





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2022/0174
Address	60 Station Street NEWTOWN NSW 2042
Proposal	To demolish part of the premises and construct a new projecting window with day bed to the first floor rear elevation of the dwelling house
Date of Lodgement	16 March 2022
Applicant	Archology
Owner	Ms Melissa M Merritt & Mr Markos C Valaris
Number of Submissions	Initial: 0
Value of works	\$35,000.00
Reason for determination at Planning Panel	Heritage Item
Main Issues	Heritage
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to demolish part of the premises and construct a new projecting window with day bed to the first floor rear elevation of the dwelling house at 60 Station Street Newtown.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Demolition of the original window rear elevation first floor window of the heritage item.
- Interruption of the external form of the heritage item with the introduction of the protruding built form.

Council's Heritage Specialist does not support the development because of non-compliances with several controls contained in Part 8 of Marrickville Development Control Plan 2011.

However, the non-compliances are considered acceptable given the context within which the development is proposed and therefore the application is recommended for approval.

The application is referred to the Panel for determination given the proposal relates to partial demolition of the heritage item and Council's Heritage Specialist does not agree with the proposal.

2. Proposal

The application seeks to demolish part of the premises and construct a new projecting window with day bed to the first floor rear elevation of the dwelling house. The proposed addition is centrally located within the rear of the first floor and consists of three aluminium windows encased within a box frame clad (2.1m wide by approximately 1.6m high) with aluminium projecting 650mm from the rear elevation.

The proposal ultimately seeks to add approximately 1.5sqm of useable area within an existing bedroom and is described as a daybed with a small area of associated storage.

3. Site Description

The subject site is located on the eastern side of Station Street, between Don Street and Rawson Street. The site consists of 1 allotment and is generally oblong shaped with a total area of 152sqm and is legally described as 60 Station Street Newtown.

The site has a frontage to Station Street of 5.035 metres and a secondary (rear) frontage to Bailey Street of approximately 5.074 metres to the street.

The site supports a two storey brick terrace house with a metal roof, with the rear wing setback from the common boundary with 62 Station Street to the south. The adjoining properties support two storey terrace houses that form part of the same heritage item, the rear portions of both have been altered as part of development consents issued by Council.

The subject site is listed as a heritage item under Marrickville Local Environmental Plan 2011, namely Ulster House and Ulster Terrace—Victorian terrace houses, including interiors (I172) and is located within the Enmore-Newtown Heritage Conservation Area (C12). The site is zoned R2 – Low Density Residential.



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
DA201300143	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and erect a storage shed	Approved 11 June 2013

Surrounding properties

The following is a review of the terrace houses within heritage I172 item known as:

Ulster House and Ulster Terrace—Victorian terrace houses, including interiors 48–80 Station Street Lots 1–6 and 8–17, DP 913687; Lot 71, DP 819632 I172

Those properties which have relevant applications assessed under the MLEP 2011 are listed.

Application	Proposal	Decision & Date
DA201200182	To demolish part of the premises and carry out first floor alterations and additions to a dwelling house at 58 Station Street	Approved 6 July 2012
DA201500161	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and construct a driveway crossing at the rear of the site at 62 Station Street	Approved 22 May 2015
DA201600128	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and provide a car parking space at 72 Station Street	Approved 18 May 2016

4(b) Application history

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

Date	Discussion / Letter / Additional Information
10 May 2022	Request for additional information: retain the existing window and possibly introduce new windows provided on the southern elevation
6 June 2022	Discussion with applicant/architect, reiterating heritage specialists recommendation that existing window should be retained
11 July 2022	Amended plans provided with options for rear elevation of first floor which resulted in a greater impact to the heritage item
12 July 2022	Planning staff internally resolved to support application as originally lodged given the circumstances of this particular site.

