	DEVELOPMENT ASSESSMENT REPORT DA/2020/0165				
Application No. Address	139 Catherine Street LEICHHARDT NSW 2040				
Proposal	Part demolition and alterations and additions to existing heritage listed				
	building to provide mixed use development including two new				
Data of Ladgement	dwellings 10 March 2020				
Date of Lodgement					
Applicant	Sifth Grade Pty Ltd				
Owner	Mr Luke M Sheehy				
Number of Submissions	Initial: 6				
Value of works	\$899,836.00				
Reason for determination	Heritage item				
at Planning Panel					
Main Issues	Adverse impacts to Heritage Item				
	Inconsistent with Desired Future Character Controls				
	Bulk and scale				
	Inadequate car parking				
	Non-compliance with FSR				
Recommendation	Refusal				
Attachment A	Reasons for refusal				
Attachment B	Draft Conditions (in the event that the application is approved)				
Attachment C	Plans of proposed development				
Attachment D	Statement of Heritage Significance				
140 155 136 157 136 134 136 142 136 143 136 144 136 144 136 144 137 153 140 144 141 144 142 153 143 143 144 144 145 153 141 144 142 144 131 144 132 144 133 2 4 6 10 12 133 2 4 6 10 12 120 122 13 2 4 6 10 12 120 121 122 13 14					
Subject Site	Objectors N				
Notified Area	Supporters				
Nata Dua ta agala of man nat all	objectors could be shown.				

1. Executive Summary

This report is an assessment of the application submitted to Council for Part demolition and alterations and additions to existing heritage listed building to provide mixed use evelopment including two new dwelling units at 139 Catherine Street, Leichhardt.

The application was notified to surrounding properties and 6 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Non-compliance with the Floor Space Ratio development standard;
- Adverse impact to the heritage item;
- Bulk and scale; and
- Inadequate car parking provision.

The above issues have not been adequately resolved or addressed by the applicant, and therefore, the application is recommended for refusal.

2. Proposal

The proposed development seeks alterations to the building to create two residential dwellings in conjunction with the commercial tenancy retained at the front which is to be used as a food and drink premises.

The proposed development consists of the following elements:

- Rear demolition involving the existing rear extension,
- Construction of a three level rear extension incorporating two apartments;
- Reconstruction of the original shopfront with its recessed central entrance;
- New site landscaping;
- Alterations to the ground floor front façade.
- The demolition works include the full demolition of the existing two storey rear wing of the existing building and excavating at the front wing of the building to create motorcycle parking at lower ground floor level.

The proposal will present as two storeys from Catherine Street with direct access provided to the commercial tenancy on the first floor of the building. The building will present as three storeys from the rear with direct access to the ground floor from the right of way that is spanned over 133, 135 and 137 Catherine Street and two lots at the rear of 129 and 131 Catherine Street that creates a 'private laneway'. While it appears that there is existing pedestrian access (see photo below) to the subject site via this 'private laneway'. If the application was recommended for an approval, a Deferred Commencement condition would be required stipulating that legal rights of access through this 'private laneway' to be demonstrated prior to the application being made operational.



3. Site Description

The subject site is located on the eastern side of Catherine Street, between Styles Street and Thorby Avenue. The site consists of one allotment and is generally rectangular-shaped.

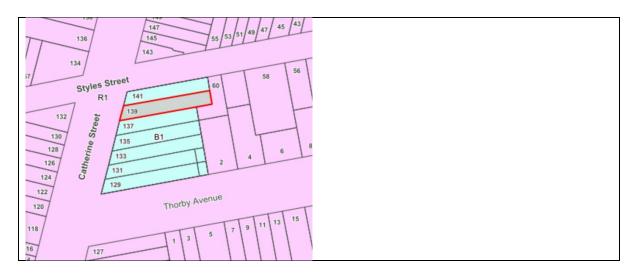
The site has a frontage to Catherine Street of 6.12 metres. The site benefits from a right of way that allows access to the site from Thorby Avenue.

The terrace is part of a row of seven (Nos. 129-141) two storey semi-detached commercial and residential terraces located between Styles and Thorby Streets. The terrace is a typical Federation style shop-top terrace where the ground floor formed a shop with a small two bedroom flat above.



Subject site from Catherine Street

The subject site is listed as a heritage item and part of a row of heritage listed terraces at Nos. 129-141 Catherine Street. The property is located within a Heritage Conservation Area. The property is not identified as a flood prone lot.



4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
BA 3063-58	Alterations to premise	Approved 1 April 1958

Surrounding properties

Application	Proposal	Decision & Date
D/2011/302	141 Catherine Street Alterations and renovations to existing heritage item and use of ground-floor as a retail shop for sale and repair of footwear.	Approved 18/8/11
D/2012/311	60 Styles St Demolish existing structures on site and construct two storey dwelling.	Approved 13/11/12

4(b) Application history

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

Date	Discussion / Letter / Additional Information			
8 May 2020	Letter requesting the application to be withdrawn was sent:			
	 Issues in relation to impact to heritage item 			
	 Issues in relation to Desired Future Character, non-compliances 			
	to 6.11A of Leichhardt LEP 2013 and non-compliance with Floor			
	Space Ratio Development Standard			
	 Issues in relation to lack of off-street parking 			
	 Issues in relation to Stormwater and right of access 			
	 Issues in relation to solar access 			
	 Issues in relation to management of waste 			
	 Dimensions/setbacks to be provided on all architectural 			
	drawings			

May 2020 and une 2020	 Applicant provided additional information in the form of: Letter responding to council letter dated 8 May 2020 Heritage consultant's response council letter Amended Stormwater design Updated Survey Report Updated Shadow Drawings Updated architectural drawing
	It should be noted that the architectural drawings include updated dimensions only with no changes to the proposed design.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act* 1979.

5(a) Environmental Planning Instruments

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

- Leichhardt Local Environmental Plan 2013
- State Environmental Planning Policy No. 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. The Leichhardt Development Control Plan 2013 (LDCP2013) provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that "the site is, or can be made, suitable for the proposed use" prior to the granting of consent.

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

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

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

Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

- Clause 1.2 Aims of the Plan
- Clause 2.3 Zone objectives and Land Use Table
 - Clause 2.5 Additional permitted uses for land
- Clause 2.7 Demolition

- Clause 4.4 Floor Space Ratio
- Clause 4.4A Exception to maximum floor space ratio for active street frontages
- Clause 4.5 Calculation of floor space ratio and site area
- Clause 4.6 Exceptions to development standards
- Clause 5.10 Heritage Conservation
- Clause 6.1 Acid Sulfate Soils
- Clause 6.2 Earthworks
- Clause 6.4 Stormwater Management
- Clause 6.11A Residential accommodation in Zone B1 and Zone B2

The application does not comply / or has not demonstrated compliance with the following provisions and objectives of the *LLEP2013*:

(xiii) <u>Clause 1.2 – Aims of Plan</u>

The proposal does not comply with the Floor Space Ratio, will have an adverse impact to the heritage item is and results in a shortage of on-site car parking. Therefore the proposal is contrary to the following objectives under Clause 1.2:

- (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt
- (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt
- (xiv) Clause 2.3 Land Use Table and Zone Objectives

The site is zoned B1 under the *LLEP 2013*. The proposed uses of the premises are defined in the *LLEP 2013* as a Food and Drink Premise and dwellings, the definition for these uses are as follows:

"food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar"

"Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile"

The development is permitted with consent within the zone.

Pursuant to the *LLEP2013*, the zone objectives of the B1 Neighbourhood Centre are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that development is appropriately designed to minimise amenity impacts.
- To allow appropriate residential uses to support the vitality of neighbourhood centres.

The development is considered to be inconsistent with the latter two objectives of the LB1 zone identified above. As discussed in more detail in a later section of the report, the proposal will result in excessive demolition and adverse impacts on the heritage significance of the

heritage-listed terrace on the site and row of terraces in which the site forms a part and does not provide adequate off-street parking provision due to the increase in residential accommodation on the site. Due to the adverse heritage impacts and parking short-fall (which has negative impacts on the availibility of existing limited on-street parking) as a result of the intensification of residential accommodation on the site, it is considered that the development has not been appropriately designed to minimise amenity impacts or provides appropriate residential accommodation to support the vitality of neighbourhood centres.

Clause 4.4 – Floor Space Ratio

The following table provides an assessment of the application against the applicable development standards in the *LLEP2013*:

Standard	Proposal	non compliance	Complies
Floor Space Ratio	4.0.4	00%	NI-
Maximum permissible: 1:1 or 204 sqm	1.2:1 or 244 sqm	20%	No

The proposed development has a total Gross Floor Area of 244 sqm which is equivalent to a Floor Space Ratio of 1.2:1 which is 20% non-compliance to the 1:1 FSR development standard.

The applicant had not submitted a Clause 4.6 exception as the applicant believes the proposal complies with the requirements under Clause 4.4A, and therefore, the proposal benefits from an increase of the required FSR to 1.5:1. However, as discussed below, the proposal in its current form is considered to be inconsistent with the provisions of Clause 4.4A, and therefore, the applicable FSR to this development is 1:1, with which the proposal does not comply.

Clause 4.4A - Exception to maximum floor space ratio for active street frontages

- 3. Despite clause 4.4, the maximum floor space ratio for a building on land to which this clause applies is 1.5:1 if the consent authority is satisfied that—
 - (a) the building will have an active street frontage, and
 - (b) the building comprises mixed use development, including residential accommodation, and
 - (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

The subject site is located within The Piperston Distinctive Neighbourhood and C2 of the Desired Future Character states:

C2 Promote land uses and urban design that enhances and contributes to the character and identity of the neighbourhood whilst protecting Heritage Items and Heritage Conservation Areas that combine to help create that character.

As detailed in a later section of the report, the proposed in its current form is considered to result in adverse impacts to the heritage item, and therefore, the proposal is considered to be contrary to C2 outlined above. In particular, the adverse impacts to the heritage item are directly due to the proposed introduction of two dwellings on this site.

Although the development satisfies one part of the three-part test, in that it does include an active street frontage, the site is a heritage item and the design is not supported by Council's Heritage Officers. As the proposal fails to achieve compliance with the Desired Future Character controls, the proposal will also fail to satisfy the requirements under Clause

4.4A(3)(c). Therefore, the proposal does not receive the 1.5 FSR bonus under Clause 4.4A of Leichhardt LEP 2013 and the proposal breaches the maximum applicable 1:1 FSR.

Notwithstanding that a Clause 4.6 exception would be required to address the variation, even if such a variation request was submitted, the variation is unlikely to be supported due to the adverse impacts to the heritage item and the undersupply of car parking.

Clause 5.10 - Heritage Conservation

The subject property at 139 Catherine Street, Leichhardt is listed as a heritage item; it is part of a row of seven conjoined terrace houses, the "Thorby Buildings", dating from 1912, all listed as heritage items, and No. 139 is very apparent as part of this row or group.

The group is an important, commanding element in the local streetscape. It extends from Styles Street (on the northern side) to Thorby Avenue (southern side).

The Statement of Significance for each of the terrace buildings is available via the NSW Heritage Database, and for No. 139 (as for the others) it reads :

"No. 139 Catherine Street Leichhardt has historic and aesthetic significance as part of a group (Nos. 129-141) of c.1912, free-standing row of commercial residential terraces constructed in the Federation style. The building retains its original two storey scale and character and details including open balcony and associated decorative elements, shopfront and awning and original parapet. The row was constructed at the end of a substantial period of growth in Leichhardt and provided a variety of specialised services that were supplemented by networks of corner general stores. The building makes a positive contribution to the Catherine Street streetscape."

This Statement applies generally to the group and the altered condition of No.139's shopfront is acknowledged in the individual description of the building. It is noted that the building "appears to have had rear alterations and additions", but its integrity is noted as "Medium-high". In further detailed consideration of its significance, the building is attributed with local historic, associative, aesthetic and representative significance.

The group is located immediately south of the heritage listed Port Jackson Fig street trees of Catherine Street, Heritage Item no. i638, which extend northwards from Styles Street to Moore Street. The trees are listed for their local historic and aesthetic significance. From the southern end of that section of Catherine Street, views extend to the corner building No. 141 (item no.635) and the rest of the group. No other heritage items are situated in the immediate vicinity of the property.

The buildings are also found within the Piperston Distinctive Neighbourhood. The description of the area remarks upon its residential diversity, the predominance of single storey cottages amongst which there are two storey terraces. Catherine Street is noted for its positive streetscape and how it "provides an excellent example of the diversity of housing styles in the area, with a mixture of Victorian Italianate terrace houses, Edwardian cottages, Victorian Gothic, Californian bungalows and workers' cottages. Styles Street further illustrates the housing variety in Piperston with its group of Art Nouveau-style houses".

The proposal was reviewed by Council's Heritage Specialist who provided the following assessment of the proposal:

The proposal, prepared by Lombardo Design Studio, envisages the demolition of the rear wing of the house, and the excavation of its basement to provide storage and service areas. The proposal is supported by a Statement of Heritage Impact prepared by Zoltan Kovacs Architect and Heritage Consultant, which concludes that "no adverse impact would be generated for the significant qualities of the heritage item". The assertions advanced in promotion of this conclusion, and the conclusion itself, are not accepted.

At several points in the text, the rear wing is described as "the extension", and the other wings as "extensions", which they are clearly not – being original components of the buildings, subsequently altered, to varying degrees. This may be a simple slip, a misnomer, but the representation of the rear wings conveys the impression that they are "add-ons" and not significant parts of the respective buildings. This is not accurate and not accepted, nor are the descriptions of the rear wing to No.139 and its interiors as "severely degraded".

Throughout the document, its phrasing damns the buildings, and in particular No. 139, with descriptive comments such as the rear wing of No. 139 being "overwhelmed by No. 141". The "extensions" (i. e., rear wings) are summarily assessed as "none of them retaining their integrity", and it is asserted that consequently, the "visual coherence" of the rear of the buildings has been lost. This is not accepted. While some of the rear wings have been altered, others appear to have been little changed and the point of surrender to replacement is not conceded to have been reached. Conservation is a long game, and the gradual application of more rigorous thinking and heritage methodology, will secure better heritage outcomes for these buildings.

