

Item 5.**Development Application: 55 Vine Street, Darlington - D/2025/321****File Number: D/2025/321****Summary**

Date of Submission:	1 May 2025
Applicant:	Chris Jones
Architect/Designer:	AAD & Design Studio
Owner:	Ben Spies-Butcher Sylvie Ellsmore Natalie-Niamh Wright
Heritage Consultant:	NBRS + Partners
Cost of Works:	\$44,270.00
Zoning:	R1 General Residential
Proposal Summary:	The subject Development Application (DA) D/2025/321 seeks development consent for alterations and additions to a dwelling house.

Notification and exhibition

In accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and exhibited for a period of 28 days between 8 May 2025 and 6 June 2025. A total of 144 properties were notified and no submissions were received.

Assessment

The proposed alterations and additions are consistent with the relevant planning objectives and controls of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

The subject application is referred to the Local Planning Panel for determination as the co-owner of the subject site is a Councillor at the Council of City of Sydney.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) State Environmental Planning Policy (Sustainable Buildings) 2022
- (ii) Sydney Local Environmental Plan 2012
- (iii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/321 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development accords with the objectives of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (B) The design of the alterations and additions respond appropriately to the scale of surrounding buildings.
- (C) The development is compatible with the character of the Darling Nursery Estate Heritage Conservation Area.
- (D) The development, subject to recommended conditions, will not unreasonably compromise the amenity of nearby properties.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 76649, known as 55 Vine Street, Darlington. It is rectangular in shape with area of approximately 132.8sqm. It has a primary street frontage of 4.6m to Vine Street and a rear street frontage of 4.7m to Vine Grove.
2. The site contains a part 2 and 3 storey modern terrace dwelling house fronting Vine Street, with a rear garage accessible from Vine Grove. The subject dwelling house was built in 2016 consisting of concrete walls and floors.
3. The surrounding area is characterised by a mix of land uses, including 2 to 3 storeys terrace houses to the north and west, and a commercial building directly adjoining to the east. A student accommodation building is located to the south of Vine Grove.
4. The site is identified as containing a contributory building located within the Darling Nursery Estate heritage conservation area (C10).
5. The site is located within the Darlington and West Redfern locality and is identified as being subject to flooding.
6. A site visit was carried out on 16 June 2025. Photos of the site and surrounds are provided below:

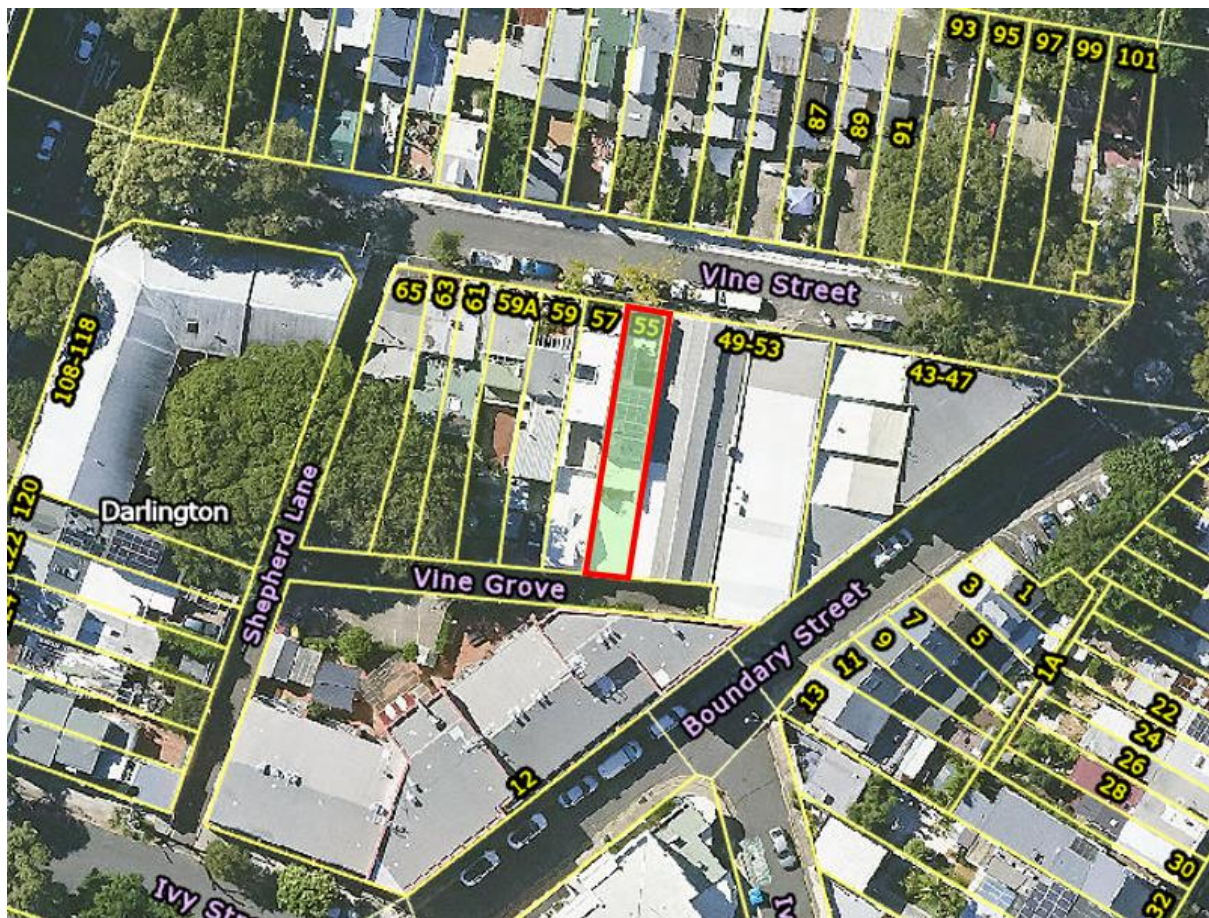


Figure 1: Aerial view of site (outlined in red) and surrounds

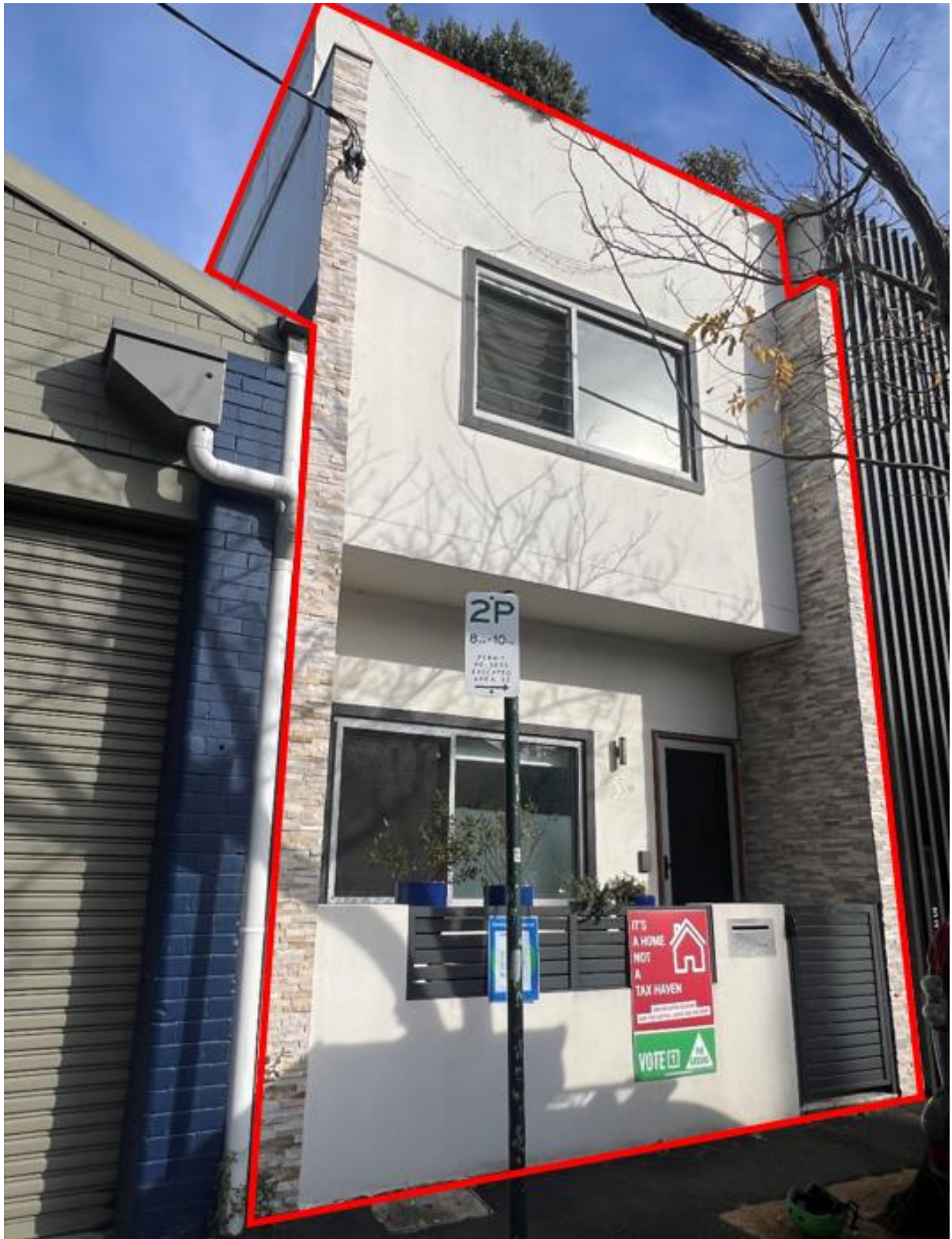


Figure 2: Site viewed from Vine Street facing south, subject property outlined in red



Figure 3: Site viewed from Vine Grove facing north, garage of the subject property outlined in red



Figure 4: Site viewed from Vine Grove facing north, the second floor rear portion of the subject property with existing air conditioning units outlined in red



Figure 5: Front terrace on second floor



Figure 6: Rear facing balcony of bedroom 3 on first floor

History Relevant to the Development Application

Development Applications

7. The following application is relevant to the current proposal:
- **D/2015/1140** – Development consent was granted on 3 December 2015 for the construction of a new 3 storey dwelling. Works include demolition of existing remains of partially demolished dwelling, construction of new dwelling with new off-street vehicle hardstand to the rear, and construction of new driveway kerb crossing to rear laneway.

Amendments

8. No changes have been made to the application since lodgement.

Proposed Development

9. The application seeks development consent for the following works to the dwelling:

Front facade

- Louvered awning over bedroom 2 window on first floor
- Eave projection over the front terrace on second floor

Ground floor

- Hot water system within the rear parking area

First floor

- Conversion of the rear facing balcony to bedroom 3 floor area and a built-in robe
- Conversion of the rear facing balcony to a Juliette balcony
- New roof cover over the additional floor area of bedroom 3

Second floor

- Replace the rear facing bathroom window with a smaller window and provide windowsill height of 1.7m
- Masonary slab to support the existing air conditioning units on first floor rear roof plane and screening to air conditioning units