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

5(a)(i) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

The application was assessed against the following relevant clauses of the *Marrickville Local Environment Plan 2011*:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio

- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1- Earthworks
- Clause 6.5 - Development in areas subject to aircraft noise

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 9.5m	7.7m	Nil	Yes
Floor Space Ratio Maximum permissible: 1:1 or 152sqm	0.85:1 or 129sqm	Nil	Yes

(i) Clause 1.2 – Aims of the Plan

Clause 1.2 prescribes the following aims of MLEP 2011:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses,*
- (b) *to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,*
- (c) *to protect existing industrial land and facilitate new business and employment,*
- (d) *to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling,*
- (e) *to promote accessible and diverse housing types including the provision and retention of affordable housing,*
- (f) *to ensure development applies the principles of ecologically sustainable development,*
- (g) *to identify and conserve the environmental and cultural heritage of Marrickville,*
- (h) *to promote a high standard of design in the private and public domain.*

Given the scope of development and the approved alterations and additions to dwelling houses in the immediate vicinity, the development is considered reasonable for the environmental and cultural heritage of Marrickville. More detailed assessment is provided in Part 5 (d) of this report – Marrickville Development Control Plan 2011.

When considered in the wider context, the development is considered to demonstrate a generally acceptable consistency with the provisions of Clause 1.2 of MLEP 2011.

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

The site is zoned R2 Low Density Residential under the *MLEP 2011*. The *MLEP 2011* defines the development as:

dwelling house means a building containing only one dwelling.

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

(iii) Clause 5.10 - Heritage Conservation

The subject site is part of a listed Heritage Item, namely, 1172 Ulster House and Ulster Terrace—Victorian terrace houses, including interiors 48–80 Station Street Lots 1–6 and 8–17, DP 913687; Lot 71, DP 819632 1172.

The subject site is also located within the Enmore-Newtown Heritage Conservation Area (C12).

The application was reviewed by Council's Heritage Advisor who does not support the proposal and made the following (summarised) comments:

- *The proposal seeks to demolish what appears to be an original window and replace it with a large and uncharacteristic rectangular window to the rear elevation.*
- *Preference is for the window be retained so the fine grain character and significance of the item is maintained.*
- *Additional light and ventilation could be obtained by providing up to two vertically proportioned double hung sash windows on the southern elevation, largely out of sight and achieve a similar amenity outcome without removal of the early window.*

However, the proposal is considered within the context where several other terraces in the item have been altered, including those either side of the subject site.

In this regard, the proposal is considered a minor intervention into the heritage item that does not adversely impact the significance of the item. While the proposal results in the loss of rear window, this window is only visible from a secondary rear laneway frontage. Given the substantial alterations that have taken place at other terrace houses that form part of the Item, the consistency of the rear alignment and form of the buildings has been lost. In contrast to the other terraces, the proposal maintains the original rear first floor wing and, by having the window inset within the rear wall, maintains the readability of the original rear wall and first floor form of the terrace, protecting the significance of the Item in this regard.

More specific details are provided in Part 5(d) of this report (Development Control Plans – Heritage).

On balance and considering the above., the development preserves the environmental heritage of the Inner West having regard to the provisions of Clause 5.10 of MLEP 2011.

(iv) Clause 6.5 – Development in areas subject to aircraft noise

The site is located within the ANEF 20-25 contour. However, the scope of works is not substantial, and as such that an Acoustic Report is not warranted to ensure the proposal complies with the provisions Cl. 6.5 MLEP 2011.

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

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

The development is considered acceptable having regard to the relevant provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part of MDCP 2011	Compliance
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	Yes
Part 8 – Heritage	No – see discussion

The following provides discussion of the relevant issues:

(i) Part 2.6 – Acoustic and Visual Privacy

Window W1 does not impact upon windows No. 58 as the wall of No. 58 is located on the boundary, and W1 is located at least 4 metres from the open space of No. 58 and serves a low traffic room (bedroom). The proposal is not considered to have an adverse impact on No. 62 because privacy screening is included on that window pane closest to No. 62, the window is setback approximately 2.7 metres from the common boundary, is oriented toward the yard of the subject site and the window serves a low traffic room (bedroom).

(ii) Part 8 – Heritage

As previously identified, the subject site is part of Heritage Item, I172 Ulster House and Ulster Terrace—Victorian terrace houses, including interiors 48–80 Station Street. The subject site is also located within the Enmore-Newtown Heritage Conservation Area.

The statement of significance for the Item and Enmore Newtown HCA is available at Attachment C.