No. 139 is a heritage item and part of a group of related, and similarly listed buildings, which are still importantly consistent in design. The rear wings of the buildings are integral to their original design, and the ability to understand the buildings, or appreciate their design and the significance of form, character and aesthetics which resides in their rear elevations and form, would be severely compromised by the proposal - and the others like it which its approval would encourage. Although the building's streetscape contribution is emphasised in the discussion of its significance, the integrity of the buildings and their conservation are not compatible with demolition of half their fabric, and confusion of their original presentation. In short, the extent of demolition proposed is not consistent with a heritage listing of the building, and any proposal for its adaptive use should not entail the removal of such a substantial and significant proportion of its fabric.

No pre-DA advice was reportedly sought from Council in relation to this proposal. If it had, the difficulty with the extent of demolition could have been indicated and discussed. Adaptive use of a nature commensurate with the significance of the building and its fabric could have been discussed. Council has previously supported adaptive re-use and modification projects elsewhere, and would support proposals for this building that were more responsive to its heritage status, and its group of similarly listed buildings.

In the NSW heritage inventory document for the building, under Recommended Management it is stated, in general terms, that "any further additions and alterations should be confined to the rear of the building and not detract from the original form and character of the building and main roof form as presents to Catherine Street." This can not be taken, however, to licence demolition of the significant rear wing fabric which establishes the typological characteristics and identity of this building, and its co-listed neighbours. Such a suggestion would not be consistent with the Australia Icomos Burra Charter, nominated as residing at the foundation of this proposal's development.

In view of the scope of demolition and alteration proposed, the proposal is not supported. Having regard to the design of the proposed replacement development, concern is also expressed about the lack of response in the design to its context amongst heritage items, but the necessary preceding demolition is not supported, so it is not further considered.

The amended plans (i.e. dated 1 June 2020) under assessment still proposes to demolish the rear wing. Therefore, it is still not supported because of the impact the proposal will have on

the original fabric of the heritage item. The above recommendation is still relevant and the proposal must be redesigned to retain and incorporate the rear wing.

The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the terrace and the heritage listed row of terrace it is part of. The rear wing must be retained and incorporated into the proposal to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the *LLEP2013* which are:

- (a) to conserve the environmental heritage of Leichhardt,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

A submission was received having regards to potential unauthorised works at the front of the property (see figure 1 below).

Clause 6.11A - Residential accommodation in Zone B1 and Zone B2

Pursuant to Clause 6.11A of the LLEP2013:

Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that—

- (a) the building comprises mixed use development, including residential accommodation, and
- (b) the building will have an active street frontage, and
- (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

As detailed in a later section of the report, the proposed in its current form is considered to result in adverse impacts to the heritage item and is of an unsatisfactory bulk and scale, and therefore, the proposal is considered to be contrary to C2 outlined above. In particular, the adverse impacts to the heritage item and unsatisfactory bulk and scale are directly due to the proposed introduction of two dwellings on this site.

As the proposal fails to achieve compliance with the Desired Future Character controls, the proposal will also fail to satisfy the requirements under Clause 6.11A(3)(c) and thus development consent cannot be given to the proposed residential dwellings.

5(b) Draft Environmental Planning Instruments

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

Draft IWLEP 2020

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

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

5(d) Development Control Plans

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
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Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.3 Alterations and additions	No – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No – see discussion
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
C2.2.3.3 Piperston Distinctive Neighbourhood	No – see discussion
Dart C. Place Cratics 2 Desidential Previolance	
Part C: Place – Section 3 – Residential Provisions C3.1 Residential General Provisions	Yes
	No – see discussion
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	N/A
C3.5 Front Gardens and Dwelling Entries C3.6 Fences	N/A N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.6 Shopfronts	Yes
C4.15 Mixed Use	See below
Port D: Enorgy	
Part D: Energy	Yes
Section 1 – Energy Management	
Section 2 – Resource Recovery and Waste Management D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.5 Mixed Use Development	Yes
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Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With	Yes
Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	No – see discussion
	No – see discussion
E1.2 Water Management E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	No – see discussion
E1.2.3 On-Site Detention of Stormwater	No – see discussion
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	No – see discussion
E1.2.6 Building in the vicinity of a Public Drainage System	Yes
E1.2.7 Wastewater Management	Yes
Part F: Food	Yes / No – see discussion
Part G: Site Specific Controls	
Insert specific control if relevant	Yes / No – see discussion

A1.9 The Structure of this Development Control Plan

Pursuant to Part A1.9 of the LDCP2013:

"Part C is called Place and includes Suburb Profiles, Distinctive Neighbourhood Character Statements, objectives and controls, General Provisions including controls for both residential and non-residential development; Residential Provisions for all types of residential development, irrespective of the zone; INTRODUCTION PART A – 6 and Non-residential Provisions which provides for types of non-residential development, irrespective of the zone."

On this basis, the proposal has been assessed against the following controls of the LDCP2013.

C1.3 Alterations and additions and C1.4 Heritage Conservation Areas and Heritage Items

As discussed in an earlier section of the report under 5.10 – Heritage Conservation, the proposal is not supported because of the impact the proposal will have on the original fabric of the heritage item. The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the terrace and the heritage listed row of terrace it is part of.

Therefore, the proposal in its current is contrary to:

- The Objectives O1d and Controls C1d and C1f of C1.3 Alterations and Additions which requires development to:
 - O1 To ensure that development:
 - c. makes a positive contribution to the desired future character of the streetscape and any heritage values associated with it;
 - C1 of alterations and additions shall:
 - d. maintain the integrity of the streetscape and heritage significance;
 - f. achieve the objectives and controls for the applicable desired future character

The proposal is also considered to be contrary to the Objectives O1e and control C2 of C.14 Heritage Conservation Areas and Heritage Items.

• O1 Development:

e. conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;

- C2 The fabric of an existing building is to be the subject of appropriate conservation practices including:
 - a. retention of original detail and finishes such as:
 - i. original face brick which should not be painted over or rendered;
 - ii. original decorative joinery and iron work which is not to be removed;
 - b. conservation of original elements;
 - c. reconstruction or restoration of original elements where deemed appropriate

C1.11 Parking

The following parking rates are applicable to the site:

Parking Rates					
Land Use	Residents		Visitors		
	Minimum	Maximum	Minimum	Maximum	
Residential	·				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil	
Bed-sit / Studio	Nil	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling	
1 bedroom unit	1 space per 3 0.5 space per dwellings dwelling		1 space per 11 dwellings	0.125 spaces per dwelling	
2 bedroom unit	1 space per 2 1 space per dwellings dwelling		1 space per 11 dwellings	0.125 spaces per dwelling	
3+ bedrooms unit	1 space per dwelling			0.125 spaces dwelling	
Business premises	1 space per 100 sqr	n	1 space per 60 sqm		
Take away food or drink premises	1 space per 100 sqm If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision (Refer to Note 3)		1 space per 100 sqm		

Catherine Street is not a Recognised Shopping Street, and given that the site was last occupied by a retail premise and a single dwelling house with nil on-site parking provision, and the proposal consists of a Food and Drink premise and 2 x 3 Bedroom Units and no on-site parking provision, the following table outlines the existing and proposed parking shortfall:

Existing Parking Requirements:

1 x retail premise = 1 x on-street Car Parking

- 1 x Single Dwelling House = 0 x on-street Car Parking
- On-Site parking space provided = 0 x on-street Car Parking

Existing Short fall = 1 parking space

Parking Requirements for proposed development:

1 x Takeaway food or drink premise = $1 \times \text{on-street Car Parking}$ 2 x 3 Bedroom Units = $2 \times \text{on-street Car Parking}$ On-Site parking space provided = $0 \times \text{on-street Car Parking}$

Short fall of proposed development = 3 parking spaces <u>Additional Parking Short Fall</u> Additional short fall generated from the proposed development = 2 parking spaces

Given the above, the proposal results in a short-fall of 3 parking spaces and an additional shortfall compared to existing short fall of two spaces arising from the 2×3 Bedroom units proposed as part of this application.

Given that there is already a high demand for on-street car parking spaces in the immediate locality, the additional shortfall is considered to result in an adverse impact in regards to local parking and the street network which in turn could lead to a negative impact to the viability of the existing commercial premises in this row of buildings.

C2.2.3.3 Piperston Distinctive Neighbourhood

The subject site is a heritage item and therefore any new development on this site, especially residential developments in B1 Neighbourhood Zoning where the development relies on 6.11A for permissibility, is expected to achieve compliance with the following Desired Future Character control:

C2 Promote land uses and urban design that enhances and contributes to the character and identity of the neighbourhood whilst protecting Heritage Items and Heritage Conservation Areas that combine to help create that character.

As discussed in other sections of this report, the proposed demolition of the rear wing of the heritage item and bulk and scale of the development are not considered to be acceptable. The amended design still proposes to demolish the rear wing. Adaptive reuse of the rear wing is recommended, appropriately conserving its fabric in response to its significance and context within the proximity of other heritage items that comprise a group of like buildings.

Therefore, the proposal in its current form is considered to be unacceptable in this regard.

C3.2 Site Layout and Building Design

Building Location Zone (BLZ)

The proposed in its current form proposes a three storey form at the rear of the property. As the adjoining properties to the south have shorter lengths, the property at 141 Catherine Street, which has a comparable length to the subject site, is the property where the BLZ should be referenced against in this instance. In this regard, the proposed ground floor is located approximately 3 metres further to the east than the ground floor rear alignment of No. 141 Catherine Street, approximately 1.5 metres further to the east of the first floor level of 141 Catherine Street and the second floor will establish a new BLZ. Therefore, the proposal does not comply with the BLZ at ground, first and second floor levels.

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

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

In this regard, while the amenity to adjacent properties (in terms of sunlight, privacy and views) and the private open space provided is satisfactory, the proposal is not consistent with the desired future character and predominant scale of surrounding development, it does not retain existing significant vegetation nor proposes any significant replacement trees, and there are excessive bulk and scale impacts when viewed from 137 Catherine Street. On this basis, the bulk and scale of the development and BLZ breaches are not supported in this instance.

Side Setback

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

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern	9	3.6	0	3.6
Southern	8.6	3.3	1	2.3

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

a. the proposal is consistent with the relevant Building Typology Statement as outlined in Appendix B of the DCP;

- b. the pattern of development in the streetscape is not compromised;
- c. the bulk and scale is minimised by reduced floor to ceiling heights;
- d. amenity impacts on adjoining properties are minimised and / or are acceptable; and
- e. reasonable access is retained for necessary maintenance of adjoining properties.

In this regard, it is accepted that the non-compliances of side setback controls do not have any undue adverse amenity impacts (solar access, visual privacy and loss of views), the proposal will not obstruct access to any adjoining lightweight walls for maintenance purposes and the side wall heights and setbacks are not out of character with the existing pattern of development. On balance, it is considered the non-compliance with side setbacks is acceptable.

C3.9 Solar Access

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

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

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

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

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

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

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

The property that would be most impacted will be the adjoining property to the south at No. 137 Catherine Street. The shadow diagrams demonstrate that there are no adverse impacts to No. 60 Styles Street.

In regards to the impact to living room windows, the living room areas of 137 Catherine Street is located at on the northern elevation at ground floor level in the middle of the site (windows 5 and 25 on the site survey) and the two rear northern windows are associated with a dining room and a kitchen. The first floor windows on the northern elevation are associated with a stair well, bedrooms and a bathroom. Therefore, the impacts to windows that are to be considered at the two living room windows located at ground floor level.

The applicant obtained additional survey information with respect to the location and sizes of the windows on the northern elevation. However, this is not entirely reflected on the additional shadow diagrams in elevation that were provided and there are two main inaccuracies in the elevational shadow diagrams, namely:

- The natural ground floor level is depicted incorrectly. The natural ground level should be approximately 1.5 metres lower than what has been depicted.
- The second living room window (i.e. Window no. 24 on the updated site survey prepared by John McDonald Group) is located in the wrong location, the second living room should be located approximately 1.8 metres further towards the front of the building.

It is considered that the existing and proposed shadows depicted on the shadow diagrams are otherwise accurate. For example, at 12pm during Winter solstice where the altitude of the sun (i.e 32 degrees 43 minutes) is at its highest during the day and where there is the highest chance of solar access reaching these ground floor windows, the shadow cast by the existing structures at No. 139 Catherine Street will hit the northern wall of No. 137 Catherine Street at RL30.62 which is approximately 1.86 metres below the gutter line of No. 137 Catherine Street and approximately 1.9 metres above the first living room window. This is consistent with the shadow diagrams that had been provided.

Therefore, at winter solstice, the living room windows at 137 Catherine Street do not receive direct sun light between 9am and 3pm, and the proposed works do not result in additional solar access impacts to these windows.

As the subject and adjoining sites are located in a business zoning (i.e. B1 Neighbourhood Centre) and that the southern adjoining property has a different subdivision pattern (where the rear boundary of the property at 137 Catherine Street is approximately 10 metres to the west of the rear boundary of 139 Catherine Street) and the affected property does not receive solar access to 50% of its site for 2.5 hours between 9am and 3pm at winter solstice, it is difficult to retain 100% of the existing available solar access to the affected private open space. In this regard, as level 1 and level 2 are 'stepped' back on each floor, it is considered reasonable care had been undertaken in relation to the potential solar access to the rear private open spaces and despite the non-compliance, the proposal will retain solar access to approximately 9sqm and 10 sqm of the private open space of 137 Catherine Street at 9am and 12pm respectively. While the cutting back of the upper levels is likely to improve solar access, this is considered to be reasonable given the circumstances of this case. However, the proposal is recommended for refusal as discussed in other sections of the report.

C3.11 Visual Privacy

The following controls are applicable in C3.11 Visual Privacy

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

The proposed windows on the southern elevation all have high window sills and the first floor rear windows include obscured glazing. If the application was supported, a condition would be have recommended to ensure sightlines up to 1.6 metres from the finished floor level are restricted from these windows.

