6.8 Development in areas subject to aircraft noise | The site is located within the ANEF 20-25 contour and the proposed works include substantial alterations and additions to an existing dwelling and construction of a secondary dwelling. The proposal is capable of satisfying this section as conditions have been included in the development consent to ensure that the proposal | Yes, subject to conditions |

| Section | Proposed | Compliance |
|---------|---|------------|
| | will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions of Section 6.8 of the <i>IWLEP</i> . | |

B. Development Control Plans

Summary

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

| LDCP | Compliance |
|---|--|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |
| Part B: Connections | N/A |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.3 Alterations and Additions | Yes |
| C1.4 Heritage Conservation Areas and Heritage Items | Yes, subject to conditions |
| C1.7 Site Facilities | 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 – subject to conditions |
| C1.18 Laneways | No, acceptable on merit – see discussion |
| | |
| Part C: Place – Section 2 Urban Character | |
| C2.2.1.2 Annandale Street Distinctive Neighbourhood | Yes |
| C2.2.1.2(b) Annandale Street Laneways Sub Area | Yes |
| | |
| Part C: Place – Section 3 – Residential Provisions | |
| C3.1 Residential General Provisions | Yes |
| C3.2 Site Layout and Building Design | No – see discussion |
| C3.3 Elevation and Materials | Yes |
| C3.5 Front Gardens and Dwelling Entries | Yes |
| C3.6 Fences | Yes |
| C3.7 Environmental Performance | Yes |
| C3.8 Private Open Space | Yes |

| | |
|---|--|
| C3.9 Solar Access | No, acceptable on merit – see discussion |
| C3.10 Views | Yes |
| C3.11 Visual Privacy | Yes – see discussion |
| C3.12 Acoustic Privacy | Yes |
| | |
| Part D: Energy | |
| Section 1 – Energy Management | Yes |
| Section 2 – Resource Recovery and Waste Management | |
| D2.1 General Requirements | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development | Yes |
| | |
| Part E: Water | |
| 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 |
| E1.2.3 On-Site Detention of Stormwater | Yes |
| E1.2.5 Water Disposal | Yes |

The following section provides discussion of the relevant issues:

Section C1.14 Tree Management

The proposed works will not require removal of any prescribed trees from within the subject site, though the works within the rear yard are close to the northern boundary to No. 72 Annandale and the two *Elaeocarpus reticulatus* (Blueberry Ash) within that property. Roots from those trees were observed to extend under the existing fence, into the garden area on the subject site (canopies have been pruned to the boundary).

To reduce impacts to the tree roots and ensure the retention of those trees, a design change condition is recommended to ensure existing ground levels are maintained adjacent to those trees. The condition would also see the proposed external stairs shifted toward the south to provide a minimum 1.5m separation from the northern property boundary. This would also allow for additional landscaping along the side setback, maintaining a landscaped corridor between properties as per Section 4.3C of the *IWLEP*.

It is also recommended that a condition be included to require planting of at least 1 x 25L size tree on the subject site. This will ensure the site appropriately responds to the canopy coverage controls under this section.

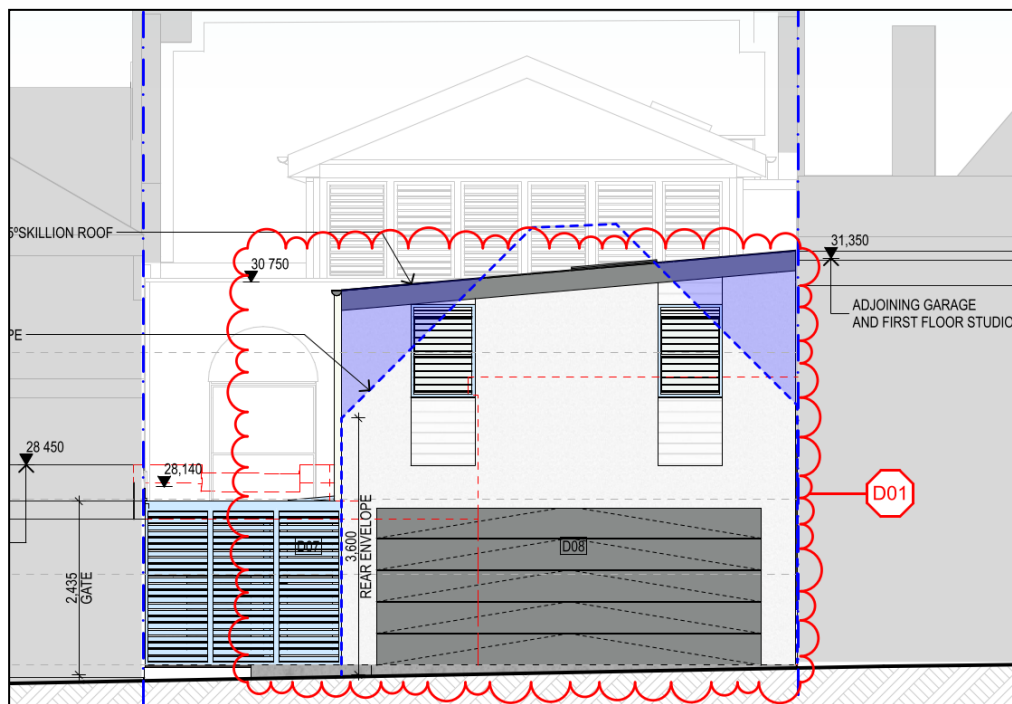
Subject to the above conditions, the proposed works are acceptable having regard to Section C1.14 of the LDCP.

Section C1.18 Laneways

The subject site has a secondary frontage to Young Lane, which is classed as a Medium Lane under Section C1.18 of the LDCP. Considering the proposed scope of works includes a double garage and studio to Young Lane, this section of the DCP applies. Control C6 under Section C1.18 states:

- C6 Where fronting a Medium Lane, (refer to Table C11 Laneway hierarchy) development shall comply with a laneway envelope that has:*
- a maximum side wall height of 3.6m;*
 - a 45 degree building envelope taken from the top of the side wall; and*
 - a maximum roof height of 6m.*

The submitted design seeks a variation to the maximum side wall height and building envelope control (see **Figure 2**). The nature of the variation is the function of providing a skillion roof form, as opposed to a gable ended form to the lane.



Source: Saturday Studio

Figure 2: Proposed Laneway Elevation
(areas breaching the inclined plan shown in blue)

The design of the laneway structure has been amended to provide a skillion roof with a higher side to the adjoining garage and first floor studio at No. 68 Annandale Street, with a lower side to the neighbouring property to the north. Objective O1 under Section C1.18 states:

O1 Development:

- a. respects the existing and desired future use, form and character of the laneway consistent with the laneway hierarchy as shown in Table C11 Laneway hierarchy;*
- b. achieves an appropriate level of amenity, access, security and landscaping; and*
- c. enhances the permeability of the neighbourhood by providing direct, safe and attractive pathways for vehicles, pedestrians and cyclists.*

Considering the above, the proposed laneway structure respects the existing and desired future use, form and character of Young Lane. Surrounding structures include are between one and two storeys in height, with studios above garages at No. 6A Reserve Street and 68 Annandale Street. Construction of a laneway dwelling as proposed is consistent with the laneway hierarchy under the LDCP.

The proposed laneway structure will achieve an appropriate level of internal amenity, includes an access point via Young Lane and does not impact upon overall landscaping on the site. The proposed access arrangements will enhance the permeability of the neighbourhood and support connections between Annandale Street and Young Street.

Considering the above, the proposed non-compliance with the laneway envelope control is acceptable on merit.

Section C3.2 Site Layout and Building Design (Side Setbacks)

Control C7 under Section C3.2 of the LDCP relates to side setbacks for residential development and applies to the proposal. The side setback control increases for higher areas of wall height. Although the proposed first floor level has been setback from the northern side boundary in accordance with the DCP, the ground floor level is proposed to a height of 4.1m and nil setback to that side. Equally, the proposal has a height of up to 5.9m to the southern side boundary, with a nil setback. In accordance with Control C8, where a variation to side setback is proposed, the following merit tests are considered:

- a. the development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;*

The proposed alterations and additions to the main dwelling have been appropriately designed to be consistent with the relevant building typology statements. The two storey rear extension has been set rearward of the original building features, which are to be retained.

- b. the pattern of development within the streetscape is not compromised;*

The proposed rear extension has been setback from the original building and primary roof form. This limits sightlines to the rear extension from the public domain and ensures the development does not compromise the streetscape pattern of development.

- c. the bulk and scale of development is minimised by reduced floor to ceiling heights;*

Floor to ceiling heights within the rear extension have been minimised, while the overall bulk and scale of the development has been further minimised through providing internal steps to

follow the underlying topography.

- d. the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*

The proposed development has minimised potential amenity impacts on adjoining properties, with visual privacy impacts mitigated through design measures (such as screening to side facing windows), and solar access impacts minimised through lowering floor to ceiling heights and following the established pattern of setbacks.

- e. reasonable access is retained for necessary maintenance of adjoining properties.*

The sections of neighbouring walls which are proposed to have a nil setback are blank walls which will not be unreasonably impacted by adopting a nil setback on the proposed development.

Accordingly, the proposed side setback non-compliances are acceptable on merit.

Section C3.9 Solar Access

Shadow diagrams portraying the shadow cast by the existing structures and the proposed development for the winter solstice were submitted with the application.

Control C18 relates to retaining solar access to neighbouring private open space and applies to the proposed development, given the west orientation of the private open space. The control seeks to minimise overshadowing to neighbouring properties based on the orientation of the private open space with solar access to 50% of the total area for two and a half hours between 9am and 3pm on the winter solstice. Control C19 seeks to limit any further reduction where less than the required solar access is currently provided.

The submitted shadow diagrams indicates that the private open space at No. 68 Annandale Street which is 60sqm in size will receive solar access as outlined below post development:

| Time | Existing % | Proposed % |
|---------|------------|------------|
| 9am | 15% | 5.8% |
| 10am | 38% | 28% |
| 11am | 46% | 28% |
| 12 noon | 41% | 40% |
| 1pm | 28% | 25% |
| 2pm | 8.8% | 2.6% |
| 3pm | 0% | 0% |

As the proposed development does not comply with the controls, consideration of the objectives of the control have found as follows:

- Reasonableness: The proposed alterations and additions to the main dwelling and garage with first floor studio to Young Lane are considered a reasonable development on the subject site, given the relative consistency in scale with existing development on surrounding properties.

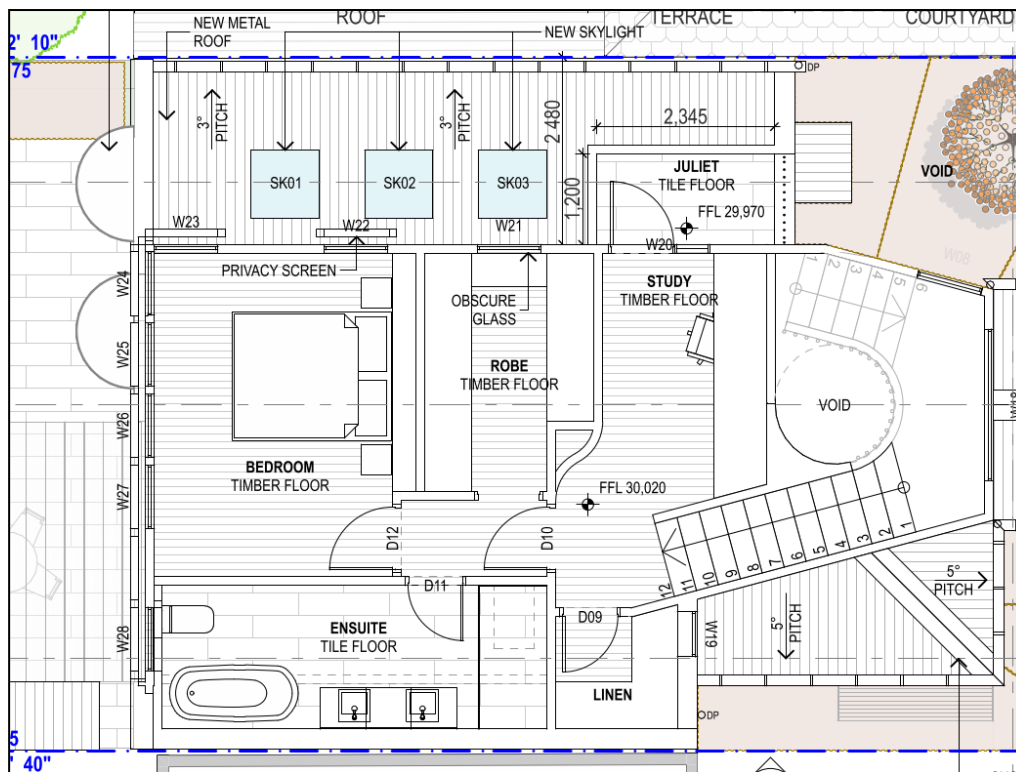
- Site orientation: No. 68 Annandale Street is directly south of the subject site, with the private open space of that property located adjacent to the private open space on the site. As such, any development to the main dwelling would increase shadowing to the private open space between 9am and 12pm, while any two storey structure to Young Lane would increase shadowing between 1pm and 3pm.
- Relative levels: The private open space of No. 68 Annandale Street is to a similar level to the private open space on the subject site, with a slight fall from east to west.
- Designed to minimise impact: The proposed rear extension on the subject site has been designed to match the existing rear setback of No. 68 Annandale Street, and is of a similar overall scale to surrounding development. Similarly, the proposed studio and garage structure at the rear of the site are appropriately setback to minimise impacts to surrounding properties. The design of the studio has been amended, to provide a lower roof form above the access stairs and lowering the overall roof height, reducing shadowing to No. 68 Annandale Street.
- Reasonably available alternative design solutions: To require strict compliance with Controls C18 and C19 would effectively sterilise potential development on the subject site, given any first floor addition to the main dwelling or above a garage would overshadow the private open space of No. 68 Annandale Street. There are no reasonably available alternative design solutions that have not already been pursued in previous amendments to the design during assessment.

Considering the above, the proposed minor additional shadowing to the private open space of No. 68 Annandale Street is acceptable on merit.

Section C3.11 Visual Privacy

Section C3.11 of the LDCP contains provisions relating to visual privacy and applies to the proposed development. The proposed alterations and additions to the main dwelling will provide several new windows at the ground and first floor levels. There will be no privacy impacts from ground floor windows, due to boundary fencing and the location of windows on neighbouring properties. There are no new windows at the southern elevation of the first floor level of the dwelling.

Three windows (W21-W23) and a glass door (W20) are proposed at the northern elevation of the first floor addition (see **Figure 3**). Windows W22 and W23 are to a bedroom and have been amended to include privacy screening, to mitigate potential sightlines to the neighbouring private open space at No. 72 Annandale Street. Window W21 is to the walk-in-robe and has been amended to have obscure glass, mitigating potential sightlines. Due to the location of the proposed doorway W20 (which is from a study), there will be no sightlines to windows or private open space of the neighbouring dwelling.



Source: Saturday Studio

Figure 3: Proposed First Floor level (main dwelling)

Windows W24-W28 are proposed at the eastern rear elevation of the first floor level addition, from a bedroom and ensuite. External privacy screens are proposed to those windows.

The proposal includes a side facing balcony at the northern elevation of the first floor level, associated with the study and doorway W20. Though there is no specific control for side facing balconies, Control C9 under this section requires first floor balconies (at the rear of dwellings) to have a maximum depth of 1.2m and length of 2m, unless it can be demonstrated that there will be no adverse privacy impacts on surrounding properties due to a larger balcony. As amended, the balcony does not offer any sightlines to the neighbouring private open space, windows or skylights. Further reduction in size to comply with Control C9 is not necessary and the balcony is therefore acceptable.

The proposed studio at the first floor level of the garage structure has six new windows across the east, west and northern elevations. Windows W30-W32 have incorporated a privacy screen, which will limit sightlines to neighbouring properties. Window W29 which is to the stairwell has a high sill height, which will reasonably limit potential sightlines. Considering the associated transitional space, no privacy impacts are anticipated. Windows W33 and W34 at the rear elevation are adequately setback from neighbouring private open space on the opposite side of Young Lane, with no sightlines to private open space within 9m as per Control C1. It is noted that the privacy screening to those windows is recommended to be deleted, to address heritage concerns noted in Section 5A of this report.

Considering the above, the proposed development has been appropriately designed and amended to mitigate potential privacy impacts to surrounding properties and complies with Section C3.11 of the LDCP.

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. Subject to the recommended conditions, it is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed. Surrounding development on Annandale Street is of a similar two storey scale, while the proposed two storey addition to the rear of the site is reflective of recent development to Young Lane, including on the adjoining property at No. 68 Annandale Street.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy between 17 December 2024 to 21 January 2025.

Two submissions were received in response to the notification. The issues raised in the submissions received are discussed below:

| Concern | Comment |
|--|---|
| Visual privacy impacts from the proposed development | <p>The potential visual privacy impacts from the proposed development have been considered under Section 5(B) of this report. As indicated, the proposed design has been amended to include privacy screens to several windows, particularly those first floor windows facing the northern side boundary (W22, W23, W30-W32). The proposed first floor balcony at the northern side has been reduced in depth and does not result in sightlines to neighbouring private open space or bathroom skylight of No. 72 Annandale Street. Further amendments include providing obscure glass to Window W21 at the northern side elevation.</p> <p>Windows from the proposed western elevation of the studio to Young Lane are adequately setback and offset from private open space of properties which back onto Young Lane.</p> |
| Impact potential future works at neighbouring property | <p>The proposed alterations and additions would not impact or limit potential future works at the neighbouring property to the north. In particular, the proposed first floor extension has been set 2.48m from the northern side boundary, reducing the potential shadowing from any subsequent development at No. 72 Annandale Street.</p> <p>In any event, Section C3.9 of the LDCP (Solar Access) would not protect solar access to the identified windows on the proposed extension, as they are associated with a bedroom and walk in robe, rather than living areas.</p> |

| | |
|---|--|
| | <p>The proposed first floor balcony at the northern side has been amended to reduce the size of that space. This has included increasing the setback to the neighbouring property by reducing the overall depth by approximately half the original proposal. The amended design of the balcony and its siting in line with the original and protected section of roof on the neighbouring property will not impact potential works on the neighbouring property.</p> <p>Considering the above, the proposed additions, as amended, would not impact the potential for a future extension at No. 72 Annandale Street.</p> |
| Solar access impacts to neighbouring property (No. 72 Annandale Street) | The submitted shadow diagrams demonstrate there will be no shadowing from the subject site to the neighbouring property at No. 72 Annandale Street. This is a function of the relative location of that lot, which is to the north of the subject site. |
| Potential building impacts due to building to boundary | As indicated, the proposed ground floor rear extension is proposed to be built to each side boundary, while the southern side of the first floor addition extends to the southern side boundary. Considering the nature of the existing structures on neighbouring properties and location of the proposed walls (separate to any party walls), extension to the boundary is acceptable. To document property condition and assist with mitigating potential construction impacts, conditions for dilapidation reports are recommended. |

F. 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.

This has been achieved in this instance.

6. Section 7.11 Contributions

Section 7.11 contributions 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 \$19,931.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

7. Housing and Productivity Contributions

A housing and productivity contribution is not payable for the proposed works.

8. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist;
- Development Engineer; and
- Urban Forest.

9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest. The resulting additions to the site will maintain a built form which is consistent with surrounding development within both Annandale Street and Young Lane. Subject to the recommended design change condition for windows to Young Lane, the development will respect the heritage significance of the HCA.

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

10. Recommendation

- A. In relation to the proposal in Development Application DA/2024/1074 to contravene the FSR development standard in Section 4.4 of *Inner West Local Environmental Plan 2022*, the Inner West Local Planning Panel is satisfied that the Applicant has demonstrated that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
- B. In relation to the proposal in Development Application DA/2024/1074 to contravene the FSR development standard in Section 52 of the *Housing SEPP*, the Inner West Local Planning Panel is satisfied that the Applicant has demonstrated that:
 - (c) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (d) there are sufficient environmental planning grounds to justify the contravention of the development standard.
- C. In relation to the proposal in Development Application DA/2024/1074 to contravene the Minimum Site Area development standard in Section 53 of the *Housing SEPP*, the Inner West Local Planning Panel is satisfied that the Applicant has demonstrated that:

- (e) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (f) there are sufficient environmental planning grounds to justify the contravention of the development standard.
- D. 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/2024/1074 for alterations and additions to an existing semi-detached dwelling, including secondary dwelling at 70 Annandale Street ANNANDALE subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

| | Condition |
|----|---|
| 1. | <p>Boundary Alignment Levels</p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p> |
| 2. | <p>Permits</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>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.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p> |
| 3. | <p>Insurances</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p> |

| | |
|----|--|
| 4. | <p>Public Domain and Vehicular Crossings</p> <p>The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for Design of Vehicle Crossing and Public Domain Works – Step 1 form and Construction of Vehicle Crossing and Public Domain Works – Step 2 form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.</p> <p>You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council</p> <p>Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.</p> <p>Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.</p> <p>No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p> |
|----|--|

| 5. | <p>Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table border="1" data-bbox="437 1068 1232 1583"> <thead> <tr> <th>Plan, Revision and Issue No.</th><th>Plan Name</th><th>Date Issued/Received</th><th>Prepared by</th></tr> </thead> <tbody> <tr> <td>Drawing No. 100:02 Rev B</td><td>Site Analysis</td><td>Saturday Studio</td><td>7/4/2025</td></tr> <tr> <td>Drawing No. 110:01 Rev A</td><td>Demolition Plans</td><td>Saturday Studio</td><td>25/11/2024</td></tr> <tr> <td>Drawing No. 110:02 Rev D</td><td>Ground Floor</td><td>Saturday Studio</td><td>7/4/2025</td></tr> <tr> <td>Drawing No. 110:03 Rev D</td><td>First Floor</td><td>Saturday Studio</td><td>7/4/2025</td></tr> <tr> <td>Drawing No. 110:04 Rev D</td><td>Roof Plan</td><td>Saturday Studio</td><td>7/4/2025</td></tr> <tr> <td>Drawing No. 110-06 Rev B</td><td>Landscape Plan</td><td>Saturday Studio</td><td>7/4/2025</td></tr> <tr> <td>Drawing No. 200:01 Rev B</td><td>East Elevation Annandale Street</td><td>Saturday Studio</td><td>12/2/2025</td></tr> <tr> <td>Drawing No. 200:02 Rev D</td><td>West Lane Elevation</td><td>Saturday Studio</td><td>7/4/2025</td></tr> </tbody> </table> | Plan, Revision and Issue No. | Plan Name | Date Issued/Received | Prepared by | Drawing No. 100:02 Rev B | Site Analysis | Saturday Studio | 7/4/2025 | Drawing No. 110:01 Rev A | Demolition Plans | Saturday Studio | 25/11/2024 | Drawing No. 110:02 Rev D | Ground Floor | Saturday Studio | 7/4/2025 | Drawing No. 110:03 Rev D | First Floor | Saturday Studio | 7/4/2025 | Drawing No. 110:04 Rev D | Roof Plan | Saturday Studio | 7/4/2025 | Drawing No. 110-06 Rev B | Landscape Plan | Saturday Studio | 7/4/2025 | Drawing No. 200:01 Rev B | East Elevation Annandale Street | Saturday Studio | 12/2/2025 | Drawing No. 200:02 Rev D | West Lane Elevation | Saturday Studio | 7/4/2025 |
|------------------------------|--|------------------------------|-------------|----------------------|-------------|--------------------------|---------------|-----------------|----------|--------------------------|------------------|-----------------|------------|--------------------------|--------------|-----------------|----------|--------------------------|-------------|-----------------|----------|--------------------------|-----------|-----------------|----------|--------------------------|----------------|-----------------|----------|--------------------------|---------------------------------|-----------------|-----------|--------------------------|---------------------|-----------------|----------|
| Plan, Revision and Issue No. | Plan Name | Date Issued/Received | Prepared by | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 100:02 Rev B | Site Analysis | Saturday Studio | 7/4/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 110:01 Rev A | Demolition Plans | Saturday Studio | 25/11/2024 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 110:02 Rev D | Ground Floor | Saturday Studio | 7/4/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 110:03 Rev D | First Floor | Saturday Studio | 7/4/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 110:04 Rev D | Roof Plan | Saturday Studio | 7/4/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 110-06 Rev B | Landscape Plan | Saturday Studio | 7/4/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 200:01 Rev B | East Elevation Annandale Street | Saturday Studio | 12/2/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drawing No. 200:02 Rev D | West Lane Elevation | Saturday Studio | 7/4/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | Drawing No. 200:03 Rev C | North & South Elevation | Saturday Studio | 17/2/2025 |
| | Drawing No. 300:01 Rev D | Long Sections | Saturday Studio | 7/4/2025 |
| | Drawing No. 300:02 Rev C | Courtyard Sections | Saturday Studio | 17/2/2025 |
| | Cert No. 1774572S | BASIX Certificate | Concept Designs Australia | 25/11/2024 |
| | Cert No. A1774575 | BASIX Certificate | Concept Designs Australia | 25/11/2024 |
| | As amended by the conditions of consent. | | | |
| | Reason: To ensure development is carried out in accordance with the approved documents. | | | |
| 6. | Works Outside the Property Boundary | | | |
| | This development consent does not authorise works outside the property boundaries on adjoining lands. | | | |
| | Reason: To ensure works are in accordance with the consent. | | | |
| 7. | 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. | | | |
| | Reason: To protect pedestrian safety. | | | |
| 8. | 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 <i>Environmental Planning and Assessment Act 1979</i> . | | | |
| | Reason: To ensure compliance with legislative requirements. | | | |
| 9. | 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. | | | |
| | Reason: To ensure compliance with legislative requirements. | | | |
| 10. | 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 | | | |

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| | <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. <p>Reason: To ensure compliance with legislative requirements.</p> |
| 11. | <p>Dividing Fences Act</p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p> |
| 12. | <p>Lead-based Paint</p> <p>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.</p> <p>Reason: To protect human health.</p> |
| 13. | <p>Construction of Vehicular Crossing</p> <p>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.</p> <p>Reason: To protect assets, infrastructure and pedestrian safety.</p> |
| 14. | <p>Dial Before You Dig</p> <p>Contact "Dial Before You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p> |
| 15. | <p>Bin Storage - Residential</p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |

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| 16. | Asbestos Removal Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority. Reason: To ensure compliance with the relevant environmental legislation. |
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

| | Condition | | | | |
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| 17. | Security Deposit - Custom <p>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.</p> <table border="1" style="width: 100%;"> <tr> <td>Security Deposit:</td><td>\$13,355.10</td></tr> <tr> <td>Inspection Fee:</td><td>\$389.90</td></tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p> | Security Deposit: | \$13,355.10 | Inspection Fee: | \$389.90 |
| Security Deposit: | \$13,355.10 | | | | |
| Inspection Fee: | \$389.90 | | | | |

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| 18. | <p>Dilapidation Report – Pre-Development – Minor</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p> |
| 19. | <p>Stormwater Drainage System – Minor Developments (OSD is required)</p> <p>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:</p> <ol style="list-style-type: none"> 1) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. STORM-1 prepared by TAYLOR CONSULTING dated 28 October 2024 and amended to comply with the following: <ol style="list-style-type: none"> a) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system 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 other than to drain downpipes to the rainwater tanks. d) The Drainage Plan 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 15litres/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) 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. |

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| | <p>h) Only roof water is permitted to be connected to the OSD/OSR. The overflow from the storage tank shall be connected by gravity to the kerb and gutter of a public road.</p> <p>i) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided.</p> <p>j) As there is no overland flow/flood path available from the front and central courtyards to the Young Lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria:</p> <ul style="list-style-type: none"> i. 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. ii. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building iii. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. <p>k) A 150mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal room unless a reduced step is permitted by Part 3.3.3. of the National Construction Code for Class 1 buildings.</p> <p>l) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design.</p> <p>m) No nuisance or concentration of flows to other properties.</p> <p>n) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.</p> <p>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> <p>p) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.</p> <p>q) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.</p> <p>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 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm.</p> <p>s) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.</p> |
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| | <p>t) Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.</p> <p>u) No impact to street tree(s).</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p> |
| 20. | <p>Public Domain Works – Prior to Construction Certificate</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising 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) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:</p> <ol style="list-style-type: none"> The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B85 vehicle using dynamic ground clearance software. A long section, along both sides of the vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be provided for review. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing and proposed surface levels including information including chainages. Installation of a stormwater outlet to the kerb and gutter. <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p> |
| 21. | <p>Changes to Levels</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans incorporating the following amendments:</p> <p>A 150mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area unless a reduced step is permitted by Part 3.3.3. of the National Construction Code</p> <p>Reason: To protect buildings from overland flow.</p> |
| 22. | <p>Parking Facilities - Domestic</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans and certification by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:</p> <ol style="list-style-type: none"> The internal vehicle hardstand area must be redesigned such that the level at the boundary must match the invert level of the adjacent gutter plus |

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| | <p>110mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above-issued alignment levels.</p> <p>b. The garage slab or driveway must then rise within the property to be a minimum of 170mm (as quickly as possible) above the adjacent road gutter level and/or higher than the street kerb and footpath across the full width of the vehicle crossing.</p> <p>c. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B85 vehicle. 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.</p> <p>d. 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.</p> <p>e. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 5400 mm (length x width) and a door opening width of 5600 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.</p> <p>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.</p> <p>g. The external form and height of the approved structures must not be altered from the approved plans.</p> <p><i>Specific issues:</i></p> <ul style="list-style-type: none"> The proposed pedestrian door to the garage must open outwards. <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p> |
| 23. | <p>Construction Methods to Minimise Impact on Trees</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that the proposed stairs from the garage to the rear lawn and any associated retaining walls are relocated to provide a minimum clearance of 1.5 metres to the northern property boundary.</p> <p>Reason: To mitigate the impact of the work on trees to be retained.</p> |

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| 24. | <p>Acoustic Report – Aircraft Noise</p> <p>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.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p> |
| 25. | <p>Long Service Levy</p> <p>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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p> |
| 26. | <p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> a. Windows W30-W34 at the north and west first floor elevations of the proposed secondary dwelling are to be amended to double hung, timber windows, with a sill height of between 800mm and 1000mm above the first floor FFL 28.440. The privacy screening to Windows W33 and W34 is to be deleted. <p>Reason: To ensure that the design changes protect the amenity and heritage significance of the neighbourhood.</p> |
| 27. | <p>Party Walls</p> <p>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 wall/s.</p> <p>Reason: To ensure the structural adequacy of the works AND/OR to ensure works do not rely on the party wall for vertical or lateral support.</p> |
| 28. | <p>Structural Certificate for retained elements of the building</p> <p>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.</p> <p>Reason: To ensure the structural adequacy of the works.</p> |

| 29. | <p>Sydney Water – Tap In</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p> | | | | | | | | | | | | | | |
|-------------------------|---|-----------------------|--------|-------------------------|-------------|----------------------|------------|-----------|------------|---------------------|----------|----------|----------|--------------|--------------------|
| 30. | <p>Section 7.11 Contribution</p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <table border="1" data-bbox="435 786 1145 1088"> <thead> <tr> <th>Contribution Category</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Open Space & Recreation</td><td>\$14,251.00</td></tr> <tr> <td>Community Facilities</td><td>\$2,641.00</td></tr> <tr> <td>Transport</td><td>\$1,874.00</td></tr> <tr> <td>Plan Administration</td><td>\$183.00</td></tr> <tr> <td>Drainage</td><td>\$983.00</td></tr> <tr> <td>TOTAL</td><td>\$19,931.00</td></tr> </tbody> </table> <p>At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> $C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$ <p>Where:</p> <p>C_{payment} = is the contribution at time of payment</p> <p>C_{consent} = is the contribution at the time of consent, as shown above</p> <p>CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.7 for the December 2024 quarter.</p> <p>CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment</p> <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) <u>if the development is for subdivision – prior to the issue of the subdivision certificate</u>, or (ii) <u>if the development is for building work – prior to the issue of the first construction certificate</u>, or (iii) if the</p> | Contribution Category | Amount | Open Space & Recreation | \$14,251.00 | Community Facilities | \$2,641.00 | Transport | \$1,874.00 | Plan Administration | \$183.00 | Drainage | \$983.00 | TOTAL | \$19,931.00 |
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| Drainage | \$983.00 | | | | | | | | | | | | | | |
| TOTAL | \$19,931.00 | | | | | | | | | | | | | | |

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| | <p>development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p><u>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</u></p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p> |
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BEFORE BUILDING WORK COMMENCES

| | Condition |
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| 31. | <p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>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.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p> |

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| 32. | Waste Management Plan <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p> |
| 33. | Erosion and Sediment Control <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p> |
| 34. | Standard Street Tree Protection <p>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.</p> <p>Reason: To protect and retain trees.</p> |
| 35. | Dilapidation Report <p>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 identified properties (Nos. 68 and 72 Annandale Street) 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.</p> <p>Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p> |
| 36. | Construction Fencing <p>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.</p> <p>Reason: To protect the built environment from construction works.</p> |

DURING BUILDING WORK

| | Condition |
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| 37. Advising Neighbours Prior to Excavation | <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p> |
| 38. Construction Hours – Class 1 and 10 | <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |
| 39. Survey Prior to Footings | <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p> |

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

| | Condition |
|--------------------------------|--|
| 40. Public Domain Works | <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:</p> <ol style="list-style-type: none"> Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s); The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; The existing concrete footpath across the frontage of the site must be reconstructed; and Other works subject to the Roads Act 1993 approval. <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p> |

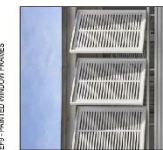
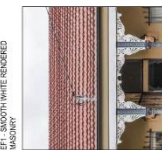
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| 41. | <p>No Encroachments</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p> |
| 42. | <p>Works as Executed – Site Stormwater Drainage System</p> <p>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:</p> <p>The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and</p> <p>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.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p> |
| 43. | <p>Operation and Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p> |