Assessment of the heritage impact includes how reasonable it is to demolish an original window significant within the heritage item and replace with the protruding built form that does not match the architectural style of the period. The relevant parts of Part 8 of MDCP 2011 are alluded to in the assessment of Council's Heritage Specialist, including reference to Part 8.2.14.6 of the MDCP 2011 which states:

The core period of heritage significance is 1850-1915. Any buildings, archaeological evidence or significant elements of the fabric from this or any earlier period must be retained and maintained.

Council's Heritage Specialist refers to Control C1 which applies to all Heritage Conservation Areas, which is reproduced hereunder:

C1 New development must be consistent with the recorded elements that contribute to the consistency of the streetscape in HCAs (refer to the relevant HCA sheet in Section 8.2).

More specifically, Council's Heritage Specialists references the following controls for the heritage items contained in Part 8.1.7 of MDCP 2011:

C1 Heritage items must be conserved and new development must not diminish the significance of the item.

C3 Significant internal and external features of heritage items must be maintained in their original form.

C6 Alterations and additions must not adversely impact the significant features of the heritage item.

C7 Changes must maintain the significant form, proportion, scale, details and materials of the item.

C19 When new windows are to be inserted into the existing fabric, the proportion of those windows must respect the form and scale of the architectural style period.

Council's Heritage specialised does not support the demolition of the early window in the rear elevation of the first floor and considers the new window to be uncharacteristic for the rear elevation. A second window of similar proportions to the existing window could be supported, but the applicants proposal seeks to increase the available area within the bedroom that the window serves, thus a second window does not meet the design brief. Similarly, amending the proposal by placing windows in the southern elevation does not meet the applicant's design brief for a more functional internal living area.

As identified in Part 4(a) of this report (Site history), ground and first floor alterations and additions to at least three terraces within Heritage Item I172 Ulster House and Ulster Terrace – Victorian terrace houses have been approved under the provisions of MLEP 2011 and MDCP 2011. In considering the proposal at 60 Station Street, it is necessary to consider alterations and additions approved at 58 Station Street and 62 Station Street. The ground and first floors of both 58 and 62 Station Street extend beyond the proposal at the subject site.

The rear of the terrace at 58 Station Street has been altered such that the original form is not recognisable, the typical sloping skillion roof has been replaced with a box form addition. The east facing rear window includes decorative type shutters either side. The exterior of the wall is finished with horizontal cladding, as opposed to the original rendered and painted masonry.

The rear of 62 Station Street incorporates a contemporary architectural form, which is also inconsistent with the typical sloping skillion roof characteristic of these terrace houses. This development incorporates a small window in the rear adjacent a window seat and windows in the north side of the first floor which face north-north/east. The exterior of the wall is finished with timber cladding, as opposed to the original rendered and painted masonry.

The proposed window results in less interruption to the existing and original terrace house than has been approved and constructed on both adjoining properties. Portions of the rear rendered wall remain intact and finished with painted render, and the sloping roof form is retained. Furthermore, the protrusion beyond the rear wall of 650mm is minimal when considered in the context of those developments on either side of the subject site.

The development is a contemporary design that improves the functionality of the terrace house without undue impact externally within the context of the adjoining properties, and therefore does not detract from the heritage significance of the existing terrace and that of the broader HCA. The proposed first floor remains orientated to complement the existing pattern of development found in the locality, and on balance, is considered an acceptable outcome.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to the initial notification.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0174 to demolish part of the premises and construct a new projecting window with day bed to the first floor rear elevation of the dwelling house at 60 Station Street Newtown, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

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
DA 01 A	SITE ANALYSIS PLAN	MAR 2022	ARCHOLOGY
DA 02 A	GROUND AND UPPER FLOOR PLANS	MAR 2022	ARCHOLOGY
DA 03 A	ROOF AND STORMWATER PLAN	MAR 2022	ARCHOLOGY
DA 04 A	ELEVATIONS, SECTIONS	MAR 2022	ARCHOLOGY
DA 05 A	SECTIONS	MAR 2022	ARCHOLOGY
DA 06 A	EROSION & SEDIMENT CONTROL	MAR 2022	ARCHOLOGY
DA 07 A	MATERIALS & FINISHES	MAR 2022	ARCHOLOGY

As amended by the conditions of consent.

FEES

Security Deposit - Custom

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

Security Deposit:	Min \$2254.00
Inspection Fee:	\$241.50

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

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

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

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

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

Long Service Levy

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

GENERAL CONDITIONS

Stormwater Drainage System – Simple

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

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

public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

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.