The proposal also includes a balcony at the second floor which is 2 metres x 4 metres (depth x width) which is larger than the size specified in C9. However, it is acknowledged that the proposal also includes 2 metre high privacy screens on the southern side which limits the

availability of sightlines from this balcony and the associated glazing that links the balcony to the living room of the second unit and is considered to be satisfactory. However, the proposal is recommended for refusal for other reasons outlined in this report.

C4.15 – Mixed Use

The access for the residential properties relies on access through the rear from the 'private laneway' that is create through the right of way that is spanned across the sites between 129 and 137 Catherine Street and is not provided via the main street frontage as specified by C7 under this part:

C7 Where possible, access to the residential part of the development is from the main street frontage where:

a. it is compatible with the streetscape and any heritage conservation considerations;

b. pedestrian entries to residential uses are separate from the entry to the commercial part of the building; and

c. the access is not visually dominant in the building façade.

However, given the limited opportunity available in providing access through the main street frontage due to the width of the lot and the form of the heritage item and that there are existing accessways through the rear to surrounding properties, it is considered this is acceptable subject to the demonstration that the subject site at 139 Catherine Street has legal right of access through to a public road. This would need to be demonstrated as part of a 'Deferred Commencement' Consent in the event that the application is approved (noting that refusal is recommended).

E1.1.3 Stormwater Drainage Concept Plan, E1.2 Water Management and E1.2.2 Managing Stormwater within the Site and E1.2.3 On-Site Detention of Stormwater

The stormwater drainage plan on drawing 19-236/D3 issue (D) prepared by PORTES Civil and Structural Engineers and dated 25 May 2020 is considered to be unsatisfactory.

The documentation does not demonstrate compliance with Leichhardt DCP2013 Water:

- The OSD calculations incorrectly identifies impervious areas.
- A 10000L rainwater tank with footprint of 500mm width x 2900mm length as shown on the plans would need to be almost 7m high. Clarification is required.
- As there is no overland flow path, the system must be designed for the 100 year storm event.
- Stormwater drainage plan demonstrating drainage via gravity from downpipes to OSD/OSR to gutter of road is required.
- It is unclear if there is sufficient cover available over the proposed pipe within the neighbouring property.
- The proposed easement must be shown on the plans. NB: a deferred commencement condition to obtain easement will be required.
- An inspection point/pit is required at the boundary of the RoW and Council's road.
- Proposed drainage system appears to clash with a street tree.

If the application was recommended for approval, these issues would need to be addressed ideally in the submitted plans prior to approval, but otherwise via deferred commencement conditions.

5(e) The Likely Impacts

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

Impact to heritage and desired future character of the area

The design is not supported due to the impact the proposal will have on the original, significant fabric of the heritage item. The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the terrace and the heritage listed row of terrace it forms a part.

Impact to parking

Given that there is already a high demand for on-street car parking spaces in the immediate locality, the proposal is considered to likely to result in an unacceptable impact in regards to on-street parking which in turn could lead to a negative impact to the viability of the existing commercial premises in the street.

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

It is considered that the proposal will have an adverse parking impacts on the adjoining properties and the heritage item and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. Submissions from 5 properties were received in response to the initial notification.

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

- Impact to heritage item – see Section 2.2
- Solar Access see Section 2.3
- Parking see Section 2.3
- The increase in visual bulk from the development see Section 2.2
- Managing Stormwater see Section 2.2

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

<u>Issue</u>: Management of Demolition and Excavation

<u>Comment</u>: If the application was recommended for approval, standard conditions will be recommended in relation to demolition and excavation. However the application is recommended for refusal for other reasons outlined in the report

Issue: Miscellaneous Concerns

<u>Comment</u>: The majority of the issues raised can be addressed by standard conditions, however the application is recommended for refusal for other reasons outlined in the report. The proposed motorcycle parking was reviewed by council's development engineers and raised no objections.

Issue:Misrepresentation about the occupancy at 133 Catherine StreetComment:It is noted that 133 Catherine Street does not contain a dual occupancydevelopment.It is noted that 133 Catherine Street does not contain a dual occupancy

<u>Issue</u>: Intensification of the existing easement/right of way

<u>Comment</u>: The intensification of the of use of the existing right of way is a civil matter. However, it is noted that the applicant had not demonstrated that there are any legal rights to utilise the right of way for drainage purposes. If the application was supported, a deferred commencement condition would have be imposed where the application is not made operational until legal rights had been obtained. However the application is recommended for refusal for other reasons outlined in the report.

Issue: Insufficient Landscaped Area

<u>Comment</u>: The proposal includes a landscaped area at the rear that has a dimension of approximately 4 m x 4 m which is consistent with requirements under C1.12 Landscaping. If the application was supported, a standard condition would be recommended requiring a mature tree to be planted in the rear yard. However the application is recommended for refusal for other reasons outlined in the report.

Issue:Potential unauthorised works to the front of the propertyComment:This matter will be referred to the compliance division for investigation.

5(h) The Public Interest

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

Given the identified impacts, the proposal is considered to be contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage
- Development Engineers
- Building

6(b) External

The application was not required to be referred to any external bodies.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

Refusal

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed in the event that the application was approved.

8. Conclusion

The proposal does not generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and Leichhardt Development Control Plan 2013.

The development would result in significant impacts on the parking capacity of the adjoining premises/properties and the heritage item and is not considered to be in the public interest.

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

9. Recommendation

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, to* refuse Development Application No. DA/2020/0165 for Part demolition and alterations and additions to existing heritage listed building to provide mixed use development including two new dwelling units at 139 Catherine Street LEICHHARDT NSW 2040 for the following reasons.

- 1. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Clause 1.2 of the Leichhardt Local Environmental Plan 2013 Aims of the Plan
 - b) Clause 2.3 Zone objectives and Land Use Table
 - c) Clause 4.4 Floor Space Ratio
 - d) Clause 4.6 Exceptions to Development Standards
 - e) Clause 5.10 Heritage Conservation
 - f) Clause 6.11A Residential accommodation in Zone B1 and Zone B2
- The proposed development cannot be approved as it breaches the Floor Space Ratio of 1:1 by 19% as stipulated by Clause 4.4) under Leichhardt Local Environmental Plan 2013.
- The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a) Clause C1.0 General Provisions
 - a) Clause C1.3 Alterations and Additions
 - b) Clause C1.4 Heritage Conservation Areas and Heritage Items
 - c) Clause C1.11 Car parking
 - d) C2.2.3.3 Piperston Distinctive Neighbourhood C3.1 Residential General Provisions
 - e) C3.2 Site Layout and Building Design
- 4. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
- 5. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

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

A. Deferred Commencement Condition 1

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

- The site drainage must be designed to drain under gravity. As the site falls to the rear, an easement for drainage over downstream properties will be required to be created and/or it must be demonstrated that there are legal rights benefitting the subject site to utilise any existing easement for drainage. Written documentation of the creation of an easement or legal rights to utilise any existing easement for drainage or of a legal agreement to create an easement must be submitted to Council.
- 2. As it has not been demonstrated that there are legal rights to access the dwellings from the rear of the site to a public road, a Right of Way for pedestrian access over adjacent properties will be required to be created and/or it must be demonstrated that there are legal rights benefitting the subject site to utilise any existing Right of Way for pedestrian access. Written documentation of the creation of an easement or legal rights to utilise any existing easement for access or of a legal agreement to create an easement must be submitted to Council.
- 3. A revised stormwater drainage concept plan must be provided demonstrating compliance with Leichhardt DCP2013 and including suitably sized and dimensioned OSD/OSR tank(s) shown on the plans.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

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

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

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
051, A	EXISTING / DEMO COURTYARD & STREET LEVEL	11.11.2019	Lombardo design Studio
052, A	EXISTING / DEMO TOP FLOOR & ROOF PLAN	11.11.2019	LOMBARDO DESIGN STUDIO
100, B	SITE PLANS	24.02.2020	LOMBARDO DESIGN STUDIO
101, B	PROPOSED GROUND FLOOR AND LEVEL 1 PLANS	01.06.2020	Lombardo design Studio
102, B	PROPOSED LEVEL 2 AND ROOF PLAN	01.06.2020	LOMBARDO DESIGN STUDIO
201, B	PROPOSED ELEVATIONS	24.02.2020	LOMBARDO DESIGN STUDIO
202, C	PROPOSED ELEVATIONS	24.02.2020	LOMBARDO DESIGN STUDIO
203, B	PROPOSED ELEVATIONS	24.02.2020	LOMBARDO DESIGN STUDIO
204, A	PROPOSED ELEVATIONS	01.06.2020	LOMBARDO DESIGN STUDIO
301, B	PROPOSED SECTION	24.02.2020	LOMBARDO DESIGN STUDIO
Revision 1	MATERIAL SCHEDULE REV 02	11/03/2020	LOMBARDO DESIGN STUDIO
D282_LP_01, Revision D	LANDSCAPE PLAN	26.11.19	CREATIVE PLANNING SOLUTIONs
Drawing 19 - 236/D1 issue (D)	SPECIFICATIONS & DETAILS	25 May 2020	PORTES Civil and Structural Engineers
Drawing 19 - 236/D2 issue (C)	SITE LAYOUT PLAN	25 May 2020	PORTES Civil and Structural Engineers
Drawing 19 - 236/D3 issue (D)	PROPOSED STORMWATER MANAGEMENT PLAN	25 May 2020	PORTES Civil and Structural Engineers
Drawing 19 - 236/D4 issue (D)	PROPOSED STORMWATER MANAGEMENT PLAN	25 May 2020	PORTES Civil and Structural Engineers
Drawing 19 - 236/E1 issue (C)	SEDIMENT AND EROSION CONTROL PLAN	25 May 2020	PORTES Civil and Structural Engineers

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As amended by the conditions of consent.

FEES

2. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$20,000 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport has been paid to the Council.

The above contribution is the contribution applicable as at 6 August 2020.

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

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$17234.34
Community Facilities and Services	\$2615.05
Light Rail Access Works	\$135.74
Bicycle Works	\$14.86
TOTAL	\$20,000.00

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

https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

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

3. Long Service Levy

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

4. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the

works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

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

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

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

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

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

GENERAL CONDITIONS

5. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

6. Privacy

i.

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

- a. all first and second floor windows on the southern elevation being amended in the following manner:
 - Minimum sill height of 1.6 metres above floor level.
- b. The first floor eastern windows being amended in the following manner:
- i. Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level.

7. Waste Management Plan

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

8. Erosion and Sediment Control

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

9. Standard Street Tree Protection

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

10. Works Outside the Property Boundary

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

11. Boundary Alignment Levels

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

12. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement or any below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

13. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

PRIOR TO ANY DEMOLITION

14. Resource Recovery and Waste Management Plan - Demolition and Construction Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

15. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties (i.e. 137 Catherine Street, 141 Catherine Street and 60 Styles 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.

16. Advising Neighbors Prior to Excavation

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

17. Construction Fencing

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

18. Hoardings

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

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

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

19. Construction Traffic Management Plan

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

PRIOR TO CONSTRUCTION CERTIFICATE

20. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

21. Party Walls

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

22. Structural Certificate for retained elements of the building

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

23. Sydney Water – Tap In

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

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

24. Acoustic Report – Aircraft Noise

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

25. Structural Details and Design

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

26. Dilapidation Report – Pre-Development – Minor

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

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

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan approved under the Deferred Commencement Conditions as amended to comply with the following;
- Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's Leichhardt DCP2013;

- Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. As there is no overland flow/flood path available from the rear and central courtyards to the street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
- a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
- b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
- c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- I. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- m. 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;
- n. No nuisance or concentration of flows to other properties;
- The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- p. 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;
- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;

- s. 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;
- t. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- u. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);

DURING DEMOLITION AND CONSTRUCTION

28. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

29. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

30. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

31. No Encroachments

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

32. Protect Sandstone Kerb

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

ON-GOING

33. Bin Storage

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied.

34. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

ADVISORY NOTES

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act* 1992 (Commonwealth) and the *Anti-Discrimination Act* 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

b. In the case of work to be done by an owner-builder:

- i. The name of the owner-builder; and
- ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts	
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100
Landcom	www.dialprior toyoudig.com.au 9841 8660 To purchase copies of Volume One of "Soils and
Long Service Payments	Construction" 131441
Corporation	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and	
Heritage Sydney Water	www.environment.nsw.gov.au 13 20 92
Waste Service - SITA Environmental Solutions	www.sydneywater.com.au 1300 651 116 www.wasteservice.nsw.gov.au
Environmental Solutions	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50
	www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Permits

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

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

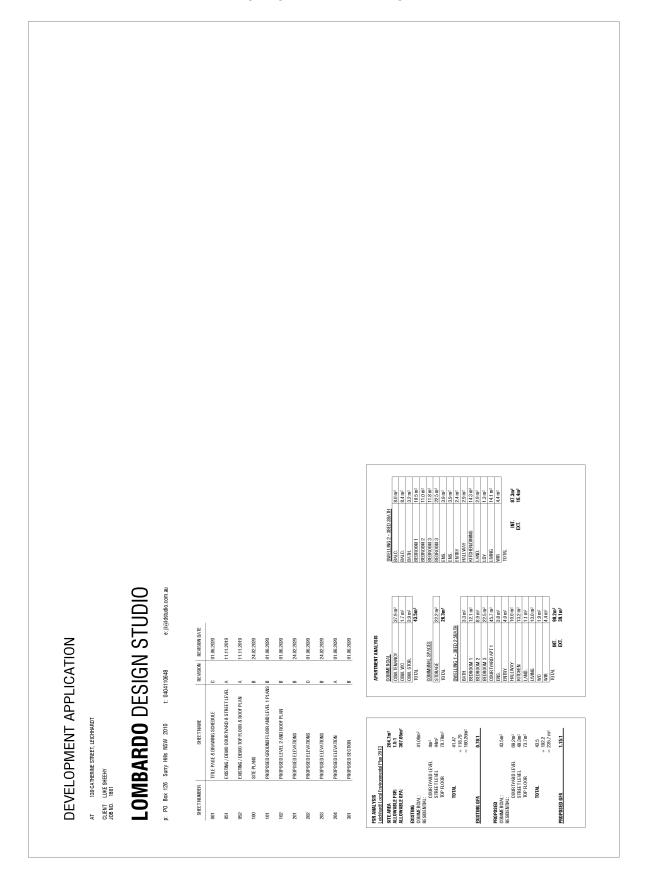
If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