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| 44. | <p>Light Duty Vehicle Crossing</p> <p>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.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p> |
| 45. | <p>Parking Signoff – Minor Developments</p> <p>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.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p> |
| 46. | <p>Certification of Tree Planting</p> <p>Prior to the issue of any Occupation Certificate, the Certifying Authority is to be provided with evidence in the form of an image and a purchase invoice to confirm that: A minimum of 1 x 25L litre size tree, which will attain a minimum mature height of 6 metres, has been planted in a suitable location within the property and allowing for future tree growth. The tree must meet the requirements of AS2303—<i>Tree stock for landscape use</i>. Trees listed as exempt species from Council's Tree Management Development Control Plan and species recognised to have a short life span, will not be accepted.</p> <p>Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p> |
| 47. | <p>Aircraft Noise –Alterations and Additions</p> <p>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.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p> |
| 48. | <p>Dilapidation Report</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (Nos. 68 and 72 Annandale Street) 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.</p> <p>Reason: To determine potential construction impacts.</p> |

OCCUPATION AND ONGOING USE

| | Condition |
|------------|---|
| 49. | Operation and Management Plan The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. Reason: To ensure that the adequate provision of stormwater drainage is provided. |

EXTERIOR FINISHES



EF12 - PAINTED PRIVACY SCREENS

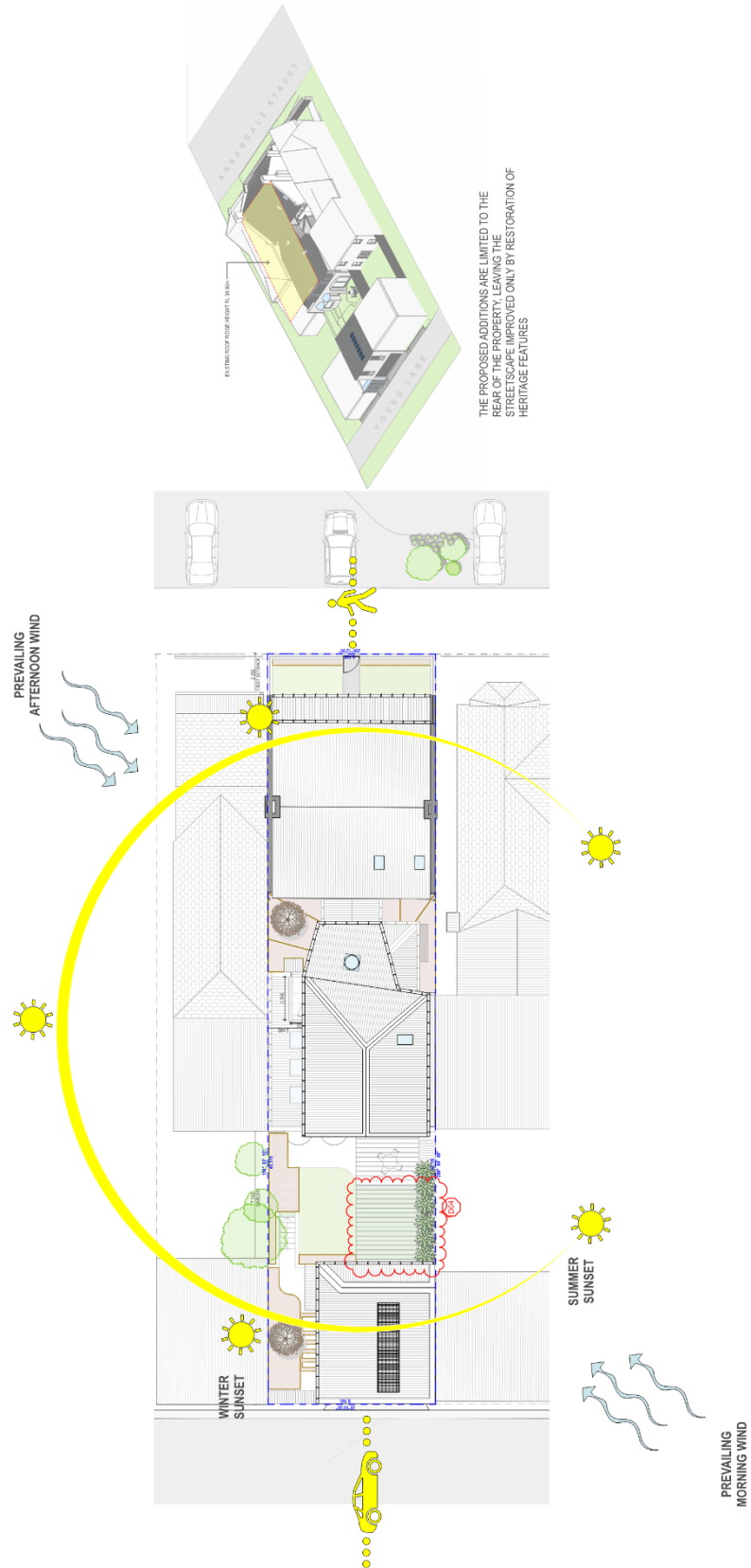
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| NO. | DATE | REV | DESCRIPTION | DATE |
|-----|------------|-----|------------------------------|------------|
| 1 | 25/11/2021 | A | ISSUED FOR DEVELOPMENT APPL. | 25/11/2021 |
| 2 | 14/03/21 | B | CONDUCT CHARTER V4 | 14/03/21 |
| 3 | 14/03/21 | C | CONDUCT CHARTER V4 | 14/03/21 |
| 4 | 14/03/21 | D | CONDUCT CHARTER V4 | 14/03/21 |
| 5 | 14/03/21 | E | CONDUCT CHARTER V4 | 14/03/21 |
| 6 | 14/03/21 | F | CONDUCT CHARTER V4 | 14/03/21 |
| 7 | 14/03/21 | G | CONDUCT CHARTER V4 | 14/03/21 |
| 8 | 14/03/21 | H | CONDUCT CHARTER V4 | 14/03/21 |
| 9 | 14/03/21 | I | CONDUCT CHARTER V4 | 14/03/21 |
| 10 | 14/03/21 | J | CONDUCT CHARTER V4 | 14/03/21 |
| 11 | 14/03/21 | K | CONDUCT CHARTER V4 | 14/03/21 |
| 12 | 14/03/21 | L | CONDUCT CHARTER V4 | 14/03/21 |
| 13 | 14/03/21 | M | CONDUCT CHARTER V4 | 14/03/21 |
| 14 | 14/03/21 | N | CONDUCT CHARTER V4 | 14/03/21 |
| 15 | 14/03/21 | O | CONDUCT CHARTER V4 | 14/03/21 |
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| 17 | 14/03/21 | Q | CONDUCT CHARTER V4 | 14/03/21 |
| 18 | 14/03/21 | R | CONDUCT CHARTER V4 | 14/03/21 |
| 19 | 14/03/21 | S | CONDUCT CHARTER V4 | 14/03/21 |
| 20 | 14/03/21 | T | CONDUCT CHARTER V4 | 14/03/21 |
| 21 | 14/03/21 | U | CONDUCT CHARTER V4 | 14/03/21 |
| 22 | 14/03/21 | V | CONDUCT CHARTER V4 | 14/03/21 |
| 23 | 14/03/21 | W | CONDUCT CHARTER V4 | 14/03/21 |
| 24 | 14/03/21 | X | CONDUCT CHARTER V4 | 14/03/21 |
| 25 | 14/03/21 | Y | CONDUCT CHARTER V4 | 14/03/21 |
| 26 | 14/03/21 | Z | CONDUCT CHARTER V4 | 14/03/21 |
| 27 | 14/03/21 | AA | CONDUCT CHARTER V4 | 14/03/21 |
| 28 | 14/03/21 | AB | CONDUCT CHARTER V4 | 14/03/21 |
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| 37 | 14/03/21 | AK | CONDUCT CHARTER V4 | 14/03/21 |
| 38 | 14/03/21 | AL | CONDUCT CHARTER V4 | 14/03/21 |
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| 54 | 14/03/21 | BB | CONDUCT CHARTER V4 | 14/03/21 |
| 55 | 14/03/21 | BC | CONDUCT CHARTER V4 | 14/03/21 |
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| 69 | 14/03/21 | BQ | CONDUCT CHARTER V4 | 14/03/21 |
| 70 | 14/03/21 | BR | CONDUCT CHARTER V4 | 14/03/21 |
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| 72 | 14/03/21 | | | |

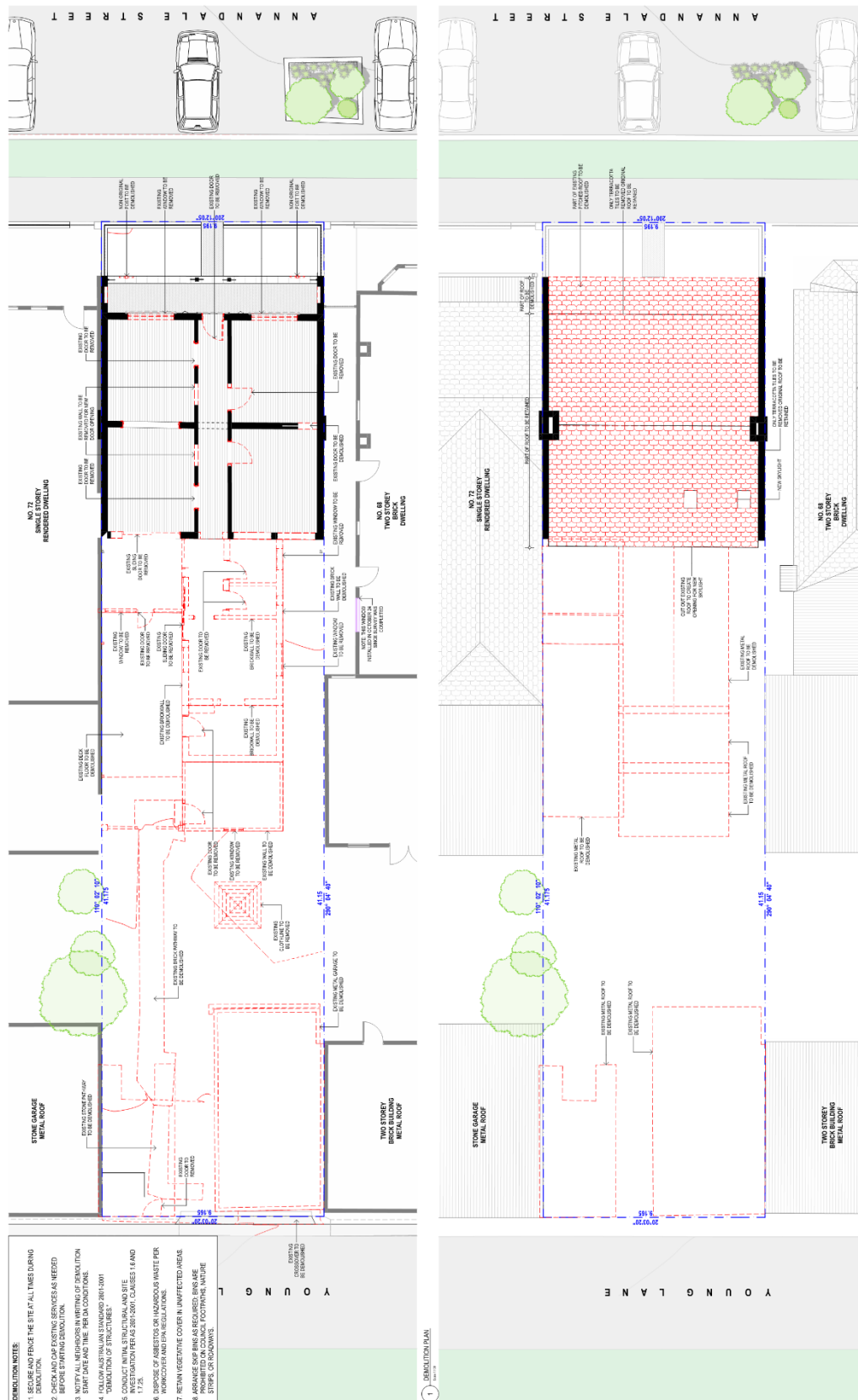
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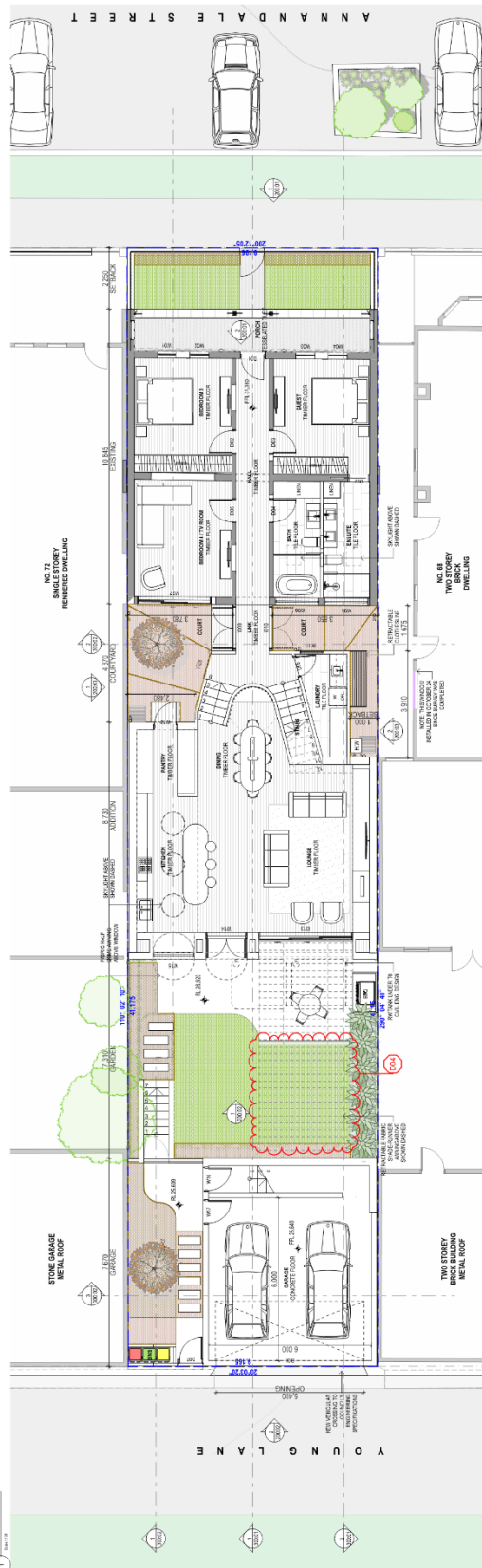
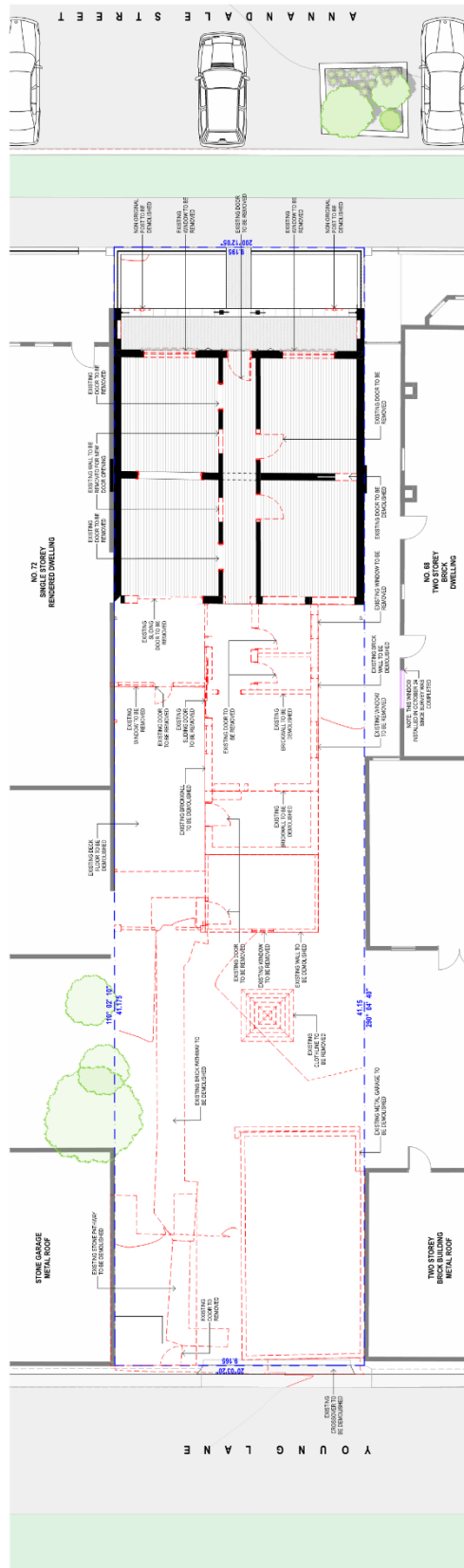
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| | DENOTES EXISTING |
| | TO BE DEMOLISHED |
| | DENOTES FINISH |
| | DOOR/WINDOW /D |
| | THREE FOREST FINES TOP SOIL FOR SEASON |
| | TURF LAWN ON 200mm |
| | BAMBUSA TEXTILES V 200mm |
| | CORYMBIA-PICCOLA 200mm |
| | LOT BOUNDARY |

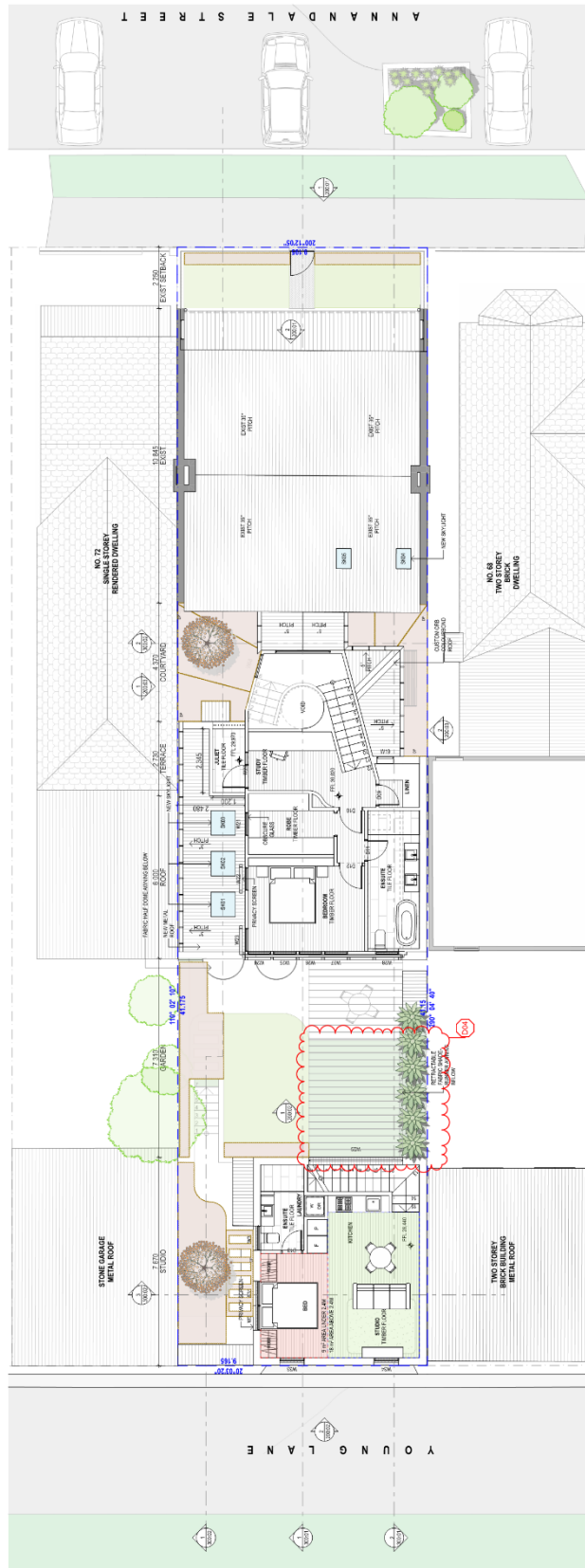


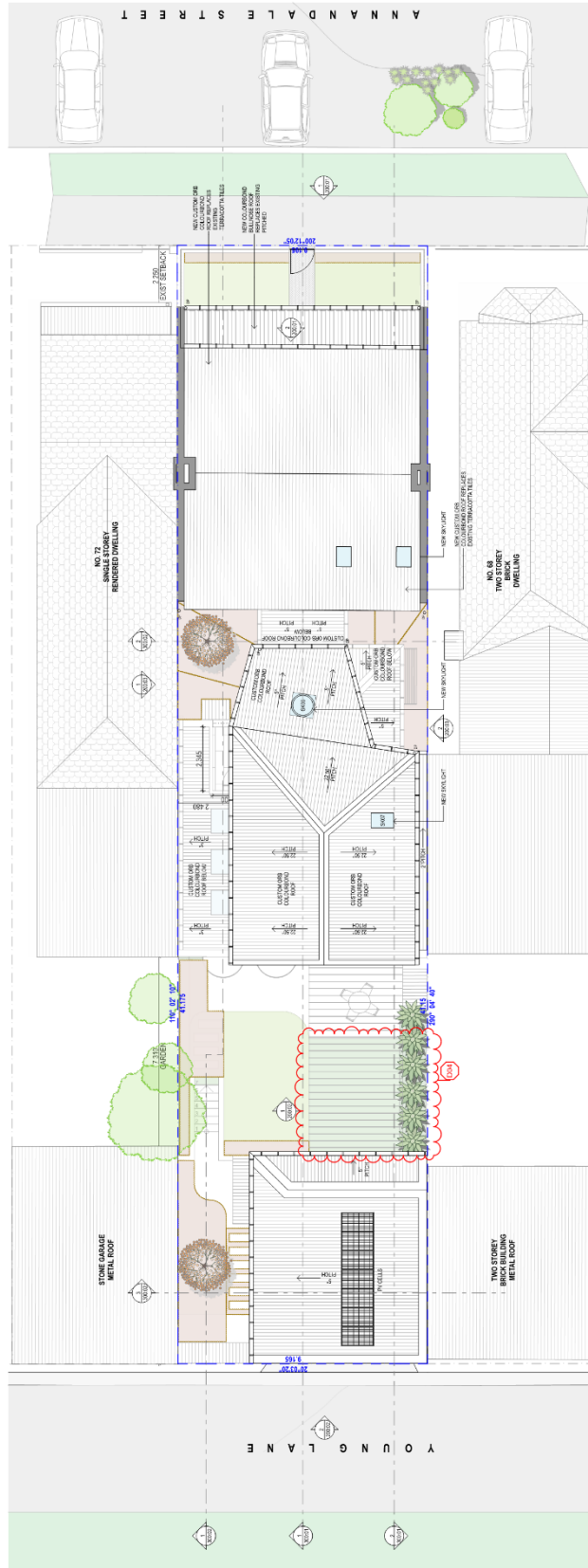


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| <p>DATE: DA_V4 PROJECT NO: 24004 PROJECT NAME: 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE: 28/07/24 PROJECT NO: 24004 PROJECT NAME: 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE: 28/07/24 PROJECT NO: 24004 PROJECT NAME: 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE: 28/07/24 PROJECT NO: 24004 PROJECT NAME: 70 ANNANDALE ST ANNANDALE NSW</p> |
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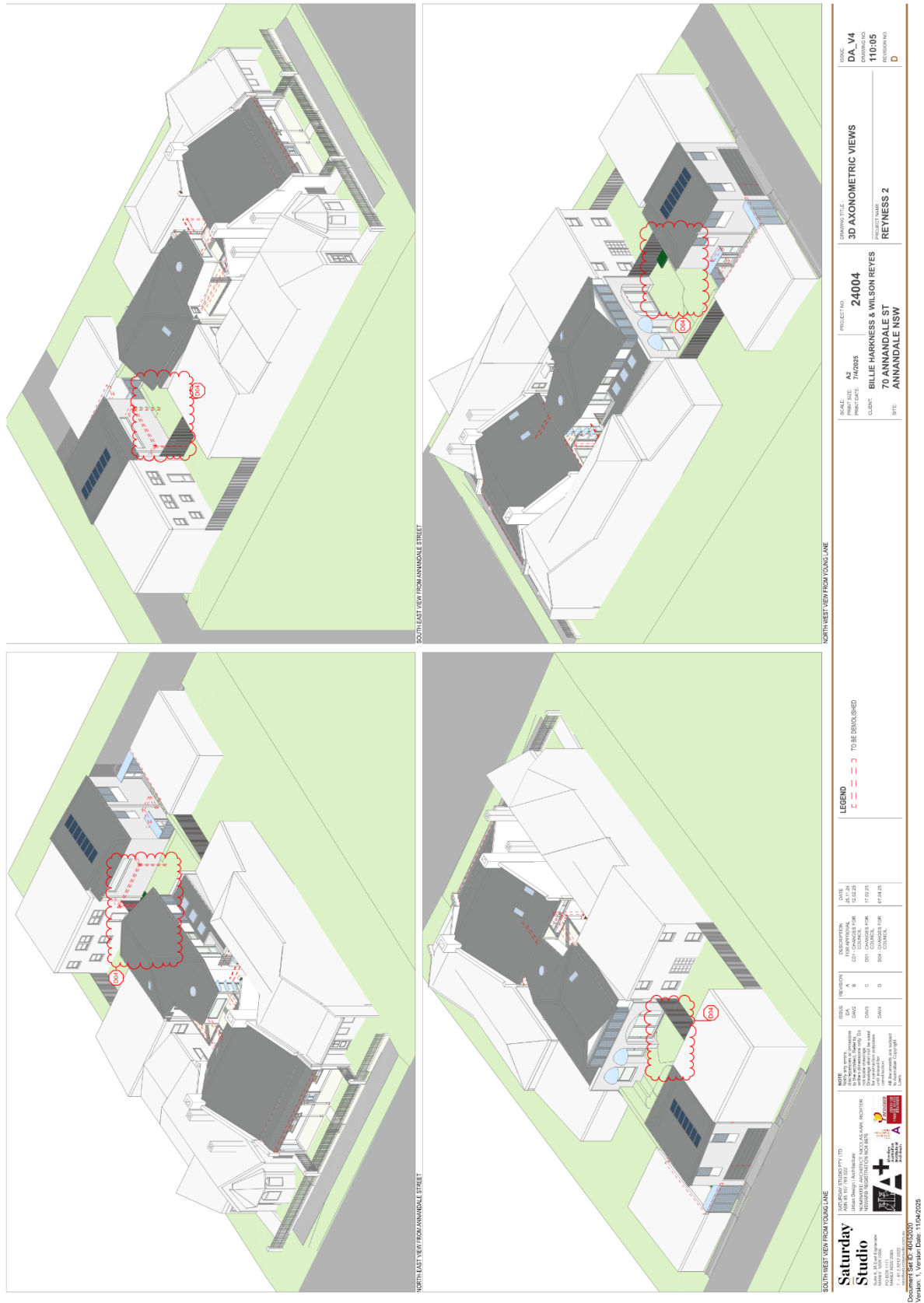


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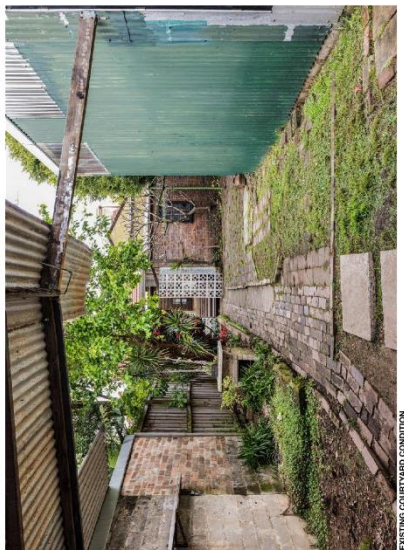
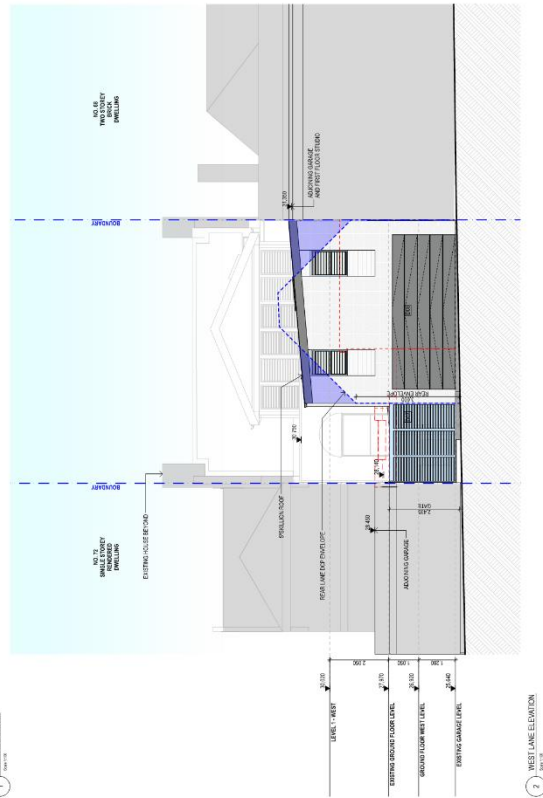
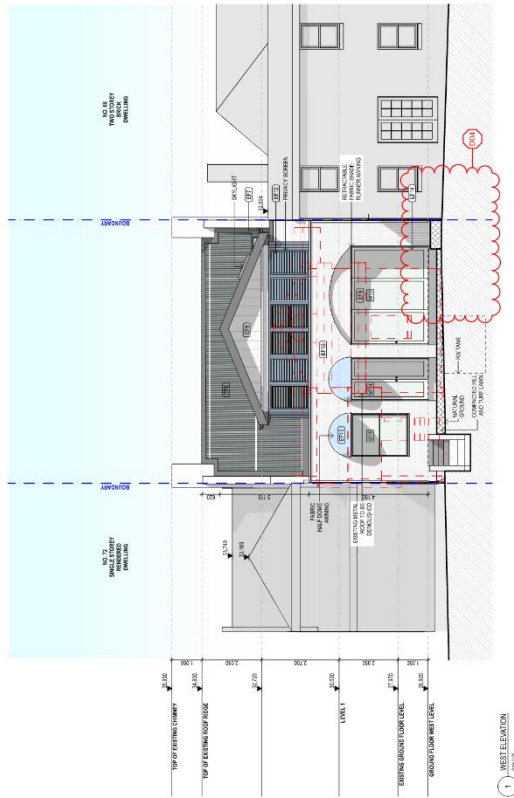
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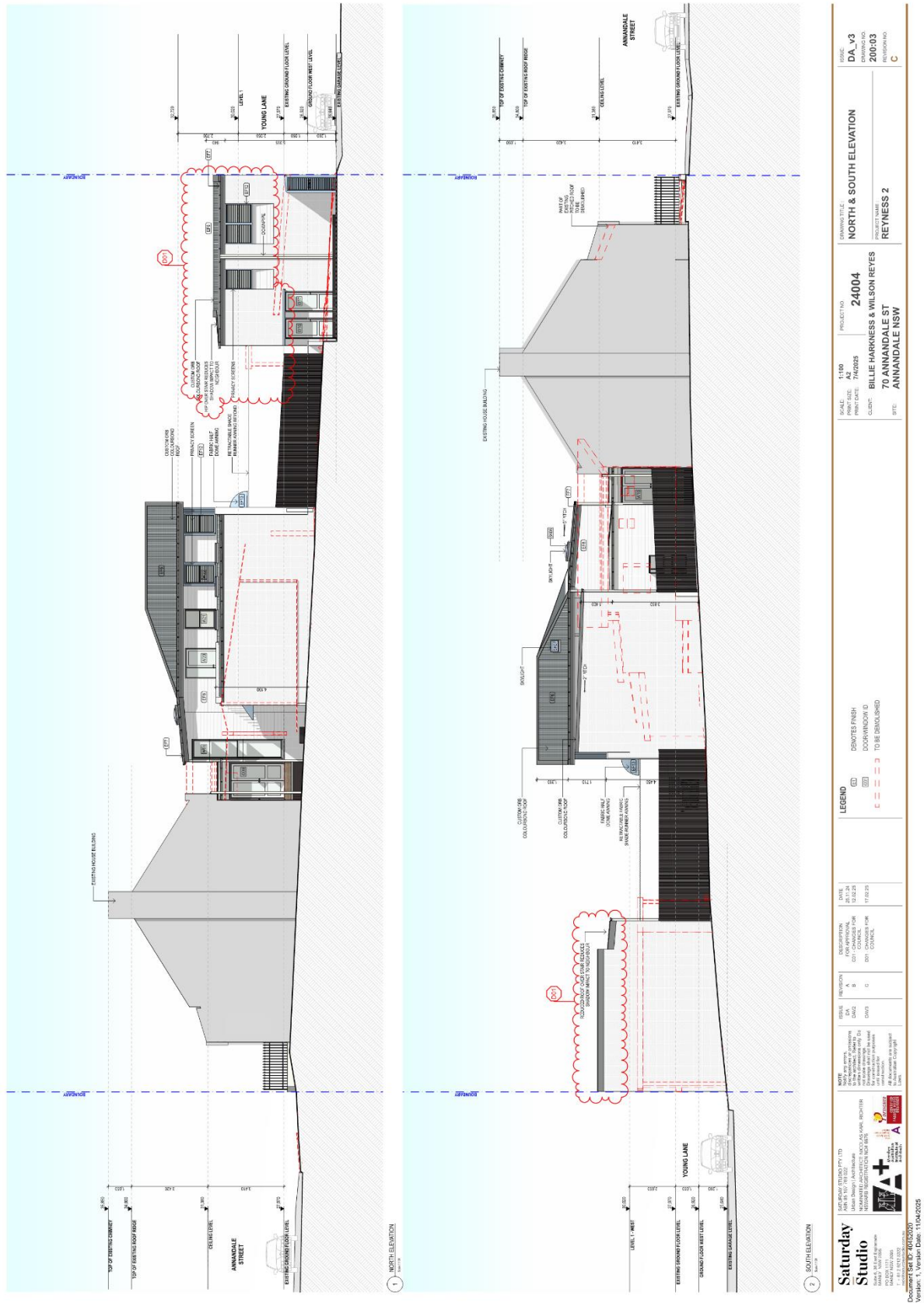