10. Plans, elevations and sections of the proposed development are provided below.

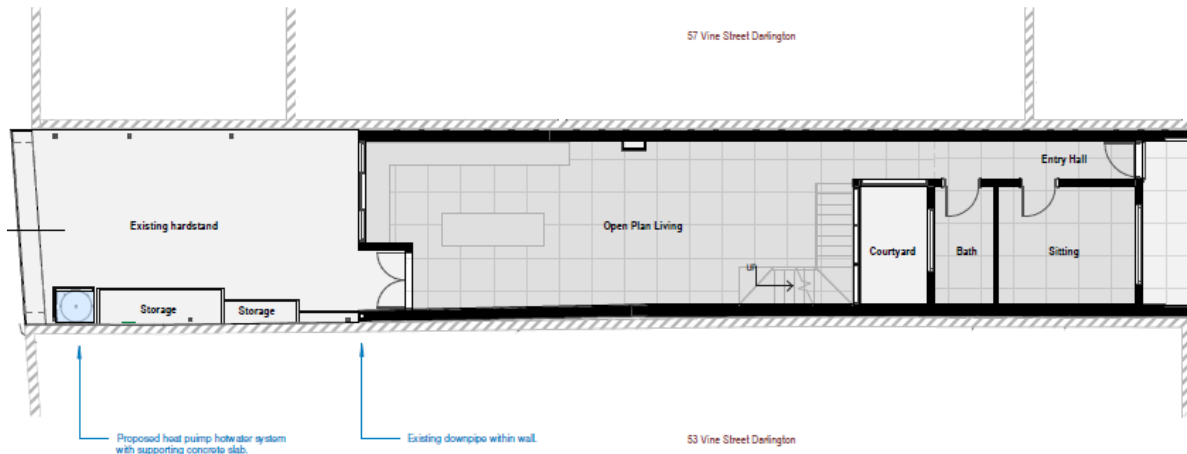


Figure 7: Proposed ground floor plan

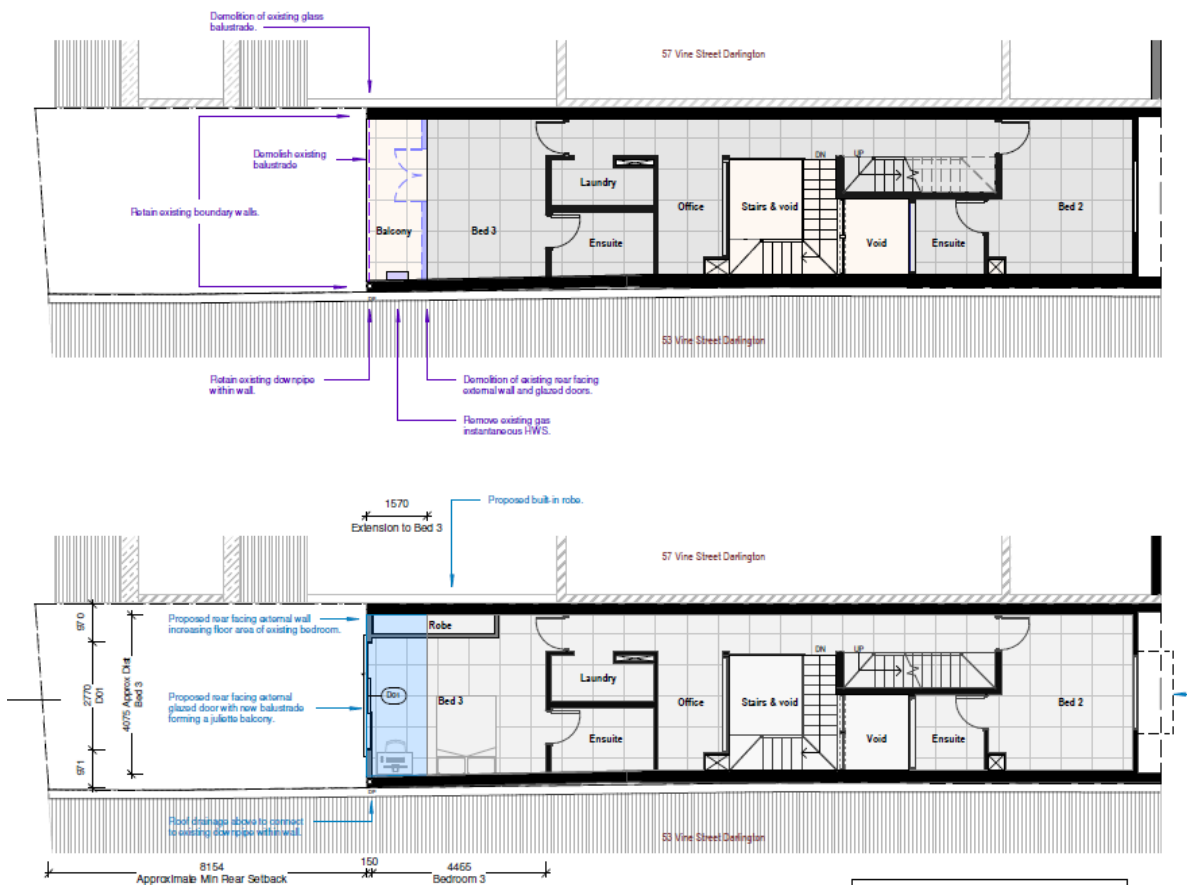


Figure 8: Existing and proposed first floor plans

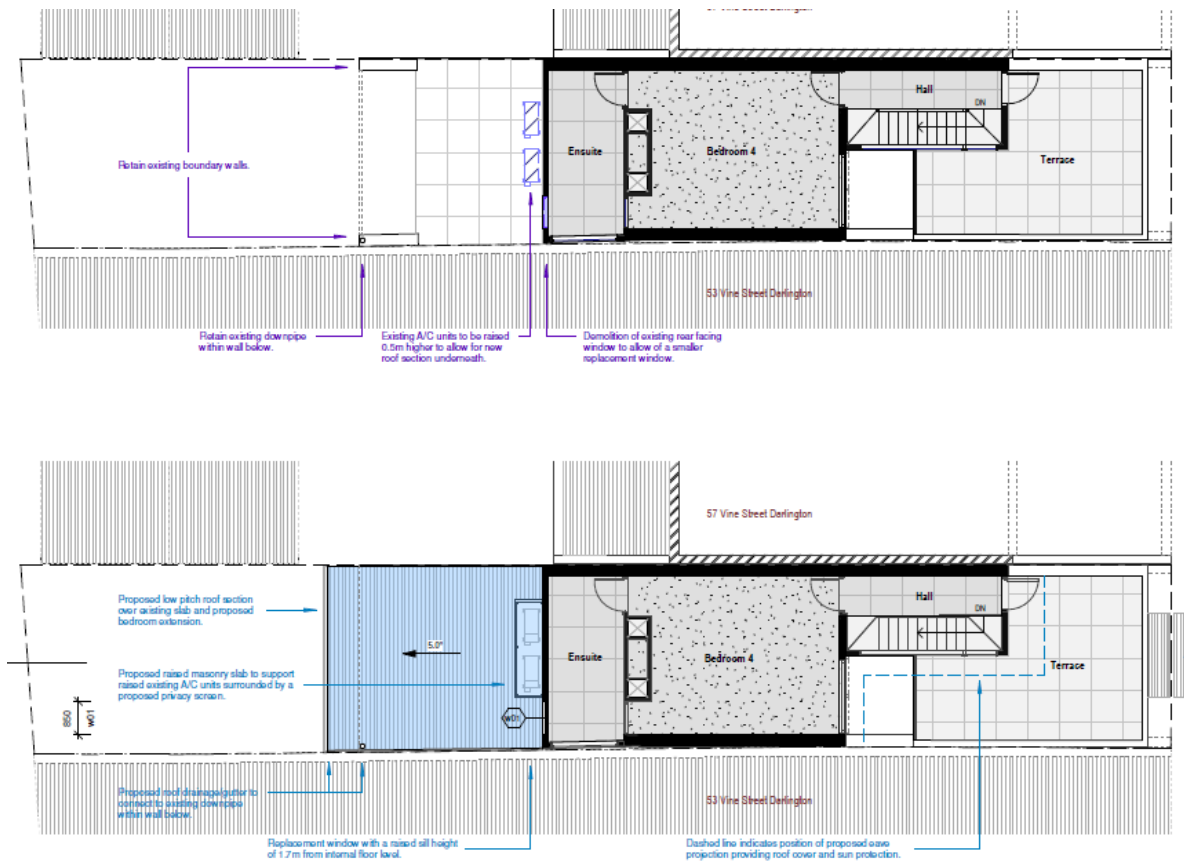


Figure 9: Existing and proposed second floor plans

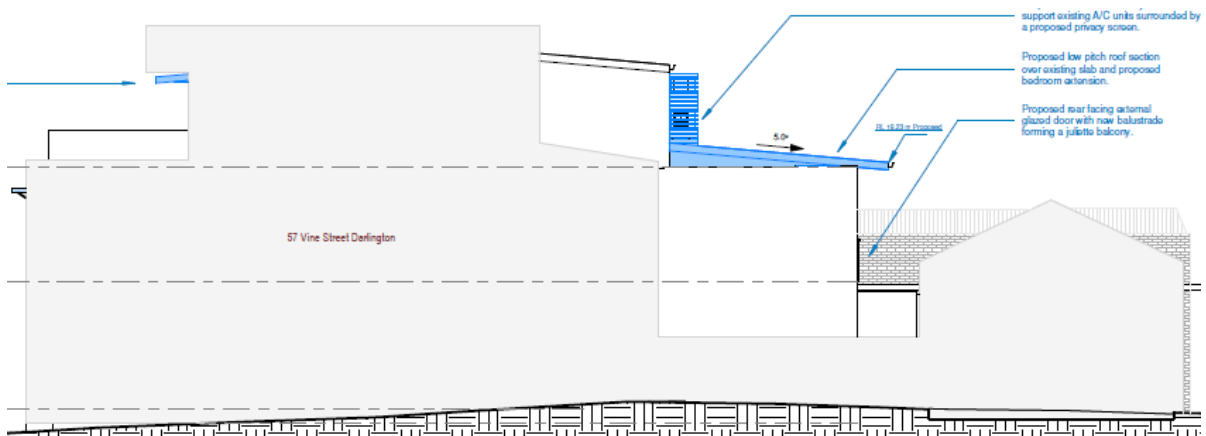