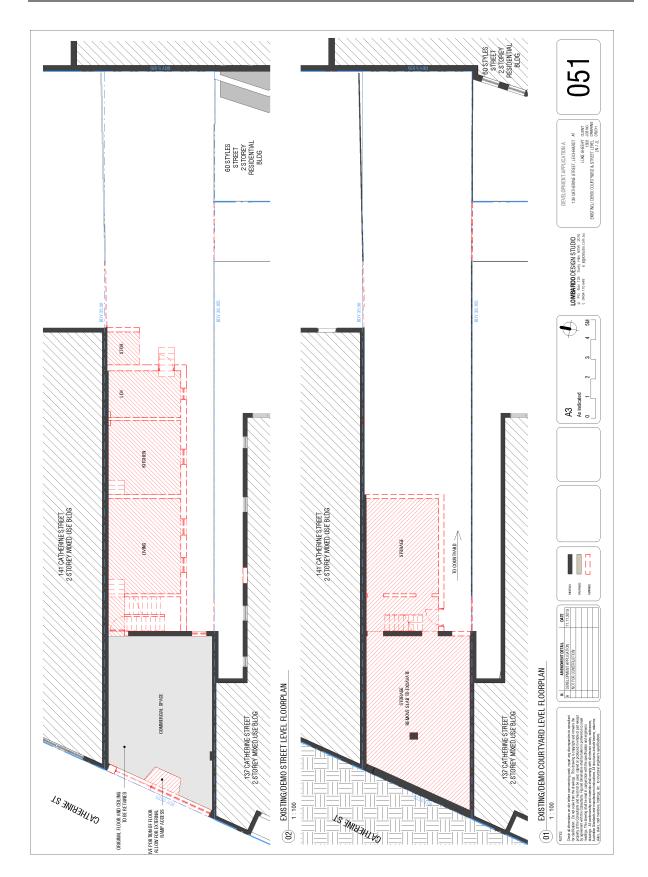
REASONS FOR REFUSAL

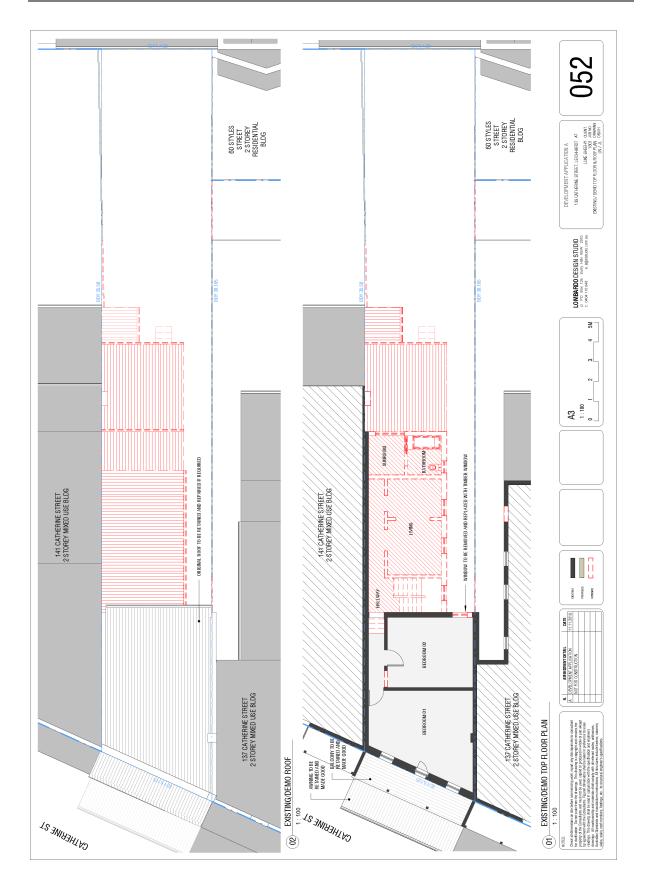
- 1. The proposed development cannot be approved as it breaches the Floor Space Ratio of 1:1 by 19% as stipulated by Clause 4.4) under Leichhardt Local Environmental Plan 2013.
- The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a. Clause 1.2 of the Leichhardt Local Environmental Plan 2013 Aims of the Plan
 - b. Clause 2.3 Zone objectives and Land Use Table
 - c. Clause 4.4 Floor Space Ratio
 - d. Clause 5.10 Heritage Conservation
 - e. Clause 6.11A Residential accommodation in Zone B1 and Zone B2
- 3. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan

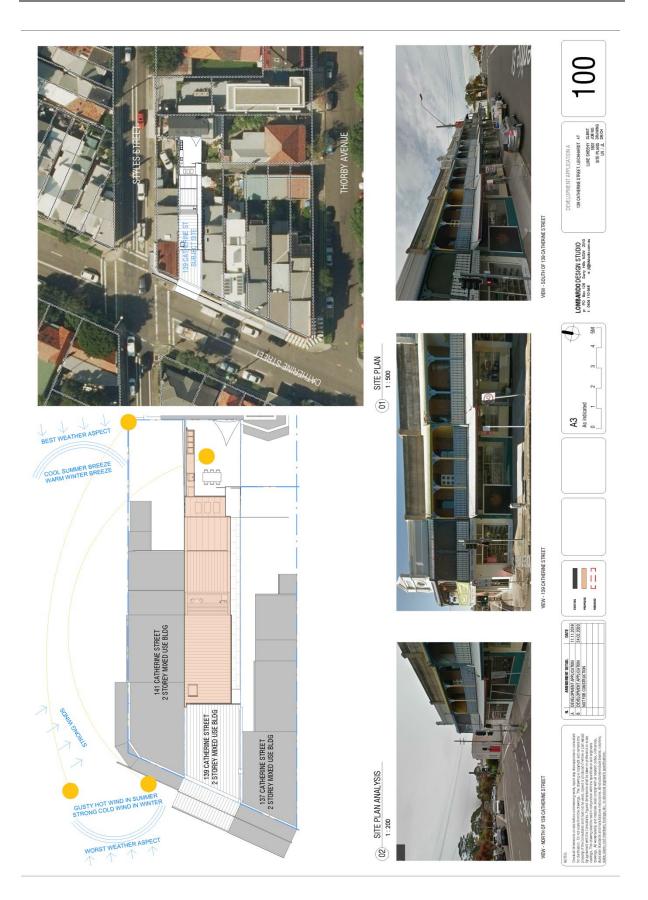
2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:

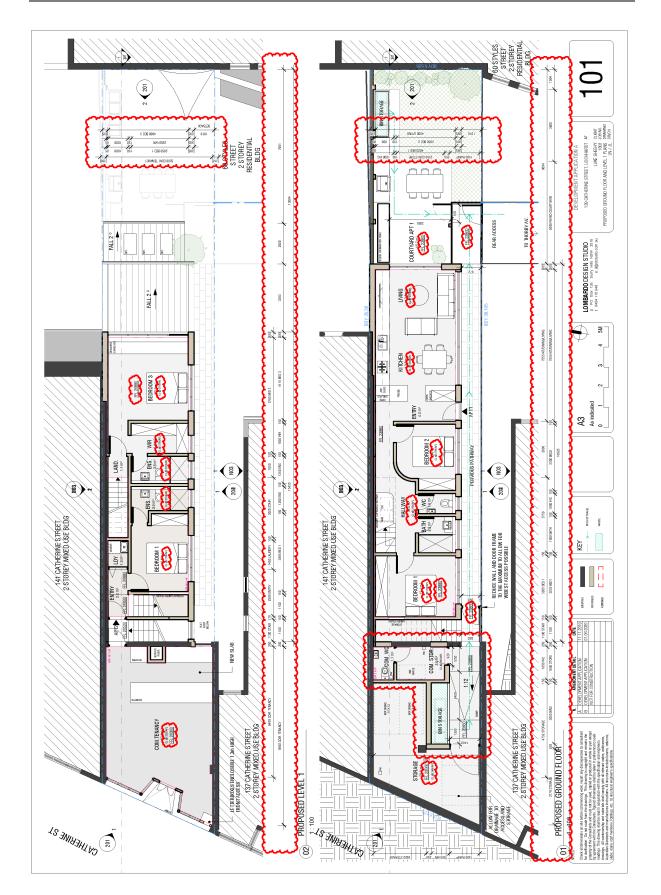
- a. Clause C1.0 General Provisions
- b. Clause C1.3 Alterations and Additions
- c.Clause C1.4 Heritage Conservation Areas and Heritage Items
- d. Clause C1.11 Car parking
- e. C2.2.3.3 Piperston Distinctive Neighbourhood
- f. C3.1 Residential General Provisions
- g. C3.2 Site Layout and Building Design
- 4. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
- The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