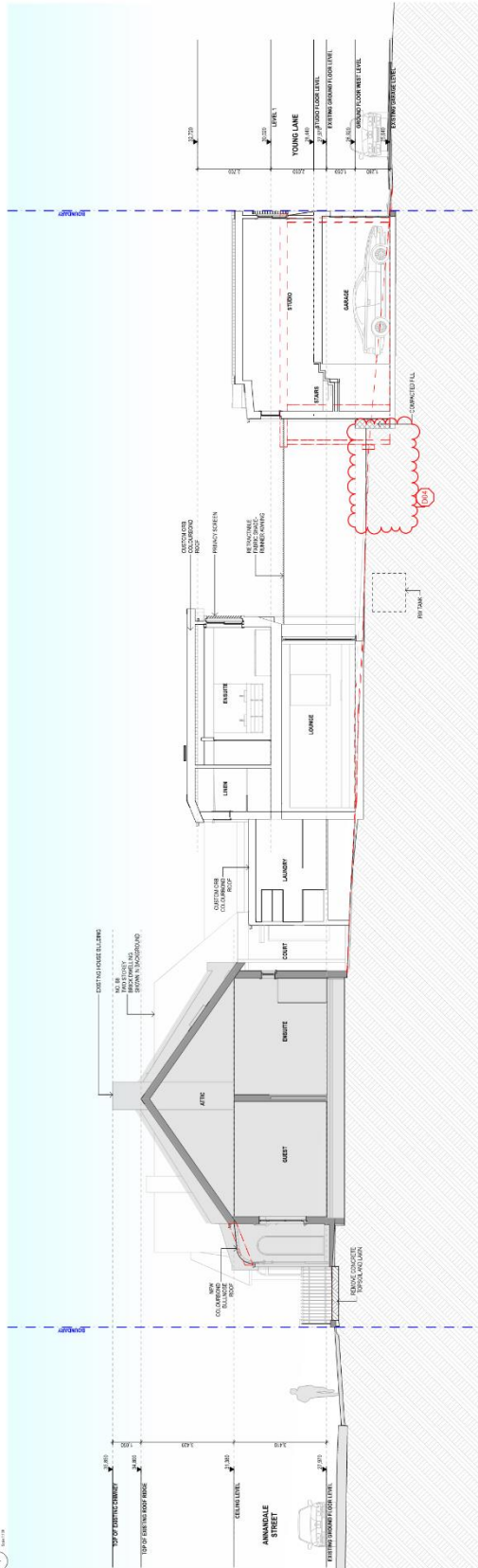
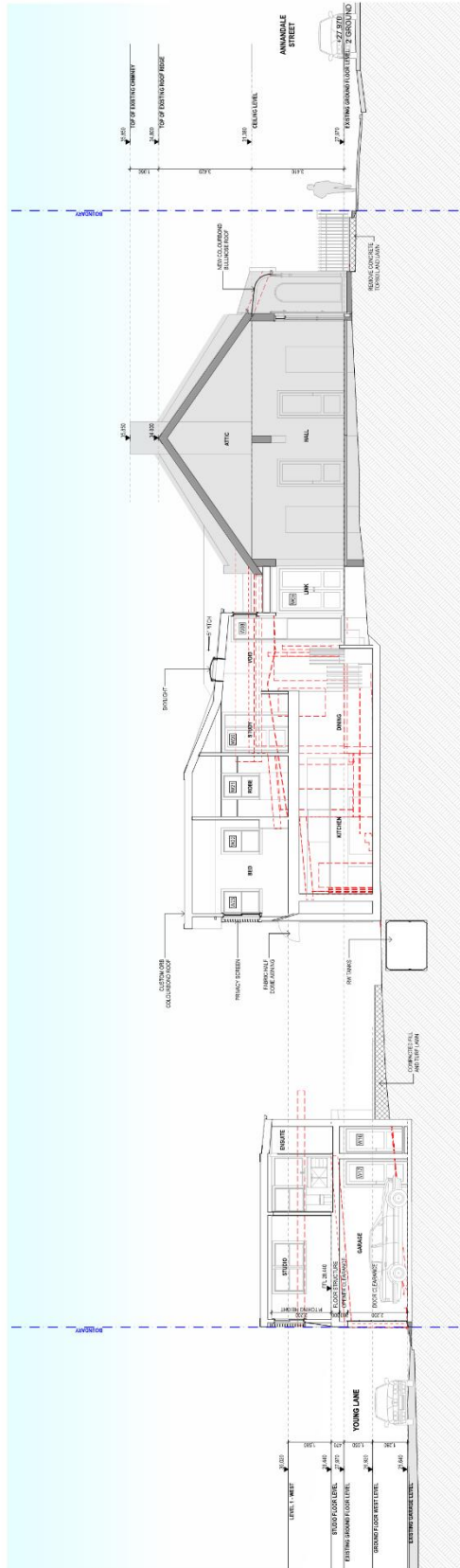
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| <p>Saturday Studio 1/100 RIVERVIEW DRIVE, SYDNEY NSW 1589 02 9550 1000 www.saturdaystudio.com.au</p> | <p>PROJECT NO. 24004 CLIENT BILLIE HARKNESS & WILSON REYES 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE 28.07.24 FOR APPROVAL 12.02.24 FOR APPROVAL 17.02.24 FOR APPROVAL 07.04.24</p> | <p>SCALE 1:100 PRINT DATE 27/02/25</p> | <p>PROJECT NO. 24004 CLIENT BILLIE HARKNESS & WILSON REYES 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE 28.07.24 FOR APPROVAL 12.02.24 FOR APPROVAL 17.02.24 FOR APPROVAL 07.04.24</p> | <p>SCALE 1:100 PRINT DATE 27/02/25</p> | <p>PROJECT NO. 24004 CLIENT BILLIE HARKNESS & WILSON REYES 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE 28.07.24 FOR APPROVAL 12.02.24 FOR APPROVAL 17.02.24 FOR APPROVAL 07.04.24</p> | <p>SCALE 1:100 PRINT DATE 27/02/25</p> | <p>PROJECT NO. 24004 CLIENT BILLIE HARKNESS & WILSON REYES 70 ANNANDALE ST ANNANDALE NSW</p> | <p>DATE 28.07.24 FOR APPROVAL 12.02.24 FOR APPROVAL 17.02.24 FOR APPROVAL 07.04.24</p> |
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DOUBLES FINISH
DOOR/ROOF/D
TO BE DEMOLISHED

EXISTING ROOF
NEW ROOF
NEW WALL
NEW FLOOR
NEW CEILING
NEW STAIRS
NEW SKYLIGHT
NEW WINDOW
NEW DOOR
NEW GARAGE
NEW DRIVEWAY
NEW FENCE
NEW GARDEN
NEW TERRACE
NEW PATIO
NEW BALCONY
NEW PORCH
NEW VERANDAH
NEW PERGOLA
NEW CARPORT
NEW CARPARK
NEW DRIVEWAY
NEW FENCE
NEW GARDEN
NEW TERRACE
NEW PATIO
NEW BALCONY
NEW PORCH
NEW VERANDAH
NEW PERGOLA
NEW CARPORT
NEW CARPARK

PROJECT NO. 24004

CLIENT: BILLIE HARKNESS & WILSON REYES

SITE: 70 ANNANDALE ST ANNANDALE NSW

DATE: 28.01.24

REVISIONS:

| NO. | DESCRIPTION | DATE |
|-----|-------------------|----------|
| 1 | ISSUED FOR PERMIT | 28.01.24 |
| 2 | FOR APPROVAL | 12.02.24 |
| 3 | FOR APPROVAL | 17.02.24 |
| 4 | FOR APPROVAL | 07.03.24 |

DATE: 28.01.24

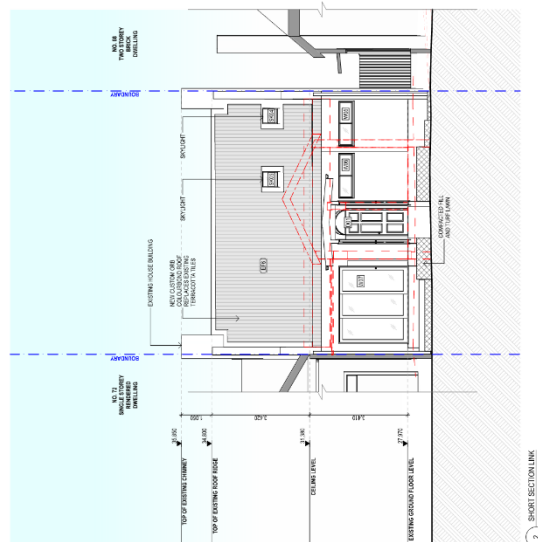
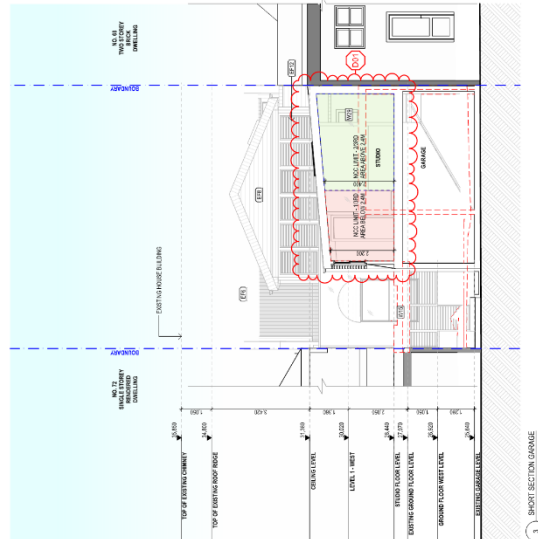
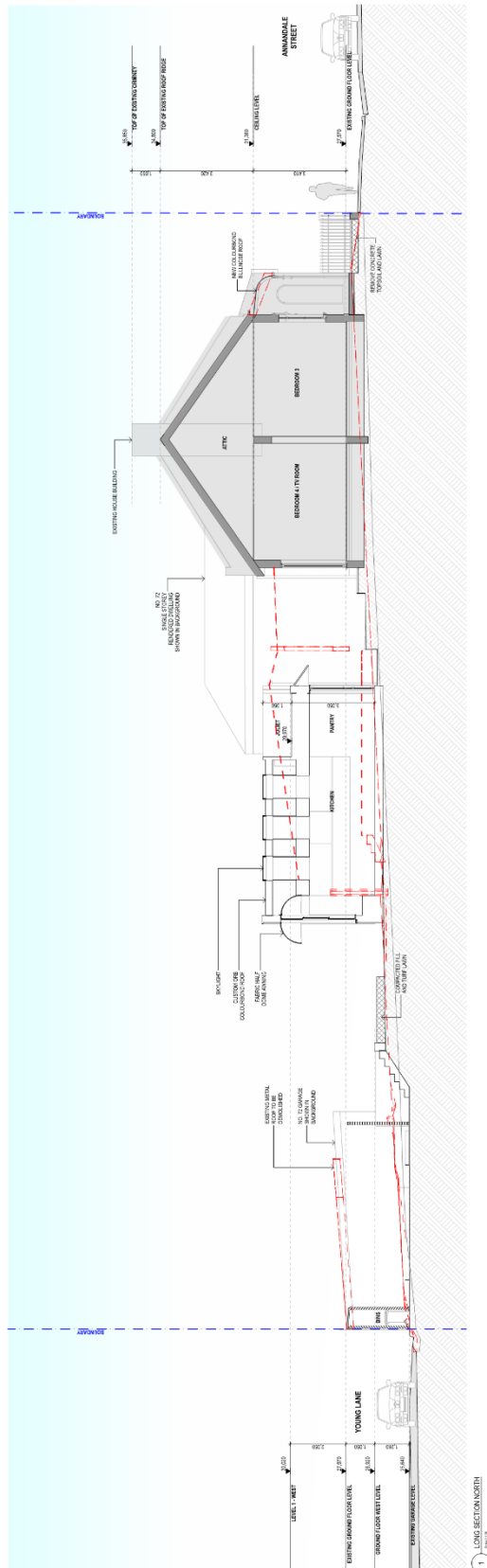
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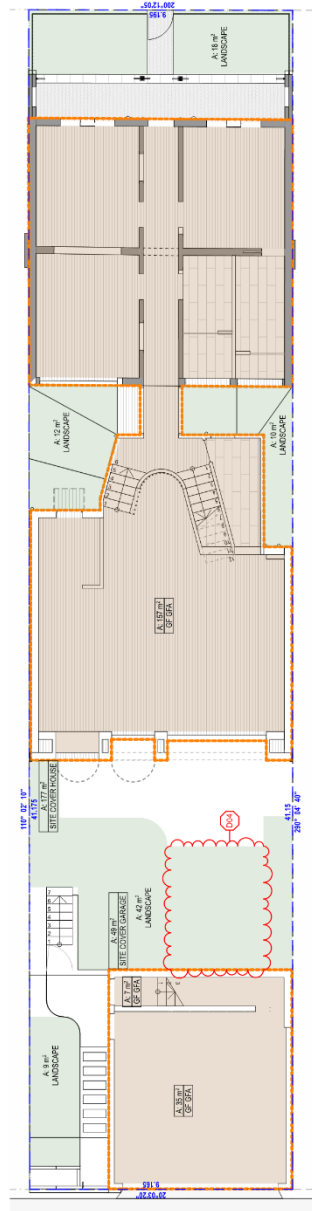
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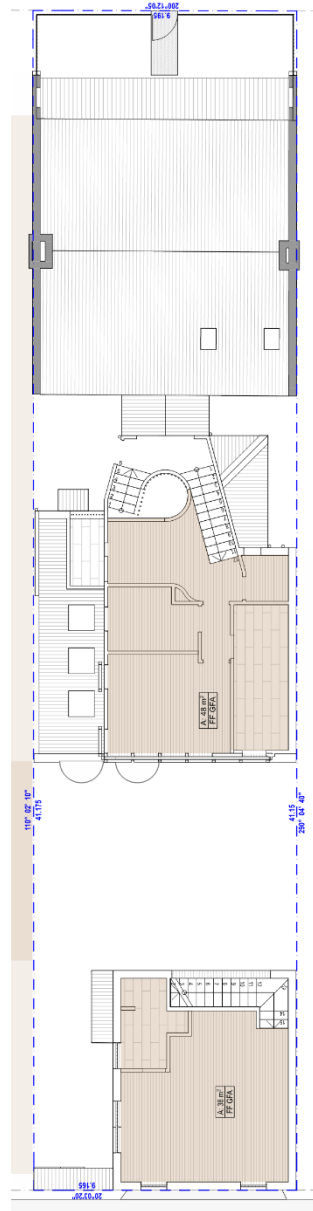
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1 SITE CALCULATIONS: GROUND



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 ANNANDALE NSW 1586
 PHONE: 02 9550 1000
 EMAIL: info@saturdaystudio.com.au
 WEBSITE: www.saturdaystudio.com.au

DA AREA CALCULATIONS
 PROJECT NO: 24004
 CLIENT: BILLIE HARKNESS & WILSON REYES
 70 ANNANDALE ST
 ANNANDALE NSW

REVISIONS
 NO. DESCRIPTION
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DEVELOPMENT STATISTICS

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| Saturday Studio 1450 Broadway, Suite 100 New York, NY 10013 Tel: 212-512-1234 Fax: 212-512-1235 Email: info@saturdaystudio.com | SATURDAY STUDIO PVT. LTD. 1450 Broadway, Suite 100 New York, NY 10013 Tel: 212-512-1234 Fax: 212-512-1235 Email: info@saturdaystudio.com | PROJECT NO. 24004 SCALE: 1/320 PRINT SIZE: A4 CLIENT: BILLIE HARRNESS & WILSON REYES DATE: 7/10/10 | DRAWING TITLE: SHADOW DIAGRAMS WINTER 9AM & 10 AM DRAWING NO. 716-01 PROJECT NAME: 70 ANNANDALE ST REYNES 2 EITC: ANNANDALE NSW | ISSUE: E DRAWING NO. 716-01 PROJECT NAME: 70 ANNANDALE ST REYNES 2 EITC: ANNANDALE NSW |
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| D | 17.02.05 | 4TH CONCEPT FOR |
| E | 17.02.05 | 5TH CONCEPT FOR |

| NOTE | REVISION |
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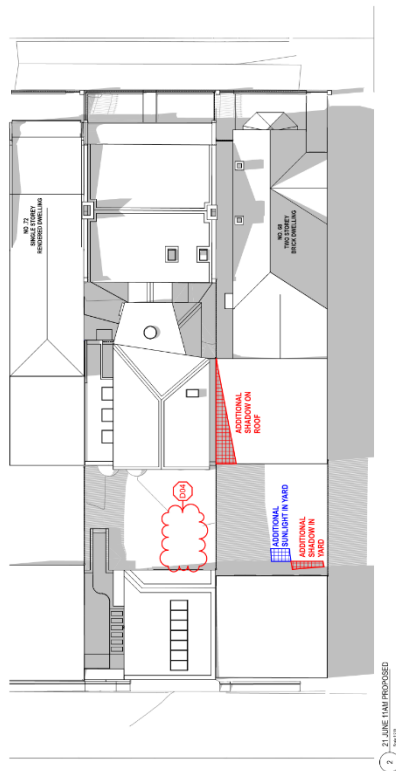
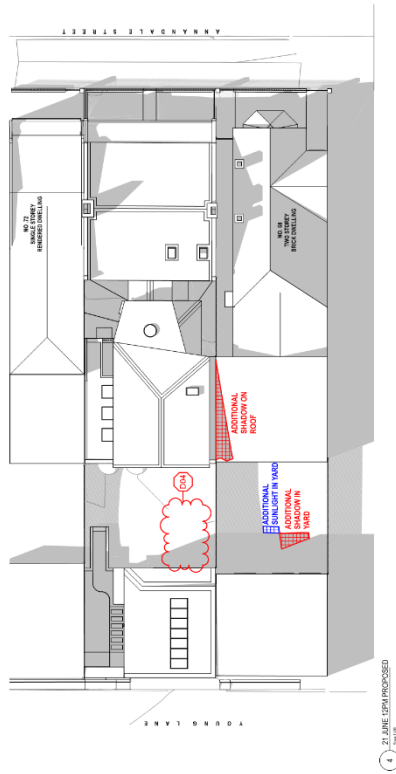
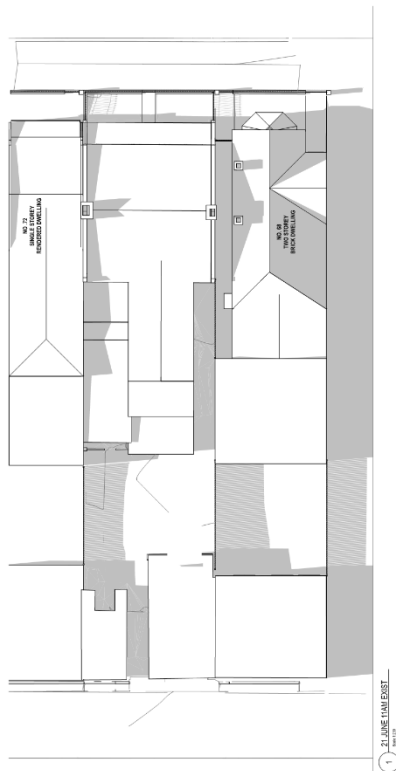
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ARCHITECTS

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LEGEND

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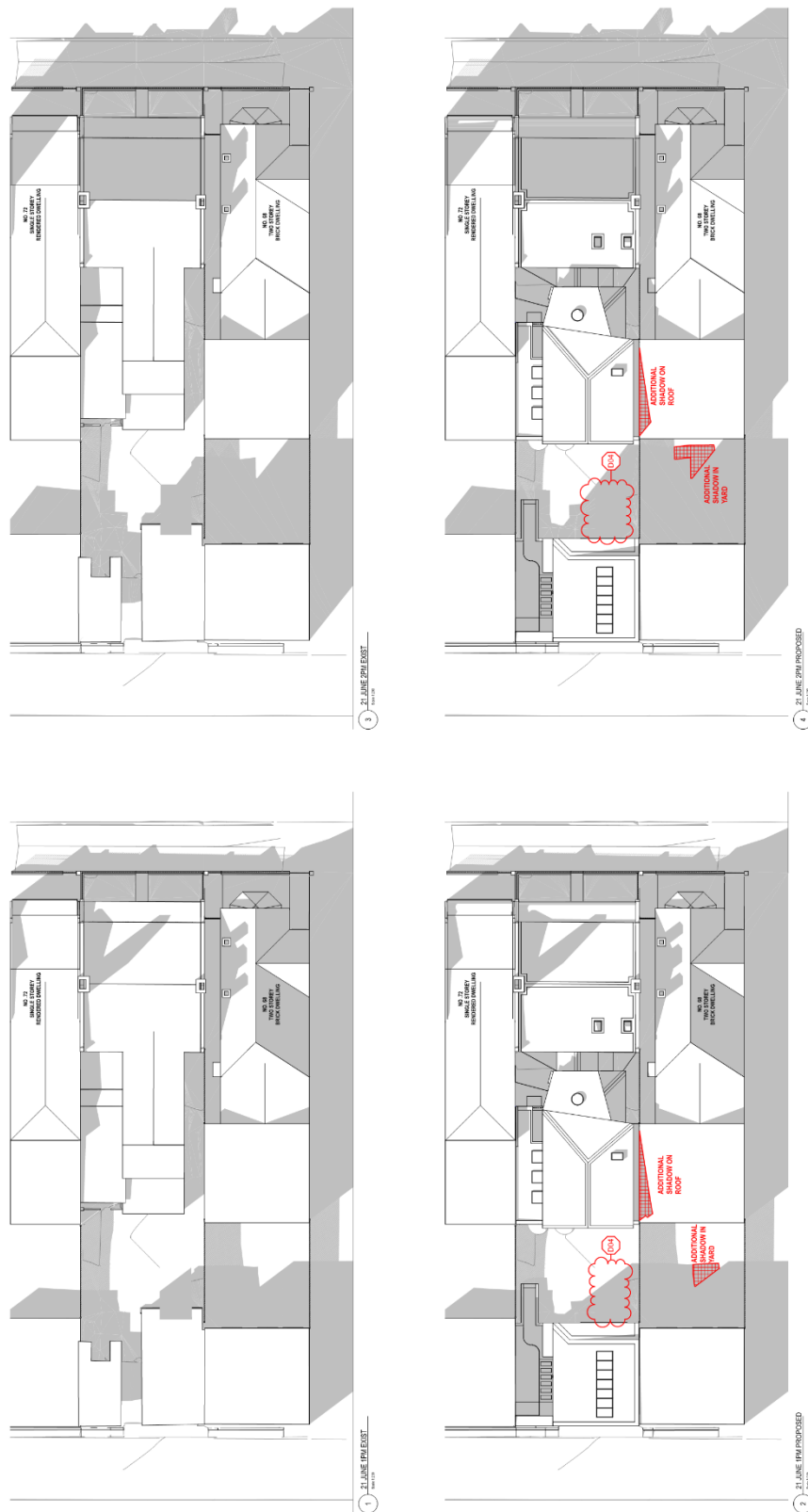
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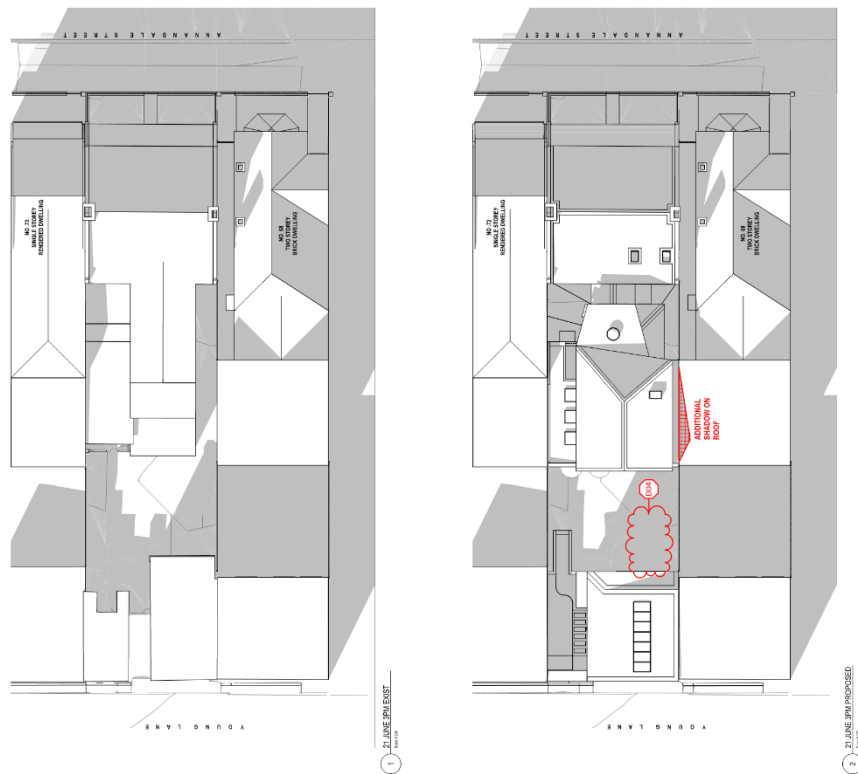
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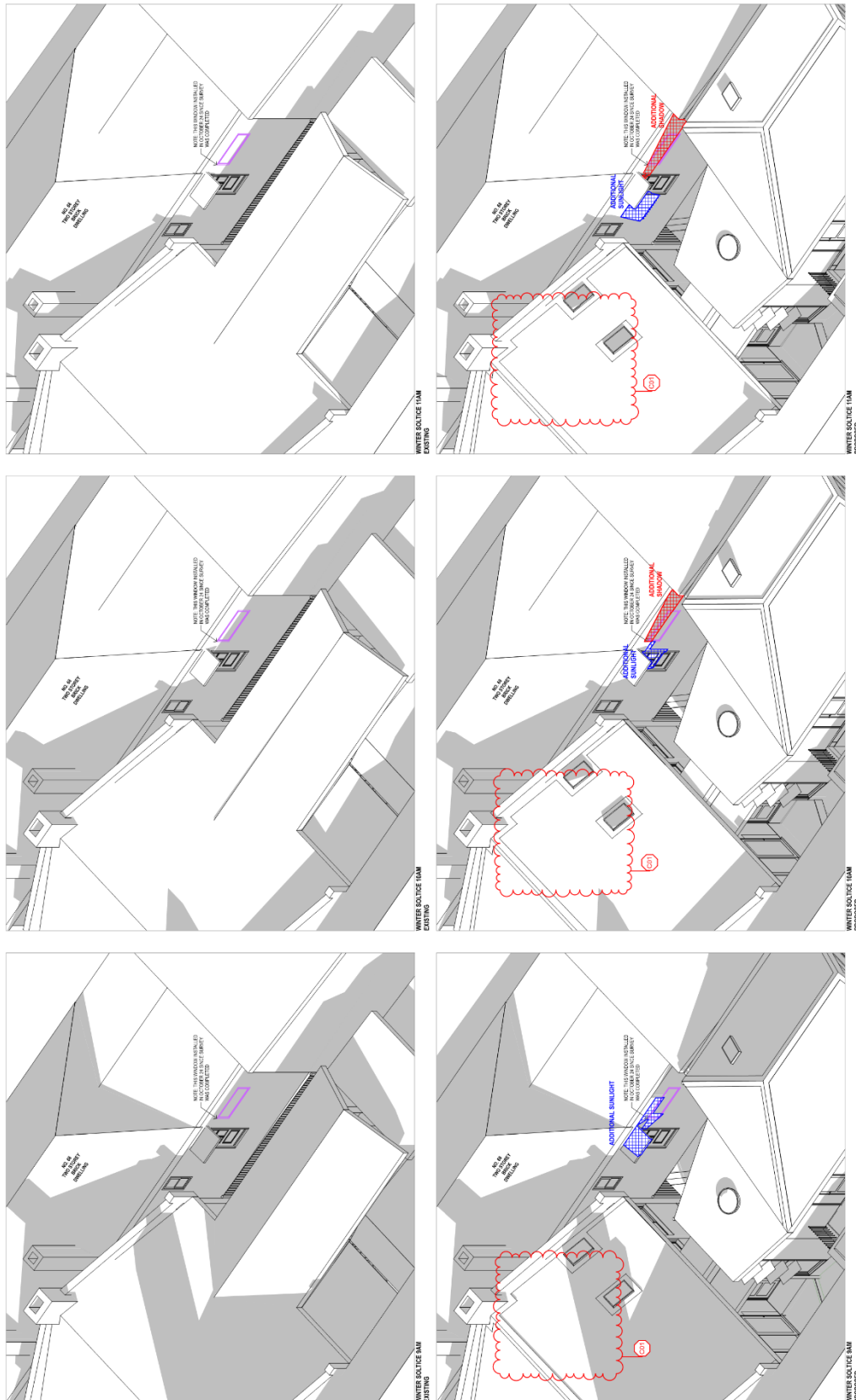
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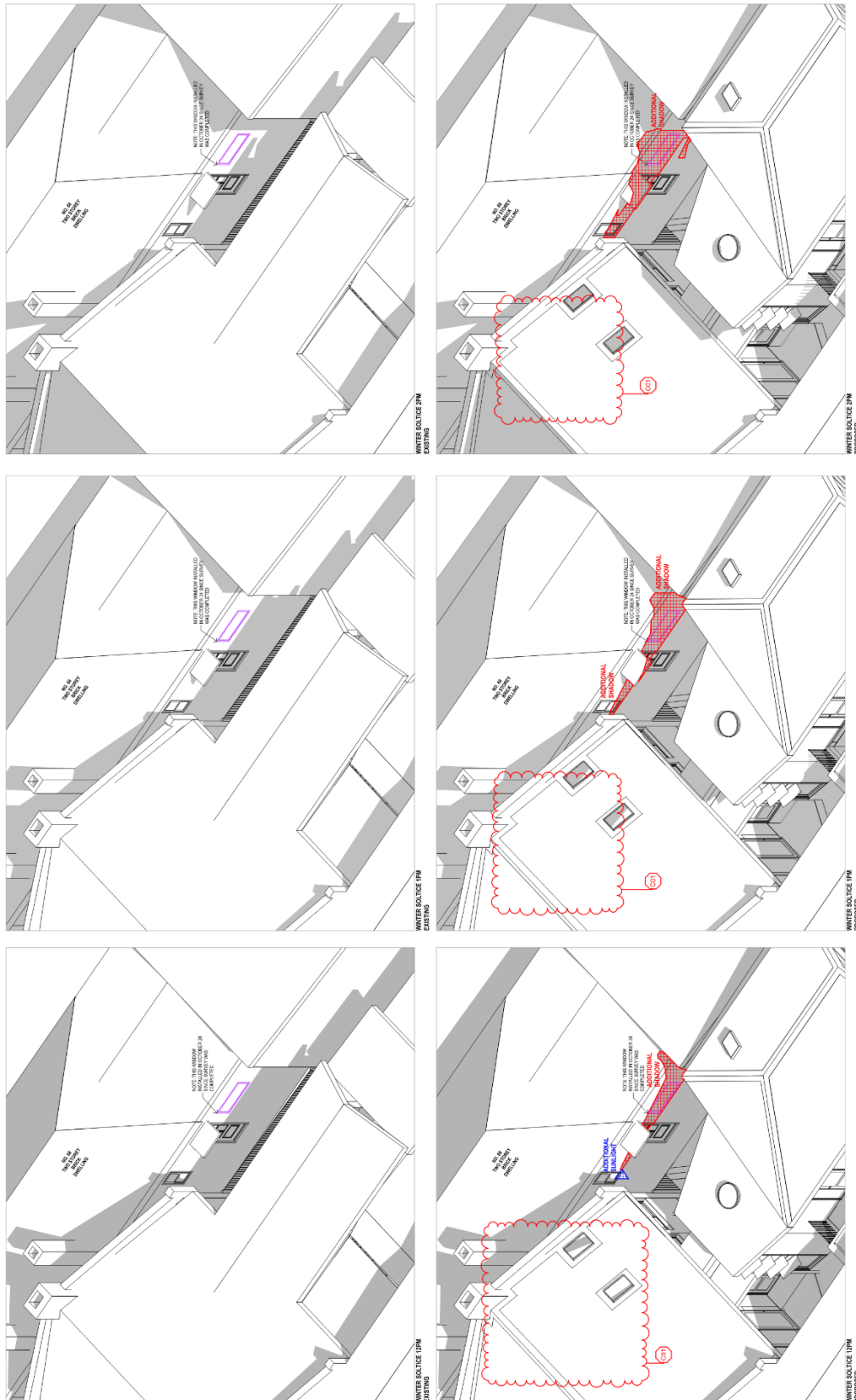
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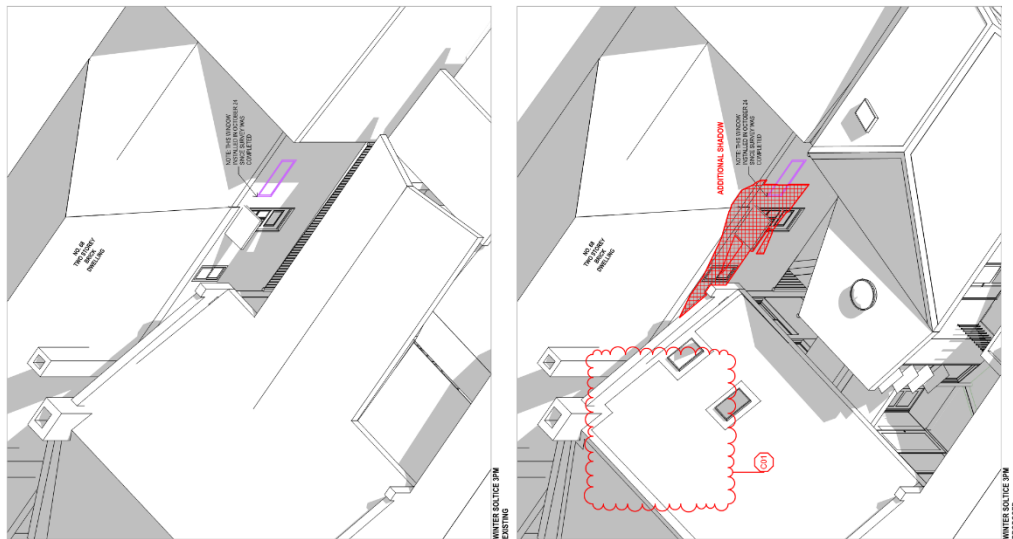
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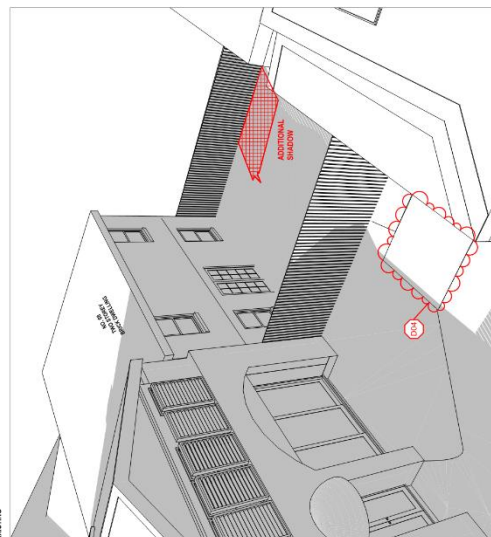
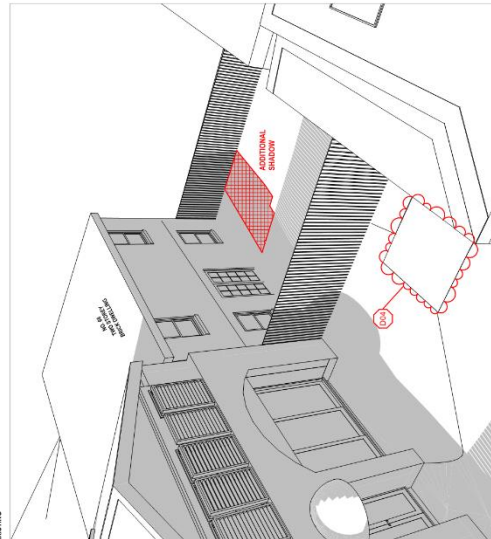
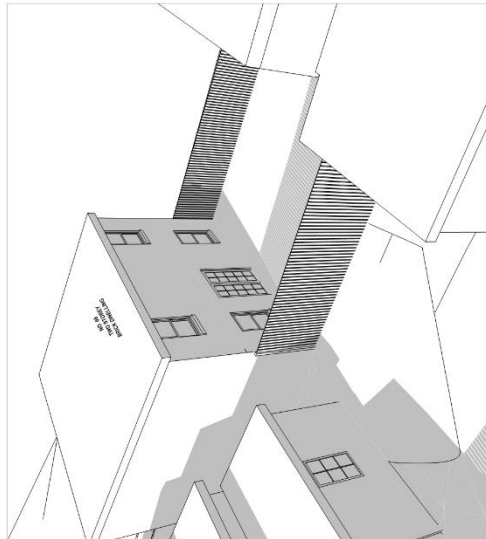
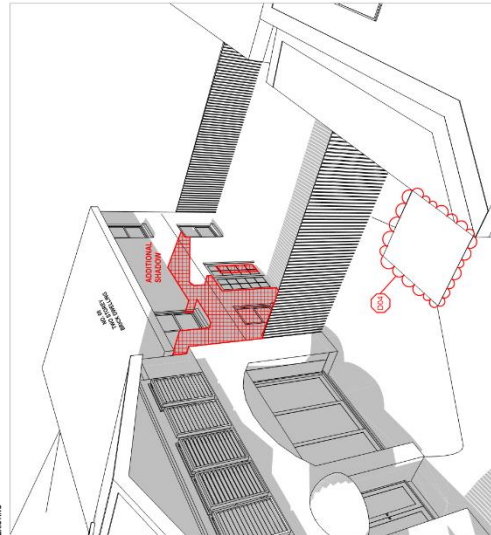
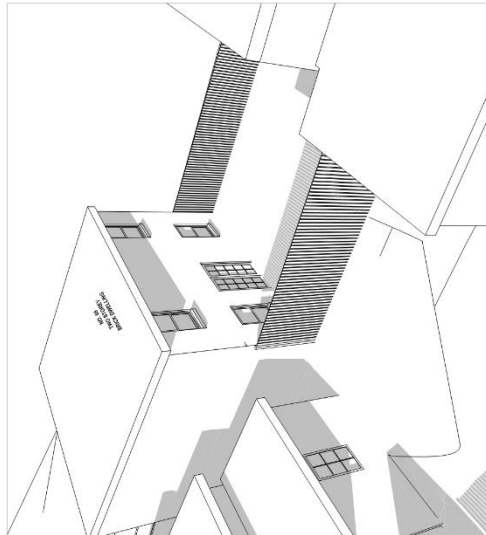
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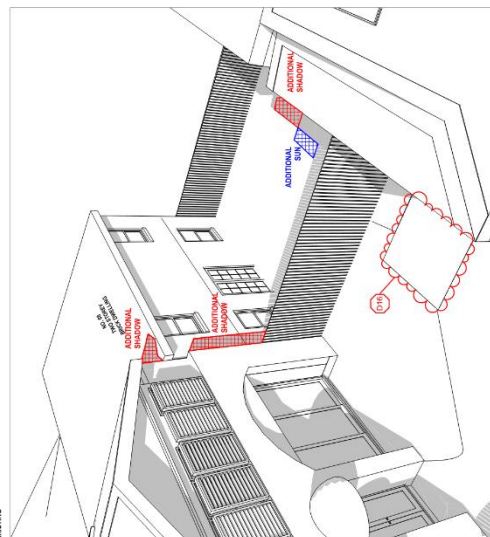
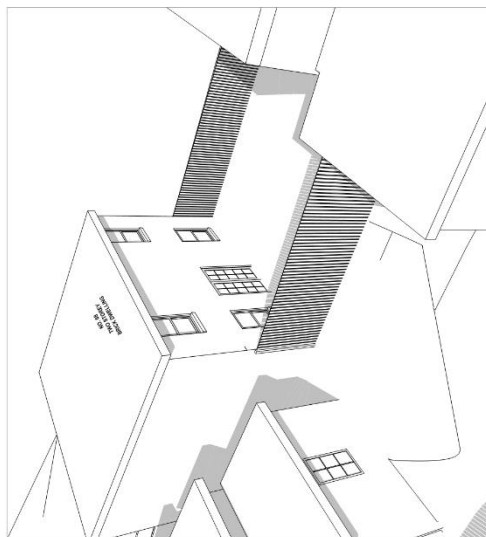
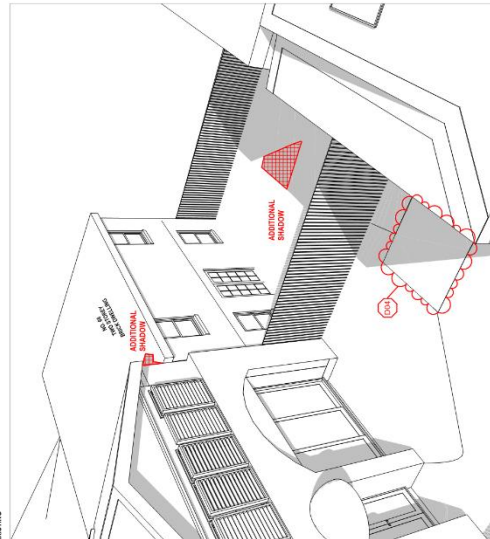
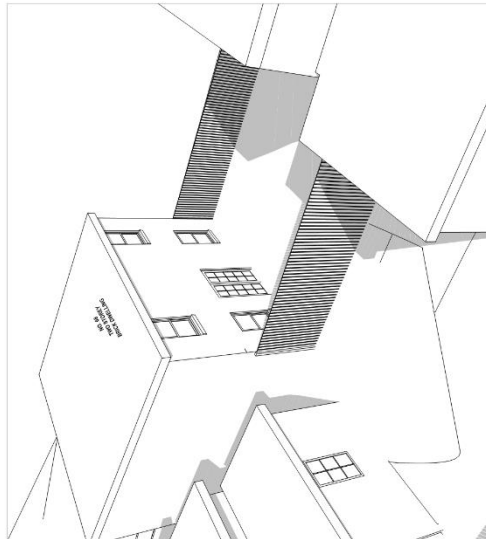
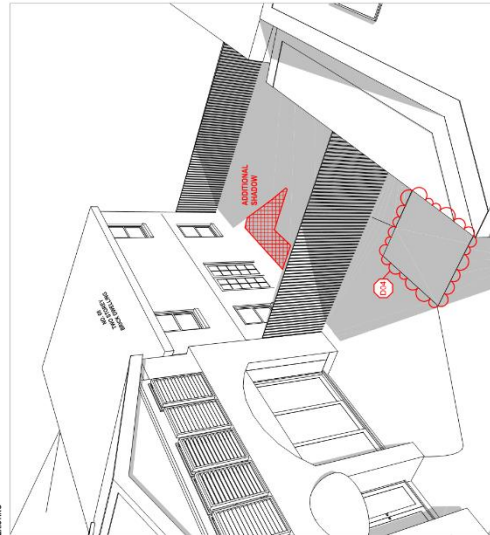
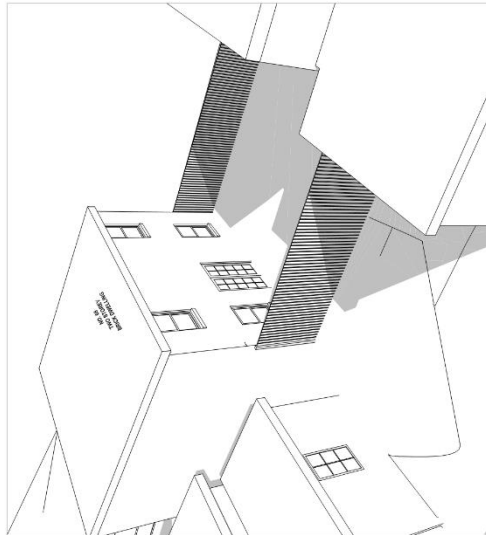