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.

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.

Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**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 property at 58 Station 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.

Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE**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.

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.

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

DURING DEMOLITION AND CONSTRUCTION**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.

ADVISORY NOTES

Permits

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

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

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

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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.

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.

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.

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 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 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	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 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.

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.

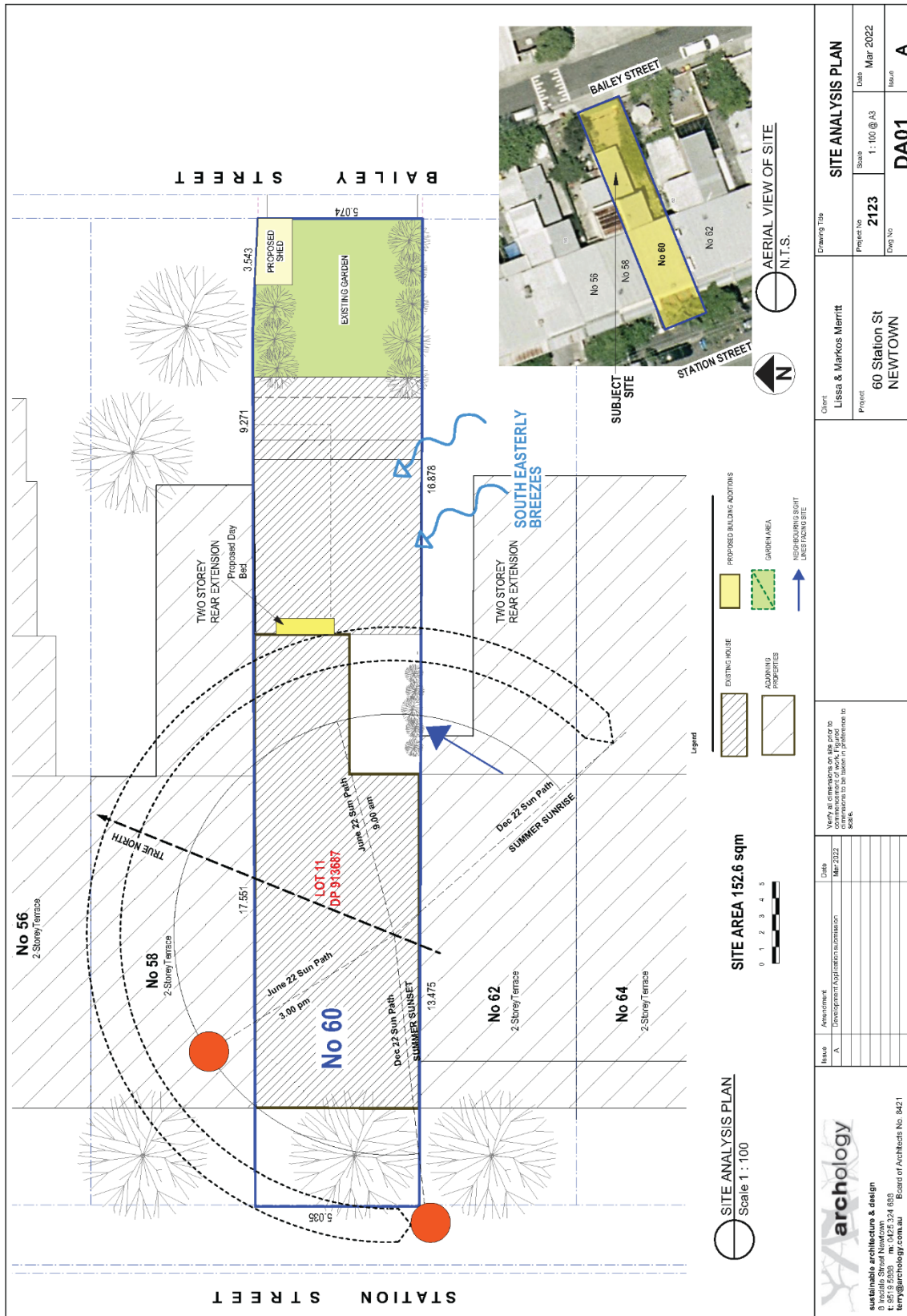
Noise

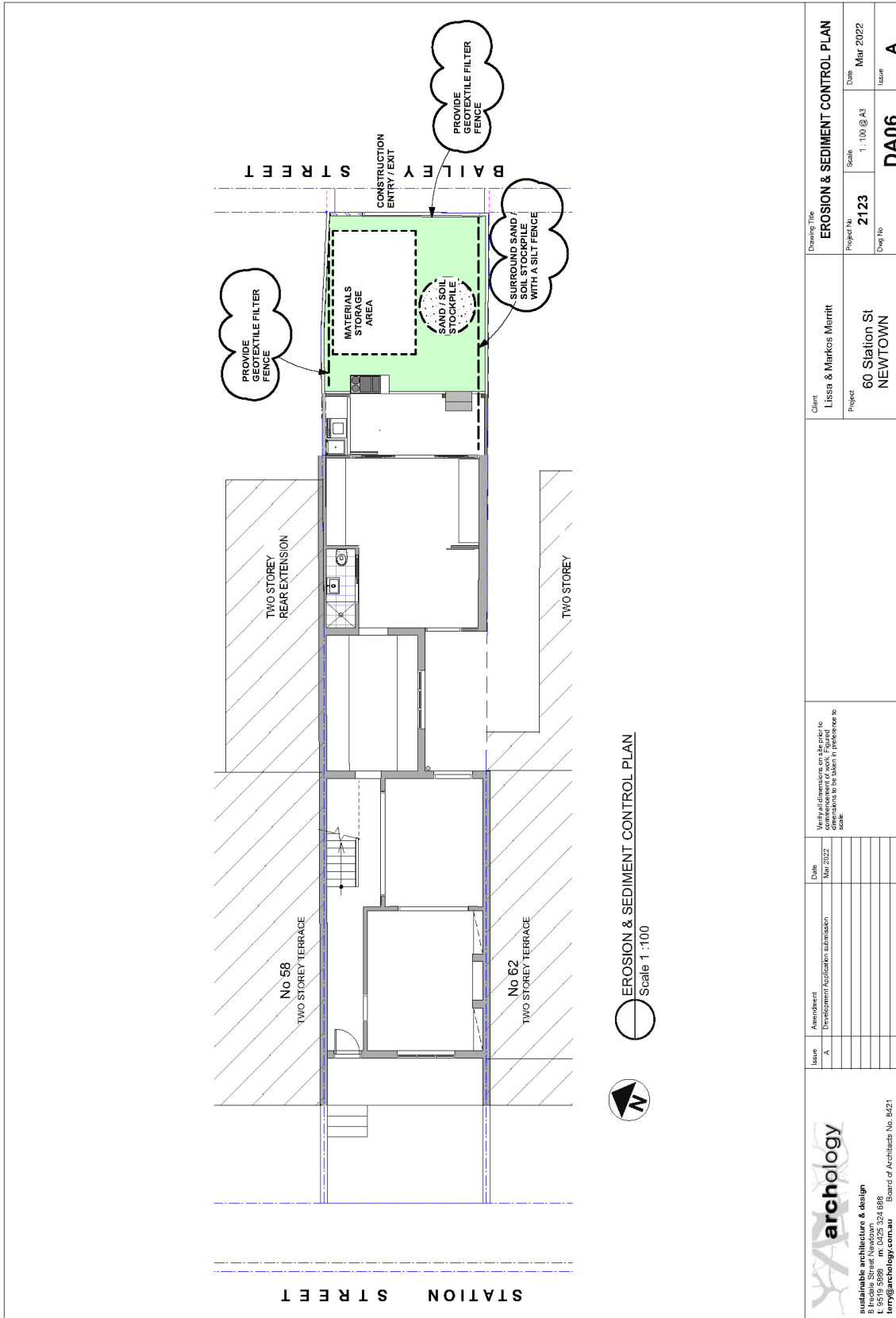
Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.