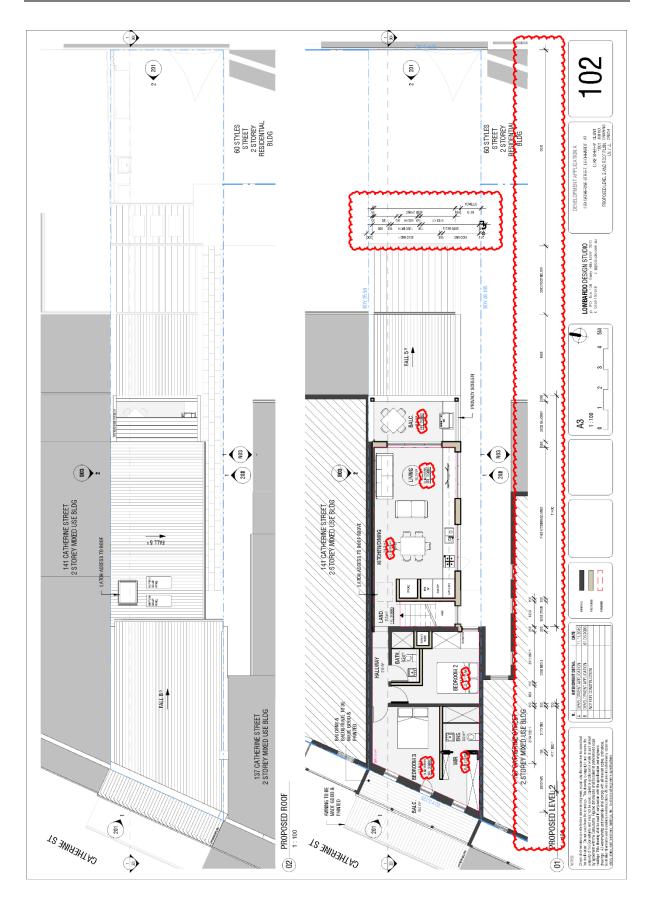


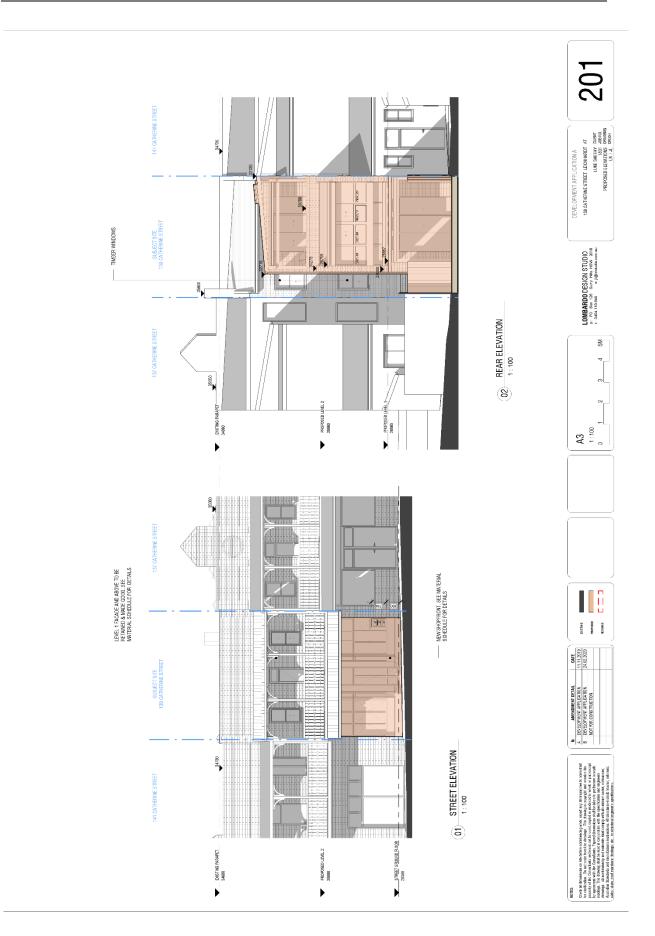


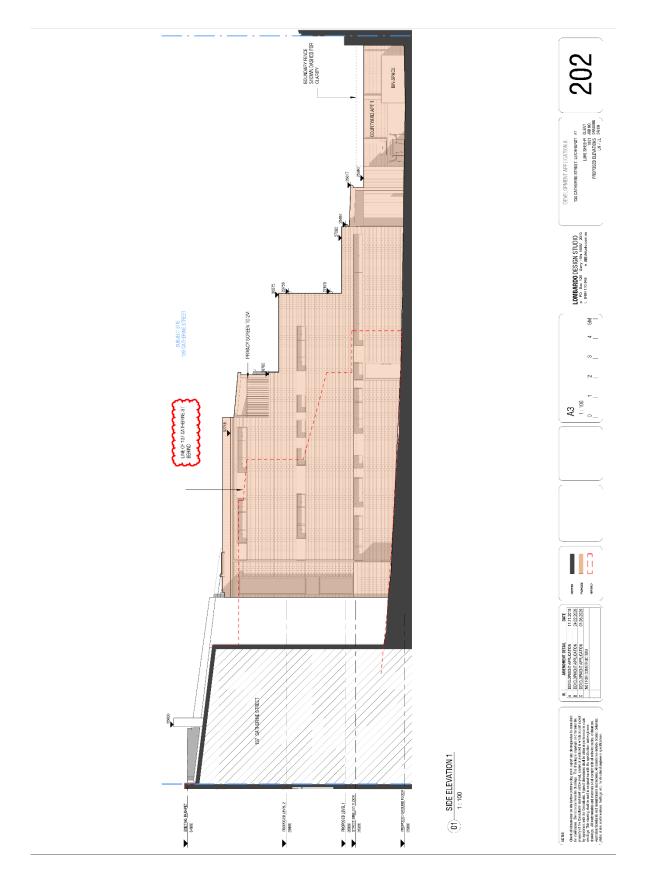


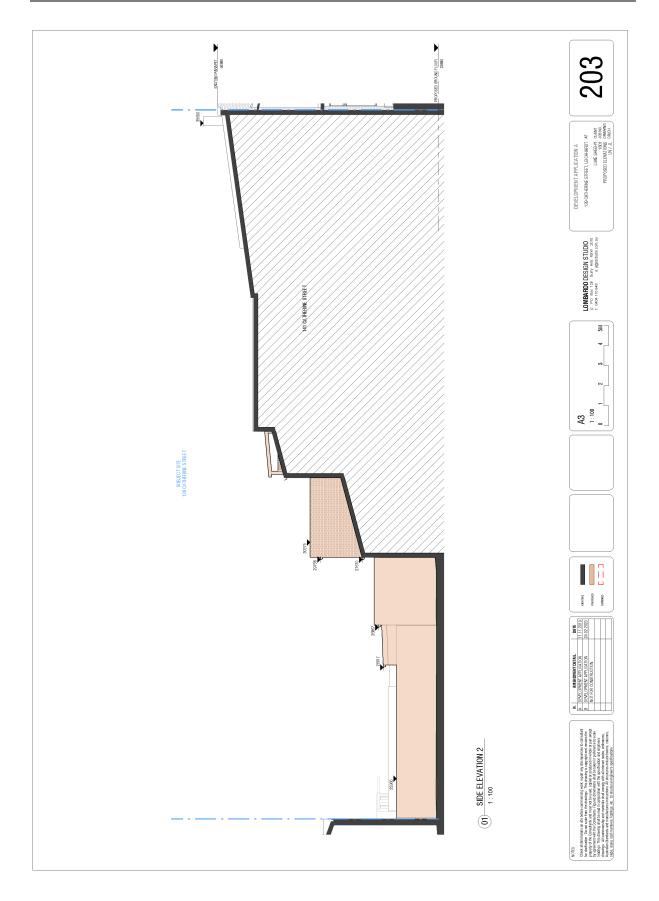


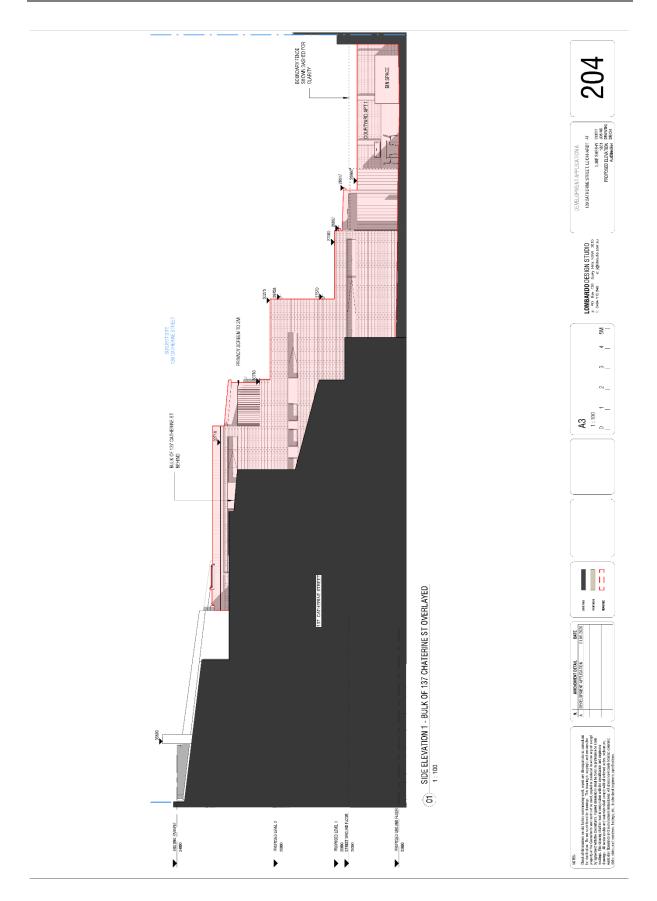


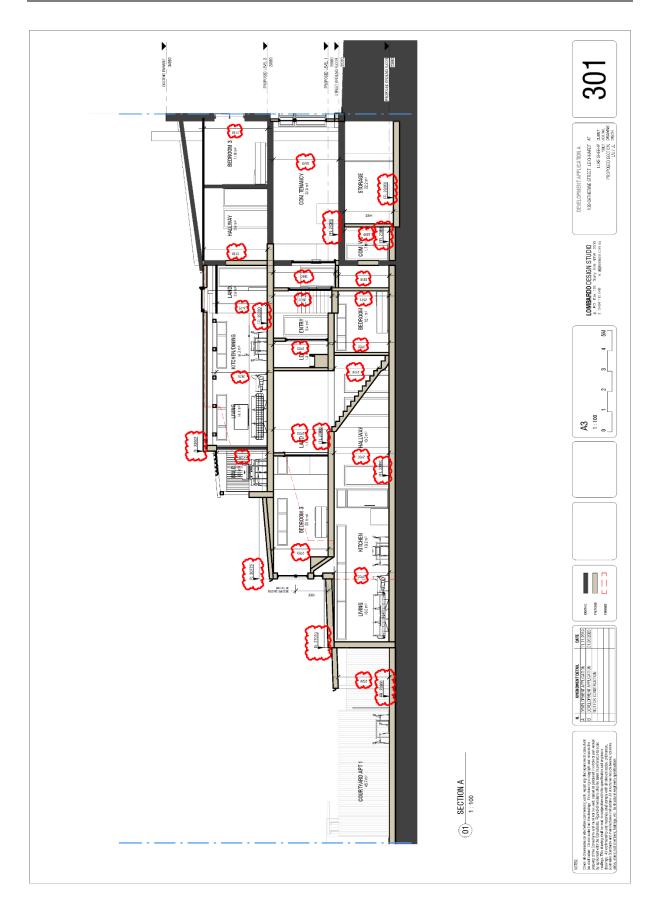








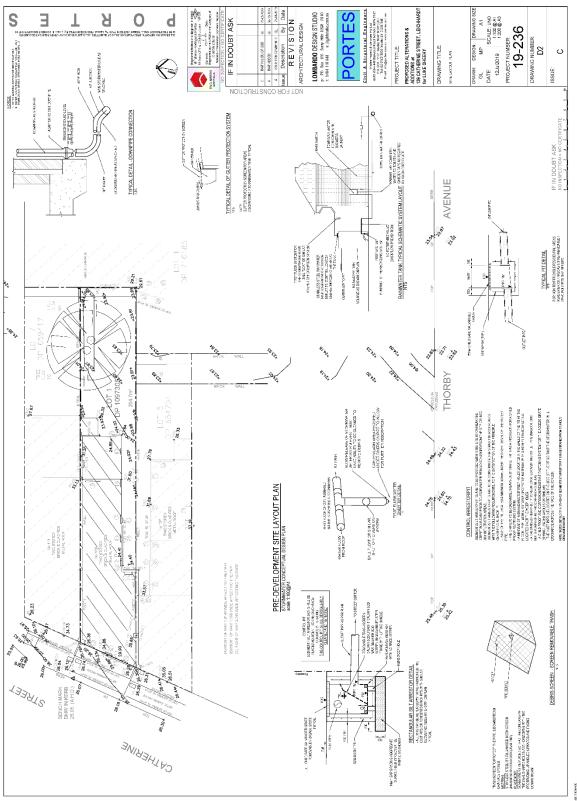




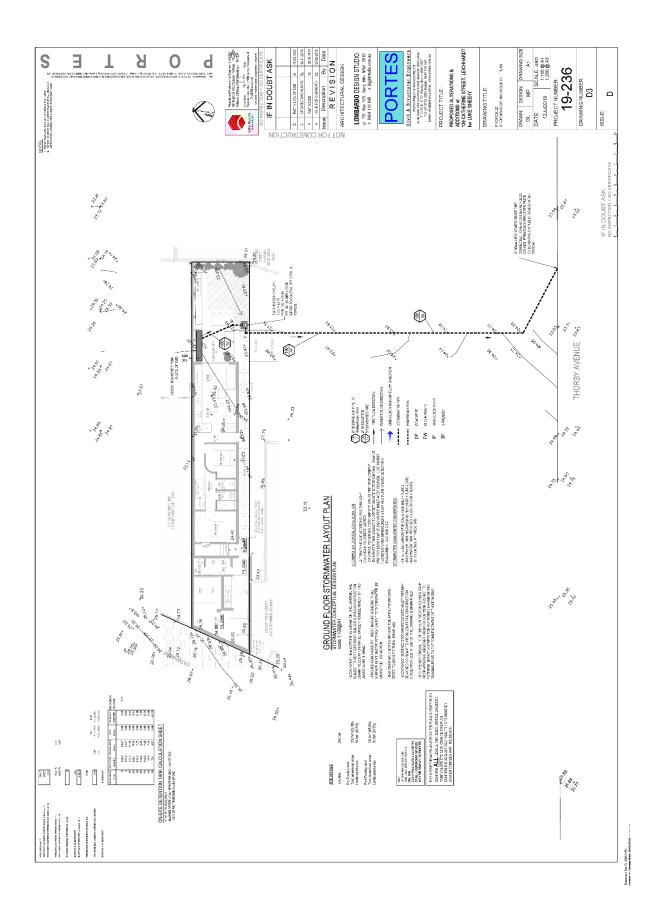
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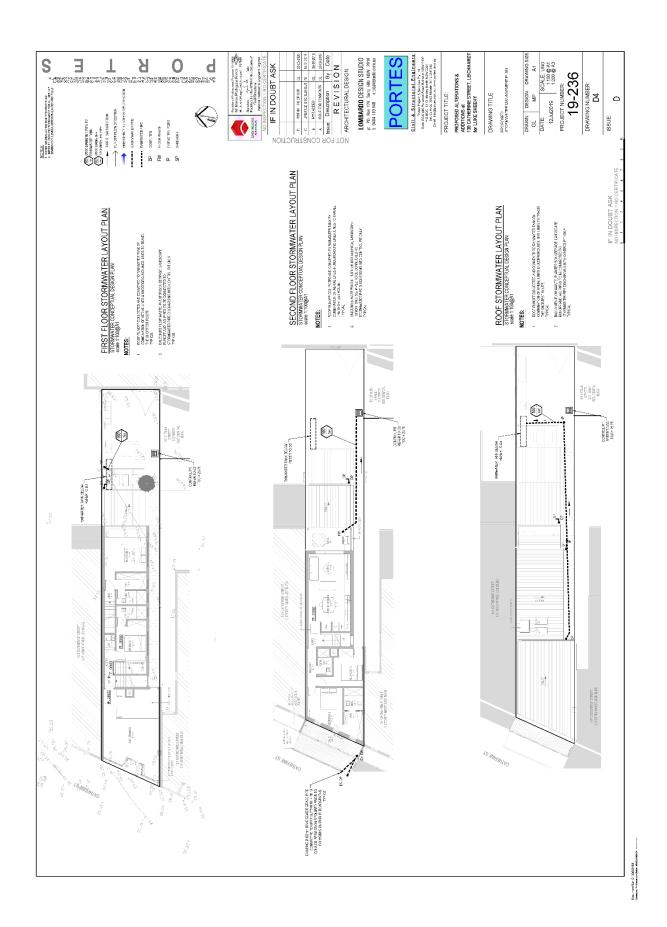
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Attachment C- Statement of Heritage Significance

"No. 139 Catherine Street Leichhardt has historic and aesthetic significance as part of a group (Nos. 129-141) of c.1912, free-standing row of commercial residential terraces constructed in the Federation style. The building retains its original two storey scale and character and details including open balcony and associated decorative elements, shopfront and awning and original parapet. The row was constructed at the end of a substantial period of growth in Leichhardt and provided a variety of specialised services that were supplemented by networks of corner general stores. The building makes a positive contribution to the Catherine Street streetscape."

Heritage Impact Assessment Report

PROPOSED DEVELOPMENT | 139 CATHERINE STREET | LEICHHARDT



July 2019

Prepared by Zoltan Kovacs Architect 42 Starling Street Lilyfield NSW 2040 T (02) 9660 8629 E yzkovacs@iinet.net.au

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KOVACS ARCHITECT

Introduction

1.1 BACKGROUND

The owners of the existing shop-top terrace located at 139 Catherine Street, Leichhardt have engaged the author to assess the heritage impact of the proposed development on the building, which is a listed heritage item as part of the *Thorby Buildings* group. The site is in the vicinity of other heritage items, which are part of the same group. The proposed development consists of internal alterations and rear additions.

This report sets out to review the history of the place, examine its fabric, state its cultural significance, assess the heritage impact of the proposed development on the heritage conservation area and propose appropriate actions, if necessary.

1.2 METHODOLOGY

The methodology and terminology used in the preparation of this report has been drawn from the Australian *ICOMOS Burra Charter*, the *NSW Heritage Manual 2001 Update*, and J. S Kerr's *Conservation Plan* (rev. edn National Trust of Australia [NSW], Sydney, 1996). References to architectural styles are based on the identifications used by Apperly, R.; Irving, R. and Reynolds, P *A Pictorial Guide to Identifying Australian Architecture* (Sydney, 1989)

This Heritage Impact Assessment has been prepared in accordance with the requirements of the *Leichhardt LEP 2013*, the *Leichhardt DCP 2013* and the NSW Heritage Guide.

1.3 AUTHORSHIP

This report has been prepared by Zoltan Kovacs, Architect & Heritage Consultant with all the photographs, unless otherwise identified, taken by the author, specifically for the preparation of this report. The author is a conservation architect with over thirty years experience in heritage conservation.