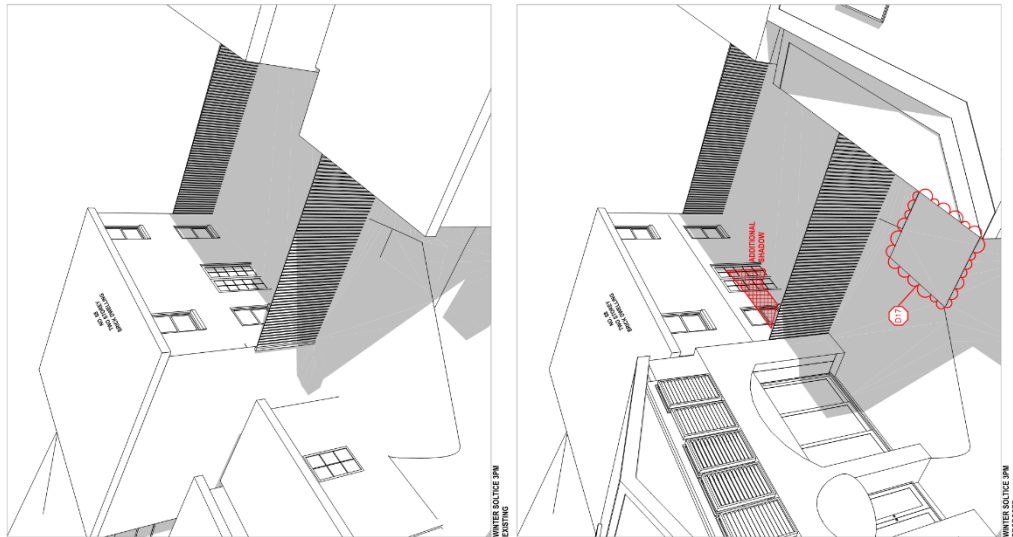
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Attachment C – Section 4.6 Exception to Development Standards (Secondary Dwelling Minimum Lot Size)

REVISED CLAUSE 4.6 SUBMISSION
(site area)

for
Proposed alterations and additions to dwelling house
including secondary dwelling
(amended plans)

at
70 Annandale Street, Annandale

for
Billie Harkness and Wilson Reyes

prepared by
John Pagan
TOWN PLANNING CONSULTANT

phone: 0414 715 815
email: john@btpplan.com.au

April 2025

70 Annandale Street, Annandale : Revised Clause 4.6 Submission (site area)

1. INTRODUCTION

An application to carry out alterations and additions to the existing house at 70 Annandale Street, Annandale, was made in December 2024 and registered by Council as DA/2024/1074. By letter dated 4 February 2025 and subsequent correspondence, Council has requested additional information and invited amended plans. This submission accompanies drawings numbered 24004 DA_v4 prepared by Saturday Studio Pty Ltd.

In response to the clause 4.6 submission dated 21 February, Council has advised that the objectives of the minimum site area standard under *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) for a detached secondary dwelling are better expressed by the Principles of the Policy at section 3 of the Housing SEPP than by the object of the standard as stated in section 53 and has requested an amended submission. This revised submission under clause 4.6 of *Inner West Local Environmental Plan 2022* (the LEP) is made accordingly.

2. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

2.1 Site area

Part 1 of Chapter 3 of *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) contains provisions for the development of secondary dwellings. Section 53 sets out non-discretionary development standards (*development standards for particular matters ... that, if complied with, prevent the consent authority from requiring more onerous standards for the matters*), including a minimum site area of 450m² for a detached secondary dwelling.

The site is 377.9m² in area and does not comply with the standard. The extent of the non-compliance is 72.1m², which represents a 19.1% variation of the standard.

Because the site area does not comply with the standard, an exception is sought under clause 4.6 of the LEP.

2.2 Exception to Development Standard (Site area)

Section 4.15(3) of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and clause 4.6 of the LEP allow consent to be granted for development that would contravene a development standard and the latter relevantly provides:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

John Pagan
Town Planning Consultant

1

70 Annandale Street, Annandale : Revised Clause 4.6 Submission (site area)

The site area control contained in section 53 of the Housing SEPP is a development standard as defined under the EPA Act and is not subject to any of the specified exclusions from the operation of clause 4.6 of the LEP.

In accordance with the guidelines provided by decisions of the Land and Environment Court, the submission in this Statement addresses the requirements of clause 4.6 in turn.

Is compliance with the development standard unreasonable or unnecessary in the circumstances? [clause 4.6(3)(a) of the LEP]

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, Chief Justice Preston outlined the rationale for development standards and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision Preston CJ noted:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

The judgment in *Wehbe* identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. Subsequent cases including *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 have confirmed that these ways are equally applicable under the clause 4.6 regime.

The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Wehbe* at 42 and 43).

The following Principles of the Housing SEPP as stated in section 3 can reasonably be taken to relate to the provision of a detached secondary dwelling and in part to represent objectives of the minimum site area standard:

- (a) *enabling the development of diverse housing types, including purpose-built rental housing*
- (c) *ensuring new housing development provides residents with a reasonable level of amenity*
- (d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*
- (e) *minimising adverse climate and environmental impacts of new housing development*
- (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality*
- (g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*

John Pagan
Town Planning Consultant

2

70 Annandale Street, Annandale : Revised Clause 4.6 Submission (site area)

Principle (a)

Enable the development of diverse housing types, including purpose-built rental housing

The proposed secondary dwelling will contribute to the diversity of housing types in the locality and could be made available for rental housing.

Principle (c)

Ensure new housing development provides residents with a reasonable level of amenity

The proposed secondary dwelling is located over a proposed double garage fronting the rear lane and allows retention of sufficient site area to provide a good standard of inner suburban residential amenity, including landscaped open space.

Principle (d)

Promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services

Although this principle is not related to the minimum site area standard, the proposed development will, consistent with the principle, provide additional housing in a well-serviced location.

Principle (e)

Minimise adverse climate and environmental impacts of new housing development

Although this principle is not related to the minimum site area standard, the proposed development will, consistent with the principle, reasonably minimise adverse climate and environmental impacts.

Principle (f)

Reinforce the importance of designing housing in a way that reflects and enhances its locality

Although this principle is not related to the minimum site area standard, the proposed development will, consistent with the principle, be compatible with surrounding built form and consistent with the relevant desired future character provisions set out in part 2.2.1.2 Annandale Street Distinctive Neighbourhood of *Leichhardt Development Control Plan 2013*.

Principle (g)

Support short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use

Although this principle is not related to the minimum site area standard, the proposed secondary dwelling could be made available for short-term rental accommodation.

The arguments set out above show that in the circumstances compliance with the development standard is unreasonable and unnecessary because the objectives of the development standard as represented by the Principles of the Policy will be achieved by the proposed development despite numerical non-compliance.

John Pagan
Town Planning Consultant

3

70 Annandale Street, Annandale : Revised Clause 4.6 Submission (site area)

Are there sufficient environmental planning grounds to justify the contravention of the development standard? [clause 4.6(3)(b) of the LEP]

In the decision of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Chief Justice Preston noted in paragraph 23 that:

... The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

As well as the objects of the EPA Act, grounds relating to the "subject matter, scope and purpose of the EPA Act" would include the matters for consideration in determining a development application under s 4.15(1).

Contravention of the development standard can be justified on the following environmental planning grounds:

- The proposed secondary dwelling is located over a proposed double garage fronting the rear lane, a built form for which the planning controls make specific provision. If it did not contain a kitchen it would not be a secondary dwelling and the development standard would not be applicable, but its external appearance would be the same. Provision of a studio dwelling rather than just additional accommodation in studio form is consistent with the objective of the R1 General Residential zone to *provide for a variety of housing types and densities* and with broader metropolitan objectives to increase the supply of housing. No good planning purpose would be served by declining to grant consent on the basis of this non-compliance.
- The provision of a detached secondary dwelling despite non-compliance with the minimum site area standard is reasonable as argued above in relation to the suggested objectives of the control. By providing additional accommodation in this form, the proposal represents *proper development and conservation of resources* on the site and will enhance *social and economic welfare* in accordance with s1.3(a) of the EPA Act.
- The proposed development otherwise broadly complies with the *relevant provisions* of the applicable *environmental planning instruments and development control plan* [s4.15(1)(a) of the EPA Act] and in particular with the development standards for landscaped area and site coverage (that for floor space ratio is addressed in separate submissions) and represents *orderly and economic development* of the site in accordance with s1.3(c) of the EPA Act.
- The proposed garage and studio dwelling fronting the lane will be consistent with existing built form, will not have adverse heritage or amenity *impacts* [s4.15(1)(b) of the EPA Act] and represent *sustainable management of built heritage* in accordance with s1.3(f) of the EPA Act.
- The proposal will provide a good standard of *design and amenity* and will reasonably optimise the *health and safety* of its *occupants* in accordance with s1.3(g) and s1.3(h) of the EPA Act.
- Because of its size and shape and access to a rear lane, the *site is suitable for the proposed development* [s4.15(1)(c) of the EPA Act].

John Pagan
Town Planning Consultant

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70 Annandale Street, Annandale : Revised Clause 4.6 Submission (site area)

3. CONCLUSION

This submission shows that, in the circumstances, compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

John Pagan BTP MPIA
Town Planner
10 April 2025

John Pagan
Town Planning Consultant

5

Document Set ID: 40452017
Version: 1, Version Date: 11/04/2025

Attachment D – Section 4.6 Exception to Development Standards (FSR – Housing SEPP)

ADDITIONAL CLAUSE 4.6 SUBMISSION
(floor area)

for
Proposed alterations and additions to dwelling house
including secondary dwelling
(amended plans)

at
70 Annandale Street, Annandale

for
Billie Harkness and Wilson Reyes

prepared by
John Pagan
TOWN PLANNING CONSULTANT

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April 2025

70 Annandale Street, Annandale : Additional Clause 4.6 Submission (floor area)

1. INTRODUCTION

An application to carry out alterations and additions to the existing house at 70 Annandale Street, Annandale, was made in December 2024 and registered by Council as DA/2024/1074. By letter dated 4 February 2025 and subsequent correspondence, Council has requested additional information and invited amended plans. This submission accompanies drawings numbered 24004 DA_v4 prepared by Saturday Studio Pty Ltd.

In response to the revised clause 4.6 submission dated 21 February, Council has advised that, as the floor space ratio (FSR) development standard under *Inner West Local Environmental Plan 2022* (the LEP) is incorporated in maximum floor area standards for a secondary dwelling under section 52 of *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP), an additional clause 4.6 submission is required for any breach of the section 52 standards. Because the proposal exceeds one of these development standards, this additional submission under clause 4.6 of the LEP is made accordingly.

2. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

2.1 Floor area

Part 1 of Chapter 3 of *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) includes development standards for secondary dwelling development.

Under section 52(2)(c) of the Housing SEPP the total floor area of a secondary dwelling must not exceed whichever is greater of 60m² or any greater floor area permitted under another environmental planning instrument. The LEP allows a maximum of 35% of the floor area of the principal dwelling (that is, 71.75m² as calculated by the Architect). The proposed secondary dwelling has a gross floor area (GFA) of 43m² and complies with the standard.

Under section 52(2)(b) the total floor area of a principal dwelling and secondary dwelling must not exceed the maximum floor area permitted for a dwelling house on the site under another environmental planning instrument. Under the LEP the site is subject to a maximum floor space ratio (FSR) of 0.7:1. The site area of 377.9m² allows a GFA of 264.5m². The Architect has calculated that (including areas used for car parking in accordance with Inner West Council's practice) the proposal will increase the GFA from 161m² to 283m², which represents an FSR of 0.75:1 and exceeds the standard. The extent of the non-compliance is 18.5m², a 7.0% variation to the standard.

Because the proposal does not comply with the development standard for floor area as calculated by Council, an exception to the standard is sought under clause 4.6 of the LEP.

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1

70 Annandale Street, Annandale : Additional Clause 4.6 Submission (floor area)

2.2 Exception to Development Standard (Floor area)

Section 4.15(3) of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and clause 4.6 of the LEP allow consent to be granted for development that would contravene a development standard and the latter relevantly provides:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The floor area control contained in section 52(2)(b) of the Housing SEPP is a development standard as defined under the EPA Act that is not subject to any of the specified exclusions from the operation of clause 4.6.

In accordance with the guidelines provided by decisions of the Land and Environment Court, the submission in this Statement addresses the requirements of clause 4.6 in turn.

Is compliance with the development standard unreasonable or unnecessary in the circumstances? [clause 4.6(3)(a) of the LEP]

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, Chief Justice Preston outlined the rationale for development standards and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision Preston CJ noted:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

The judgment in *Wehbe* identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. Subsequent cases including *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 have confirmed that these ways are equally applicable under the clause 4.6 regime.

The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Wehbe* at 42 and 43).

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2

70 Annandale Street, Annandale : Additional Clause 4.6 Submission (floor area)

The following Principles of the Housing SEPP as stated in section 3 can reasonably be taken to relate to the provision of a secondary dwelling and in part to represent objectives of the total floor area standard:

- (a) *enabling the development of diverse housing types, including purpose-built rental housing*
- (c) *ensuring new housing development provides residents with a reasonable level of amenity*
- (d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*
- (e) *minimising adverse climate and environmental impacts of new housing development*
- (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality*
- (g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*

Principle (a)

Enable the development of diverse housing types, including purpose-built rental housing

Although this principle is not related to the maximum total floor area standard, the proposed development will contribute to the diversity of housing types in the locality and the secondary dwelling could be made available for rental housing.

Principle (c)

Ensure new housing development provides residents with a reasonable level of amenity

As set out in the Statement of Environmental Effects (SEE) accompanying the application, the proposed development will provide a good standard of inner suburban residential amenity for the occupants without material adverse impacts on the amenity of neighbouring properties.

Principle (d)

Promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services

Although this principle is not related to the maximum total floor area standard, the proposed development will, consistent with the principle, provide additional housing in a well-served location.

Principle (e)

Minimise adverse climate and environmental impacts of new housing development

The proposed development will, consistent with the principle, reasonably minimise adverse climate and environmental impacts.

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70 Annandale Street, Annandale : Additional Clause 4.6 Submission (floor area)

Principle (f)

Reinforce the importance of designing housing in a way that reflects and enhances its locality

The proposed development will, consistent with the principle, be compatible with surrounding built form and consistent with the relevant desired future character provisions set out in part 2.2.1.2 Annandale Street Distinctive Neighbourhood of *Leichhardt Development Control Plan 2013*.

Principle (g)

Support short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use

Although this principle is not related to the minimum site area standard, the proposed secondary dwelling could be made available for short-term rental accommodation.

The arguments set out above show that in the circumstances compliance with the development standard is unreasonable and unnecessary because the objectives of the development standard as represented by the Principles of the Policy will be achieved by the proposed development despite numerical non-compliance.

Are there sufficient environmental planning grounds to justify the contravention of the development standard? [clause 4.6(3)(b) of the LEP]

In the decision of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Chief Justice Preston noted in paragraph 23 that:

... The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

As well as the objects of the EPA Act, grounds relating to the "subject matter, scope and purpose of the EPA Act" would include the matters for consideration in determining a development application under s 4.15(1).

Contravention of the development standard can be justified on the following environmental planning grounds:

- The proposal exceeds the maximum allowable GFA (and hence the floor area standard) by about half of the floor area of the double garage. In accordance with standard development control practice, this area ought not to be included in assessable floor area (GFA).
- By extending the existing house and providing additional accommodation in the form of a secondary dwelling consistent with surrounding built form, the proposal will improve the standard of residential amenity on the site and represents *proper development and conservation of resources* on the site and will enhance *social and economic welfare* in accordance with s1.3(a) of the EPA Act.

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4

70 Annandale Street, Annandale : Additional Clause 4.6 Submission (floor area)

- The proposed development otherwise broadly complies with the *relevant provisions* of the applicable *environmental planning instruments* and *development control plan* [s4.15(1)(a) of the EPA Act] and in particular with the development standards for landscaped area and site coverage (that for site area is addressed in a separate submission) and represents *orderly and economic development* of the site in accordance with s1.3(c) of the EPA Act.
- By enabling its longer-term occupation and conservation, the proposal will extend the useful life of the building without adverse heritage or amenity *impacts* [s4.15(1)(b) of the EPA Act] and represents *sustainable management of built heritage* in accordance with s1.3(f) of the EPA Act.
- The proposal will allow the implementation of alterations and additions that will improve the *design and amenity* of the building and the *health and safety* of its *occupants* in accordance with s1.3(g) and s1.3(h) of the EPA Act.
- Because of its size and shape and access to a rear lane, the *site* is *suitable for the proposed development* [s4.15(1)(c) of the EPA Act].

3. CONCLUSION

This submission shows that, in the circumstances, compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

John Pagan BTP MPIA
Town Planner
10 April 2025

John Pagan
Town Planning Consultant

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Attachment E – Section 4.6 Exception to Development Standards (FSR – IWLEP)

REVISED CLAUSE 4.6 SUBMISSION
(floor space ratio)

for
Proposed alterations and additions to dwelling house
including secondary dwelling
(amended plans)

at
70 Annandale Street, Annandale

for
Billie Harkness and Wilson Reyes

prepared by
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February 2025

70 Annandale Street, Annandale : Revised Clause 4.6 Submission (floor space ratio)

1. INTRODUCTION

In December 2024 an application was made to carry out alterations and additions to the house at 70 Annandale Street, Annandale. Council registered the application as DA/2024/1074. By letter dated 4 February 2025, Council has requested additional information and has invited amended plans to address a number of matters.

This revised submission accompanies drawings (by which the application as submitted is amended) numbered 24004 DA_v3 110.02C-110.05C, 200.02C-200.03C and 300.01C-300.02C dated February 2025 prepared by Saturday Studio Pty Ltd. As calculated by Council, the gross floor area (GFA) and hence floor space ratio (FSR) of the proposal will exceed the maximum allowed under *Inner West Local Environmental Plan 2022* (the LEP). Because the proposal exceeds the development standard, this submission under clause 4.6 of the LEP is made seeking an exception to the standard.

2. INNER WEST LOCAL ENVIRONMENTAL PLAN 2022

2.1 Floor space ratio

The site is subject to a maximum floor space ratio (FSR) of 0.7:1. The site area of 377.9m² allows a gross floor area (GFA) of 264.5m².

The Architect has calculated that (including areas used for car parking in accordance with Inner West Council's practice) the proposal will increase the GFA from 161m² to 283m², which represents an FSR of 0.75:1 and exceeds the standard. The extent of the non-compliance is 18.5m², a 7.0% variation to the standard. Because the proposal does not comply with the development standard for floor space ratio as calculated by Council, an exception to the standard is sought under clause 4.6 of the LEP.

2.2 Exception to Development Standard (Floor space ratio)

Clause 4.6 allows consent to be granted for development that would contravene a development standard and relevantly provides:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The FSR control contained in clause 4.4 of the LEP is a development standard as defined under the *Environmental Planning and Assessment Act 1979* (the EPA Act) that is not subject to any of the specified exclusions from the operation of clause 4.6.

In accordance with the guidelines provided by decisions of the Land and Environment Court, the submission in this Statement addresses the requirements of clause 4.6 in turn.

John Pagan
Town Planning Consultant

1

70 Annandale Street, Annandale : Revised Clause 4.6 Submission (floor space ratio)

Is compliance with the development standard unreasonable or unnecessary in the circumstances? [clause 4.6(3)(a) of the LEP]

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, Chief Justice Preston outlined the rationale for development standards and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision Preston CJ noted:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

The judgment in *Wehbe* identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. Subsequent cases including *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 have confirmed that these ways are equally applicable under the clause 4.6 regime.

The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Wehbe* at 42 and 43).

The objectives of the floor space ratio standard are set out in clause 4.4(1) of the LEP:

- (a) *to establish a maximum floor space ratio to enable appropriate development density*
- (b) *to ensure development density reflects its locality*
- (c) *to provide an appropriate transition between development of different densities*
- (d) *to minimise adverse impacts on local amenity*
- (e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain*

Objective (a)

Enable appropriate development density

The area of the proposed development responsible for the non-compliance is the garage, which will not increase the population density on the site and will not materially affect the capacity of existing or planned infrastructure.

Objective (b)

Ensure development density reflects its locality

The proposal represents contemporary development compatible with surrounding built form in this part of Annandale and consistent with the relevant desired future character provisions set out in part 2.2.1.2 Annandale Street Distinctive Neighbourhood of *Leichhardt Development Control Plan 2013*.

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70 Annandale Street, Annandale : Revised Clause 4.6 Submission (floor space ratio)

Objective (c)

Provide an appropriate transition between development of different densities

The site does not adjoin an area with a different density control and, consistent with the second method in *Wehbe*, this objective is not relevant to the proposed development.

Objective (d)

Minimise adverse impacts on local amenity

The amended proposal is designed to reasonably minimise impacts on neighbouring amenity: it will not materially affect the access to sunlight, privacy or views of surrounding properties.

Objective (e)

Increase the tree canopy and protect the use and enjoyment of private properties and the public domain

The proposal will significantly increase landscaped area, particularly at the rear of the site, which will provide opportunities for the planting of trees and enhance the enjoyment of the occupants. The proposed built form to the rear lane is appropriate for the locality and will have no adverse impact on the public domain.

The arguments set out above show that in the circumstances compliance with the development standard is unreasonable and unnecessary because the relevant objectives of the development standard will be achieved by the proposed development despite numerical non-compliance.

Are there sufficient environmental planning grounds to justify the contravention of the development standard? [clause 4.6(3)(b) of the LEP]

In the decision of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Chief Justice Preston noted in paragraph 23 that:

... The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

As well as the objects of the EPA Act, grounds relating to the "subject matter, scope and purpose of the EPA Act" would include the matters for consideration in determining a development application under s 4.15(1).

Contravention of the development standard can be justified on the following environmental planning grounds:

- The proposal exceeds the maximum allowable GFA (and hence the FSR standard) by about half of the floor area of the double garage. In accordance with standard development control practice, this area ought not to be included in assessable floor area (GFA).

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70 Annandale Street, Annandale : Revised Clause 4.6 Submission (floor space ratio)

- By providing facilities to improve the standard of residential amenity on the site consistent with surrounding built form, the proposal represents *proper development and conservation of resources* on the site and will enhance *social and economic welfare* in accordance with s1.3(a) of the EPA Act.
- The proposed development otherwise broadly complies with the *relevant provisions* of the applicable *environmental planning instruments* and *development control plan* [s4.15(1)(a) of the EPA Act] and in particular with the development standard for landscaped area (those for site area and site coverage are addressed in separate submissions) and represents *orderly and economic development* of the site in accordance with s1.3(c) of the EPA Act.
- By enabling its longer-term occupation and conservation, the proposal will extend the useful life of the building without adverse heritage or amenity *impacts* [s4.15(1)(b) of the EPA Act] and represents *sustainable management of built heritage* in accordance with s1.3(f) of the EPA Act.
- The proposal will allow the implementation of alterations and additions that will improve the *design and amenity* of the building and the *health and safety* of its *occupants* in accordance with s1.3(g) and s1.3(h) of the EPA Act.
- Because of its size and shape and access to a rear lane, the *site is suitable for the proposed development* [s4.15(1)(c) of the EPA Act].

3. CONCLUSION

This submission shows that, in the circumstances, compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

John Pagan BTP MPIA
Town Planner
21 February 2025

John Pagan
Town Planning Consultant

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Attachment F - Statement of Heritage Significance**STATEMENT OF HERITAGE IMPACT****Proposed Alterations and Additions at****70 Annandale Street****ANNANDALE**

Job No. 10342
November 2024

Heritage21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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| Heritage Impact Statements | Conservation Management Plans | On-site Conservation Architects |
| Photographic Archival Recordings | Interpretation Strategies | Expert Heritage Advice |
| Fabric Analyses | Heritage Approvals & Reports | Schedules of Conservation Work |

Document Set ID: 40452019
Version: 1, Version Date: 11/04/2025

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Acknowledgement of Country

Heritage 21 wishes to acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures and to Elders both past and present.