Dial before you dig

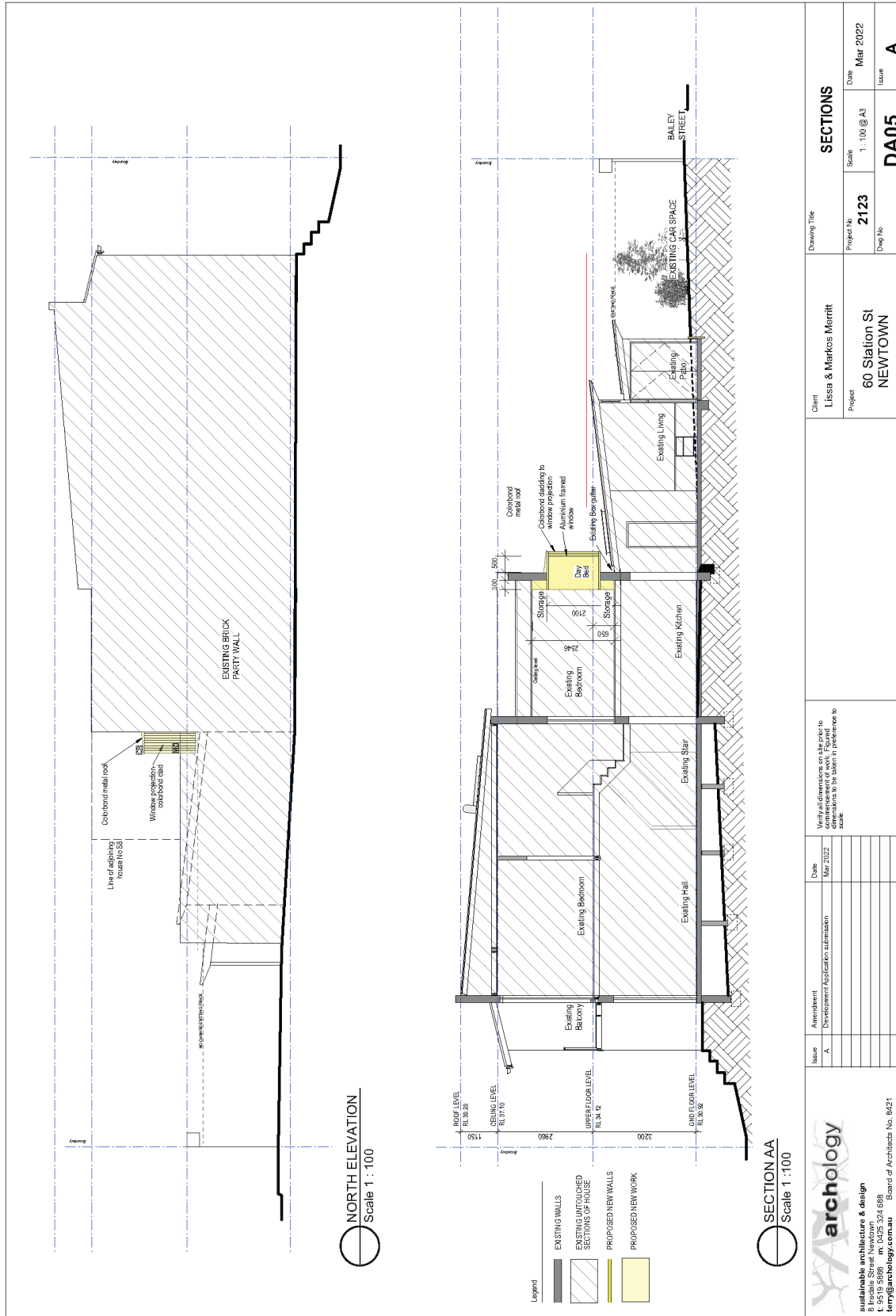
Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Attachment B – Plans of proposed development





 sustainable architecture & design 8 Hebble Street, Newtown, NSW 1500 archology.com.au 02 9550 1000 info@archology.com.au Board of Architects No. 9421	Issue	Appendix	Date	Verify all dimensions on site prior to construction. All dimensions to be taken in preference to scale.	Client Lissa & Markos Morritt Project 60 Station St NEWTOWN	Drawing Title EROSION & SEDIMENT CONTROL PLAN Project No 2123 Scale 1:100 @ A3 Date Mar 2022 Issue A
	A	Development Application submission	Mar 2022			