1.4 SOURCES

The documentary sources utilized for the historical background and assessment of significance were provided with the generous assistance of the librarian at the Local History Centre.

1.5 SITE IDENTIFICATION

The subject site is located on the east side of Catherine Street in Leichhardt near the Styles Street corner.

Its address listed as 139 Catherine Street, Leichhardt; registered as Lot 1 in DP 1097305.

2 Historical Outline

2.1 HISTORICAL CONTEXT

2.1.1 Aboriginal history

The original inhabitants of the land, which later formed the future Leichhardt, were the Gadigal (Cadigal) and Wangal clan of the coastal Darug (Eora) language group (see King in Hunter 1793).

The initial contact between Europeans and natives was disastrous for Aboriginal people, as they had no immunity to diseases brought by European settlers. Smallpox was particularly virulent and it ravaged local bands in the first two years of contact killing over half of the local population. Weakened by disease the natives disappeared from the area by the 1840s being unable to withstand the effects of the development of the district brought about by European settlement and land clearance. The subject site has no apparent connection to Aboriginal history and settlement.

2.1.2 European settlement

Large rural estates were granted to early prominent settlers and military men between 1794 and 1819 west of the township of Sydney. In the early days, the area south of the Balmain peninsula was commonly known as 'Piperstown' or 'Piperston' after one of the larger land grants to Captain John Piper. The subject land was an undistinguished part of his holdings.

In 1849, the area was renamed '*Leichhardt Township*' by Walter Beames, a prominent Sydney businessman who at that time owned the majority of the Piperston Estate and would later become the municipality's first Town Clerk. The new name was in honour of Friedrich Wilhelm Ludwig Leichhardt, the Prussian explorer, who in the 1840s was celebrated for his 3000 mile expedition in search of an overland route from southern Queensland to Port Essington, a British settlement on the far northern coast of Australia. In 1848, Leichhardt famously vanished without trace on his attempt to cross the continent from the Darling Downs in Queensland to the Swan River Colony on the Western Australia coast.

Between the 1860s and 1880s the large estates were broken up and sold in small lots to people of modest means. In 1871 Leichhardt, including Annandale, was officially incorporated as a municipality. By 1891 the population of Leichhardt had significantly increased. A major attraction of Leichhardt at this time was the arrival of the tram in the 1880s. In addition, Petersham railway station was within easy walking distance.

By 1912 Leichhardt slowly began to expand with the reclamation of the Hawthorne Canal. This led to further development in the early 1900s. The Town Hall located on the corner of Norton and Marion Street was opened in 1888. This Victorian Free Classic style building, standing on the highest point of the inner west, was considered *'the best municipal building outside of Sydney*, and was an obvious source of great civic pride.

The 1950s and 1960s were the main decades of Italian migration to Australia. The bulk of Italian immigrants into NSW were offered assistance by the Capuchin Brothers based at St. Fiacres Church in Catherine Street. As a result, many people initially settled close to the Church and to Leichhardt, working and establishing businesses in the area.

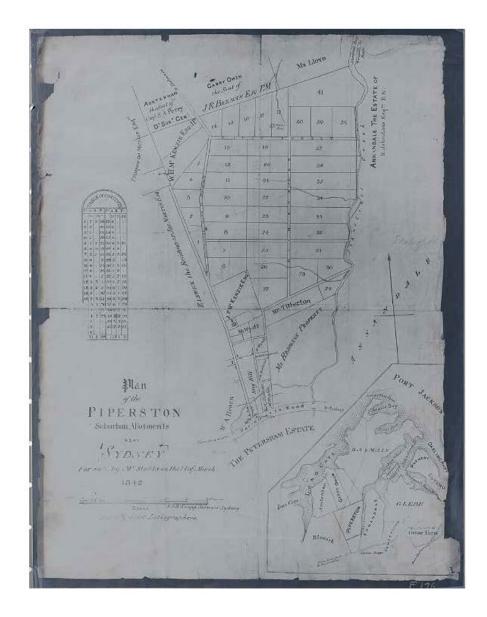


Figure 1 Plan of the Piperston suburban allotments near Sydney, offered for sale by Mr Stubbs on 14th March 1842. The map was drawn by E. J. H. Knapp, surveyor. (Source: State Library of NSW)

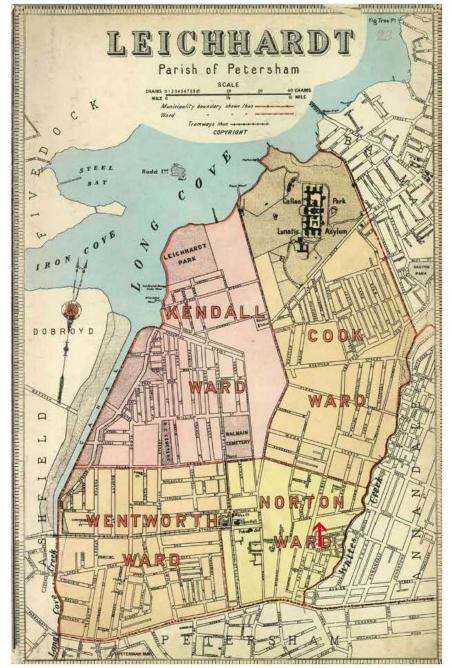


Figure 2 | 1888 Plan of the parish of Leichhardt, by Higinbotham & Robinson. The location of the site is marked with an arrow. (Source: City Archives)

2.2 OUTLINE HISTORY OF THE PLACE

- 2.2.1 Owners and occupants
- 1811 Crown grant of 165 acres to Captain John Piper. He names his estate 'Piperston'.
- **1830** Transfer of Piper's Leichhardt holdings to James Foster. Foster builds '*Elswick House*' on the land. The study area forms an undistinguished part of the estate.
- 1834 Transfer of the estate to John Norton, legal practitioner.
- 1841 onwards The estate gradually gets broken up and sold off in various portions.
- **1862** Death of John Norton.
- **1882** Transfer of 3 acres 1 rood to Charles Linney, brick manufacturer, beside Abbatoir Road (later renamed Catherine Street). The study area forms an undistinguished part of these lands.
- **1885** Charles Linney registers his holdings, which are still vacant, and mortgages them to Anne Caroline Edith Fisher, a Leichhardt widow.
- **1902** In lieu of unpaid debts Anne Caroline Edith Fisher sells Linney's land to Frederick James Thorby, an Annandale building contractor.
- **1907** Frederick James Thorby subdivides his holdings as the *Thorby Estate*. The study area becomes Lot 6 of the estate. Thorby Street is also created as part of this subdivision.
- 1913 Frederick James Thorby constructs the Thorby Buildings.
- 1925 Transfer to Frederick Bruce Thorby.
- 1951 Transfer to Anthony Speciale, greengrocer.
- 1973 Transfer to William Peter Berry, school teacher.
- **1976** Transfer to Barrie David Cooper, builder, and his wife, Dolores Cooper, with Bernard Arthur Dye, Marie Dye and Stephen Bernard Dye as tenants in common.
- 2000 Transfer to Edoardo Nicola Testore and Lucia Virginia Testore as joint tenants.
- 2013 Transfer AH805452 to Elaine Townshend, owner of Cash Palace Pty Ltd.
- 2017 Transfer AM530525 to current owner.

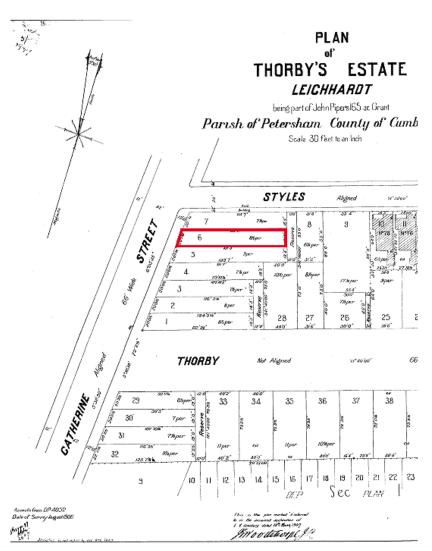


Figure 3 Detail taken from the subdivision plan of the Thorby Estate, drawn by E. W. A. Cowdery, licensed surveyor in 1907. The subject site is marked in red outline.

The following table is a sample of occupants taken at approximately 5 yearly intervals from the Sands Sydney Directories. (Sands can reflect details that occurred the previous year).

Year no attributable listing t	Name Defore 1914	Occupation	House No/Name
1914	Denby& Oddy	costumiers	129*
1915	Denby& Oddy	costumiers	129
1920	Walsh, Sydney A. Crawford, Miss Sarah		129
1925	Speziale, R.	fish shop	129
1930	Speziale, R.	fruiterer	129
1932	Speziale, R.	fruiterer	129

* 139 Catherine Street was numbered No. 129 during the publication of the Sands Directory.

From the available records it appears that the Thorby Buildings were constructed in 1913, the year before they first appear in the Sands Directory.



Figure 4 Aerial view of the locality c. 1943. (Source: NSW SixMaps)

3 Physical Description

3.1 SITE CONTEXT

The terrace group comprising the study area is located near the centre of Leichhardt, on high ground as part of the Piperston Estate which consists of an irregular pattern of mostly wide streets intermixed with narrow laneways. Residential lot sizes are relatively uniform throughout the northern half of the area, characterised generally by single and two storey residential developments.

The residential building stock is generally of low scale and density, comprising mostly of detached or semi-detached cottages or bungalows, interspersed by two storey terraces. According to the DCP "Catherine Street provides an excellent example of the diversity of housing styles in the area, with a mixture of Victorian Italianate terrace houses, Edwardian cottages, Victorian Gothic, Californian bungalows and workers' cottages."

The context of the site is defined by the *Thorby Buildings* terrace group, of which the development site forms part. The group of seven shop-top terraces forms a row, constructed in the Federation style, between Styles and Thorby Streets on the east side of Catherine Street.

3.2 SITE

The site is formed by an average sized irregular allotment on the east side of Catherine Street, second from the Styles Street corner. The lot backs onto a private service lane (or right of way easement). The land is occupied by an attached terrace house forming part of a row with a small featureless rear yard bound by fences and walls.

The land is reasonably level. There is a slight fall across the site towards the east, but this fall is barely perceptible because the land is practically fully occupied by an existing building and its extensions leaving only a small area of land forming the rear yard, which is terminated by a brick wall and a timber gate opening onto the service lane. The rear yard is paved with a concrete slab. Two small trees grow out of a planter box set against the north boundary. There is an attached outhouse toilet which forms the termination of the rear extension.

3.3 BUILDING

General Description

The terrace at 139 Catherine Street was most probably constructed around 1913, when the site was owned by Frederick James Thorby, an Annandale building contractor. The terrace is part of a row of seven (Nos. 129-141) two storey semi-detached commercial and residential terraces located between Styles and Thorby Streets. The terrace is a typical Federation style shop-top terrace where the ground floor formed a shop with a small two bedroom flat above.

The row consists of a two storey, skillion roofed principal form facing Catherine Street with a rendered decorative parapet which continues across and around the corners of the end terraces. The slight fall along Catherine Street is expressed through stepped parapets set between pyramid capped end pilasters and moulded cornices.

The ground floor shopfront has been altered. The recessed entry is lost and it was replaced by an intrusive roller shutter door which is installed in line with the glazed display window. The tiled stallboard is not original. The display window was once timber framed and the hamper panel was divided into four sections, whose glazing may have been leadlined. None of this survives: both the display window and the hamper are framed in aluminium. The first floor has a cantilevered open balcony with a corrugated iron bullnose roof and timber fretwork balustrade. In addition, a cantilevered steel awning is suspended off the balcony. The balcony roof is supported on thin timber posts with curved timber brackets. The posts divide the balcony into three parts.

The first floor façade is constructed in face brickwork with thin bands of contrasting brickwork and header courses above the windows. There is one casement and one double hung window with a timber and glass panelled door with screen and toplights, between the windows. The door is not original.

No. 139 retains its original generic shop-top terrace house layout where the main two storey part connects to a narrower two storey rear wing set behind the principal form. Like the others in the group the rear extension has been altered and the rear first floor room is a later addition. The visual coherence of the rear extensions has been lost through extensive alterations.

The internal layout of the terrace follows the generic pattern in its simplest manifestation with two rooms on each floor of the principal wing connected by a passage and stairs to the rear extension.

Roof

The skillion roof of the principal form retains its formal integrity, but it is hidden behind the front parapet. The rear extension is covered by a similar skillion, whose fall set at right angle to the main roof. The rear skillion roof is covered in exceptionally degraded corrugated steel. The original chimney of the principal roof has survived.

Walls

The terrace is constructed in cavity face brickwork. The external envelope consists of largely original brickwork. The front facade parapet is rendered. The first floor rear addition is framed and clad in fibre cement. The terrace is erected over a brick basement.

External joinery

Apart from the cantilevered balcony fabric, no original joinery survives. The fenestration in the rear extension is all aluminium framed and dates from the last twenty years.

Interior

The interior is divided into the shop and associated living quarters on the ground floor connected to bedrooms and additional living room on the first floor. The fabric of the interior is in heavily altered and degraded. Original fabric survives mainly in the first floor flat. The rear bedroom and the majority of the fabric within the rear extension dates from recent poor quality renovations.

3.4 SUMMARY OF CONDITION

The terrace retains some fabric concentrated in the facade and exterior of its principal form. The facade maintains a relatively high degree of integrity and coherence with its neighbours. In contrast, the rear extension - like its neighbours - has been altered and the group lost its coherence. Internally, also the building was extensively altered, especially within its rear extension. The condition of the fabric is poor and requires extensive maintenance and restoration.

3.5 PHOTOGRAPHS

The following photographs describe the item in its setting and existing condition.



Figure 5 The Thorby Buildings from the Styles Street corner. The development site is the terrace with the balcony painted yellow and the shopfront behind the traffic light.



Figure 6 The Catherine Street elevation. The shopfront has an intrusive roller shutter. The balcony, the rendered parapet and first floor openings are mostly original.



Figure 7 View of the group from Styles Street. The rear extension of the subject terrace is largely concealed by the neighbour on the corner - No. 141.



Figure 8 | The rear extension is more visible from the footpath. The group is extensively altered.