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Job No. 10342 – RI

Statement of Heritage Impact Annandale HCA 70 Annandale Street, Annandale

Name of the heritage item:

Annandale Heritage Conservation Area

State Heritage Register / LEP heritage schedule item number and name:

C01 – Inner West Local Environmental Plan 2022

Address and location:

70 Annandale Street, Annandale

Statement of heritage impact for:

Proposed alterations and additions to a dwelling located within a HCA

Prepared by:

Petra Balanzategui GradDipArchMgmt, BA

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Prepared for:

Saturday Studio

Cover image: Subject site at 70 Annandale Street, Annandale, facing west to the front façade.
(Source: Heritage 21, 11 July 2024)

The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

| Issue | Description | Date | Written by | Reviewed by | Issued by |
|-------|---------------------------------------|------------|------------|-------------|-----------|
| 1 | Draft report (D1) issued for comment. | 14.11.2024 | PB | AP and PR | PB |
| 2 | Report Issued (RI). | 26.11.2024 | PB | AP and PR | PB |

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1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared on behalf of Saturday Studios who have been engaged by the owner of the site to submit a Development Application (“DA”) for alterations and additions to a dwelling at 70 Annandale Street, Annandale (“the subject site”).

1.2 Site Identification

The subject site is located at 70 Annandale Street, Annandale, which falls within the boundaries of the Inner West Local Government Area (LGA), and it comprises Lot 1 DP 1309476. As depicted in Figure 1 below, the subject site is located on the western side of Annandale Street, the eastern side of Young Lane and is south of Reserve Street. The subject site comprises a modified late-Victorian single-storey worker’s cottage.

The setting and topography of the subject site will be further described in Section 3.0.

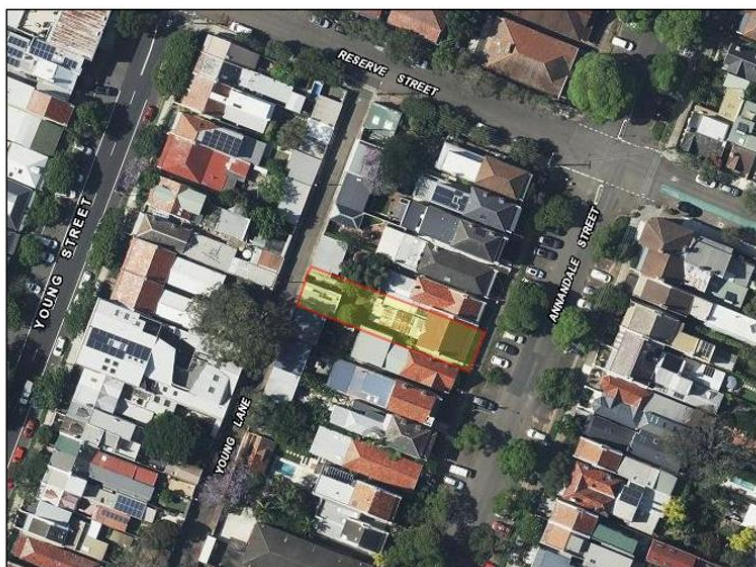


Figure 1. Contemporary aerial view of the subject site (which is highlighted in yellow) and surrounding urban environment (Source: NSW Spatial Services, “SIX Maps,” accessed 05 July 2024, <http://maps.six.nsw.gov.au>).

1.3 Heritage Context

1.3.1 Heritage Listings

The subject site is **not** listed as an item of environmental heritage under Schedule 5 of the *Inner West Local Environmental Plan 2022* ("IWLEP"). It is **not** listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.¹



Figure 2. Detail from Heritage Map HER_004. The subject site is outlined in blue, heritage items shaded brown, landscape items shaded green, and the HCA is hatched red (Source: NSW Legislation Online, <https://www.legislation.nsw.gov.au/maps>, annotated by Heritage 21).

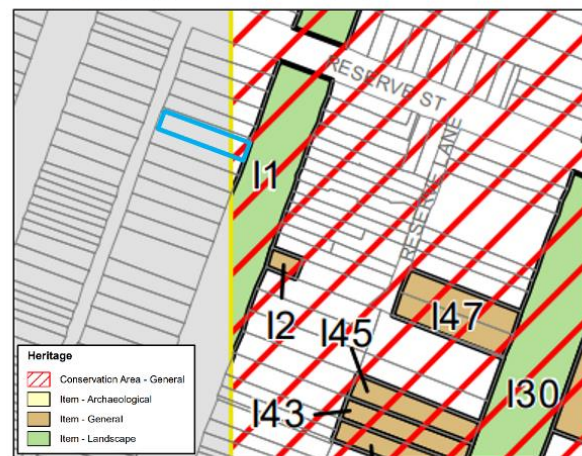


Figure 3. Detail from Heritage Map HER_008. The subject site is outlined in blue, heritage items shaded brown, landscape items shaded green, and the HCA is hatched red. (Source: NSW Legislation Online, <https://www.legislation.nsw.gov.au/maps>, annotated by Heritage 21).

¹ The Register of the National Estate ceased as a statutory heritage list in 2007, but it continues to exist as an inventory of Australian heritage places.

1.3.2 Heritage Conservation Areas (“HCA”)

As depicted in Figure 2 and Figure 3 above, the subject site is located within the boundaries of the Annandale Heritage Conservation Area (“HCA”) (C1), listed under Schedule 5 of the IWLEP 2022.

Properties located within HCAs generally fall into one of the three following classifications:

- Contributory Item – the property makes a positive contribution to the character and heritage significance of the HCA.
- Neutral Item – the property does not contribute nor detract from the character and heritage significance of the HCA.
- Non-Contributory Item – the property detracts from the character and heritage significance of the HCA.

Heritage 21 is of the opinion that as a highly modified late Victorian era worker’s cottage, the subject site is a neutral item within the HCA.

1.3.3 Heritage Items in the Vicinity

As depicted in Figure 2 and Figure 3 above, the subject site is situated within the general vicinity of the following heritage items listed under Schedule 5 of the IWLEP 2022. Details of the listings follow:

| Item Name | Address | Significance | Item Number |
|--------------|--------------------------------|--------------|-------------|
| Street Trees | Annandale Street, Annandale | Local | I1 |
| Substation | 33 Annandale Street, Annandale | Local | I2 |

Among the heritage items in the vicinity listed above, the subject site is adjacent to and within the visual catchment of Street Trees (I1) on Annandale Street, Annandale.

The proposed development of the subject site is not located within the visual catchment of heritage item Substation (I2), nor it is considered to be sufficiently proximate to this place to warrant discussion in the Heritage Impact Assessment contained in Section 6.0 of this SOHI. Accordingly, our discussion regarding the potential heritage impact of the proposal on heritage items in the vicinity is limited to Street Trees (I1) and the Annandale HCA (C1).

1.4 Purpose

The subject site is located within the Annandale HCA (C1) and in the visual catchment of heritage item Street Trees (I1), both of which are listed under Schedule 5 of the IWLEP 2022. Sections 5.10(4) and 5.10(5) of the IWLEP 2022 require Inner West Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to Section 5.0), on the heritage significance of the abovementioned heritage item and HCA and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of that heritage item and HCA. This assessment is carried out in Section 6.0.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

1.5 Methodology

The methodology used in this SOHI is consistent with *Guidelines for preparing a statement of heritage impact* (2023) and *Assessing heritage significance* (2023) published by the NSW Department of Planning and Environment and has been prepared in accordance with the principles contained in the 2013 edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

1.6 Limitations

- This Statement of Heritage Impact ("SOHI") is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Aboriginal and Torres Strait Islander associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Any specifics regarding views should be assessed by a view expert. Heritage 21 does not consider itself to be a view expert and any comments in this report are opinion based.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

1.7 Copyright

Heritage 21 holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the full name and date of the report as well as Heritage 21's authorship.

2.0 HISTORICAL CONTEXT

2.1 Local History

Indigenous History

The Traditional Custodians of the Inner West LGA are the Gadigal and Wangal peoples, who identified themselves as Eora, meaning 'men' or 'people'.² The Gadigal clan populated the southern side of the Sydney Harbour region, and the Wangal people populated the area south of the Parramatta River, from about Petersham to Rosehill.³ Before European occupation and settlement by the 'beerewalgal' (people from the clouds),⁴ the landscape consisted of iron bark, turpentine forest,⁵ stringy bark and blackbutt, with some large red gums shading open and well-grassed grounds.⁶

European Settlement

Captain George Johnston was foundational to the beginnings of Annandale. On the 7th of February 1793, Johnston was granted 100 acres of land that was named South Annandale, now known as Stanmore.⁷ The land's fertile soil and elevated position⁸ made it the perfect location for the establishment of Annandale Farm, which was described as "one of the most complete farms in the Sydney region".⁹ In 1799 Johnston was granted another 290 acres on the northern side of Parramatta Road.¹⁰ During this time, the land formally known as 'Johnston's Bush' was renamed to Annandale, after Johnston's hometown in Dumfriesshire, Scotland.¹¹ Annandale House (Figure 4), Johnston's main residence, was constructed around 1799 on the southern side of the Estate, where it remained until its demolition in the early twentieth century.¹² Captain Johnston was involved in a few important events in the early colony; he played a key role in the suppression of the Vinegar Hill uprising and was one of the main players involved in the coup of Governor Bligh, known as The Rum Rebellion,¹³ which resulted in his six-month appointment as Lieutenant Governor in 1808.¹⁴ Johnston

² "Eora – Mapping Aboriginal Sydney 1770–1850," State Library of New South Wales, accessed 11 November 2024, <https://www.sl.nsw.gov.au/stories/eora>; Val Attenbrow, *Sydney's Aboriginal Past: Investigating the archaeological and historical records* (Sydney: UNSW Press, 2010 [2002]), 35.

³ "Traditional custodians and how to acknowledge," Inner West Council, accessed 11 November 2024, <https://www.innerwest.nsw.gov.au/live/community-wellbeing/aboriginal-community/tradition-custodians>.

⁴ "Mapping Aboriginal Sydney 1770–1850," State Library of New South Wales.

⁵ Deborah Tout-Smith, "Municipality of Annandale," New South Wales in Museums Victoria Collections, 2003, accessed 11 November 2024, <https://collections.museumsvictoria.com.au/articles/2241>.

⁶ Alan Roberts, "Annandale," *Dictionary of Sydney*, 2008, accessed 11 November 2024, <https://dictionaryofsydney.org/entry/annandale>.

⁷ Roberts, "Annandale," *Dictionary of Sydney*.

⁸ Frances Pollon, ed. *The Book of Sydney Suburbs* (Sydney: Cornstalk, 1996), p.3.

⁹ Joan Lawrence and Catherine Warne, *A Pictorial History of Balmain to Glebe* (Alexandria: Kingsclear Books, 1999 [1995]), p.9.

¹⁰ Godden Mackay Logan, "Heritage conservation areas – C01 Annandale, Inner West Council," Inner West Council, accessed 6 November 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

¹¹ Pollon, *The Book of Sydney Suburbs*, p.3

¹² Ibid.

¹³ Paul Davies Architects, "Heritage conservation areas – HCA 06 Annandale Farm," Inner West Council, accessed 6 November 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

¹⁴ A. T. Yarwood, 'Johnston, George (1764–1823)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, published first in hardcopy 1967, accessed online 11 November 2024, <https://adb.anu.edu.au/biography/johnston-george-2277/text2925>.

continued to acquire extensive parcels of land, totalling up to 9,116 acres, until his death in 1823. Nevertheless, his estate in Annandale remained as the "centre of his empire".¹⁵



Figure 4. Front view of Annandale House, home of Captain George Johnston, c. 1905. (Source: State Library of New South Wales Collections, <https://collection.sl.nsw.gov.au/record/n7oXqadn>)

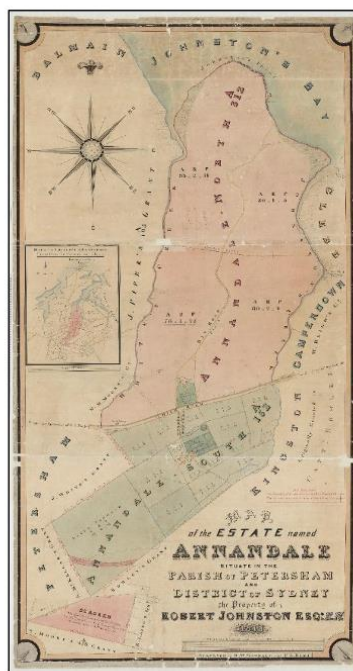


Figure 5 Annandale Estate in 1843. (Source: State Library of New South Wales Collections, Record call number: Z/M3 811.1823/1843/4, <https://collection.sl.nsw.gov.au/record/74VKzwpVoVWwY/MAQdZqwXqk8wZ>)

¹⁵ Roberts, "Annandale."

Subdivision and Early Growth

The subdivision of surrounding suburbs such as Glebe, Leichhardt, Camperdown, East Balmain, Pyrmont and Petersham during the 1830s, followed by the depression of the 1840s, led to the eventual subdivision of the Annandale Estate by the mid nineteenth century.¹⁶ Civil infrastructural improvements to the area, such as the construction of Pyrmont Bridge Road in 1855 and the relocation of the Sydney turnpike on Parramatta Road to be closer to Johnston's Creek, were also significant influences on the subdivision and development of Annandale into a suburban landscape.¹⁷ North Annandale was divided into four quadrants by 1850 (Figure 6),¹⁸ and by 1867, Robert Johnston (son of George Johnston) brought the Annandale Estate under the Real Property Act. In 1876, Johnston began to transfer parcels of the estate in North Annandale to his son, George Horatio Johnston, to commence its subdivision.¹⁹ The first parcel to be subdivided comprised allotments bounded by Parramatta Road and Johnston, Collins and Nelson Streets, which were purchased by builder and developer John Young.²⁰

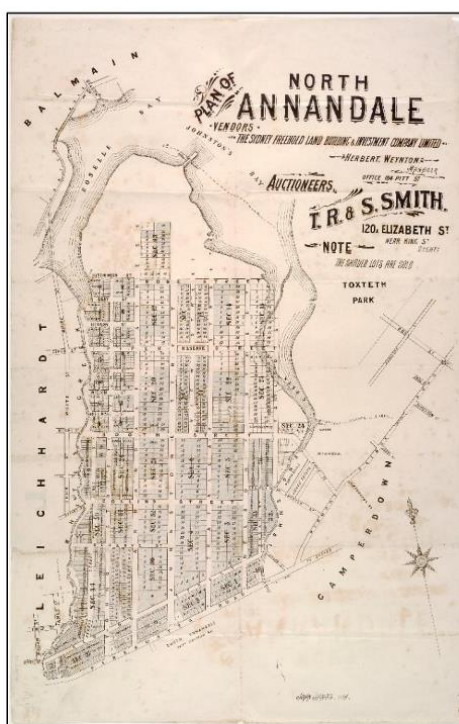


Figure 6. Subdivision Map of North Annandale in 1878. (Source: State Library of New South Wales Collections, <https://collection.sl.nsw.gov.au/record/74VKR3DkbJ23/6M0WqavROPJle>)

¹⁶ Roberts, "Annandale."

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Godden Mackay Logan, "Heritage conservation areas – C01 Annandale."

John Young was the chairman and second largest shareholder of the development company 'Sydney Freehold Land and Building Investment Co Ltd,' and became an important figure in the development of Annandale towards the late nineteenth century.²¹ John Young eventually acquired the whole of the estate, purchasing 75 lots in 1876 and the remaining lots in 1877 for 121,000 pounds.²² In 1878, Young sold the land to his development company to begin its subdivision (Figure 6), employing architect and surveyor Ferdinand Reuss Junior to design the layout and a few of the residential dwellings.²³ Reuss' plan worked with the topography of the area, creating a symmetrical grid pattern that widened Johnston Street from 66ft to 100ft, following the spine of the ridge between Whites Creek and Johnstons Creek. The layout was also influenced by the company's decision to target a middle-class market; with no back lanes and therefore, no terrace houses, streets were a minimum of 50ft wide - well above standard widths in other suburbs at the time - and large allotments of 66ft x 90ft accommodated for the freestanding single villas envisioned.

By 1881, most allotments in Johnston and Annandale Streets were sold; however, the allotments located on the slopes above the creeks were slow to sell and were mostly vacant up until the mid-1880s, due in part to the Parramatta Road tramway not travelling along Johnston Street.²⁴ To increase sales, John Young's company decided to subdivide the estate into smaller lots, starting with the area to the west of Johnston St bounded by Reserve Street and Booth Street, creating Mayes Street and Ferris Street. Between 1884-1886, more of the estate was subdivided, mainly near White's Creek to create Alfred Street. Subdivision of the final vacant estate lots (Figure 6, Sections 13, 21, 22, 24, 29, 39 & 40) was complete by 1888.²⁵ Between 1886-1889, the prominent 'Witches' Houses' were constructed. Designed by architect John Richards and built by John Young, they are amongst the earliest examples of reinforced concrete in Australian domestic architecture.²⁶ John Young built these houses behind his home, 'Kentville,' that had "extensive gardens and sporting facilities".²⁷ One of the houses, 'Kenilworth', was the home of Sir Henry Parkes from 1892 till his death in 1896.²⁸

By this time, the demographic of Annandale had changed to include the working-class and artisans, as they were attracted to the smaller lots on offer.²⁹ This influenced the further civic expansion of Annandale, with the Annandale Public School and the Hunter Baille Memorial Church (Figure 6) opening in 1886, followed by St Brendan's Catholic Primary School in 1898.³⁰ The North Annandale Hotel, designed by architects Provost and Ancher and built by W. Cooper, opened in 1878 – the first pub in the region.³¹ In 1896, a sewer aqueduct was constructed over Johnstons and Whites Creeks,

²¹ Godden Mackay Logan, 'Heritage conservation areas – C01 Annandale'.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Lawrence and Warne, *A Pictorial History of Balmain to Glebe*, p.97.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Roberts, "Annandale."

³⁰ Tout-Smith, 'Municipality of Annandale'.

³¹ Mick Roberts, "North Annandale Hotel, Annandale," Time Gents – Australian Pub Project, 2018, accessed 7 November 2024, <https://timegents.com/2018/01/18/north-annandale-hotel-annandale/>.

due to the reconstruction of the sewage system in Sydney.³² Designed by Cecil West Darley, it was the first Australian structure to use Monier patent reinforced concrete.³³



Figure 7. View of Johnston Street towards north with No. 38 and 40 Johnston Street in view, c. 1880. (Source: State Library of New South Wales, <https://collection.sl.nsw.gov.au/record/nX6ONA6Y>)



Figure 8. View of Johnston Street towards south with Hunter Baille Memorial Church in foreground, c. 1890s. (Source: State Library of New South Wales, <https://collection.sl.nsw.gov.au/record/9NaAyo3Y>)

Federation and Industrial Growth

The demographic make-up of Annandale during the late eighteenth to early twentieth century consisted of self-employed local businessmen such as timber merchants, grocers, butchers, printers, contractors and builders, with around 17 builders registered as living in the area in 1889.³⁴ In 1893, the population primarily resided in two types of dwellings, with records indicating 906 brick houses and 250 weatherboard structures.³⁵ Land sales reached their peak during this time, evidenced by the population's success in petitioning the Leichardt Council to secede in 1892, incorporating the new Borough of Annandale in 1894, when John Young was declared Mayor.³⁶

From 1893 to 1911, residential development in the area doubled, with even more subdivisions occurring till 1909, when Young's Kentville estate was subdivided into 90 lots.³⁷ Annandale, increasingly suburban, suffered both from the bubonic plague which devastated Sydney in the early 20th century, with at least 11 victims recorded in the area throughout 1900-1908,³⁸ and the loss of reputation that followed, as inner suburban areas were now seen as slums. Up until the mid-twentieth century, many of the large, well-off families left the suburb. Their villas were divided up for tenants and verandas enclosed. In 1916, Young's Sydney Freehold Land and Building Investment

³² Lawrence and Warne, *A Pictorial History of Balmain to Glebe*, p.104.

³³ Ibid.

³⁴ Godden Mackay Logan, "Heritage conservation areas – C01 Annandale."

³⁵ Ibid.

³⁶ "Division of the Municipal District of Leichardt – Petition For," New South Wales Government Gazette, 12 December 1892, Issue No. 858 (Supplement), p. 9747, <http://nla.gov.au/nla.news-article222180905>; "Municipal Matters," Australian Star, 20 February 1894, p. 3, <http://nla.gov.au/nla.news-article227233396>.

³⁷ Godden Mackay Logan, "Heritage conservation areas – C01 – Annandale."

³⁸ "Bubonic plague index 1900-1908," Museums of History New South Wales, accessed 14 November 2024, <https://mhns.wa.au/indexes/bubonic-plague/bubonic-plague-index/>.

Co Ltd. went into liquidation, and the remaining lots owned by the company were bought by the Intercolonial Investment Land and Building Co Ltd.³⁹

The subdivision of large lots, exodus of the upper class and increasing working-class population allowed industry activity to thrive. By 1905, multiple engineering firms, timber merchants, a furniture manufacturer, a toy factory, and the largest piano factory in the Commonwealth, The Beale Factory, were operating their businesses in the area.⁴⁰ The Beale Factory was opened in 1902 by Sir Edmund Barton⁴¹ and was in operation until World War II, when it housed manufacturing operations for de Havilland aircrafts.⁴² An open-air theatre called 'Waddington's Picture Show' opened on Parramatta Road in 1908, followed by the Annandale Theatre in 1912 and the Royal Theatre in 1928, known to be one of the best suburban picture theatres of the time. The theatre was demolished in 1958 to make way for a service station constructed by the Shell Oil Company.⁴³

Post World War II & the Heritage Movement

From the 1960s, significant development swept across Annandale and wider Sydney, where notable buildings were demolished and replaced with blocks of units.⁴⁴ The 1968 demolition of 'Claremont,' one of the Witches Houses, followed by a proposal to demolish two more of the Houses and the threat of a new freeway drove founding Secretary Betty Mason and likeminded residents to set up the Annandale Association in 1969.⁴⁵ The Annandale Association and Glebe Society were successful in stopping the development through public outcries, black bans and protestations.⁴⁶ Betty was also responsible for including the following significant buildings on the National Trust Register:

- The Witches Houses
- The Abbey
- Whites Creek Sewer Aqueduct
- Terraces – 'Trafalgarville' 20/22 Trafalgar Street and 39-41 Trafalgar Street
- The Goodman Building, 105-119 Johnston Street
- Westgate Post Office, 255 Parramatta Road
- Annandale Public School⁴⁷

1980s onwards

In 1980, a mural was created on The Crescent as part of a wider Mural Project by Leichardt Council. The public art project was in response to the efforts of the Annandale Association and other groups engaged in the de-industrialisation of the waterfronts in Rozelle Bay, and the mural incorporated local political concerns, including heritage conservation, pollution, industry and community

³⁹ Godden Mackay Logan, "Heritage conservation areas – C01 – Annandale."

⁴⁰ Lawrence and Warne, *A Pictorial History of Balmain to Glebe*, p.102.

⁴¹ Tout-Smith, "Municipality of Annandale."

⁴² Lawrence and Warne, *A Pictorial History of Balmain to Glebe*, p.106.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Lawrence and Warne, *A Pictorial History of Balmain to Glebe*, 106; James Bosanquet, "Remembering Betty Mason and the heritage battle for Annandale," National Trust, 26 April 2021, accessed 12 November 2024, <https://www.nationaltrust.org.au/blog/remembering-betty-mason/>.

⁴⁶ James Bosanquet, "Remembering Betty Mason and the heritage battle for Annandale."

⁴⁷ Ibid.

activism.⁴⁸ In 1981, the mural was awarded a Merit Award by the Royal Australian Institute of Architects for a work of outstanding environmental design.⁴⁹ Other creative endeavours during this period included the operation of Trafalgar Street Studios from 1973-2009, which became one of Australia's best independent recording facilities with a list of clientele including Midnight Oil, INXS and Cold Chisel, as well as international acts such as The Police and Elvis Costello.⁵⁰ The Annandale Hotel, at the intersection of Nelson Street and Parramatta Road, was a mainstay of the Sydney live music scene from the 1980s till the 2010s and played a part in launching the careers of bands such as The Vines, Jet and Regurgitator.⁵¹

2.2 Site Specific History

As indicated on a subdivision plan for Annandale from c. 1880s (Figure 9), land encompassing the subject site and surrounds was offered for sale as "Section 55." "Ferdinand Reuss" is referenced on this plan as the "Surveyor" of this area. The subdivision plan from 1884 (Figure 10) shows that by this year, lots within Section 55 had been formalised and were being offered for sale. The subject site is labelled as Lot "70" on this plan. A Certificate of Title from 1888 (Figure 18) shows that at this time "The Sydney Freehold Land Building and Company" owned the area (including the subject site). The subject site can be seen on the Leichhardt Water Board plan from 1892 (Figure 5), indicating that the dwelling was constructed between 1884 and 1892. This plan also depicts the original form of the subject building, and a small outhouse is visible in the western extent of the subject site.

The subject site first appears in Sands Directory records in 1889, when an Edward Woodgate is recorded as residing at 'Abbotsford' (Figure 21), presumably as a new residence, as he is in between two residents who are neighbours in 1888.⁵² In 1887, only 4 residents are recorded on the western side of Annandale Street, as opposed to the 10-11 residents recorded in 1888-1889, suggesting multiple properties were constructed during this period.⁵³ Sands Directory records show that Woodgate resided at the subject site until 1895 and that the subject site continued to be referred to as Abbotsford until 1898 (see Figure 23).

A Certificate of Title shows that the subject site transferred to James Downes in 1890 (Figure 19). However, it is likely that Downes only owned the site for a maximum of five years, as the earliest available Council Rate Book of 1896 labels the subject site as being owned by a 'P. M. Walsh of Oxford St, Sydney', and notes that the residence was unoccupied at this time (Figure 12). Additionally, the property is auctioned in 1895 "By Order of the Mortgagees" and purchased for 800 pounds later that same year.⁵⁴ It is likely that the dwelling remained unoccupied until 1898, when it

⁴⁸ Bruce Lay, "The Mural, The Crescent Annandale" – a key place in the history of community activism and suburb transformation," Leichhardt History Grants Project: 2010, Heritagesolutions, 2010, accessed 12 November 2024, http://localnotes.net.au/wp-content/uploads/2010/10/The_Mural_Investigation_sversion.pdf.

⁴⁹ Bruce Lay, "The Mural, The Crescent Annandale."

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Sands Sydney, Suburban and Country Commercial Directory, 1888, City of Sydney Archives, Unique Id: A-01136270, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898970>.

⁵³ Sands Sydney, Suburban and Country Commercial Directory, 1887, City of Sydney Archives, Unique Id: A-01136272, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898972>; Sands Sydney, Suburban and Country Commercial Directory, 1888.

⁵⁴ "Advertising," Sydney Morning Herald, 20 February 1895, p. 3, <http://nla.gov.au/nla.news-page1368310>; "Property Sales," Sydney Morning Herald, 2 March 1895, p. 11, <http://nla.gov.au/nla.news-article13985078>.

appears in the Sands Directory again as being rented by 'A. C. Barff' (Figure 23). This is consistent with a Council rate book record from 1907 (Figure 13) that shows the subject site as still being owned by P. M. Walsh and rented by A. C. Barff – although it appears the site was occupied by one Reverend William Clarke from 1902-1904, until he was replaced by Edward Broadbent in 1905 who would eventually pass at the property in 1914.⁵⁵ From 1910 to 1920, the subject site was owned by Myles A. Downes (see Figure 14 and Figure 15). Interestingly, however, the Certificate of Title states that Myles A. Downes, Hotelkeeper, received the land by transmission from James Downes in 1906, with no record of P. M. Walsh, and maintained possession until James Fleming mortgaged the property in 1920.⁵⁶ From c. 1914 to 1933 the subject site was rented by various tenants including Edward Broadbent, James Fleming, Hilda Cordwell and Mrs M. Fitzpatrick.

A Valuation List from 1928 (Figure 16) shows a William Spear as owning the subject site at this time, with the Certificate of Title showing a transfer to William from James Fleming in 1925.⁵⁷ The next Certificate of Title shows that the subject site was transferred to his widow, Gladys Mabel Spear, in 1937 (Figure 20). The Spear's address was listed as 48 Fraser Street, Dulwich Hill, therefore it is likely that they rented the subject site during their ownership. Sands Directory records cease after 1933, so it is unknown who rented the subject site from that year onwards – though newspaper records give the address to one Mrs. J. R. Brassell in 1935, Edward Bates in 1936 and June Amelia Pawsey in 1945.⁵⁸ A Valuation List from 1951 records a John William Morrison, Fitter and Turner as the owner. Morrison's address is listed as 70 Annandale Street, Annandale on this list, indicating that he resided at the subject site during his ownership.

⁵⁵ "Brief Mention," Methodist, 19 April 1902, p. 6, Brief Mention, <http://nla.gov.au/nla.news-article159355077>; *Sands Sydney, Suburban and Country Commercial Directory*, 1904, City of Sydney Archives, Unique Id: A-01136255, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898955>; *Sands Sydney, Suburban and Country Commercial Directory*, 1905, City of Sydney Archives, Unique Id: A-01136254, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898954>; "Family Notices," Sydney Morning Herald, 16 December 1914, p. 10, <http://nla.gov.au/nla.news-page1275717>.

⁵⁶ NSW Land Registry Services, "Certificate of Title," Vol. 972, Fol. 192, Historical Land Records Viewer, 1890, <https://hlrv.nswlrs.com.au>.

⁵⁷ NSW Land Registry Services, "Certificate of Title," Vol. 972, Fol. 192.

⁵⁸ "Making Good Wives Better," Truth, 26 May 1935, p. 28, <http://nla.gov.au/nla.news-article169341102>; "Fell 15 Feet," Lithgow Mercury, 24 February 1936, p. 2, <http://nla.gov.au/nla.news-article219725197>; "Family Notices," Sydney Morning Herald, 7 September 1945, p. 16, <http://nla.gov.au/nla.news-page993793>.

Subdivision Plans and Waterboard Plan

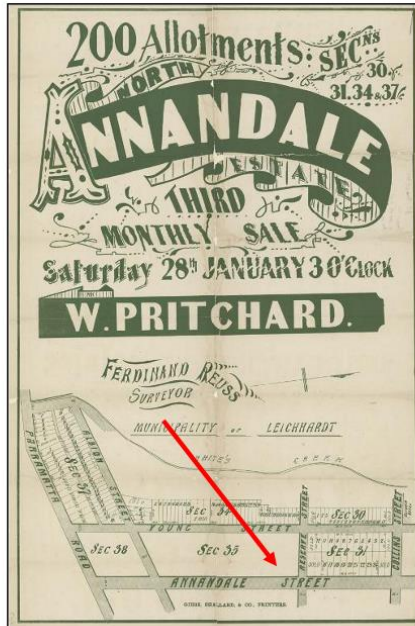


Figure 9. Annandale Subdivision Plan from c.1880s with the approximate location of the subject site indicated by the red arrow. (Source: State Library of NSW, Call Number Z/SP/A4, <https://collection.sl.nsw.gov.au/record/74VMYND2RWqA/DVwV230bvVBq3>, annotated by Heritage 21).

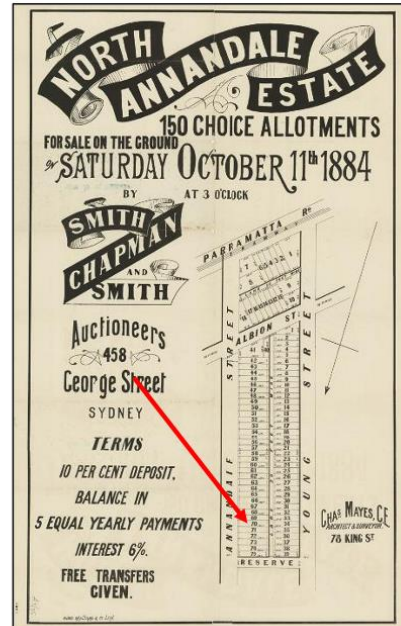


Figure 10. Annandale subdivision plan from 1884 with the subject site indicated by the red arrow. (Source: State Library of NSW, Call Number Z/SP/A4, <https://collection.sl.nsw.gov.au/record/74VMYND2RWqA/ZRM4b2eNvRwRv>, annotated by Heritage 21).

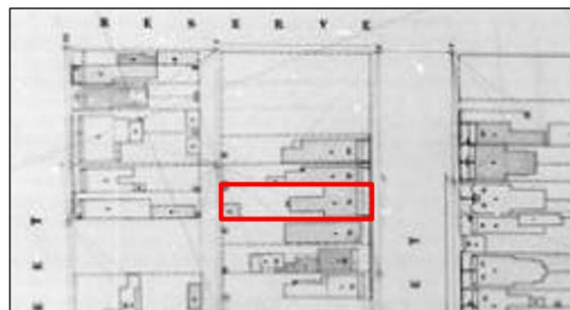


Figure 11. Municipality of Leichhardt Water Board Plan Sheet No. 16 from 1892 with the subject site outlined in red. (Source: Inner West Library Website, <https://innerwest.spydus.com/cgi-bin/spydus.exe/FULL/OPAC/ALLWRKENQ/118846364/39679832,1>, annotated by Heritage 21).