Figure 10: Proposed western elevation

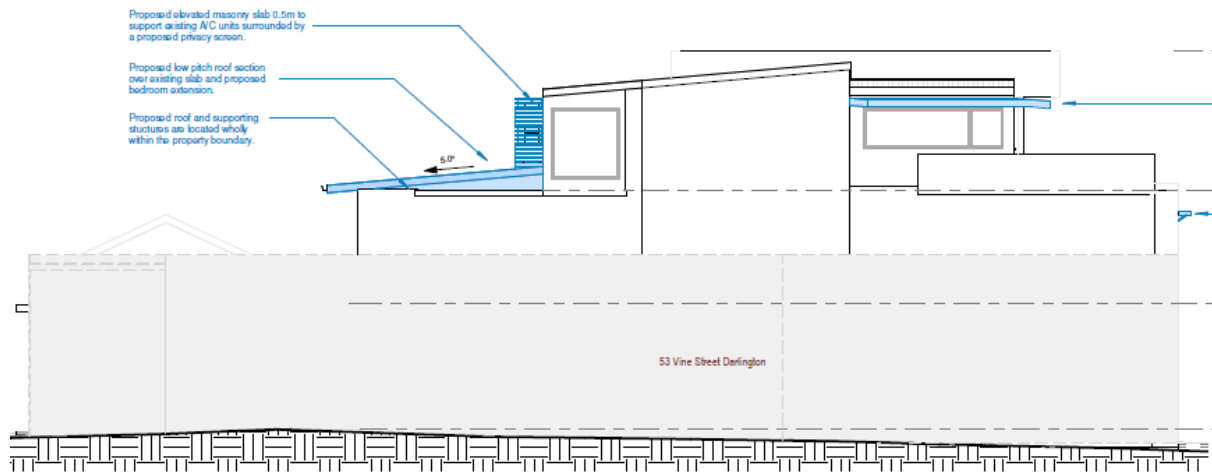


Figure 11: Proposed eastern elevation

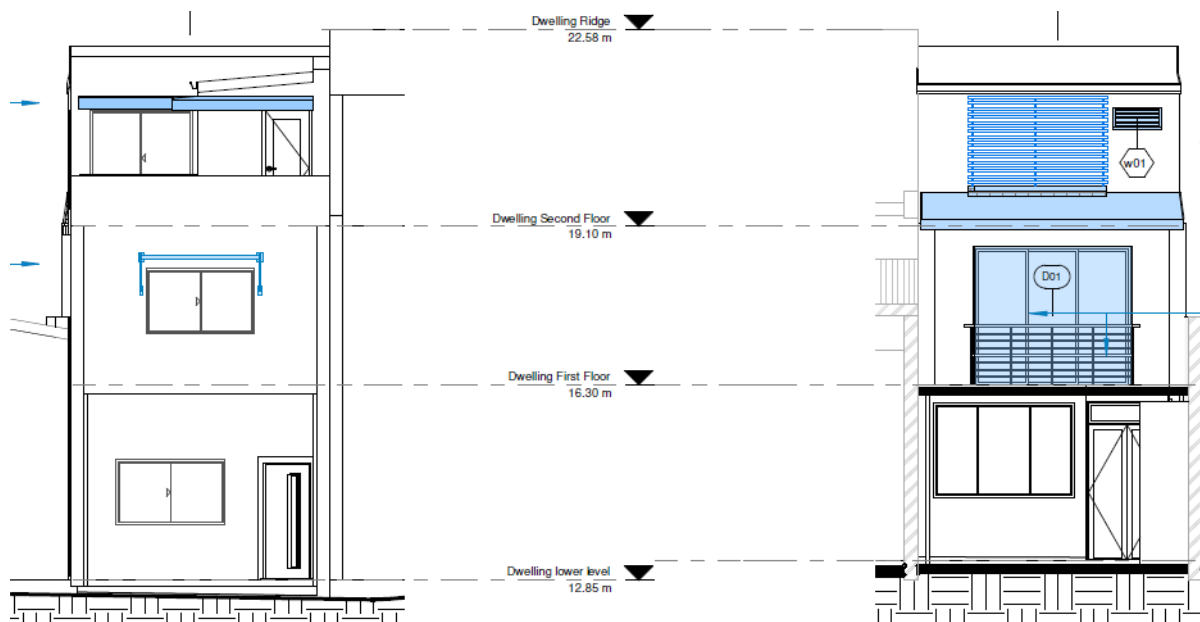


Figure 12: Proposed northern (front) and southern (rear) elevations

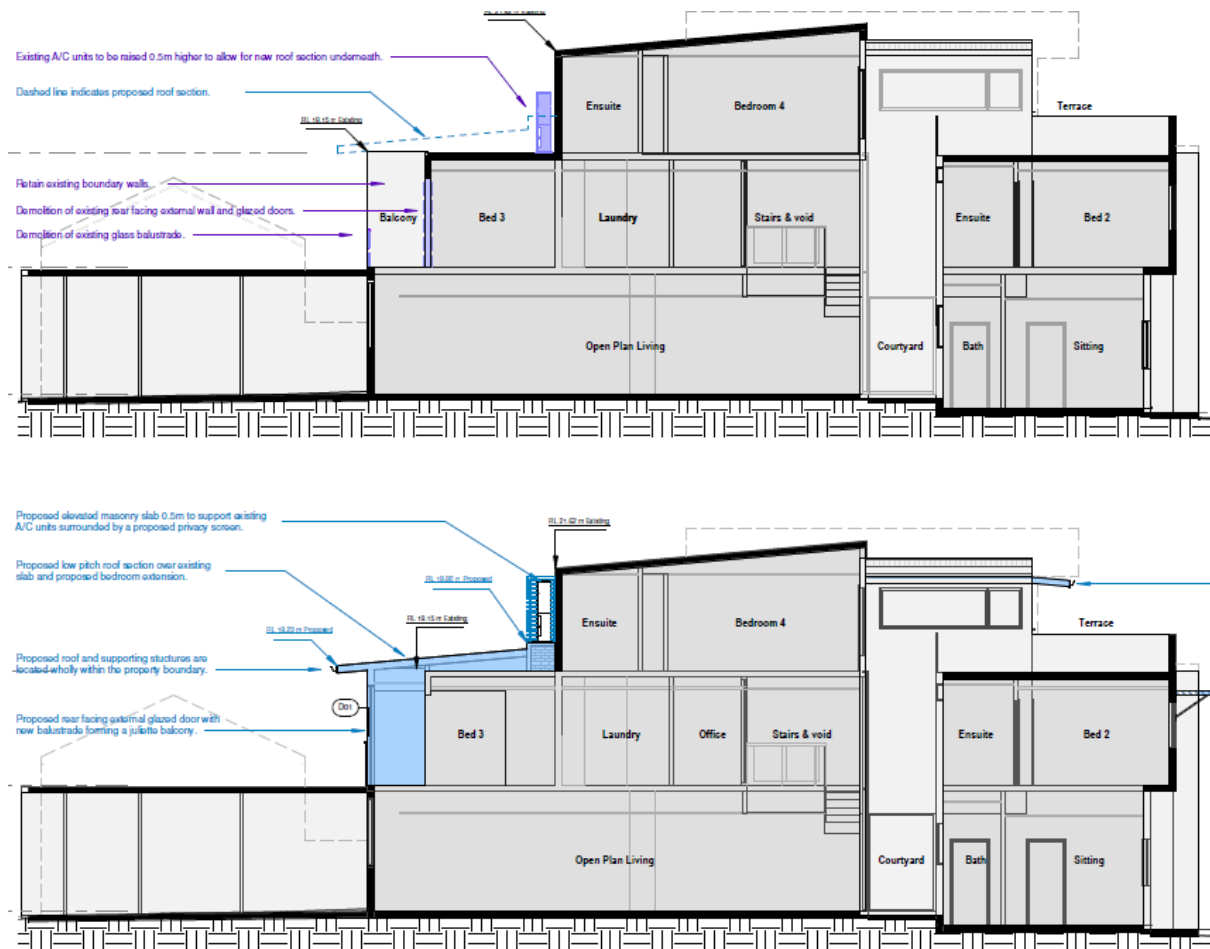


Figure 13: Existing and proposed sections



Figure 14: Proposed front and rear photomontage

Assessment

11. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 - Standards for residential development - BASIX

12. A BASIX Certificate (Number A1790580) has been submitted with the development application.
13. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Local Environmental Plans

Sydney Local Environmental Plan 2012

14. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the R1 General Residential zone.</p> <p>The proposed development is defined as alterations and additions to a dwelling house and is permissible with consent in the zone.</p> <p>The proposal generally meets the objectives of the zone.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 9m is permitted.</p> <p>The existing building height is 9.7m and the proposed alterations and additions to the second floor is up to approximately 8.3m and therefore complies.</p>