Figure 9 | The rear extension from the service lane. None of the extensions retain their integrity.



Figure 10 View of the rear of the Thorby Buildings from Thorby Street. The development site is largely obscured by other buildings and structures.



Figure 11 | View of the terraces closest to Thorby Street. All of them are extensively altered.



Figure 12 View of the three neighbours to the south.

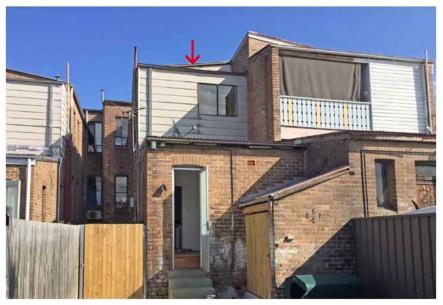


Figure 13 | View of the rear elevation of the subject terrace, overwhelmed by No. 141.



Figure 14 The outhouse toilet. Its fabric is altered and now serves as a storeroom.



Figure 15 | View of the reary ard. The gate opens onto the service lane.



Figure 16 View along the breezeway.

Figure 17 View from the first floor rear extension towards the city skyline.



Figure 18 | Interior view of the shop. Note the intrusive roller door.



Figure 19 The rear of the shop. Apart from the pressed metal ceiling the fabric is extensively altered. The window is aluminium framed.



Figure 20 | The living room behind the shop. The fireplace is original.



Figure 21 The kitchen from the top of the internal landing. The door next to the tiled splashback opens onto the side breezeway.



Figure 22 The back room on the ground floor. Figure 23 The first floor passage.



Figure 24 The front bedroom on the first floor



Figure 25 The second bedroom on the first floor. The fabric is in very poor condition.

Figure 26 Another view of the second bedroom.



Figure 27 | The stairs to the basement.



Figure 28 The basement cellar.

4. Assessment of Significance

4.1 PRINCIPLES

The concept of 'cultural significance' or 'heritage value' recognizes the value of a place or item, which cannot be expressed in monetary terms. Assessment of cultural significance attempts to establish the foundations on the basis of which a place or an item is valued by the community. Cultural significance is embodied in the fabric of the place, in its setting and its relationship to other items, the records associated with the place and the response that the place evokes in the community.

Both the Burra Charter of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance; and the NSW Heritage Manual prepared by the NSW Heritage Office recommends that significance be assessed in categories such as aesthetic, historic, scientific and social significance. The NSW Heritage Manual includes two additional criteria for assessing the comparative significance of an item.

Since the preparation of the NSW Heritage Manual, the NSW Heritage Act 1977 was amended in 1999, and again in 2000. Under this amendment the NSW Heritage Council has adopted revised criteria for assessment of heritage significance. The evaluation of cultural significance is based on the adopted approach and the results of the assessment are incorporated into a statement of significance, which is usually included in the inventory sheet of a heritage item.

The subject place is a listed heritage item.

4.2 STATEMENT OF SIGNIFICANCE

The statement of significance for 139 Catherine Street, Leichhardt is as follows:

No. 139 Catherine Street, Leichhardt has historic and aesthetic significance as part of a group (Nos.129-141) of c. 1912, free standing row of commercial/residential terraces constructed in the Federation style. The building retains its original two storey scale and character and details including open balcony and associated decorative elements, shopfront and awning and original parapet.

The row was constructed at the end of a period of substantial growth in Leichhardt and provided a variety of specialised services that were supplemented by networks of corner general stores. The building makes a positive contribution to the Catherine Street streetscape.

5 Planning Context

139 Catherine Street, Leichhardt is affected by a number of statutory and non-statutory controls, guidelines and lists that are relevant to this assessment of heritage impacts. They are as follows:

- NSW Heritage Act 1997,
- Leichhardt Local Environmental Plan 2013
- Leichhardt Development Control Plan 2013
- National Trust of Australia (NSW) Register

5.1 NSW HERITAGE ACT 1977

5.1.1 State Heritage Register

The State Heritage Register is a list of heritage items of particular importance to the people of NSW. It includes items and places of state heritage significance endorsed by the Minister on the recommendation of the Heritage Council. It came into effect on 2 April 1999 and it was created under the Heritage Amendment Act 1998 and replaces the previous system of Permanent Conservation Orders as a means of protecting items of State significance.

Currently the State Heritage register includes all items formerly protected by Permanent Conservation Orders and items identified as having State significance in heritage and conservation registers prepared by State Government agencies received by the NSW Heritage Office prior to 2 April 1999. Items on the State Heritage Register require approval from the Heritage Council of NSW for certain works.

139 Catherine Street is neither included nor proposed for inclusion in the State Heritage Register.

5.1.2 Interim Heritage Orders

Interim Heritage Orders can be made under Part 3 of the Heritage Act either by the Minister or, where authorised, a Local Government Council. Interim Heritage Orders replace the previous Interim Conservation Orders and orders made under Section 130. They are effective for a maximum period of twelve months.

139 Catherine Street is not affected by any Interim Heritage Orders.

5.1.3 Archaeological 'Relics'

Under Division 9 of the Heritage Act, a permit is required for the excavation of relics, unless there is an applicable gazetted exemption. Pursuant to Clause 139 of the Heritage Act, an excavation permit is required where excavation is proposed and there is reasonable knowledge or likelihood that disturbance or excavation of the land will result in a relic being discovered, exposed, moved, damaged or destroyed.

There is no evidence or likelihood that excavation of the land at 139 Catherine Street may disturb relics as defined by the Act.

5.2 LEICHHARDT LEP 2013

The Leichhardt Local Environmental Plan 2013 is a statutory plan adopted by Leichhardt Council. The objectives of this plan is "to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scientific and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, and of surface rock, remnant bushland, ridgelines and skylines, and to prevent undesirable incremental change, including demolition, that reduces the heritage significance of places, conservation areas and heritage items."

139 Catherine Street is listed as a heritage item under Schedule 5 of the LEP, but it is not located in a heritage conservation area.

139 Catherine Street is listed as Item 634 and part of the 'Thorby Buildings' group.

5.3 LEICHHARDT DCP 2013

The relevant objectives of this plan contained in *Part C. Place* - beyond those furthering the objectives of the LEP - are to encourage the retention and appropriate development of significant items; to encourage contemporary design that responds appropriately to the character of the conservation area; and to enhance amenity and heritage values within specific neighbourhoods and sub-areas.

139 Catherine Street is located in the Piperston Distinctive Neighbourhood.

5.4 NATIONAL TRUST

The National Trust of Australia (NSW) is a community-based conservation organisation. The Trust has assembled a Register of heritage items and conservation areas through the assessment work of its expert committees. While the Trust has no legal status, it is considered to be an authoritative guide to heritage significance, and the Trust acts as a lobby group for heritage conservation.

139 Catherine Street is not identified by the National Trust of Australia (NSW).



6.1 INTRODUCTION

The proposed development was prepared in a manner consistent with the cultural significance of the heritage item to ensure that its surviving significant fabric is maintained, while meeting the reasonable expectations of the owners of the property.

6.2 PROPOSED DEVELOPMENT

The proposed development consists of the following elements:

- rear demolition involving the existing rear extension,
- construction of a three level rear extension incorporating two apartments;
- reconstruction of the original shopfront with its recessed central entrance; and
- new site landscaping.

No work is proposed to the front facade and street front zone.

6.3 DOCUMENTS

The proposals are described and documented in detail by architectural drawings prepared by Lombardo Design Studio. They generally describe the physical aspects of the proposed development and this heritage assessment was based on the architectural set of documents submitted to council.

Heritage Impact of Development

7.1 INTRODUCTION

139 Catherine Street is listed as a heritage item under the existing statutory controls of the Leichhardt Local Environmental Plan 2013, however it is not located within a heritage conservation area.

The following assessment examines the development in the light of the Leichhardt DCP 2013, but only in terms of those objectives and controls with direct heritage conservation impacts.

7.2 HERITAGE IMPACT ASSESSMENT

The following assessment is based on the NSW Heritage Office guide to the preparation of Statements of Heritage Impacts to help identify issues associated with the proposed development affecting heritage items and the format - where appropriate - follows the set out of the LEP and DCP to assist staff in their interpretation of heritage issues.

Leichhardt LEP 2013

5.10 Heritage Conservation objectives:

"To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views."

The following section demonstrates compliance in detail.

The building on the site is a heritage item and it is identified as being contributory to the cultural heritage of the local area as a Federation style shop-top terrace. Its contributory value is enhanced by its being one of a group of similar terraces, collectively known as the *Thorby Buildings*.

The streetscape contribution of the existing building will be maintained by the retention of the highly contributory facade. The proposed works are concentrated in the degraded rear. The existing scale of the streetscape will not be affected. The terrace will remain unaltered in terms of the streetscape.

The rear development reflects the external form and character of the existing rear extension where it is visible to the public domain. The scale of the rear extension is not altered. As the rear of the group has already lost its cohesive character, the new rear extension does not alter that fact. The loss of the remaining fabric of the rear extension has minimal impact on the culturally significant principal form.

The presentation of the rear extensions to Thorby and Styles Street is already incoherent and degraded and the new addition will not alter that situation. *There is no adverse impact generated for the significant qualities of the heritage item.*

Leichardt DCP 2013: C1.2 Demolition Objectives

O1 To enhance the environmental performance, cultural significance and character of the area by encouraging good management of existing buildings.

The proposed additions will maintain the cultural significance of the principal building form.

O2 To ensure that heritage items or buildings in a Heritage Conservation Area are only demolished where they cannot be reasonably retained or conserved. The proposed demolition only affects a degraded part of the heritage item.

O3 To ensure that where demolition of a Heritage Item or buildings in a Heritage Conservation Area is deemed appropriate, that the replacement building:

a. meets the desired future character of the area;

b. is compatible with the apparent subdivision pattern; and

c. is consistent with the objectives contained in the Leichhardt Local Environmental Plan 2013 and this Development Control Plan.

Demolition of significant elements of the heritage item are not proposed. Demolition is confined to elements which are of lesser cultural value.

O4 To retain existing buildings that contribute to the desired future character of the area. The existing building remains unaffected in the Catherine Street streetscape.

Controls

C1 Council will not approve a development application for the demolition of:

a. a Heritage Item; or

b. a building in a Heritage Conservation Area that contributes positively to the conservation area; or

c. a building that makes a positive contribution to the desired future character of the area .

Unless:

i. the existing building is found to be structurally unsafe; and

ii. cannot be reasonably repaired; and

iii. the proposed replacement building is consistent with the development controls contained in Leichhardt Local Environmental Plan 2013 and this Development Control Plan; and

iv. the quality of the proposed replacement building will be compatible with the Heritage Conservation Area or streetscape in terms of scale, materials, details, design style and impact on streetscape.

Demolition of the heritage item as a whole is not proposed. Demolition is confined to elements which are of limited cultural value.

Controls C2 and C3 are not not relevant, as the heritage item is essentially retained and a heritage report is submitted as part of the development application.

C1.3 Alterations and additions

The relevant adopted approach is the following: *If the addition is to merge with the existing building and roof form then it should retain the integrity of the original elevation treatment and roof form;*

The proposed works are intended to merge with the existing building.

Objectives

- Objective 01
- a. Complements the scale, form and materials of the streetscape including wall height and roof form;

There is no impact on the streetscape of Catherine Street apart from reinstating the shopfront which will generate a positive impact. By confining the proposal to the rear, the existing form and - most importantly - the cohesiveness of the terrace group in the Catherine Street streeetscape is maintained.

The proposed addition is consistent with surrounding bulk, height and scale. *Achieved.*

b. Where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;

The rear additions are simple and sympathetic in character. Their expression is consistent with the setting of the terrace. The three levels are not legible from the public domain taking advantage of the fall of the land. *Achieved.*

- c. Makes a positive contribution to the desired future character of the streetscape and any heritage values associated with it;

There is no impact on the streetscape of Catherine Street. The visual impact of the new development in the context of Styles Street is negligible. The coherence of the terrace group in the rear is already lost.

Achieved.

Objectives d to g are not relevant for heritage conservation.

h. Retains existing fabric wherever possible and maintains and repairs, where necessary, rather than replaces the fabric.

Existing significant fabric is concentrated in the facade and within the principal form. The development avoids these areas and it does not affect significant fabric there. The loss of fabric in the already degraded rear extension is within acceptable parametres. *Achieved.*

Controls General provisions

C1 a. have regard to the provisions within Appendix B – Building Typologies of this Development Control Plan;

The existing building is a Federation style terrace with Federation detailing. It fits Section 9 - Shops - of the Building Typologies listed in Appendix B. The forthcoming sections demonstrate compliance.

Achieved.

b. be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form;

The works are largely contained in the rear part of the site. The new additions are consistent in form, scale and materials with the adjoining rear extensions.

Achieved.

c. retain any building and streetscape consistencies which add positively to the character of the neighbourhood (e.g. architectural details, continuous rows of dwellings, groups of similar dwellings, or the like);

The coherence of the terrace group is maintained. There is no impact on the primary streetscape presentation, which is to Catherine Street. The rear alterations and additions are consistent with the existing lansescape character and fit the diversity of Styles Street. *Achieved.*

d. maintain the integrity of the streetscape and heritage significance; The primary streetscape presentation is maintained. The terrace is retained and its contributory values are maintained. *Achieved.*

e. be considered from all public vantage points from which the additions will be visible; and The proposal was considered from all public views and by confining it to a bulk which is comparable to the existing envelope it maintains existing views. *Achieved.*

f. achieve the objectives and controls for the applicable desired future character The relatively minor scope of the works - consisting of a rear extension - ensures that the desired future character of the locality is not affected. **Achieved.**

C2. Development shall preserve the consistency in architectural detail and form of continuous rows of attached dwellings or groups of similar dwellings;

The subject building is one of seven Federation period shop top terraces. The streetscape coherence of the group is not affected by the development which is confined to the rear. *Achieved.*

C3. For end terraces/buildings, new works should be setback a minimum of 500mm from the end side wall to retain the historic form as it presents to the public domain. Not relevant.

C4. Where buildings contain original form or detail which has been compromised, the integrity of the original form and detail should be enhanced, rather than being justification for further compromise.