Council Rate Records and Valuation Lists

| | | | | | | | | |
|---|----|------------|-------------|-----------|----|----|-----|----|
| 2 | 70 | Unoccupied | P. M. Walsh | Annandale | 60 | 54 | 2/4 | 18 |
|---|----|------------|-------------|-----------|----|----|-----|----|

Figure 12. Rate book label from 1896, showing the owner "P.M Walsh". (Source: Provided by the Community History Officer at Inner West Council via email).

| | | | | |
|------|----|----------|---------------|----|
| 1050 | 70 | M. Barff | Pat. M. Walsh | 67 |
|------|----|----------|---------------|----|

Figure 13. Rate book label from 1907 showing the owner "Pat.M.Walsh" and tenant "M. Barff". (Source: Provided by the Community History Officer at Inner West Council via email).

| | | | | |
|------|----|-------------------|-----|-----|
| 142 | 70 | Norah Bensley | 540 | 500 |
| 1283 | 70 | Myles Aug. Downes | 110 | 625 |
| 1284 | 68 | the | 125 | 625 |

Figure 14. Rate book label from 1910 showing the owner "Myles Aug. Downes". (Source: Provided by the Community History Officer at Inner West Council via email).

| | | | | | | |
|------|----|--------------|-----|-----|-----|------|
| 1369 | 70 | M. A. Downes | 225 | 575 | 445 | 1145 |
|------|----|--------------|-----|-----|-----|------|

Figure 15. Rate book label from 1920 showing the owner, "M. A. Downes." (Source: Provided by the Community History Officer at Inner West Council via email).

| DEPARTMENT OF THE VALUER GENERAL, N.S.W. - VALUATION LIST | | | | | | | | | |
|---|--|---------------|--|-----------------------------|--|-----------------|--|--------------|--|
| VALUATION DISTRICT OF | | ANNANDALE | | WARD OR RIDING | | VALUATION NO. | | 529 | |
| OWNER'S NAME | | OCCUPATION | | ADDRESS | | TOWN OR VILLAGE | | 70 | |
| SPEAR, WILLIAM. | | | | 43 FRASER ST. DULWICH HILL. | | | | | |
| Lessor's Name | | | | | | | | | |
| COUNTY | | FARISH | | TOWN OR VILLAGE | | | | | |
| REG. REF. 1/9 972 | | 192 D.P. 1341 | | NATURE OF IMPROVEMENTS | | CTGE. | | LOCALITY OR | |
| STREET ANNANDALE | | SIDE W | | | | | | | |
| DATE VALUED 1/9/28 | | PORTION 35 | | AREA OR CONTINGENT 71/70 | | UNIMPROVED 345 | | IMPROVED 950 | |
| | | | | | | ADDED ANNUAL 94 | | REMARKS | |

Figure 16. Valuation List from 1928 showing William Spear as the owner of the subject site (Source: Provided by the Community History Officer at Inner West Council via email).

Statement of Heritage Impact Annandale HCA 70 Annandale Street, Annandale

| DEPARTMENT OF THE VALUER GENERAL, N.S.W.—VALUATION LIST | | | | | | | | | |
|---|--|------------------------------|--|--------------------|--|-------------------|--|--|--|
| WARD OR RIDING | | ANNANDALE | | VALUATION NO. | | 535 | | | |
| OWNER'S NAME | | Morrison John William | | OCCUPATION | | Pitter. & Turner. | | | |
| ADDRESS | | 70 Annandale St., ANNANDALE. | | | | | | | |
| LEASER'S NAME | | | | | | | | | |
| COUNTY | | 4886 PA. 208 D.P. 1341 OTHER | | TOWN OR VILLAGE | | ctge. street | | | |
| STREET | | Annandale. | | SIDE | | W | | | |
| DATE VALUED | | 18/4/51 | | VALUED | | 1150 | | | |
| PROPORTION | | 35 | | AREA OR DIMENSIONS | | 30'x154'9" | | | |
| VALUATION NO. | | 16/4/51 | | VALUED | | 76 | | | |
| REMARKS | | | | | | | | | |

Figure 17. Valuation List from 1951 showing John William Morrison as the owner of the subject site (Source: Provided by the Community History Officer at Inner West Council via email).

Certificates of Title

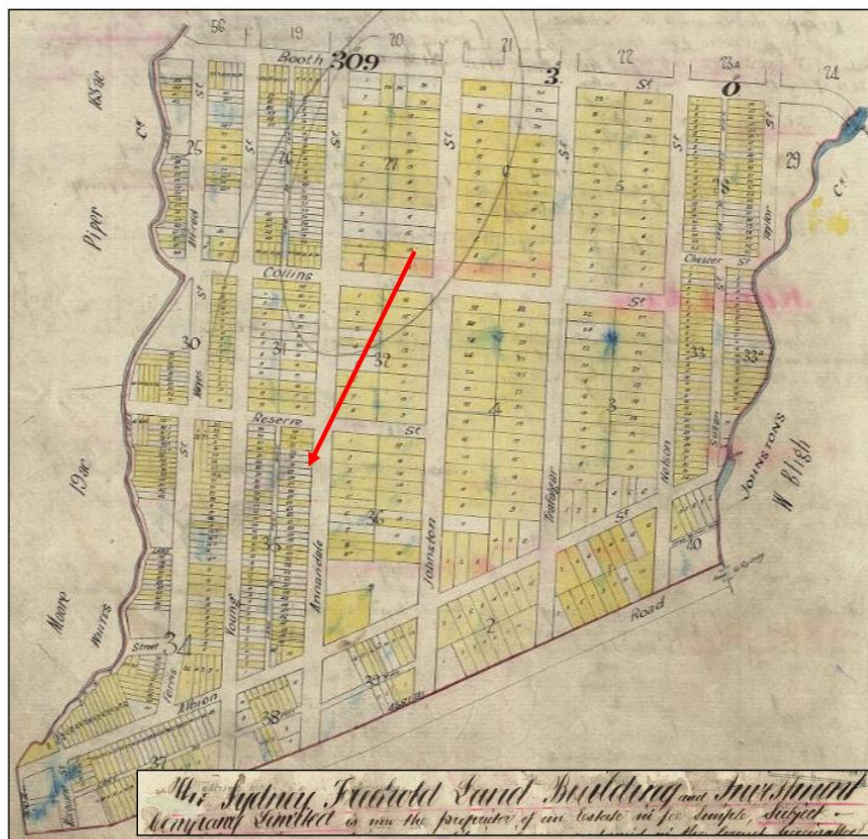


Figure 18. Certificate of Title from 1888 (Source: NSW Land Registry Services, Historical Land Records Viewer, Vol. 874 Fol. 24 accessed 31 October 2024, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

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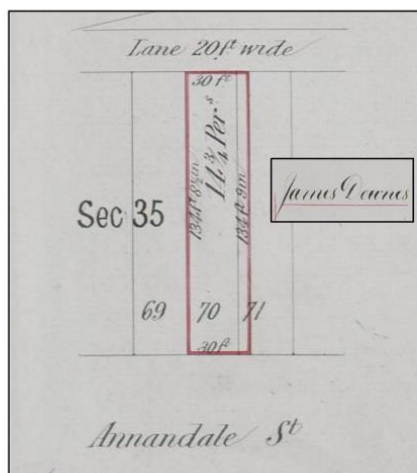


Figure 19. Certificate of Title from 1890 showing the subject site outlined in red and with (Source: NSW Land Registry Services, Historical Land Records Viewer, Vol. 972 Fol. 192, accessed 31 October 2024, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

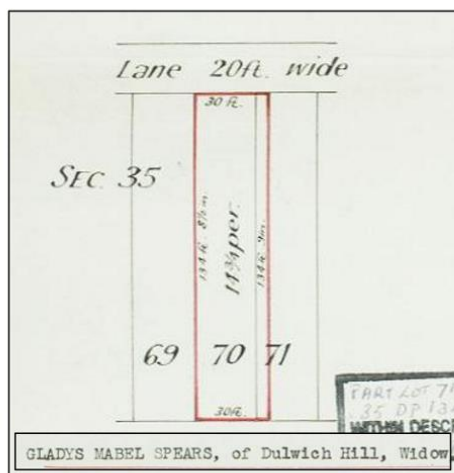


Figure 20. Certificate of Title from 1937 showing the subject site outlined in red and with (Source: NSW Land Registry Services, Historical Land Records Viewer, Vol. 4886 Fol. 209, accessed 31 October 2024, <https://hlrv.nswlrs.com.au/>, annotated by Heritage 21).

Sand Directory Records

| West side | |
|-----------|---------------------------------------|
| 10 | Macdonald John, brewer |
| 14 | Campbell William, "Linwood" |
| 18 | Cross George M., modeller |
| 18 | Cusack John, schoolteacher |
| | Hanks James, "Alice dale" |
| 44 | Hanks Arthur, venetian blind maker |
| 60 | McCredie Mrs. Thomas O., "Glenroy" |
| 62 | Field Charles, jun., commission agent |
| 70 | Woodgate Edward, "Abbottsford" |
| 79 | Battle John, carpenter |

Figure 21. Record from the Sands Directory for 1889, showing Edward Woodgate as residing at 'Abbottsford' (Source: Sands Sydney, Suburban and Country Commercial Directory (Sands Directory), Unique ID: A-01136270, annotated by Heritage 21).

| West side | |
|---------------|---|
| 8 | Luscombe Richard C., inspector of scaffolding |
| Albion street | |
| 10 | Macdonald John, brewer, 'Carthona' |
| 14 | Campbell Wm., 'Lynwood' |
| 16 | Cross Geo. T., modeller |
| 18 | Cusack John, schoolteacher |
| 24 | Edmondson Robert, contractor |
| 26 | Allen John, compositor |
| 28 | Foot Thomas, J.P., 'Tamar house' |
| 30 | Naylor Wm., safemaker |
| 32 | Saxton Alexander, timber-merchant |
| 34 | Lenthall Richard, 'Burrenbroe' |
| 36 | Phillips Jas., clerk |
| 38 | Ritchie Charles, ironmonger |
| 40 | Maling Wm. J., accountant |
| 42 | Sempill Miss |
| 44 | Brierly Edward J., com. traveller |
| 46 | Brown J. C. R. |
| 48 | Starling John, 'Euralilla' |
| 50 | Smith Charles, accountant |
| 60 | Cowan Jas., auctioneer |
| 62 | Jordan Harry, electrician |
| 64 | McPynn Michael, carriage builder |
| 66 | Manderson Geo., 'Neanger' |
| 70 | Woodgate Edward, analytical chemist |

Figure 22. Record from the Sands Directory for 1895, showing Edward Woodgate as residing at the subject site (Source: Sands Sydney, Suburban and Country Commercial Directory (Sands Directory), Unique ID: A-01136264, annotated by Heritage 21).

| | |
|----|-----------------------------------|
| 14 | Campbell Wm., "Lynwood" |
| 16 | Doyle W. A., "Grasmere" |
| 18 | Cusack John, schoolteacher |
| 20 | Small John |
| 24 | Everingham A. T., fuel merchant |
| 26 | Allen John, compositor |
| 28 | Footo Thomas, J.P., "Tamar house" |
| 30 | Milne Wm., "Bertozerie" |
| 32 | Saxton Alexander, timber merchant |
| 34 | Lenthall Mrs. R., "Burrenbree" |
| 36 | Phillips Jas., clerk |
| 38 | New Ernest |
| 40 | Norris Frederick, "Northbrook" |
| 42 | Hanks John, painter |
| 44 | Brierly Edward J., com. traveller |
| 46 | Brown J. O. R. |
| 48 | Starling John, "Kuralla" |
| 50 | Smith Charles, accountant |
| 52 | Moss Simpson, "Glen Roy" |
| 54 | Aiken E. L., J.P., "Fieldlands" |
| 56 | McFlynn Michael, carriage builder |
| 58 | Manderson Mrs. Ann, "Nongar" |
| 60 | Barff A. C., "Abbotsford" |

Figure 23. Record from the Sands Directory for 1898, showing A.C Barff as residing at 'Abbotsford' (Source: Sands Sydney, Suburban and Country Commercial Directory (Sands Directory), Unique ID: A-01136261, annotated by Heritage 21).

| | |
|-----------------------------|---|
| Annandale street continued— | |
| West side | |
| 4 | Rosemond Joseph and Sons, manufacturing confectioners |
| 6 | Harris Mrs. Elizabeth M. |
| 8 | Partridge Edgar L., engineer |
| Albion street | |
| 10 | Marsden William J., hairframer and padmaker |
| 12 | Jackson William |
| 14 | Campbell Wm., "Lynwood" |
| 16 | Brooks Mrs. Mary Ann |
| 18 | Cusack John |
| 20 | Cusack H. J., dental surgeon |
| 22 | Small John |
| 24 | Hooko Frederick |
| 26 | Ferry Neil |
| 28 | Footo T., J.P., "Tamar House" |
| 30 | Walsh John |
| 32 | Gardner Mrs. Mary |
| 34 | Merchant Charles E., "Burrenbree" |
| 36 | Brotherson Samuel, "Maryville" |
| 38 | Madden Thomas, "Mascotte" |
| 40 | Simpson Robert |
| 42 | Blakey Alfred Lloyd |
| 44 | Brierley E. J., J.P., com. traveller |
| 46 | Brierley Ethel, teacher of music |
| 48 | Wilson James |
| 50 | Shaw William C. |
| 52 | Johnson Thomas H. |
| 54 | Macdonald John, "Glen Roy" |
| 56 | Hicks Benjamin F. |
| 58 | McFlynn Michael, J.P. |
| 60 | Hughes Phillip H. |
| 62 | Kelton Mrs. Letitia |
| 64 | Brown Thomas |
| 66 | Savage Robert |
| 68 | Broadbent Edward |

Figure 24. Record from the Sands Directory for 1914, showing Edward Broadbent as residing at the subject site (Source: Sands Sydney, Suburban and Country Commercial Directory (Sands Directory), Unique ID: A-01136245, annotated by Heritage 21).

| | |
|---------------|---|
| West side | |
| 4 | Rosemond J. & Sons, confectionery manfrs. |
| 6 | Cooper Herbert |
| Albion lane | |
| 8 | Partridge Edgar L. |
| Albion street | |
| 10 | Mitchell Mrs. Mary |
| 12 | Curtin Miss Nelly |
| 14 | Henningsen Andrew |
| 16 | Williamson David C. |
| 18 | Cusack H. J., surgeon |
| 20 | Chapman C. A. |
| 22 | Hooko Frederick |
| 24 | Ferry Neil |
| 26 | Glendon James H. |
| 28 | Hicks Mrs. Mary |
| 30 | Cooke Walter Richard |
| 32 | Croucher Mrs. E. L. |
| 34 | Madden Tom |
| 36 | McKinnon Malcolm |
| 38 | Cummins Patrick |
| 40 | Brierley E. J., J.P. |
| 42 | Brierley Mrs. E., music teacher |
| 44 | Shaw William C. |
| 46 | Johnson Thomas H. |
| 48 | Smith Henry Walter |
| 50 | Deacon John |
| 52 | Byrnes Sydney |
| 54 | Wynn Mrs. Annie |
| 56 | O'Brien Mrs. Mary |
| 58 | Coil Mrs. Bridget |
| 60 | Ritchie John |
| 62 | Fleming James |
| 64 | Fleming James |
| 66 | Fleming James |
| 68 | Fleming James |
| 70 | Fleming James |

Figure 25. Record from the Sands Directory for 1924, showing James Fleming as residing at the subject site (Source: Sands Sydney, Suburban and Country Commercial Directory (Sands Directory), Unique ID: A-01136235, annotated by Heritage 21).

| | |
|---------------|---|
| West side | |
| 4 | Rosemond J. & Sons, confectionery manfrs. |
| 6 | Cooper Spencer James |
| Albion lane | |
| 8 | Pelley P., estate & business agency |
| 10 | Smith W. H., boot repairer |
| Albion street | |
| 12 | Partridge Edgar L. |
| 14 | Fahy Patrick F. |
| 16 | Curtin Miss N. |
| 18 | Reid Mrs. Ethel |
| 20 | Best A. T. |
| 22 | Best Mrs. A. T., Regr. B. D. & M. |
| 24 | Cusack H. J., dental surgeon |
| 26 | Chapman Gus |
| 28 | Hooko James |
| 30 | Hooko Miss B., music teacher |
| 32 | Ferry C. |
| 34 | Glendon James H. |
| 36 | McKinnon Malcolm |
| 38 | Hicks Mrs. Mary |
| 40 | Railley Wm. |
| 42 | Croucher A. W. |
| 44 | Madden Thomas |
| 46 | Croucher Mrs. May |
| 48 | Brierley Mrs. H. T. |
| 50 | Fleming Joseph |
| 52 | Shaw William C. |
| 54 | Smith Henry Walter |
| 56 | Craig Alfred J. |
| 58 | Coil Mrs. E. |
| 60 | Egan Mrs. Annie |
| 62 | McCombie S. A. |
| 64 | Wallace Mrs. Mary |
| 66 | Hansen Mrs. Nellie |
| 68 | Ritchie David |
| 70 | Hannon John J. |
| 72 | Fitzpatrick Mrs. M. |

Figure 26. Record from the Sands Directory for 1932-33, showing Mrs. M Fitzpatrick (Source: Sands Sydney, Suburban and Country Commercial Directory (Sands Directory), Unique ID: A-01136227, annotated by Heritage 21).

2.2.1 Historic aerial imagery

The Inner West Development Application Tracker does not contain any previous applications pertaining to the subject site; however, it is evident via historic aerial imagery shown below that the subject building has been modified externally over time. The earliest aerial image from 1943 (Figure 27) shows the original form of the subject building, with the primary part of the house in the east and the rear service wing to the west. The next aerial image from 1961 (Figure 28) shows the extent of the rear service wing more clearly (see arrow in Figure 28). The aerial from 1982 (Figure 29) shows the addition of a small shed at the western extent of the subject site. The next image from 1986 (Figure 30) shows the addition of the sunroom to the north of the rear wing, indicating that it was constructed between 1982 and 1986.

The aerial image from 2005 (Figure 31) shows that the small shed from the previous aerial has been replaced with the larger shed/garage that is present today. The alfresco area to the west of the sunroom is not visible in this aerial, indicating that it was constructed sometime after 2005. The aerial from 2021 (Figure 32) shows the subject site in its current state with the later additions of the sunroom, alfresco and shed.



Figure 27. Historic aerial imagery from 1943 with the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, accessed 17 July 2024, <https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccdda8075238cb>, annotated by Heritage 21).



Figure 28. Historical aerial imagery from 1961 with the subject site outlined in red. The red arrow indicates the rear service wing (Source: NSW Spatial Portal, Historical Imagery, accessed 17 July 2024, https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7_c215b873864d44bccdda8075238cb, annotated by Heritage 21).



Figure 29. Historic aerial imagery from 1982 with the subject site outlined in red. The red arrows indicate the addition of a small shed and that the sunroom had not been built yet. (Source: NSW Spatial Portal, Historical Imagery, accessed 17 July 2024, https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7_c215b873864d44bccdda8075238cb, annotated by Heritage 21).



Figure 30. Historic aerial imagery from 1986 with the subject site outlined in red. The red arrow indicates the addition of the sunroom (Source: NSW Spatial Portal, Historical Imagery, accessed 17 July 2024, https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7_c215b873864d44bccdda8075238cb, annotated by Heritage 21).



Figure 31. Aerial image from 2005 with the subject site outlined in red. The red arrows indicate addition of the shed/garage which remains today and that the alfresco area had not yet been constructed (Source: NSW Spatial Portal, Historical Imagery, accessed 17 July 2024, https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7_c215b873864d44bccdda8075238cb, annotated by Heritage 21).

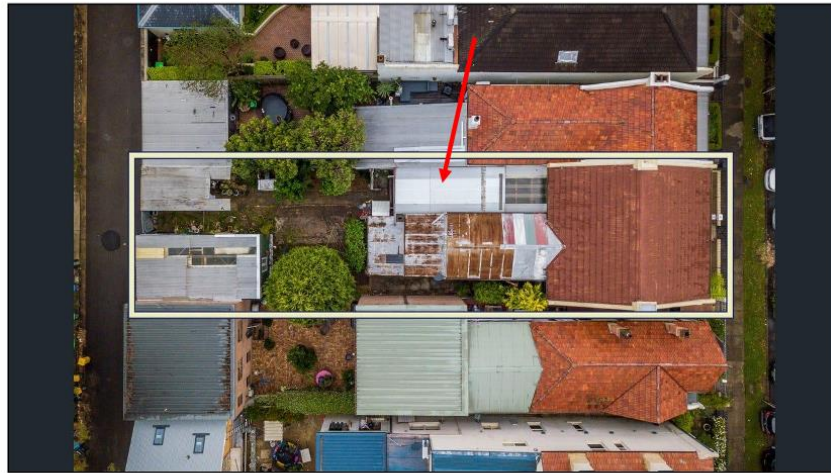


Figure 32. Aerial image of the subject site from 2021, with the addition of the alfresco area to the west of the sunroom since the previous aerial image (Source: REA Group, <https://www.realestate.com.au/property/70-annandale-st-annandale-nsw-2038/>, annotated by Heritage 21)

3.0 PHYSICAL EVIDENCE

3.1 The Setting

The subject site is located at 70 Annandale Street, Annandale. The suburb of Annandale is in the Inner West of Sydney, and is situated approximately five kilometres west of the Sydney Central Business District ("CBD"). The primary façade of the subject building faces east to Annandale Street, and the rear of the property, which contains a garage, faces west to Young Lane.

The subject site is located within the Annandale HCA, which is described as an important and well planned nineteenth century suburb illustrating residential development, particularly from the 1880s-1890s, aimed initially at the middle class market. The Annandale HCA comprises a wide ridge between Whites Creek and Johnstons Creek running due north to Rozelle Bay, with views from across streets, from the northern end of the suburb to the harbour, Anzac Bridge and the city, and west towards Leichhardt.⁵⁹

The Leichhardt Development Control Plan 2013 describes the existing character and setting of Annandale Street as follows:

Annandale Street was developed adjacent to Johnston Street in an 'avenue' style and is characterised by detached and semi-detached single storey dwellings from the late 1800s and early 1900s.

There is a mixed variety of dwelling styles and forms within the neighbourhood and front setbacks can vary considerably between adjacent properties, depending on the type of dwelling. The dwelling styles vary between Victorian, Federation and some Californian bungalows. While many of the dwellings are substantially intact in terms of architectural style, there are numerous examples of inappropriate alterations and additions, including oversized and poorly designed dormer windows (especially those on Victorian terraces), filled in balconies and verandahs, and imposing second storey additions.

Annandale Street is relatively wide and has a carriageway width of approximately 12m to 14m, and a footpath width of approximately 2.5m to 3m. Allotments within Annandale Street Distinctive Neighbourhood are relatively large in comparison to other distinctive neighbourhoods within the municipality; they typically vary between 50m to 54m in length and 5.5m to 7.5m in width north of Booth Street and south of Booth Street they typically vary between 40m to 45.5m in length and 4.5m to 8.5m in width.

The whole of Annandale Street is lined with continuous rows of mature native street trees, which due to their height create a natural avenue which is relatively

⁵⁹ Inner West Council, "Heritage conservation areas", accessed 16 July 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

unbroken along its length. The importance of these street trees has been recognised; therefore the street trees and landscaping within Annandale Street (stretching from Parramatta Road in the south to Piper Street in the north) are listed as heritage items.⁶⁰

3.2 Physical Description

The subject building comprises a single-storey highly modified late Victorian-era worker's cottage. The primary (eastern) façade of the subject building has been modified, and it does not retain its original windows, roof, bullnose veranda or entry tiles. The original cast iron palisade fence remains on the eastern boundary of the subject site.

The primary built form features a pitched roof with terracotta tiles and two extant chimneys. The rear (western) service wing contains a gable roof with two connected lean-to roof forms, and is covered with corrugated metal sheeting. The alfresco and sunroom have a lean-to roof form and are covered with polycarbonate sheeting. The primary built form is of rendered brick and the western-most section of the rear wing is exposed brick. The primary (eastern) façade has two aluminium windows, a four-panel door, and Federation column decoration.

The primary form of the dwelling contains two bedrooms and a large living/dining space. The rear wing has been renovated to include a bathroom and kitchen and also contains a bedroom (currently being used for storage) and a laundry. A sunroom and alfresco have been attached to the northern wall of the rear wing. A shed is located in the south-western corner of the subject site, and opens to Young Lane.

3.3 Condition and Integrity

Throughout the years, modifications to the subject building have altered the dwelling substantially along its exteriors and interiors. However, the modifications have not altered the original scale or height of the Victorian dwelling. The modifications undertaken at the subject dwelling are further explored below.

Façade

Many changes have been made to the primary (eastern) façade, including:

- The removal of tessellated tiles and replacement with contemporary (c. 1980s) tiles.
- The removal of double hung windows and replacement with large aluminium windows.
- The removal of the bullnose veranda.
- Metal roofing replaced with terracotta tiles.
- Replacement of front door.

⁶⁰ Inner West Council, "Leichhardt DCP, p. 137-138, accessed 13 November 2024, <https://www.innerwest.nsw.gov.au/develop/plans-policies-and-controls/development-controls-lep-and-dcp/development-control-plans-dcp/leichhardt-dcp>.

- Removal of Victorian lacework and introduction of Federation style lacework.

Front of dwelling

Internally, the dwelling contains contemporary engineered timber flooring, doors, door frames and light fixtures. The wall between the two northern rooms has been modified to create a large opening for a living/dining space (see Figure 43). The western wall was demolished in the mid-1980s to introduce a large glass sliding door leading to the sunroom. Original fireplaces have been removed and plastered over. Evidence of this plastering can be seen in Figure 50 and Figure 52. Their associated chimney stacks remain externally (Figure 62). Original cornices and ceiling roses have been removed and replaced with contemporary ones (see Figure 49 and Figure 50). One notable original feature that remains is the hallway arch.

Rear Wing

The rear of the subject building has been highly modified, with the addition of a bathroom and kitchen and the replacement of original flooring, doors, and windows. The fireplace in the rear wing has also been plastered over, as an extant chimney stack with no associated internal fireplace is located at the western extent of the subject building (see Figure 62). A sunroom was added to the rear of the subject building in the mid-1980s, and the alfresco area was added sometime after 2005. The original wall connecting the rear wing to the sunroom was largely demolished to introduce a glass sliding door and window (Figure 55). A brick wall extends from the western-most wall of the subject building, providing a barrier between the backyard and the alfresco area.

3.4 Images

The following photographs have been taken by Heritage 21 at the site inspection undertaken on 11 July 2024, unless stated otherwise.



Figure 33. The subject site at 70 Annandale Street, Annandale, facing west.



Figure 34. The primary (eastern) façade of the subject site, facing north-west.



Figure 35. Red arrow indicating rear of the subject site, with entry to Young Lane, facing south-east.



Figure 36. Rear of subject site on Young Lane, facing south-east.



Figure 37. Double hung windows at neighbouring property. These windows are proposed for the subject site. Facing south-west.



Figure 38. Examples of two storey garages along Young Lane within the Annandale HCA.



Figure 39. Red arrows indicating examples of two storey garages, neighbouring the subject site.



Figure 40. Two-storey contemporary garages in the vicinity of the subject site.



Figure 41. Front garden of subject site which is proposed to be landscaped. Tessellated tiles are proposed to replace the existing non-original tiles.



Figure 42. Front garden of subject site which is proposed to be landscaped.



Figure 43. Non-original opening in wall to create large living/dining space, facing west.



Figure 44. Front room of subject building, note the later addition window on primary façade, facing east.

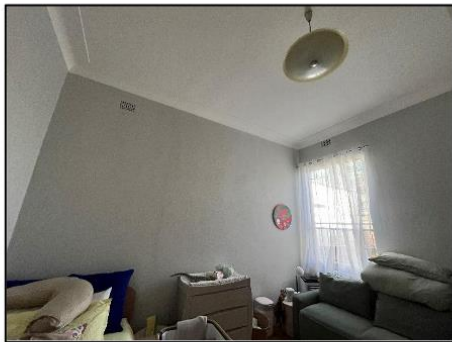


Figure 45. Bedroom in primary portion of dwelling, facing south.



Figure 46. Front bedroom in primary portion of dwelling, facing south.

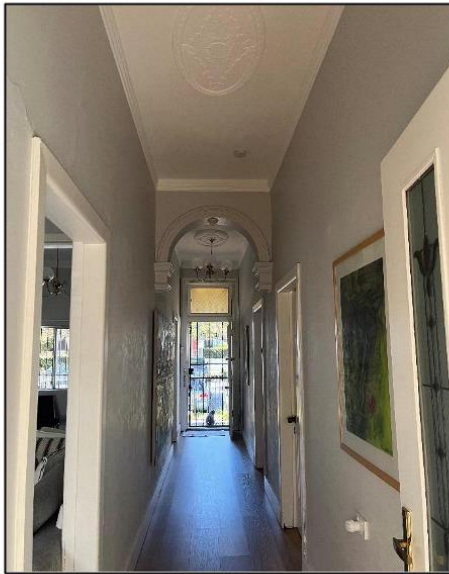


Figure 47. View of hallway leading to the entrance of subject building, facing east.



Figure 48. View of hallway leading to rear of subject building. Note the doors and floorboards are later addition fabric. Facing south-west.

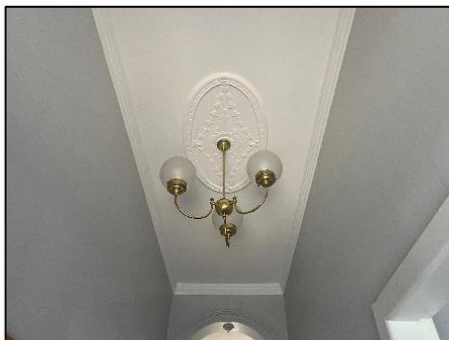


Figure 49. Modern ceiling roses on ceiling of hallway.



Figure 50. Modern ceiling roses and cornice in front bedroom. Distortion on the cornice can be seen from the former fireplace.



Figure 51. Original arched detailing in hallway.



Figure 52. Red arrows indicating distortion on cornice as a result of eradication of former fireplace.



Figure 53. Kitchen in modified rear wing of dwelling, facing west.

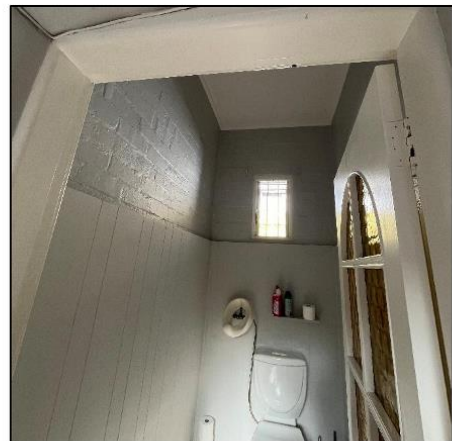


Figure 54. Bathroom in rear wing, facing south.

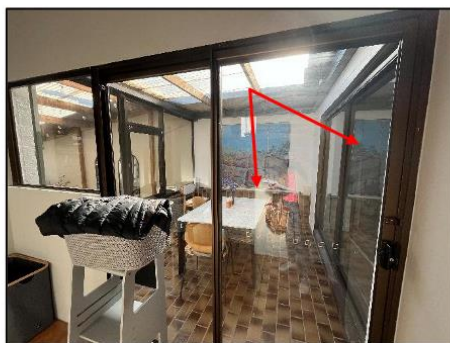


Figure 55. Red arrows indicate sliding doors added to provide access to sunroom. Facing north.



Figure 56. Alfresco at the rear of the subject building, facing east.



Figure 57. Looking towards sunroom from alfresco, facing east.



Figure 58. Backyard and shed at subject site, facing south-west.



Figure 59. Backyard and shed at subject site, facing west.



Figure 60. Shed at rear of property, facing south-east.

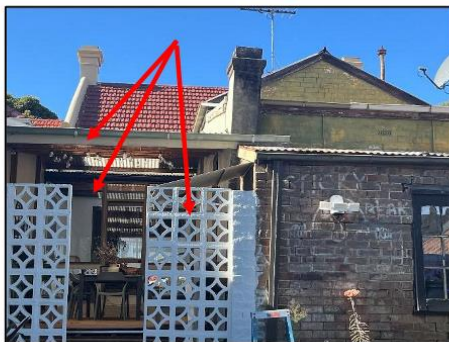


Figure 61. Rear of subject building with later addition fabric indicated by arrows. Facing east.



Figure 62. Rear of subject building and backyard, facing east. The red arrows indicate the three chimney stacks.



Figure 63. Entrance of subject building proposed to be retiled and landscaped, facing south.

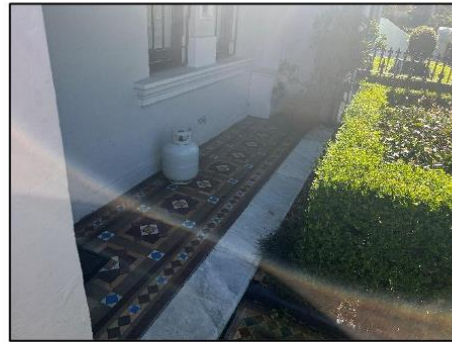


Figure 64. An example of tessellated tiles at the neighbouring terrace.

4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site, the Annandale HCA (in which the subject site is located), and the heritage items in the vicinity of the subject site, it is necessary to first ascertain the heritage significance of these places. Accordingly, Statements of Significance for the subject site (refer to Section 4.2.2), the Annandale HCA (refer to Section 4.1.1), and heritage item Street Trees (refer to Sections 4.1.2) are provided below. The significance of these places will form part of our considerations in the assessment of heritage impact, undertaken in Section 6.0 below.