NORTH ELEVATION
Scale 1 : 100

SECTION AA
Scale 1 : 100

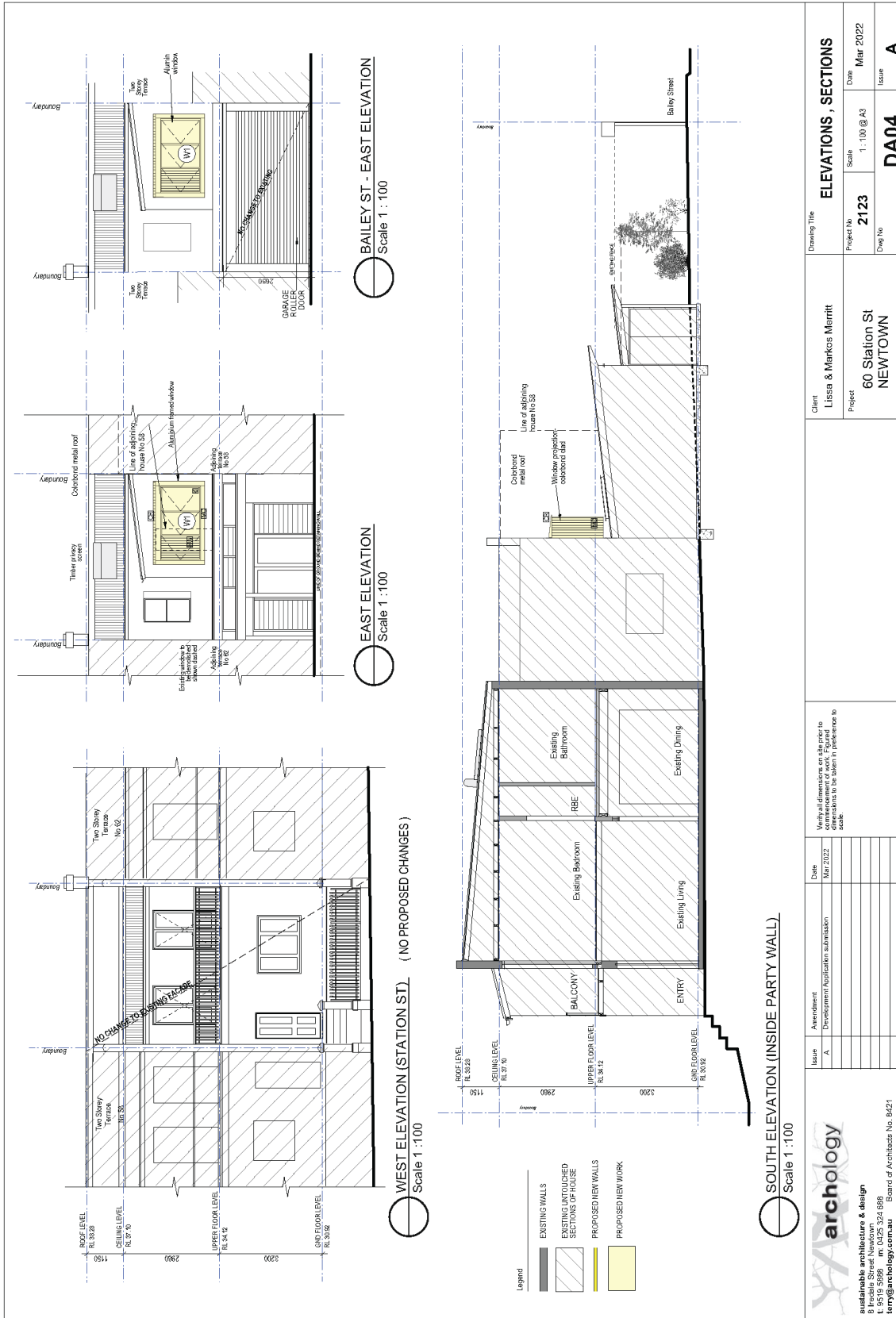
- Legend**
- EXISTING WALLS
 - EXISTING FINISHED SECTIONS OF HOUSE
 - PROPOSED NEW WALLS
 - PROPOSED NEW WORK