The changes to the rear extension does not affect culturally significant values.

C5. New materials and fenestrations of alterations and additions shall be compatible with the existing building.

The materials of the proposed alterations are consistent with existing detailing. Some of the fenestration is horizontally oriented, but this is not visible to the public domain.

Controls 6 to 8 are not relevant to this heritage assessment.

- C9. Alterations or additions to the rear of an existing building are to: a. be of a building height that complies with the objectives and controls of the Site Layout
 - and Building Design Part C3.2 of this Development Control Plan;

b. maintain an area of useable private open space in accordance with Part C Section 3.8 – Private Open Space of this Development Control Plan;

c. be of minimum visibility from the street (refer to Figure C1);

d. comply with any other relevant residential development controls within this Development Control Plan.

The development is not visible to Catherine Street and it does not breach height controls. Adequate private open space is maintained.

C10. Where rear additions are visible from the public domain due to street layout or topography, maintaining original roof form is preferred and new additions are to be sympathetic to that original roof. Not relevant.

C11. Alterations and additions above ground floor level shall:

a. comply with the appropriate provisions within Appendix B – Building Typologies of this Development Control Plan;

b. maintain setback patterns within surrounding development;

c. be subordinate to the existing building so that the additions do not dominate the building from the public domain.

The proposed addition does not extend beyond the existing predominant setback and it is consistent in bulk with adjoining development.

C12 Additions at first floor and above shall be of a scale and are to be located in a manner which:

a. maintains visual separation between the existing building and adjoining residential development; and

b. maintains setback patterns of surrounding development; and

c. will ensure that the addition does not dominate, but is sub-ordinate to the existing dwelling when viewed from the street.

The proposed addition maintains existing scale and setback patterns. It does not dominate its neighbours.

Control 13 is not relevant to this heritage assessment.

Controls 14, 15 and 16 are not relevant to this heritage assessment. There is no addition to the rear roof as interpreted in Controls 14 & 15. There is no dormer window.

C1.4 Heritage Conservation Areas and Heritage Items Objectives:

Objective 1 Development:

a. does not represent an unsympathetic alteration and addition to a building; The scheme responds to the character of the terrace group with its Federation period working class residential associations by proposing a simple, restrained sympathetic addition.

b. encourages the protection, restoration, continued use and viability of buildings for their original purpose;

The existing, traditional commercial and residential uses are maintained.

- c. encourages the removal of unsympathetic elements; The terrace does not contain unsympathetic external elements, which are to be removed. Original details are retained unaffected.
- 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;

Not relevant. The building is not in a heritage conservation area.

e. conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;

Significant details and building elements exhibiting cultural significance are not affected. The existing streetscape setting is not affected and the proposed rear extension is consistent with the terrace setting as a secondary structure.

f. maintains the visual unity of groups of buildings, in particular semi-detached and attached terraces;

The coherence of the terrace group is maintained. There is no impact to the Catherine Street presentation and the coherence of the group of seven will remain legible. In the Styles Street context the form of the new rear extension is appropriate.

g. makes an appropriate visual and physical distinction between the existing building and new parts of the building;

The proposed additions are legibly contemporary and make appropriate distinctions.

h. protects and enhances views of the existing building from the public domain; There is no change to views from and to the public domain.

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. Not relevant. The development is not for a new building.

Controls:

C1 Development maintains the characteristics and is consistent with the objectives and controls for the relevant building type contained in Appendix B – Building Typologies of this Development Control Plan.

The existing building is a Federation period terrace with Federation style detailing. It fits Section 9 - Shops of the Building Typologies listed in Appendix B. The section demonstrates compliance.

C2 The fabric of an existing building is to be the subject of appropriate conservation practices including:

- a. retention of original detail and finishes such as:
 - i. original face brick which should not be painted over or rendered; ii. original decorative joinery and iron work which is not to be removed;

The development does not affect surviving original details.

b. conservation of original elements;

Original elements will be conserved.

c. reconstruction or restoration of original elements where deemed appropriate; The reconstruction of the traditional shopfront with its recessed entrance represents a positive conservation outcome.

d. retention of the original cladding material of original roofs where viable; The original roof cladding is lost and the new roof cladding of corrugated steel is consistent with the character of the group.

e. consideration of suitable replacement materials should be based on original material, and where a property is part of a group or row, replacement materials should have regard to the integrity of the group.

The proposed materials were selected with regard to the cohesiveness of the terrace group as a whole.

Control 3 is not relevant: the development is not located in a conservation area.

C4 Demolition of dwellings in Heritage Conservation Areas or Heritage Items is subject to the provisions of Part C Section 1.2 – Demolition within this Development Control Plan. Compliance with demolition controls has already been demonstrated in this report.

C5 Consideration of roofing materials for additions should have regard for compatibility with the original roof, as well as for the context of the setting (such as if a dwelling is part of a group of similar dwellings).

The existing roofing materials are replaced with matching cladding.

Control 6 is not relevant: the development is not located in a conservation area.

Control C7 is not relevant, because no link element is proposed.

Controls C8 and C9 are not relevant, because the development does not proposed a new building.

Controls C10 is not relevant as the heritage item does not fit the criteria for a CMP.

C11 Consent must not be granted for any development in respect of a Heritage Item unless a Statement of Heritage Impact is submitted to Council for consideration, except for the following: a. the removal of a dead tree:

b. the removal of a tree or trees where the ages and relationship of the subject trees, to the heritage significance of the site as recorded by Council, within any historical planting scheme for the property, have already been identified and assessed within an arboricultural report prepared by a suitably qualified arborist (minimum qualification AQF level 5 Arboriculture) and submitted to Council; or

c. a permit is to be issued under the provisions of Clause 5.9(7) Preservation of trees or vegetation of Leichhardt Local Environmental Plan 2013.

A Statement of Heritage Impact (this report) is submitted examining the impact of the development affecting the heritage item.

C2.2.3.3 Piperston Distinctive Neighbourhood Objective

O1 To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.

The following section demonstrates compliance with the relevant controls.

Controls

C1 Maintain the character of the area by keeping development complementary in architectural style, form and material.

The existing building is a federation period shop-top terrace and it is retained. There is no change to the Catherine Street streetscape. The proposed additions are complementary.

C2 Promote land uses and urban design that enhances and contributes to the character and identity of the neighbourhood whilst protecting Heritage Items and Heritage Conservation Areas that combine to help create that character.

The existing traditional commercial and residential uses are retained and enhanced.

C3 Maintain and enhance the predominant scale and character of dwellings in this precinct, consisting of mostly single storey Victorian and Federation-style dwellings, with more significant development in appropriate areas.

There is no change to the Catherine Street streetscape. The proposed shopfront restoration generates a positive heritage impact.

C4 Encourage mixed use of commercial buildings to incorporate residential living above or where permissible, to the rear of the buildings.

The existing residential use is maintained above and behind the shop and it fits well with the associations of a historically working class area.

C5 Promote commercial businesses along Catherine and Styles Street suitable to residential areas, which have a low noise and vehicle impact.
The shopfront restoration will encourage commercial use.

C6 Promote commercial businesses, which have higher vehicle and noise impact along Parramatta Road. Not relevant.

C7 Retain the existing scale and traditional shopfront presentation of buildings along
 Catherine and Styles Streets.
 No change to scale is proposed.

C8 Encourage appropriate signage consistent with the established signage type, mainly under awning, fascia, window signs and hamper signs. Not relevant. No signage is proposed.

C9 Preserve the consistency of the subdivision pattern in this area.. No change is proposed affecting the subdivision pattern.

C10 Maintain the predominant service and access character of the rear lanes in the Piperston Distinctive Neighbourhood.

Not relevant. The adjoining service lane is a right of way and it does not form part of the public domain. In any case it is not affected.

C11 Maintain existing views created by stepping with the contours along the east/west streets.

Existing views are not affected.

C12 Maintain the prevalence of street trees in addition to mature and visually significant trees on private land.

Not relevant.

C13 Enhance and promote the viability and potential for neighbourhood and local provision shops on the corner of Catherine and Styles Streets and along Parramatta Road. The shopfront restoration will encourage commercial viability.

C14 Building wall height is to be a maximum of 3.6m, unless an alternative maximum building wall height is prescribed within the relevant Sub Area.. Not relevant: Refer to Control 15.

C15 Neighbourhood shops or buildings originally designed for non-residential use may have a maximum building wall height of 7.2m to incorporate a parapet. Existing wall heights are maintained.

C16 With the exception of Whites Creek Lane, development of dwellings fronting onto laneways shall be discouraged. Not relevant.

C17 Signs above awnings will not be supported. Not relevant.

C18 Development is to be consistent with any relevant Sub Area objective(s) and condition(s). Not relevant.

7.3 STATUTORY COMPLIANCE

7.3.1 Heritage Act

The proposals are consistent with the provisions of the Heritage Act.

7.3.2 Leichhardt Local Environmental Plan 2013

139 Catherine Street is a listed heritage item under the LEP, but it is not located within a heritage conservation area.

The objective of the plan in terms of development within heritage conservation areas under Clause 5.10 (1) are

(a) to conserve the environmental heritage of Leichhardt,

- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The plan also provides under 5.10(2) that development consent is required for any of the following (only the relevant sections are quoted):

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

(iii) a building, work, relic or tree within a heritage conservation area,

(e) erecting a building on land:
 (i) on which a heritage item is located or that is within a heritage conservation area...

Furthermore the plan provides that

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The foregoing has demonstrated that the proposed development is compatible with the cultural significance of the heritage conservation area. *The proposed development complies with the heritage provisions of the LEP.*

7.4 CONCLUSION

Having examined the heritage impact of the development on the cultural significance of the heritage item, the following can be concluded:

- original, culturally significant contributory fabric is not affected;
- + the rear additions have minimal adverse impacts in terms of scale, bulk or character; and
- the development does not affect the cultural significance of the heritage item.

The proposed development does not generate negative heritage impacts for the heritage item and it is responsive to the historic character of the existing building on the site.



Having assessed the significance of the place and the heritage impact of the proposed development the following are recommended:

 that Council should consent to the proposed development in recognition of its lack of adverse heritage conservation impacts.

Signed

ZOLTAN KOVACS B. Arch (Hons) ARCHITECT

9 Bibliography

Apperly, R.; Irving, R.; and Reynolds, P 'A Pictorial Guide to Identifying Australian Architecture' (Sydney, 1989)

Godden Mackay Logan; 'Leichhardt Heritage Review: Stage 2' (January 2004)

Kerr, J. S'Conservation Plan' (rev. edn National Trust of Australia [NSW], Sydney 1996)

'The Australian ICOMOS Burra Charter' (November 1999 update)

'The NSW Heritage Manual 2001 Update' (rev. edn. NSW Heritage Office, Sydney 2001)

'The Sands Directory 1890-1933'

Leichhardt Development Control Plan 2013

Leichhardt Heritage Inventory

Leichhardt Local Environmental Plan 2013

Reynolds, P; 'The first 22 lots - an overview: Suburbanisation in Balmain', [Leichhardt Historical Journal, Vol. 14, 1985]

Solling, M & Reynolds, P; 'Leichhardt: on the margins of the city' [Leichhardt Historical Journal, Vol. 22, 1997]

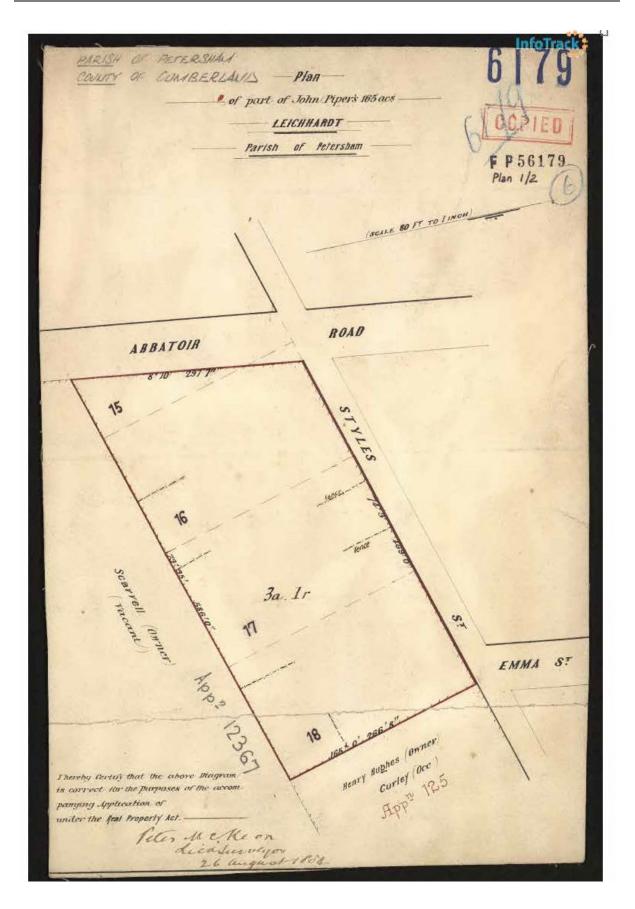


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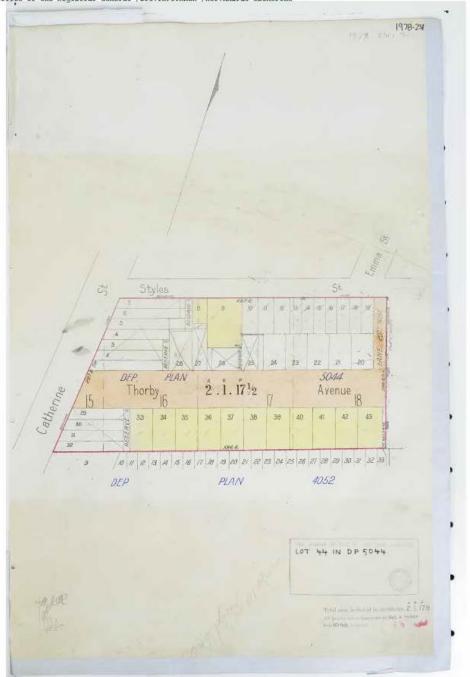
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