4.1 Established Significance

4.1.1 The Annandale HCA (C01)

The following Statement of Significance is available for the site on the State Heritage Inventory:

- *One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important as a well planned nineteenth-century suburb, and for illustrating development particularly from 1880s–1890s, aimed initially at the middle class market. The surviving development from this period forms the major element of its identity along with an area of 1910s–1930s development at its northern end.*
- *Demonstrates the vision of John Young, architect, engineer and property entrepreneur.*
- *Demonstrates, arguably, the best and most extensive example of the planning and architectural skills of Ferdinand Reuss, a designer of a number of Sydney's Victorian suburbs, including South Leichhardt (the Excelsior Estate) and Birchgrove.*
- *Clearly illustrates all the layers of its suburban development from 1878, through the 1880s boom and resubdivision, the 1900 slump and the appearance of industry, and the last subdivision around Kentville/Pritchard Streets to the 1930s, with the early 1880s best illustrated along Johnston and Annandale Streets.*
- *Demonstrates a close relationship between landform and the physical and social fabric of the suburb.*
- *In its now rare weatherboard buildings it can continue to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around Rozelle Bay and their effect on the building of the suburbs of Leichhardt.*

Statement of Heritage Impact Annandale HCA 70 Annandale Street, Annandale

- Displays a fine collection of large detached Victorian Italianate boomperiod villas with most decorative details still intact, set in gardens.
- Displays fine collection of densely developed Victorian commercial buildings.
- Through the absence/presence of back lanes, changes in the subdivision pattern, and the range of existing buildings it illustrates the evolution of the grand plan for Annandale, in response to the market, from a suburb of middle class villas to one of terraces and semis for tradesmen and workers.⁶¹

4.1.2 Street Trees (I1)

The following Statement of Significance is available for the heritage item on the State Heritage Inventory:

*The Annandale Street trees located between Parramatta Road and Piper Street are of local historic and aesthetic significance as part of the early 20th century improvements to the local area. The trees are a uniform group that enhance the built context and beautify this section of Annandale Street.*⁶²

4.2 Assessment of Significance

4.2.1 The Subject Site

In order to make an assessment of whether the proposed development to the subject site would have a negative, neutral or positive impact upon the significance of the subject place, it is necessary first to ascertain the significance of the subject site. The following assessment is based upon criteria specified by the NSW Department of Planning and Environment.⁶³

| Criterion | Assessment |
|---|---|
| (a) Historic significance <i>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).</i> | The subject site demonstrates the growth of Annandale as a residential suburb, and it contributes to the significance of the Annandale HCA as an example of a Victorian worker's cottage. As such, it is Heritage 21's opinion that the subject site does demonstrate historic significance at a local level. |

⁶¹ Inner West Council, "Heritage conservation areas", accessed 16 July 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

⁶² Heritage NSW, "Street Trees", State Heritage Inventory, Heritage Item ID: 2421466, accessed 01 November 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1940011>.

⁶³ Department of Planning and Environment, *Assessing heritage significance* (Parramatta: Department of Planning and Environment, NSW Government, 2023), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/assessing-heritage-significance>.

Statement of Heritage Impact Annandale HCA 70 Annandale Street, Annandale

| Criterion | Assessment |
|--|---|
| <p>(b) Historical association</p> <p><i>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).</i></p> | <p>There is no known significant human occupation of the house, nor did Heritage 21's historical research uncover any important group or event associated with it since its construction.</p> <p>As such, the subject site does not meet the criterion for associative significance.</p> |
| <p>(c) Aesthetic/creative/technical achievement</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).</i></p> | <p>The subject site has been highly modified and does not resemble its original form or scale or its original façade.</p> <p>As such, the subject site does not meet the requirements of this criterion.</p> |
| <p>(d) Social, cultural, and spiritual</p> <p><i>An item has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.</i></p> | <p>To Heritage 21's knowledge, the subject site has no known association with an identifiable group in the area, nor was it used by a particular community for social, cultural or spiritual purposes.</p> <p>As such, it does not meet the criterion for social significance.</p> |
| <p>(e) Research potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).</i></p> | <p>There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time.</p> <p>As such, the subject site does not meet the requirements of this criterion.</p> |
| <p>(f) Rare</p> <p><i>An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).</i></p> | <p>Dwellings constructed in the late Victorian period are not currently rare in Annandale and there are numerous examples in the streetscape, HCA and wider LGA.</p> <p>Accordingly, the subject site does not attain the requisite standard of significance under this criterion.</p> |
| <p>(g) Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSW's</i></p> | <p>Heritage 21 is of the opinion that the representativeness of the subject site has been lost through its many alterations. The subject site is a highly modified late Victorian era worker's cottage with very little characteristics identifiable to its architectural period. Due to its modifications, it is not a</p> |

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Job No. 10342 – RI

Statement of Heritage Impact Annandale HCA 70 Annandale Street, Annandale

| Criterion | Assessment |
|--|--|
| <i>cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).</i> | fine, intact or pivotal example of a late Victorian era dwelling in the local area. As such, it is the opinion of Heritage 21 that the subject site does not fulfill the criteria for representativeness at a local level. |

4.2.2 Statement of Cultural Significance

The subject site at 70 Annandale Street, Annandale demonstrates the growth of Annandale as a residential suburb, and it contributes to the local significance of the Annandale HCA as an example of a modified late Victorian era worker's cottage. As a result, the subject site demonstrates historic significance at a local level. The subject site does not meet the criterion for any other type of significance.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposed development would include the demolition of the rear wing, sunroom, alfresco and garage and the construction of a two-storey pavilion addition connected to the original dwelling via an under-eaves link and the construction of a two-storey garage fronting Young Lane. The primary front portion of the dwelling is proposed to be retained and reconfigured to include two bedrooms, one living room, a bathroom and an ensuite. Doors are proposed for removal in this area, to be replaced with new doors.

Conservation works are proposed for the primary (eastern) façade of the subject site (see Figure 75) and would entail the following:

- New rendered arch corbell with arch top to door.
- Removal of existing aluminium windows and addition of new timber framed double hung windows.
- New rendered windowsill.
- New rendered skirting.
- New light fittings.
- New custom orb colourbond roof to replace existing terracotta tiles.
- New Colorbond bullnose roof to replace existing pitched roof.
- Removal of tiles. Reinstate tessellated tiles and marble nosing tiles.
- Restoration of iron fence and gate.
- Installation of Victorian frieze.
- Removal of tiles and slab and addition of topsoil and turf. Mulch garden bed for seasonal planting by owner.

5.2 Background

5.2.1 Pre-lodgement Consultation

Heritage 21 is not aware of any pre-lodgement consultation undertaken by the architects or the owners of the site with Inner West Council pertaining to the subject proposal.

In saying so, prior to the formal lodgement of the Development Application to Inner West Council, Heritage 21 worked in collaboration with the client on the design of the proposal and provided heritage advice which has been incorporated in the final proposal as described in Section 5.1 and shown in the architectural plans in Section 5.3. The process of the collaboration is further explored below in Section 5.2.2.

5.2.2 Considerations of Alternatives

Heritage 21 attended a site inspection on 11 July 2024 and, following this inspection, provided Preliminary Heritage Advice to the client based on a prior set of plans. Heritage 21 concluded that there were fundamentally positive aspects to the proposal, such as the proposed conservation works of the front facade. However, Heritage 21 also concluded that the proposed design of the contemporary additions would engender a negative impact and would need to be modified for Heritage 21 to support and recommend the proposal. The following reasons were provided by Heritage 21:

- The lowering of the ceiling would impact the original form of the dwelling and would result in destruction of the original hallway arch moulding.
- The new component on the southern side would need to be a pavilion separate from the original front component. The manner in which this arrangement would need to take place has been sketched below. The current design (which we encourage to be amended) has the new form at the rear, crashing into the original form rather than being separated, which we demonstrate in our sketch (see Figure 65).
- Heritage 21 supported the addition of dormers at the rear of the original dwelling, if the above recommendation of a separate pavilion were followed.

The suggested changes to the proposal to address the heritage concerns raised above were provided by Heritage 21:

- The new addition to the rear should be connected to the original dwelling by an under-eaves link (as shown in Figure 65). This would create a clear distinction between the old and the new. The under-eaves link should be a minimum of 900mm and should be set below the eaves of the hipped roof form of the original dwelling by minimum three courses of brick work.
- The ceiling height in the hallway should be retained and not lowered because this section of the house is original and ought to be retained as such. Now that we are recommending the pavilion approach as per the below sketch, the lowering of the ceiling becomes a non-issue.

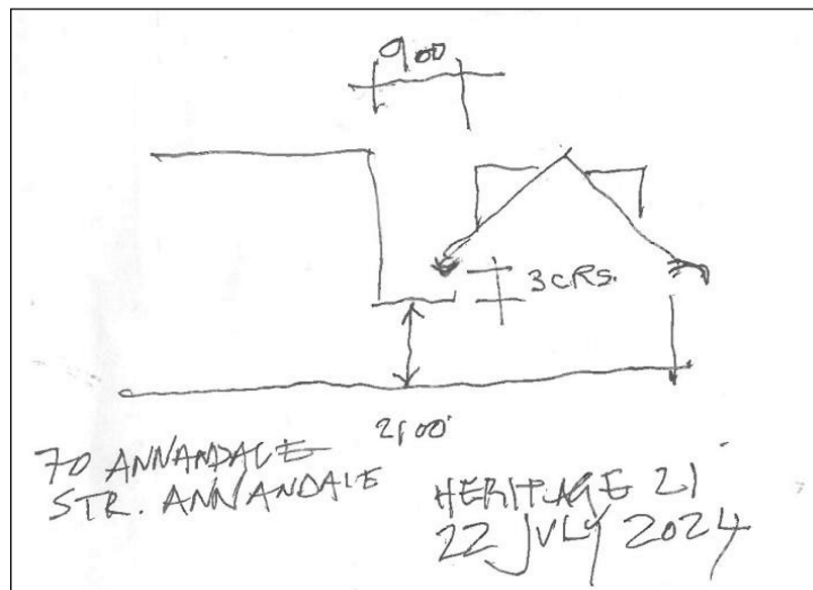


Figure 65. Sketch showing Heritage 21's recommendation of the proposed under-eaves link of a minimum 900mm and set below the eaves of the hipped roof form of the original dwelling by minimum three courses of brick work. (Source: Sketched by Paul Rappoport, 22 July 2024).

On 11 September 2024, Saturday Studio provided Heritage 21 with revised plans, advising that the plans were more conventionally aligned to the Preliminary Heritage Advice, with a narrow link that had the roof sitting under the eaves of the main/original dwelling. The client also advised that the proposal for conservation works to the primary façade remained the same. Heritage 21 responded on 12 September 2024 advising that the revised design aligned with the recommendations and that the revised design could be supported. On 01 November 2024, Heritage 21 provided a further recommendation that the top of the windows at the front façade line up with the door, consistent with the neighbouring terrace. The client amended the plans in consideration of this, and this is reflected in Figure 75.

5.3 Drawings

Our assessment of the proposal is based on the following drawings by Saturday Studios dated 25 November 2024 and received by Heritage 21 on 26 November 2024. These are reproduced below for reference only; the full set of drawings accompanying the Development Application should be referred to for any details.

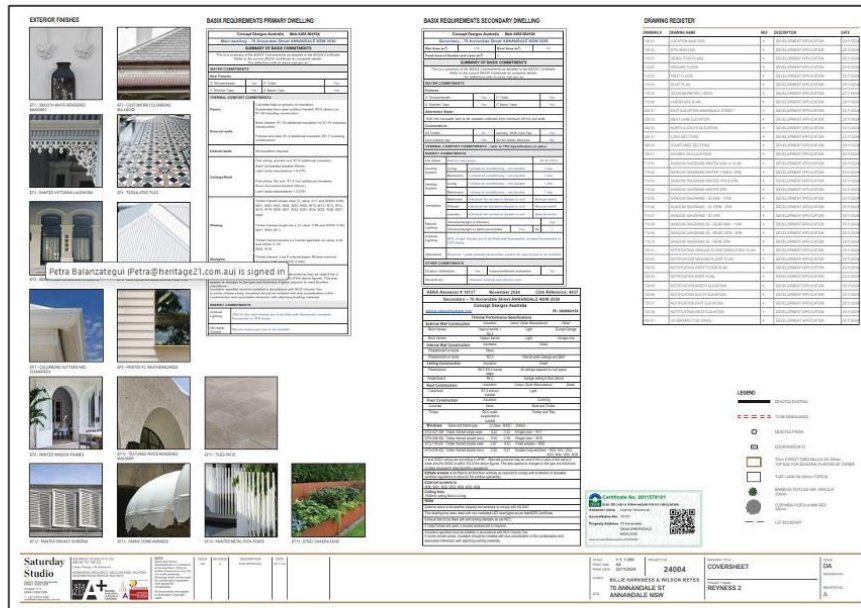


Figure 66. Coversheet.

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Figure 67. Location Analysis.

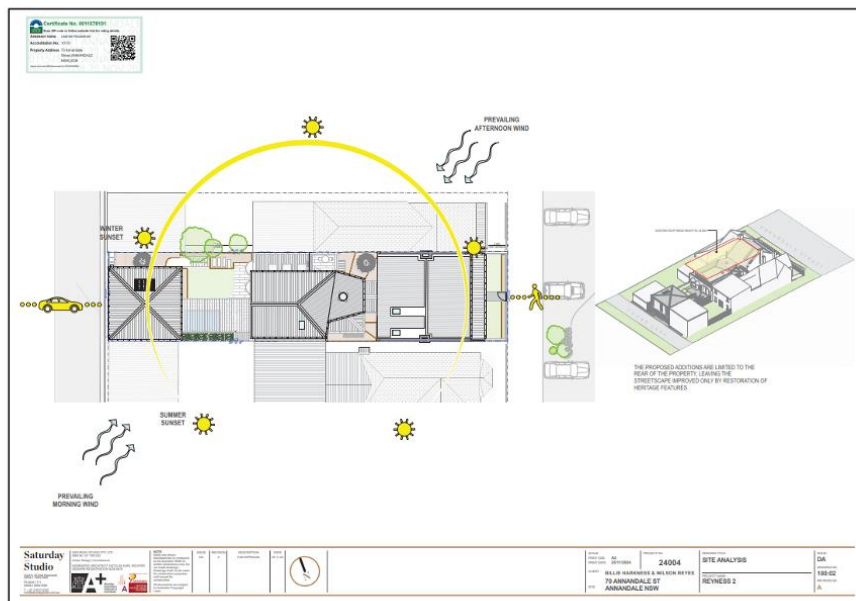


Figure 68. Site Analysis.

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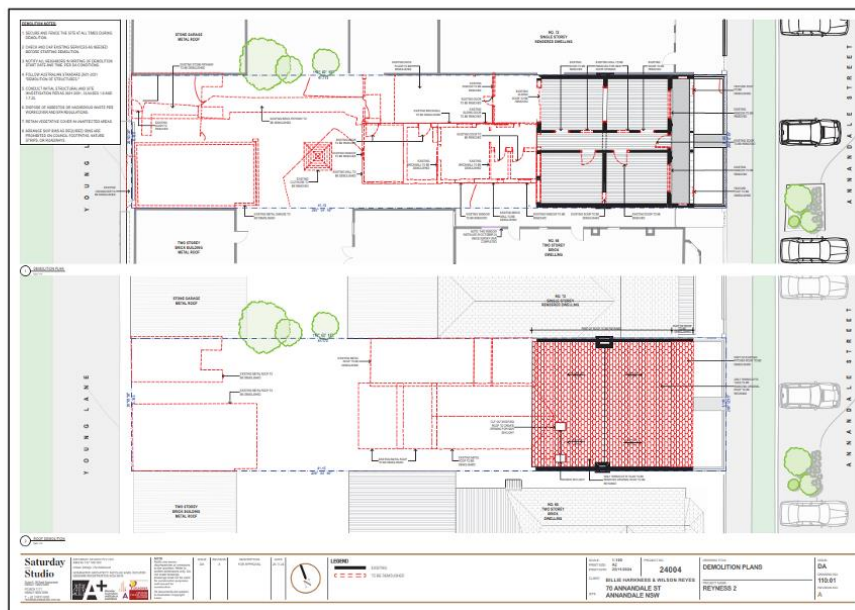


Figure 69. Demolition Plans.

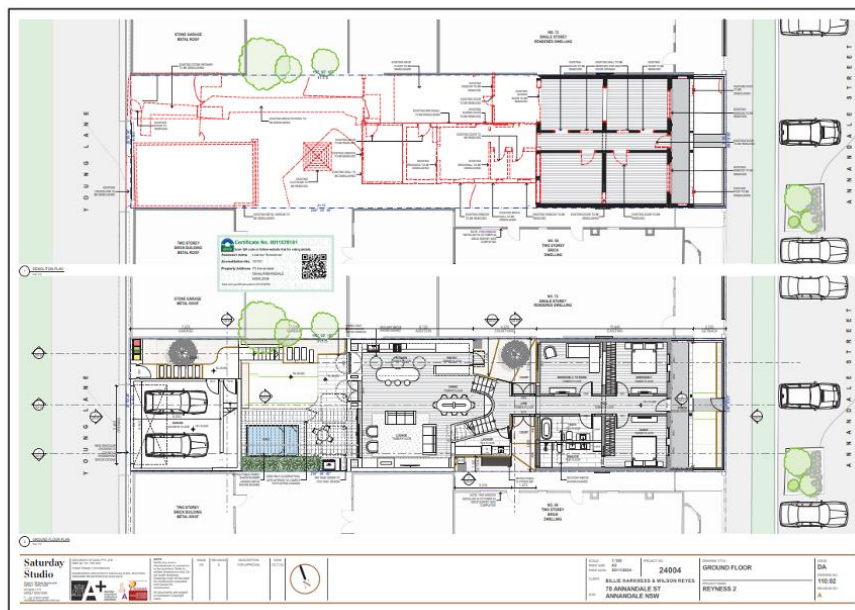


Figure 70. Ground Floor.

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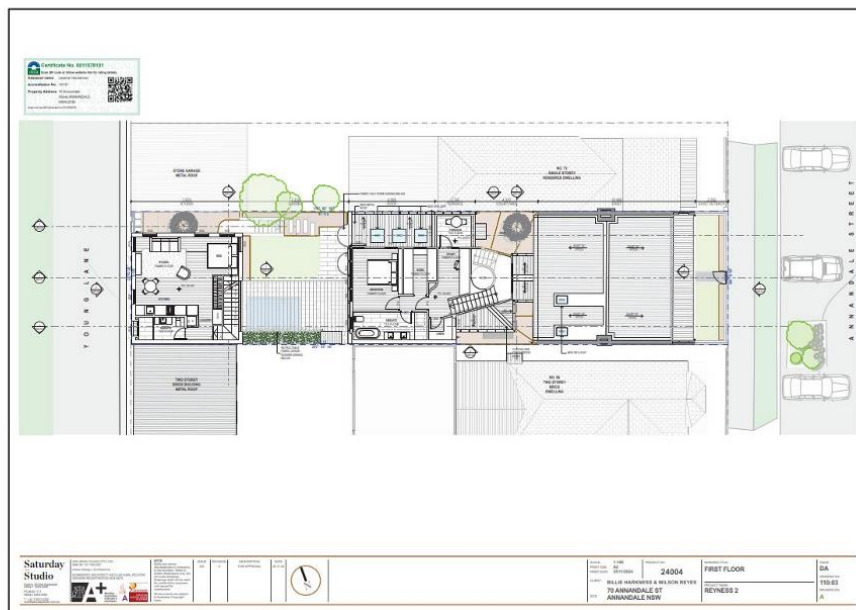


Figure 71. First Floor.

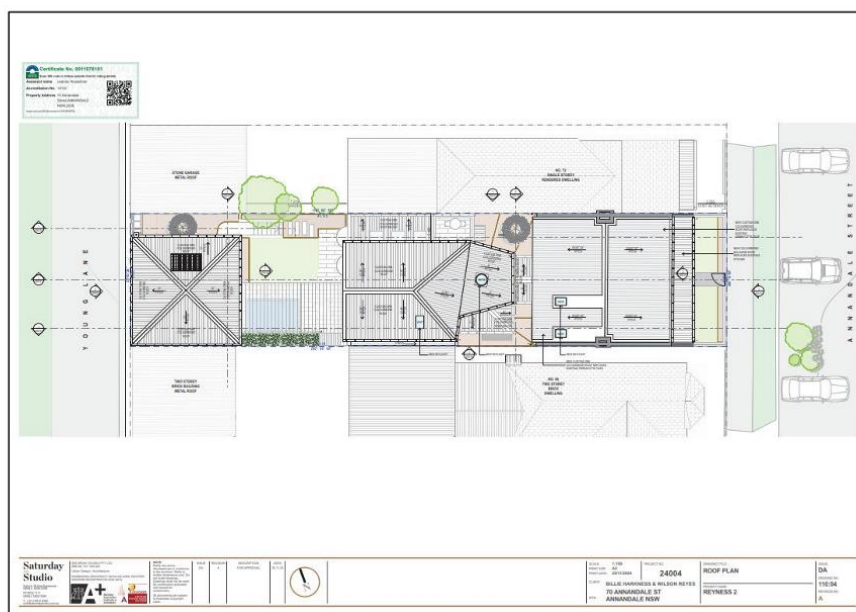


Figure 72. Roof Plan.

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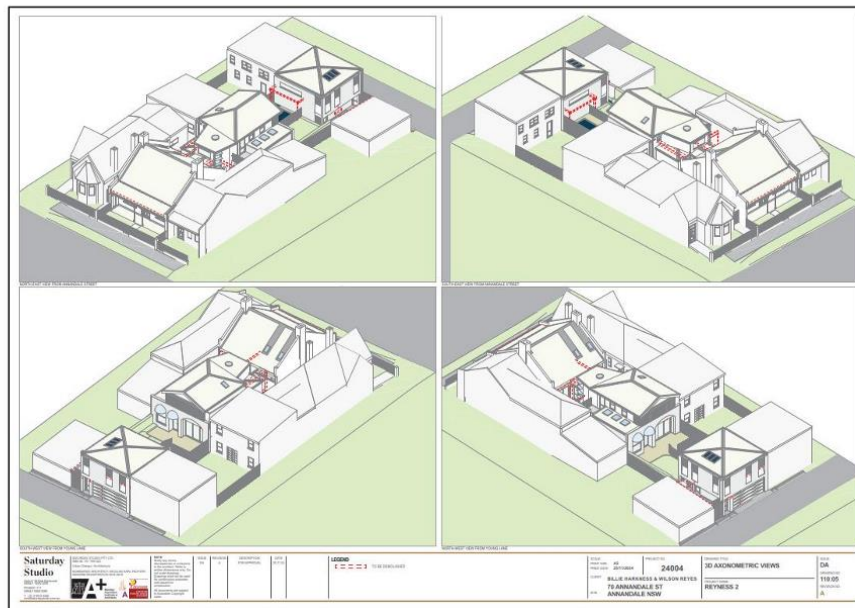


Figure 73. 3D Axonometric Views.

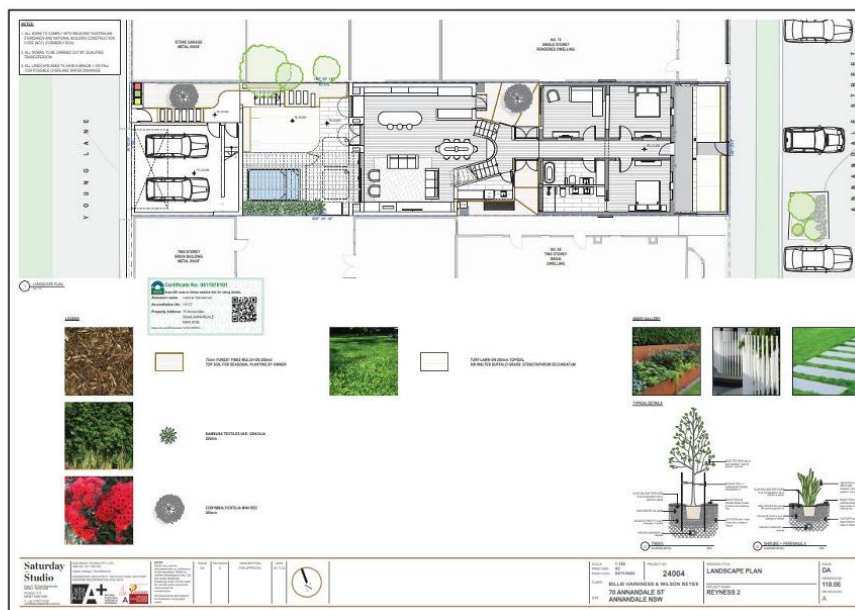


Figure 74. Landscape Plan.

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Figure 75. East Elevation Annandale Street.



Figure 76. West Lane Elevation.

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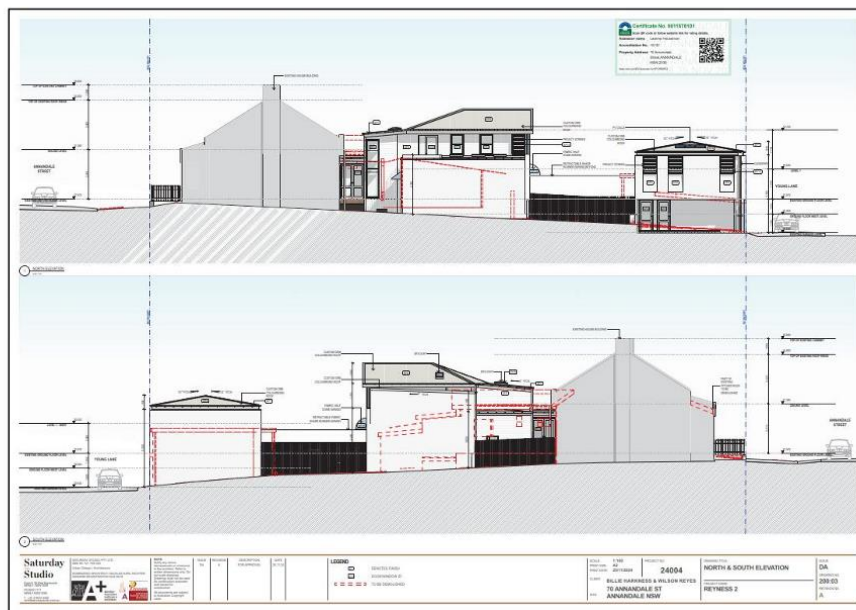


Figure 77. North and South Elevation.

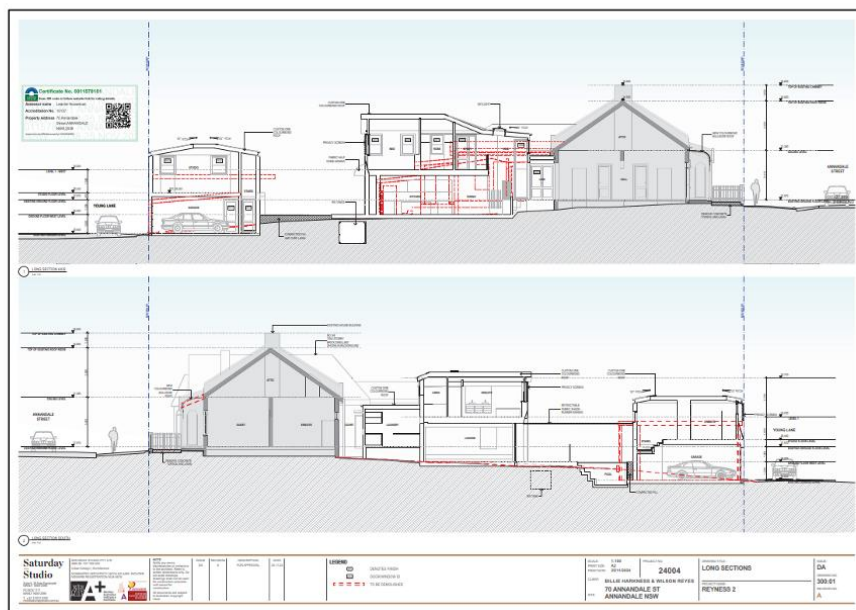


Figure 78 Long Sections.

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Figure 79. Courtyard Sections.



Figure 80 DA Area Calculations.

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Architectural drawings of the Shadow Chaikrangs Winter Barn. The top drawing is a plan view showing the layout of the building with various rooms and a central staircase. The bottom drawing is a section view showing the building's profile and internal structure. Both drawings include labels for "SHADOW CHAIKRANGS WINTER BARN" and "24904".

Four architectural drawings of a building facade, arranged in a 2x2 grid. The top two drawings show the facade with various annotations and dimensions. The bottom two drawings show the facade with a red line indicating a new window or door. The drawings are labeled 'NEW WINDOW OR DOOR' and 'NEW WINDOW OR DOOR'.

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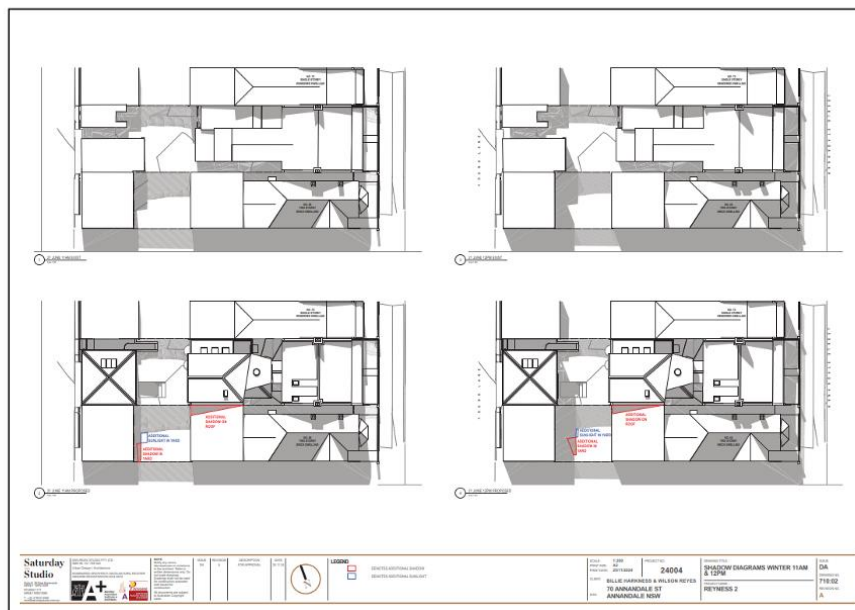


Figure 83. Shadow Diagrams Winter 11AM & 12PM.

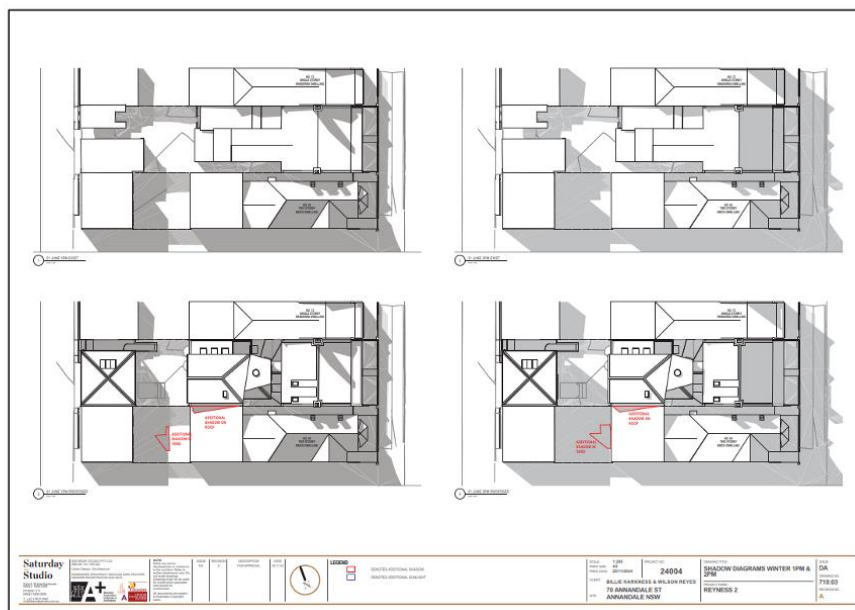


Figure 84. Shadow Diagrams Winter 1PM & 2PM.

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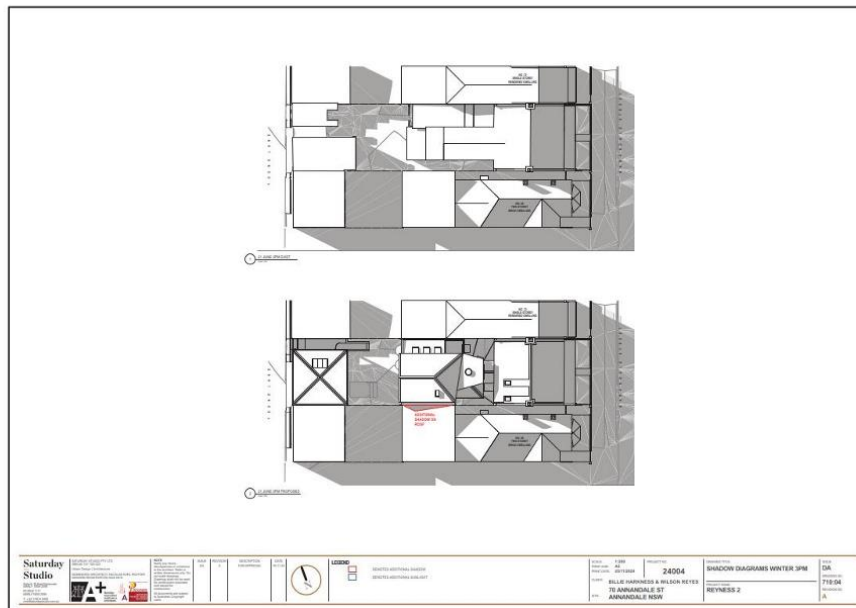


Figure 85. Shadow Diagrams Winter 3PM.

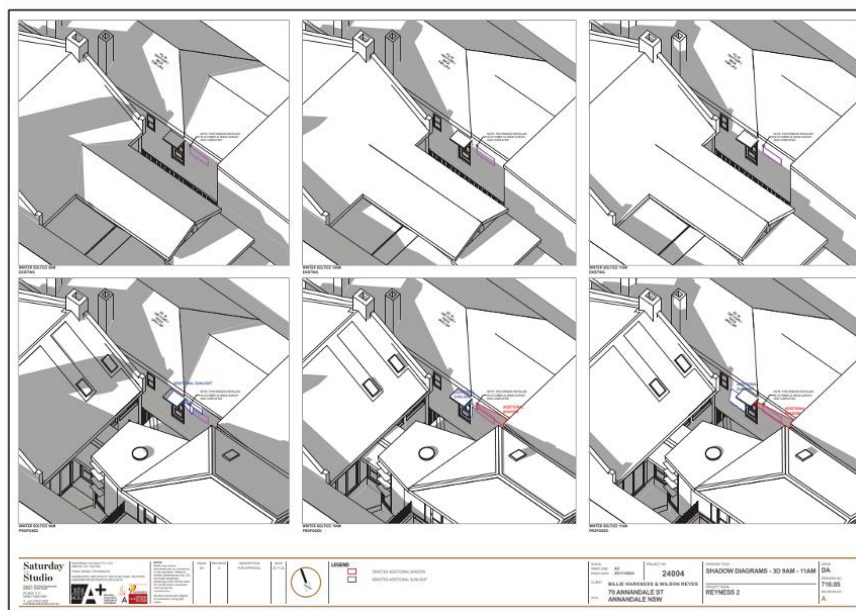


Figure 86. Shadow Diagrams - 3D 9AM - 11AM.