Provision	Compliance	Comment
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.25:1 is permitted. The proposed alterations and additions will result in a floor space ratio of 1.25:1 and therefore complies.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The proposed development will not have any detrimental impact on the significance of the heritage conservation area.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed alterations and additions have been assessed against the relevant requirements of this clause including site suitability, bulk and other environmental impacts.</p> <p>The proposed development is of an acceptable standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact regarding the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.</p>

Development Control Plans**Sydney Development Control Plan 2012**

15. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

16. The site is located within the Darlington and west Redfern locality. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	The proposed development will not have any detrimental impact on the significance of the heritage conservation area.
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

Provision	Compliance	Comment
4.1.1 Building height	Yes	The site is permitted a maximum building height of 2 storeys. The existing property is currently a 3-storey dwelling house. The proposed development is minor and does not add to bulk and scale to the existing dwelling house and is therefore supported.
4.1.2 Building setbacks	Yes	The proposed development relates to the existing setback patterns along the street and respects the predominant rear building line.
4.1.3 Residential amenity As demonstrated below, the proposed development will maintain acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.		
4.1.3.1 Solar access	Yes	As demonstrated in the submitted shadow diagrams, the proposal does not result in any additional overshadowing to the private open space or living room windows of the subject site or the neighbouring properties.

Provision	Compliance	Comment
4.1.3.5 Private open space	Yes	<p>The current dual rear parking/private open space was considered acceptable under the previous development consent (D/2015/1140) granted for construction of the subject dwelling house.</p> <p>The proposal does not affect the current dual parking/private open space scenario and is therefore supported.</p>
4.1.3.6 Visual privacy	Yes	<p>The proposed rear facing Juliette balcony on first floor is not a viewing platform and does not result in any unreasonable visual impacts.</p> <p>The proposed ensuite bathroom window on the second floor provides a sill height of 1.7m and does not result in any visual privacy impacts.</p>
4.1.4 Alterations and additions		
4.1.4.1 General	Yes	<p>The proposed development does not remove any significant building elements and respects the form, scale and setbacks of the dwelling and terrace row.</p> <p>The proposed eave projection to the front terrace on the second floor and new louvred awning above the bedroom window on the first floor provide sun protection and are considered minor in nature.</p>
4.1.5 Roof alterations and additions		
4.1.5.2 Roof features	Yes	<p>The proposed development does not locate the air conditioning units on the principal roof elevation of the contributory building.</p>

Consultation

Internal Referrals

17. The application was discussed with Council's Heritage and Urban Design Unit, who recommended the air conditioning units be relocated to the ground floor rear roof plane to mitigate any visual impact.
18. The air conditioning units in their current location and proposed screening are considered acceptable on the first-floor rear roof plane because:

- The air conditioning units are currently located on the first-floor rear roof plane. No additional air conditioning units are proposed.
- The current air conditioning units are not highly visible from the rear lane. The proposed screens further mitigate any visual impacts and do not add significant bulk and scale to the dwelling house.
- The proposed screening colour matches the existing wall colour and does not result in any adverse visual impacts.

Advertising and Notification

19. In accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and exhibited for a period of 28 days between 8 May 2025 and 6 June 2025.
20. A total of 144 properties were notified and no submission was received.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

21. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the development is for the alterations and additions to a dwelling house, which is a type of development listed in Table 2 of the Plan and is excluded from the need to pay a contribution.
22. Conditions relating to development contribution are not required to be included in the attached Notice of Determination.

Housing and Productivity Contribution

23. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.
24. While the site is located within the Greater Sydney region, the development is limited to alterations and additions to existing residential development, but not for residential subdivision, medium or high density residential development, and not for the purposes of a manufactured home estate to which the Housing and Productivity Contribution applies.

Relevant Legislation

25. Environmental Planning and Assessment Act 1979.

Conclusion

26. Subject to recommended conditions, the proposed development is consistent with the relevant planning objectives and controls contained within the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
27. Having regard to all above matters, the proposed development responds appropriately to the scale of surrounding buildings, and will not unreasonably compromise the amenity of nearby properties.
28. The proposed development is compatible with the Darlington and West Redfern locality, the Darling Nursery Estate Heritage Conservation Area, and does not result in any detrimental impacts to the heritage significance of the area.
29. The subject application is recommended for approval subject to conditions.

ANDREW THOMAS

Executive Manager Planning and Development

Cissy Li, Planner