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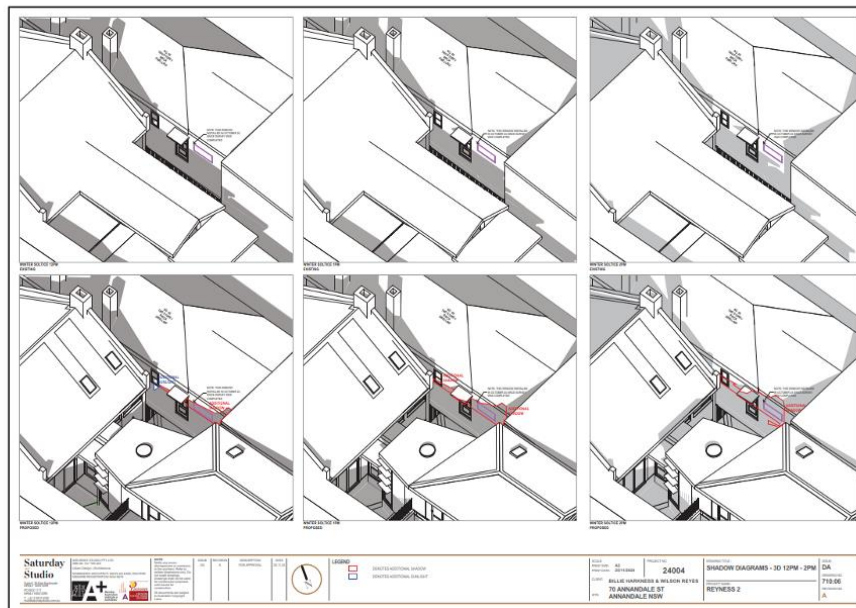


Figure 87. Shadow Diagrams – 3D 12PM – 2PM.

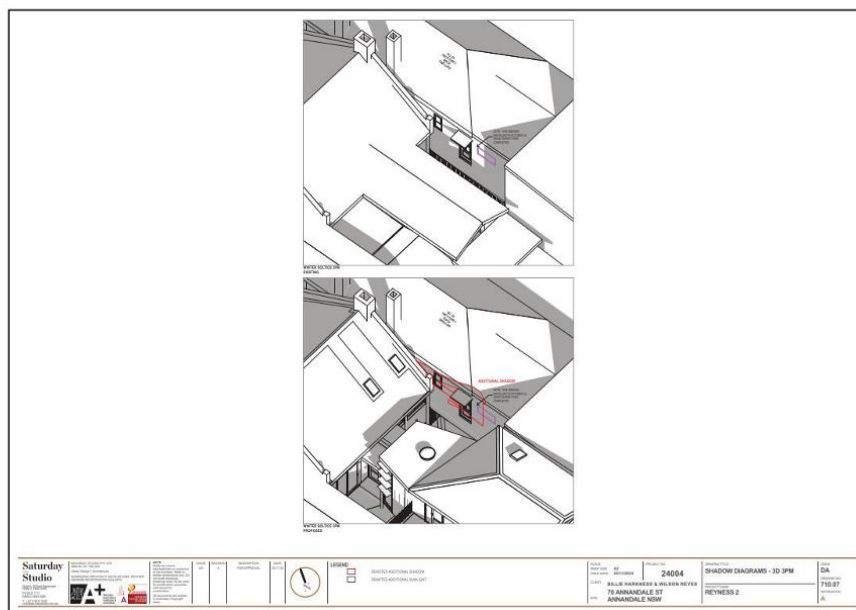


Figure 88. Shadow Diagrams – 3D 3PM.

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The architectural drawings consist of six perspective views of a rear garden and building facade. The views are arranged in a 2x3 grid. The top row shows the garden from the rear and side, with the building facade visible. The bottom row shows the garden from the rear and side, with the building facade visible. The drawings are labeled 'REAR GARDEN' and 'REAR GARDEN'.

Architectural Details:

- Building:** A two-story building with a gabled roof, multiple windows, and a rear garden area.
- Garden:** A rear garden area with a paved surface, a small pool, and a fence.
- Views:**
 - Top Left: Rear garden view from the rear.
 - Top Middle: Rear garden view from the side.
 - Top Right: Rear garden view from the side.
 - Bottom Left: Rear garden view from the rear.
 - Bottom Middle: Rear garden view from the side.
 - Bottom Right: Rear garden view from the side.

Labels and Annotations:

- REAR GARDEN:** Labeled on the top left and bottom left views.
- REAR GARDEN:** Labeled on the top middle and bottom middle views.
- REAR GARDEN:** Labeled on the top right and bottom right views.
- REAR GARDEN:** Labeled on the top right and bottom right views.
- REAR GARDEN:** Labeled on the top right and bottom right views.
- REAR GARDEN:** Labeled on the top right and bottom right views.

Scale and Orientation:

- Scale:** 1:100
- Orientation:** North arrow pointing towards the top right.

Project Information:

- Project Name:** 24006
- Address:** 19 ANNANDALE ST ANNANDALE NSW
- Architect:** SATURDAY STUDIO
- Client:** REAR GARDEN
- Design Stage:** PRELIMINARY
- Design Date:** 2020
- Design By:** SATURDAY STUDIO
- Design For:** REAR GARDEN
- Design Of:** REAR GARDEN
- Design By:** SATURDAY STUDIO
- Design For:** REAR GARDEN
- Design Of:** REAR GARDEN

Notes:

- 1. ALL DIMENSIONS ARE IN METERS.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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- 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

Footer:

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 ANNANDALE NSW 1581
 02 9550 1111
 www.saturdaystudio.com.au

Architect: SATURDAY STUDIO
Client: REAR GARDEN
Design Stage: PRELIMINARY
Design Date: 2020
Design By: SATURDAY STUDIO
Design For: REAR GARDEN
Design Of: REAR GARDEN

Scale: 1:100
Orientation: North arrow pointing towards the top right.

Project Name: 24006
Address: 19 ANNANDALE ST ANNANDALE NSW

Architect: SATURDAY STUDIO
Client: REAR GARDEN
Design Stage: PRELIMINARY
Design Date: 2020
Design By: SATURDAY STUDIO
Design For: REAR GARDEN
Design Of: REAR GARDEN

Notes:

- 1. ALL DIMENSIONS ARE IN METERS.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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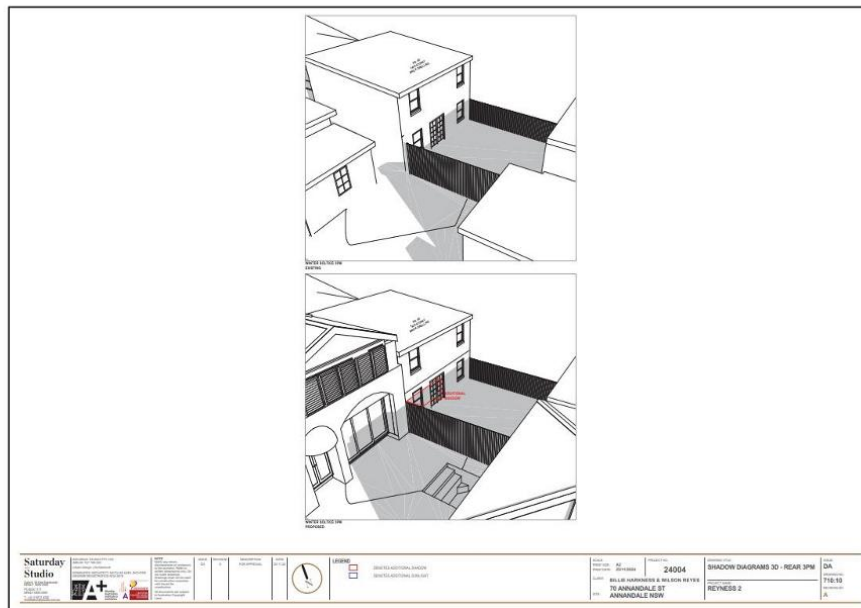


Figure 91. Shadow Diagrams 3D – Rear 3PM



Figure 92. 3D Perspective Views.

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6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in Section 5.0 above. These constraints and requirements form the basis of this Heritage Impact Assessment.

6.1.1 Inner West Local Environmental Plan 2022

The statutory heritage conservation requirements contained in Section 5.10 of the IWLEP 2022 are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are outlined below:

- (1) Objectives
- (2) Requirement for consent
- (4) Effect of proposed development on heritage significance
- (5) Heritage assessment

6.1.2 Leichhardt Development Control Plan 2013

Our assessment of heritage impact also considers the heritage-related sections of the LDCP 2013 that are pertinent to the subject site and proposed development. These include:

Part C: Place

Section 1 – General Provisions

C1.2 Demolition

C1.3 Alterations and Additions

C1.4 Heritage Conservation Areas and Heritage Items

Section 2 – Urban Character

C2.2 Distinctive Neighbourhoods

C2.2.1.2 Annandale Street Distinctive Neighbourhood

6.1.3 Conservation Policies/Recommended Management

The following recommended management is available on the Inner West Council's website regarding the Annandale HCA, and was prepared by Godden Mackay Logan.

Management of Heritage Values

Generally

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

Retain

All pre-1939 buildings and structures because they are important to understanding the history of the growth of this suburb.

All weatherboard buildings, their rarity adds to their significance.

Green garden space to all residential buildings — an important part of the character of Annandale.

Original plastered walls (generally belonging to pre-1890s buildings).

Original dry pressed face brick walls (generally belonging to post-1890s buildings)

All original architectural details.

Original iron palisade fences.

Back lanes in their early configuration.

Brush box tree planting, replace where necessary in original position within the alignment of the carriageway.

All sandstone kerbs and gutter uninterrupted by vehicular access.

Avoid

Amalgamation to create any more wider allotments that would further disrupt the Victorian pattern of development.

Demolition of any pre-1939 building unless it is so compromised that it can no longer contribute to an understanding of the history of the area.

Plastering or painting of face brick walls.

Removal of plaster from walls originally sealed with plaster.

Removal of original architectural details.

Changes to the form of the original house. Second or third storey additions.

Posted verandahs over footpaths to commercial premises or former commercial premises where no evidence can be provided to support their reconstruction.

Additional architectural detail for which there is no evidence.

High masonry walls or new palisade fences on high brick bases.

Alteration to back laneways.

Road chicanes which cut diagonally across the line of the streets.⁶⁴

6.1.4 NSW Department of Planning and Environment Guidelines

In its guidelines for the preparation of Statements of Heritage Impact, the NSW Department of Planning and Environment provides a list of considerations in the form of questions aimed at directing and triggering heritage impact assessments.⁶⁵ These are divided into sections to match the different types of proposals that may occur on a heritage item, item in a heritage conservation area or item in the vicinity of heritage. Below are listed the considerations which are most relevant to the proposed development as outlined in Section 5.0 of this report.

Partial demolition of a heritage item (including internal elements)

- *Is the partial demolition essential for the heritage item to function?*
- *If partial demolition is proposed because of the condition of the fabric, can the fabric be repaired?*
- *Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)?*
- *Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?*
- *Identify and include advice about how significant elements, if removed by the proposal, will be salvaged and reused.*

Alterations and additions

- *Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 — new work (Australia ICOMOS 2013b)?*
- *Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?*
- *Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?*

⁶⁴ Inner West Council, *Heritage conservation areas*, accessed 12 November 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>

⁶⁵ Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact* (Paramatta: Department of Planning and Environment, NSW Government, 2023), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/statements-of-heritage-impact>.

- How have the impact of the alterations/additions on the heritage item been minimised?
- Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?

Re-roofing and re-cladding

- Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)?
- Will previous significant material be reinstated? If not, will the proposed material match the original material in detail and materiality?
- Will re-cladding affect conservation of the heritage item?
- Are roof details consistent with the heritage significance of the heritage item (guttering and downpipes, cladding profiles, fixings, etc.)?
- Has the advice of a skilled tradesperson (e.g. roof slater) been considered?

New landscape works and features

- How has the impact on the heritage significance of the existing landscape been minimised?
- Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992?
- Has evidence (archival or physical) of previous landscape work been investigated? Is the original landscape work being reinstated?
- Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist?
- Do the proposed works impact views to, from and within adjacent heritage items?

Works adjacent to a heritage item or within the heritage conservation area (listed on an LEP)

- Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area?
- Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?
- Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site, the Annandale HCA in which it is located, and the adjacent heritage item Street Trees (I1). This assessment is based upon the Historical Context (refer to Section 2.0), the Physical Evidence (refer to Section 3.0), Heritage Significance (refer to Section 4.0) the Proposal (refer to Section 5.0), a review of the Heritage Management Framework (refer to Section 6.1) and the impact of the proposal on the relevant HCA and adjacent heritage item.

6.2.1 Summary

The subject site comprises a modified late-Victorian era dwelling located at 70 Annandale Street, Annandale. The subject site is located within the Annandale HCA and is adjacent to the heritage item Street Trees (I1), both of which are listed as items of environmental heritage under Schedule 5 of the IWLEP 2022. The proposed works would include the construction of a two-storey garage and a two-storey pavilion via a low-level link, conservation works to the primary façade and landscaping. Heritage 21 has worked in collaboration with the client to achieve the most sympathetic outcome for the proposal.

As previously outlined in Section 3.0, the subject site has been substantially modified over time, with notable renovations to the rear wing and replacement of floors, doors and windows, removal of fireplaces, removal of original cornices and ceiling details, and partial demolition of walls within the front primary form of the dwelling. A sunroom was added to the rear of the dwelling in the mid-1980s and an alfresco was added to the rear wing in c. 2005. Conservation works are proposed for the primary façade of the dwelling to remove unsympathetic later-addition features and to reinstate original Victorian features, such as timber double hung windows, tessellated tiles and cast iron columns and lacework. The roof is also proposed for conservation, with reinstatement of the bullnose veranda and replacement of the terracotta tiles with corrugated metal sheeting. Concrete paving in the front yard would also be replaced with grass, which would harmonise with the neighbouring properties that have small green spaces at their entrances. The proposed conservation works would enhance the presentation of the subject site in the Annandale Street streetscape and, once completed, would be a positive contribution to the Annandale HCA. Heritage 21 is of the opinion that the proposed conservation works to the primary façade and roof would turn the currently neutral building into a contributory building within the Annandale HCA.

Partial demolition is proposed for the rear wing, sunroom, alfresco, and shed. The rear wing is an original part of the dwelling; however, it has been highly modified internally and has had alterations to its walls in order to connect the old wing to the later addition alfresco. The sunroom, alfresco and shed are unsympathetic later additions of non-original fabric. The original fabric of the primary front portion of the dwelling would be retained as a part of the subject proposal. Doors are proposed to be removed and replaced; however, the existing doors in this portion are non-original fabric. The proposed new addition to the rear of the dwelling would be a pavilion, connected to the original dwelling by an under-eaves link. The link would be set below the eaves of the hipped roof form of

the original dwelling and would create a clear distinction between the old and the new. The height of the proposed pavilion would be below the existing roof ridge of the subject building and, as such, would not overwhelm the original dwelling. The proposed scale of the pavilion would visually relate to the height and bulk of contemporary rear additions in the area, such as the neighbouring property of 68 Annandale Street, Annandale (Figure 38). The proposed pavilion would not be visible from Annandale Street or heritage item Street Trees (I1), and the subject site would continue to present as a single-storey dwelling to the streetscape.

The proposed two-storey garage addition would replace an unsympathetic contemporary shed, resulting in a better use of space and enhancing the subject site's presentation to Young Lane. There are other two-storey contemporary garages located in the streetscape (including the neighbouring property at 68 Annandale Street and 76 – 78 Annandale Street - see Figure 38 - Figure 40) and wider HCA and, as such, the proposed garage addition would not be a rare or detracting example. The proposed pavilion and garage would comprise textured white rendered masonry and painted weatherboard, which would be of a muted colour scheme and contemporary design, thereby distinguishing them as contemporary additions.

The proposed conservation works to the primary façade and roof of the subject site would remove unsympathetic later additions and reinstate original Victorian features, enhancing the dwelling's presentation to the public domain. It is Heritage 21's opinion that the proposed conservation works would also increase the subject site's contribution to the Annandale HCA by transforming the currently neutral building into a contributory building. Heritage 21 is therefore of the opinion that the proposed conservation works would have a positive impact on the heritage significance of the subject site. The proposed new additions of the garage and pavilion would provide additional living space for the current owners and would improve the functionality of the dwelling and garage. As such, it is Heritage 21's opinion that the proposed new development would have a neutral impact on the heritage significance of the subject site.

6.2.2 Impact Assessment Against the IWLEP 2022

The statutory heritage conservation requirements contained in Section 5.10 of the *IWLEP 2022* are pertinent to any heritage impact assessment for future development on the subject site. We assess the proposal against the relevant clauses below.

| CLAUSE | ASSESSMENT |
|------------------------------------|--|
| (1) Objectives | The proposal entails work to a site located within a HCA listed under Schedule 5 of the <i>IWLEP 2022</i> . It is our general assessment that the proposed height, scale, massing and materials proposed (as detailed in Section 5.0 above) would not engender a negative impact on the heritage significance of the Annandale HCA or the heritage item located adjacent to the subject site, including their contributory fabric and general setting. |
| (2) Requirement for consent | This Development Application is lodged to Inner West Council to gain consent for the works proposed in the vicinity of heritage items listed under Schedule 5 of the <i>IWLEP 2022</i> . |

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| (4) Effect of proposed development on heritage significance | This Statement of Heritage Impact accompanies the Development Application in order to enable Inner West Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the |
| (5) Heritage assessment | heritage items located in the vicinity of the site. |

6.2.3 Impact Assessment Against the LDCP 2012

| PART C: PLACE | |
|--|---|
| Section 1 – General Provisions | |
| C1.2 Demolition | |
| Objectives | Assessment |
| <p><i>Objectives</i></p> <p><i>O1 To enhance the environmental performance, cultural significance and character of the area by encouraging good management of existing buildings.</i></p> <p><i>O2 To ensure that heritage items or buildings in a Heritage Conservation Area are only demolished where they cannot be reasonably retained or conserved.</i></p> <p><i>O3 To ensure that where demolition of a Heritage Item or buildings in a Heritage Conservation Area is deemed appropriate, that the replacement building:</i></p> <p><i>a. meets the desired future character of the area;</i></p> <p><i>b. is compatible with the apparent subdivision pattern; and</i></p> <p><i>c. is consistent with the objectives contained in the Inner West LEP 2022 and this Development Control Plan.</i></p> <p><i>O4 To retain existing buildings that contribute to the desired future character of the area.</i></p> | <p>Partial demolition is proposed for the rear wing, sunroom and alfresco of the subject building, as well as a shed at the western extent of the property. The rear wing is an original part of the dwelling; however, it has been highly modified and retains very few elements characteristic of the late Victorian period. The original walls of the rear wing have been highly modified, making it difficult to decipher the original form of this section of the Victorian dwelling. The sunroom was added to the rear of the dwelling in the mid-1980s and the alfresco was added after 2005, therefore comprising later-addition fabric. The proposed pavilion would provide a better use of space to the rear of the dwelling and would be compatible with the apparent subdivision pattern of the area. There are other examples of contemporary two-storey additions and garages in the streetscape and wider HCA and, as such, the proposal would not be a rare or detracting example. The front significant portion of the dwelling (as shown on the architectural plans in Section 5.3) would be retained and conservation works are proposed to reinstate original features.</p> |
| C1.3 Alterations and Additions | |
| <p><i>O1 To ensure that development:</i></p> <p><i>a. complements the scale, form and materials of the streetscape including wall height and roof form;</i></p> <p><i>b. where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;</i></p> <p><i>c. makes a positive contribution to the desired future character of the</i></p> | <p>The proposed new addition would be a pavilion addition, connected to the original part of the dwelling by an under-eaves link, thereby creating a clear distinction between the old and the new. The proposed pavilion would be of a lower height than the original dwelling and would not be visible from the public domain. As such, the subject site would continue to present as a single-storey dwelling to the public domain and the Annandale Street streetscape, and would be compatible with the neighbouring properties.</p> |

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| <p><i>streetscape and any heritage values associated with it;</i></p> <p><i>d. is compatible with neighbourhood character, including prevailing site layout;</i></p> <p><i>e. protects existing residential amenity, including the retention of adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to the existing dwelling and surrounding dwellings;</i></p> <p><i>f. maintains views and glimpses from the public domain to natural and built elements that contribute to local character and sense of place;</i></p> <p><i>g. reasonably protects views obtained from surrounding development and promotes view sharing;</i></p> <p><i>h. retains existing fabric wherever possible and maintains and repairs, where necessary, rather than replaces the fabric.</i></p> | <p>The proposed two-storey garage addition would replace an unsympathetic contemporary shed, resulting in a better use of space and enhancing the subject site's presentation to Young Lane. There are other two-storey contemporary garages located in the streetscape (including the neighbouring property at 68 Annandale Street and 76 – 78 Annandale Street - see Figure 38 - Figure 40) and wider HCA and, as such, the proposed garage addition would not be a rare or detracting example.</p> <p>The proposed conservation works to the primary façade would replace unsympathetic contemporary alterations and reinstate original features. This would result in a positive contribution to the desired future character of the streetscape and its heritage values.</p> |
| C1.4 Heritage Conservation Areas and Heritage Items | |
| <p>O1 Development:</p> <p><i>a. does not represent an unsympathetic alteration or addition to a building;</i></p> <p><i>b. encourages the protection, restoration, continued use and viability of buildings for their original purpose;</i></p> <p><i>c. encourages the removal of unsympathetic elements;</i></p> <p><i>d. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter;</i></p> <p><i>e. conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;</i></p> | <p>The proposed addition would be separated from the original dwelling by an under-eaves link, thereby creating a clear distinction between the old and the new, which conforms with The Burra Charter Practice Note Article 22 — New work. The proposed pavilion would be of a lesser height than the original dwelling and would not be visible from Annandale Street.</p> <p>Proposed conservation works to the primary façade would remove unsympathetic elements and reinstate original features. These works would conserve and enhance the fabric and detail of the subject building, enhancing its appearance in the streetscape and increasing its contribution to the Annandale HCA. The proposed conservation works would also harmonise with the attached terrace at 72 Annandale Street, Annandale to enhance the visual unity of the two terraces.</p> |

| | |
|--|---|
| <p>f. maintains the visual unity of groups of buildings, in particular semi-detached and attached terraces;</p> <p>g. makes an appropriate visual and physical distinction between the existing building and new parts of the building;</p> <p>h. protects and enhances views of the existing building from the public domain; and</p> <p>i. new buildings are sympathetic in scale, form, architectural detail, fenestration and siting to the Heritage Conservation Area or Heritage Item and conforms with the Burra Charter.</p> | |
| <p>Section 2 – Urban Character</p> <p>C2.2 Distinctive Neighbourhoods</p> <p>C2.2.1.2 Annandale Street Distinctive Neighbourhood</p> | |
| <p><i>O1 To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.</i></p> | <p>The proposal would retain the primary original portion of the dwelling which fronts Annandale Street. Conservation works are proposed for the primary façade, which would reinstate original features and would therefore improve the subject site's appearance and enhance its character within the Annandale HCA. The proposed conservation works would also reinstate a green space at the front of the property, harmonising with the neighbouring properties. The proposed pavilion would be sited to the rear of the original dwelling, connected by an under-eaves link. This would create a clear distinction between the old and the new. There are other examples of contemporary garages and two-storey rear additions in the streetscape and wider HCA and, as such, the proposal would not be a rare or detracting example.</p> |

6.2.4 Conservation Policies/Recommended Management

The proposal would retain the original front component of the subject building and conservation works are proposed for its primary façade. The proposed conservation works would replace past unsympathetic alterations made to the dwelling's façade and reinstate original features. In Heritage 21's opinion, this would improve the subject site's aesthetic significance and increase its contribution to the Annandale HCA. The front garden of the subject site has been cleared and is currently void of vegetation. The proposal would remove the concrete in this area and replace it with topsoil and lawn, therefore reinstating a green garden space, "an important part of the character of Annandale".

Demolition is proposed for the rear wing of the subject site, which is a pre-1939 building. However, it has been substantially modified and does not resemble its original form or character and unsympathetic additions (i.e. the sunroom and alfresco) have been added to the rear wing. The proposal would provide additional living space for the current owners and would improve the functionality and amenity of the dwelling. The proposed addition would be a pavilion, separate from the original front component. It would be connected to the original dwelling by an under-eaves link, creating a clear distinction between the old and the new. The pavilion would be of a lesser height than the original dwelling and would, therefore, not be visible from Annandale Street. This would retain the subject site's presence in the public domain as a single-storey dwelling.

6.2.5 Impact Assessment Against the NSW Department of Planning and Environment Guidelines

As acknowledged in Section 6.1.4, the NSW Department of Planning and Environment has identified a list of considerations in the form of questions aimed at directing and triggering heritage impact assessments. Below, we assess the proposal against the most pertinent of these questions.

| Question | Assessment |
|--|---|
| Partial demolition of a heritage item (including internal elements) | |
| <i>Is the partial demolition essential for the heritage item to function?</i> | The rear of the dwelling has been unsympathetically altered throughout the years. It is Heritage 21's opinion that the proposed removal and replacement of these elements with a new addition and garage would result in a better use of space for the current owners. |
| <i>If partial demolition is proposed because of the condition of the fabric, can the fabric be repaired?</i> | Partial demolition is not proposed because of the condition of the fabric. |
| <i>Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)?</i> | The proposed partial demolition would be of a mid-1980s sunroom, a c. 2005 alfresco area and an original rear wing which has been highly modified and renovated. The primary original portion of the dwelling, which contains some minor original elements, is proposed to be retained. Therefore, it is Heritage 21's opinion that important features and elements of the dwelling would not be affected by the proposed partial demolition. |
| <i>Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?</i> | The proposed partial demolition would not have a detrimental effect or pose a risk to the dwelling, as it is confined to later addition fabric and highly modified original fabric. The primary portion of the dwelling would be retained and conservation works are proposed to the primary façade, therefore mitigating impacts to potential heritage significance. |
| <i>Identify and include advice about how significant elements, if removed by the proposal, will be salvaged and reused.</i> | No significant elements are proposed to be salvaged and reused by the proposal. |
| Alterations and additions | |
| <i>Do the proposed works comply with Article 22 of The Burra Charter,</i> | The proposed new buildings would use modern materials and be readily identifiable as new work. In addition, the proposed addition would be separated from the original dwelling by an |

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| Question | Assessment |
|---|---|
| <i>specifically Practice note article 22 — new work (Australia ICOMOS 2013b)?</i> | under-eaves link, therefore creating a clear distinction between the old and the new. The proposal would be harmonious with the built character of the HCA and would not obscure the cultural significance of the place or detract from its interpretation and appreciation. As a result, Heritage 21 is of the opinion that the proposed works would comply with Article 22 of The Burra Charter, specifically Practice Note Article 22 - New Work. |
| <i>Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?</i> | Heritage 21 is of the opinion that the proposed form, proportion, scale, design and materials would be sympathetic to the Annandale HCA. There are other contemporary two-storey additions located along Annandale Street and, as such, the proposal would not be a rare example within the HCA. In addition, the proposed new pavilion would not be visible from the Annandale Street streetscape, as it would be of a lower height than the existing dwelling. While the proposed new garage would be visible from Young Lane, it would not be a rare example of a two-storey garage in this streetscape. |
| <i>Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?</i> | The proposed works would not impact on any significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting. The proposed conservation works to the primary façade would improve views to the subject site from the streetscape and HCA. |
| <i>How have the impact of the alterations/additions on the heritage item been minimised?</i> | Heritage 21 has worked in collaboration with the client to ensure the best outcome of the proposed design, as previously outlined in Section 5.2.2. The proposed new pavilion would not be visible from the streetscape and conservation works are proposed for the primary façade, therefore enhancing the appearance of the subject site in the public domain. |
| <i>Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?</i> | An archaeological assessment is outside of the scope of this report. |
| New landscape works and features | |
| <i>How has the impact on the heritage significance of the existing landscape been minimised?</i> | Proposed landscaping works have the potential to increase heritage significance of the subject site by replacing concrete in the front garden with topsoil and turf and introducing a mulch garden bed for seasonal plantings, which would harmonise with the neighbouring properties. |
| <i>Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992?</i> | No, landscape works would not be undertaken for the purposes of accessibility. |

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| Question | Assessment |
|--|---|
| <i>Has evidence (archival or physical) of previous landscape work been investigated? Is the original landscape work being reinstated?</i> | The front garden currently contains concrete which is not original to the subject site. This area would have originally contained vegetation/grass. The proposed landscaping works would be reinstating this feature. |
| <i>Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist?</i> | An archaeological assessment is outside of the scope of this report. |
| <i>Do the proposed works impact views to, from and within adjacent heritage items?</i> | The proposed landscaping of the front garden would improve view lines to the subject site from the adjacent heritage item Street Trees (I1) by reinstating vegetation to an area that contains unsympathetic concrete. |
| Re-roofing and re-cladding | |
| <i>Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)?</i> | The proposal would involve replacing the existing terracotta tiled roofing with new custom orb Colorbond corrugated roof sheeting and reinstatement of the bullnose veranda. Constructed in the late Victorian era, the dwelling would have originally contained corrugated roof sheeting and, as such, the proposed works would reinstate the character of the dwelling. |
| <i>Will previous significant material be reinstated? If not, will the proposed material match the original material in detail and materiality?</i> | The proposed new roof would match the original material in detail and materiality as best as possible. |
| <i>Will re-cladding affect conservation of the heritage item?</i> | The proposed conservation works would improve the appearance of the dwelling and would reinstate original details. Accordingly, Heritage 21 is of the opinion that the proposed roof works would not affect conservation of the subject site. |
| <i>Are roof details consistent with the heritage significance of the heritage item (guttering and downpipes, cladding profiles, fixings, etc.)?</i> | The proposed roof works would reinstate original corrugated roof sheeting and, as such, would be consistent with the heritage significance of the subject site. |
| <i>Has the advice of a skilled tradesperson (e.g. roof slater) been considered?</i> | This is outside of the scope of this report. |
| Works adjacent to a heritage item or within the heritage conservation area (listed on an LEP) | |
| <i>Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area?</i> | Heritage 21 is of the opinion that the proposal would not affect the heritage significance of the Annandale HCA or the adjacent heritage item Street Trees (I1), as the conservation works to the façade would improve the subject site's presentation to the public domain and the new buildings would be sited to the rear of the dwelling and would not be visible from the streetscape. |
| <i>Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?</i> | The proposed conservation works would improve the façade of the subject building, therefore resulting in a positive visual impact on the adjacent heritage item Street Trees (I1). The proposed new |

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| Question | Assessment |
|--|---|
| | additions would be of a lower height than the existing dwelling and would be sited to the rear of the property. As such, the new additions would not be visible from heritage item Street Trees (I1). |
| <i>Will the proposed works impact on the integrity of the streetscape or the heritage conservation area?</i> | Heritage 21 is of the opinion that the proposed conservation works would improve the subject site's appearance and integrity within the streetscape and HCA. Many other properties within the HCA contain contemporary two-storey additions and garages and as such, the proposal would not be a rare example in the HCA. The proposed new additions would also not be visible from the Annandale Street streetscape. The proposed garage would be visible from the Young Lane; however, it would blend into the surrounding context, which includes other examples of two-storey garage additions. Therefore, it is Heritage 21's opinion that the proposed works would not impact on the integrity of the streetscape or the Annandale HCA. |

7.0 CONCLUSION & RECOMMENDATIONS

7.1 Impact Summary

The NSW Department of Planning and Environment's guidelines require the following aspects of the proposal to be summarised.⁶⁶

7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of the subject site, the Annandale HCA and heritage item Street Trees (I1):

- The proposed conservation works to the primary façade would enhance the presentation of the subject dwelling and would result in a positive visual impact to the streetscape and Annandale HCA.
- The proposed conservation works would restore the subject building to its original character and enhance its appearance to the public domain.
- The proposed conservation works would reinstate original features of the late-Victorian era worker's cottage, therefore turning the currently neutral building into a contributory building within the Annandale HCA.
- The proposed new additions would comprise contemporary architectural forms and materials and would be readily identifiable as new work in accordance with Article 22 of The Burra Charter.
- The proposed new pavilion would be of a lower height than the existing dwelling and as such would neither visually compete nor obstruct key view lines to the subject site's primary façade from the streetscape.
- The proposed colours and materials would not overpower the surrounding context and would suit the other dwellings in the streetscape.
- The proposed new addition would accommodate the needs of the tenants and ensure ongoing use of the subject site for residential purposes.
- The proposal would replace unsympathetic later additions (i.e the sunroom, alfresco and shed), create additional living space for the current owners and improve the functionality of the dwelling and garage.
- The proposed new garage would improve the subject site's presentation to Young Lane.

7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

In our view, there are no aspects of the proposal which could be detrimental to the significance of the subject site, the Annandale HCA and the adjacent heritage item Street Trees (I1). The neutral and

⁶⁶ Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact*.

positive impacts of the proposal have been addressed above in Section 7.1.1. Recommendations are provided in Section 7.2 below as further mitigation measures.

7.2 Recommendations

Heritage 21 also recommends the following:

- As part of the conservation works to the primary façade, there is an opportunity to reinstate the dwelling's original name 'Abbotsford' on a plaque.

7.3 General Conclusion

Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would overall have a positive impact on the heritage significance of the subject site, the Annandale HCA and the adjacent heritage item Street Trees (I1). We therefore recommend that Inner West Council view the application favourably on heritage grounds.

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