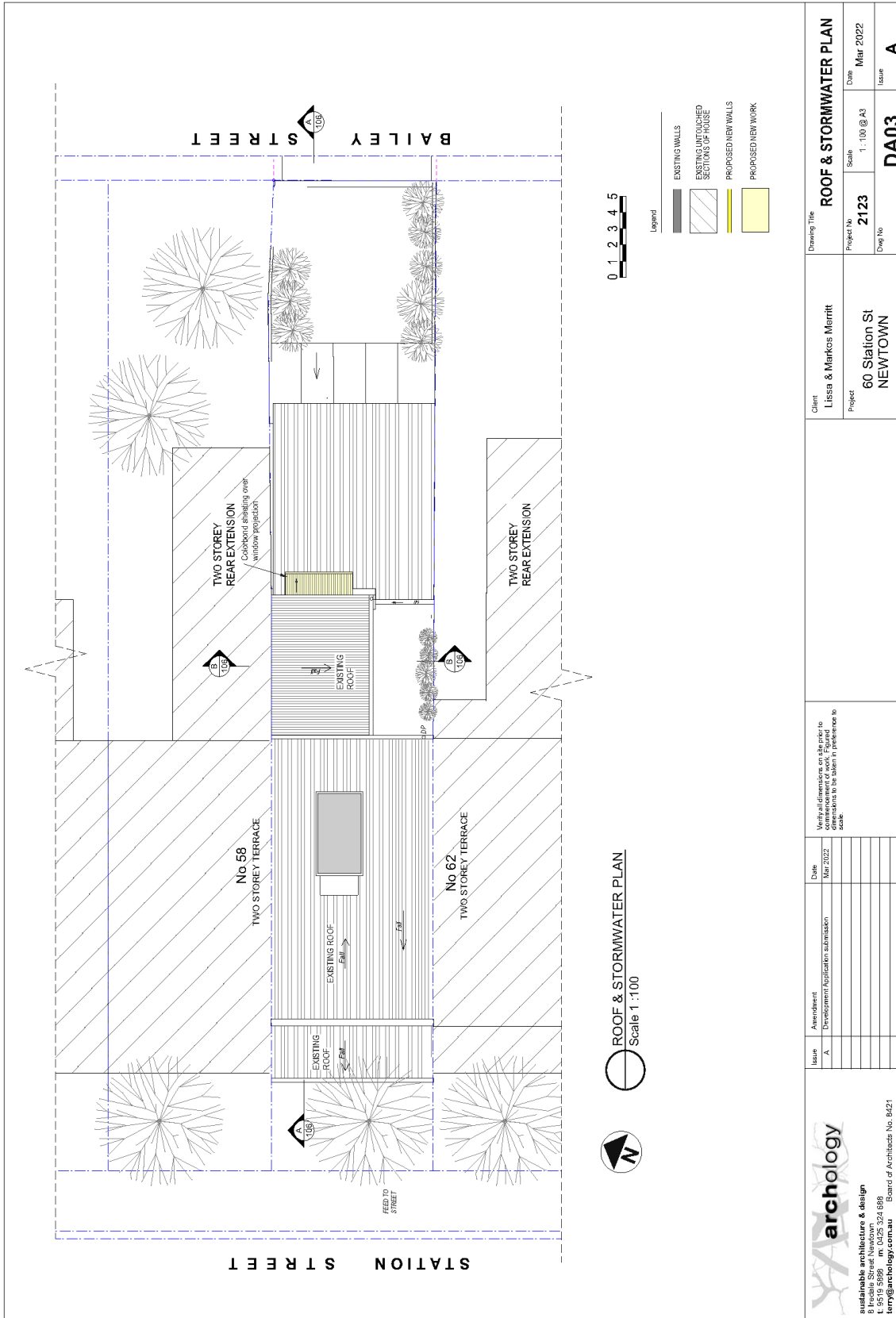
archology
sustainable architecture & design
8 Heidelberg Street, Newtown, NSW 2059
t: 02 9550 1500
info@archology.com.au | Board of Architects No. 9421

Issue	Amendment	Date	Notes
A	Development Application submission	Mar 2022	
			Verify all dimensions on site prior to commencement of construction. Dimensions to be taken in preference to scale.

Client	Lissa & Markos Merritt
Project	60 Station St NEWTOWN

SECTIONS	
Project No	2123
Scale	1:100 @ A3
Date	Mar 2022
Dwg No	DA05
Issue	A



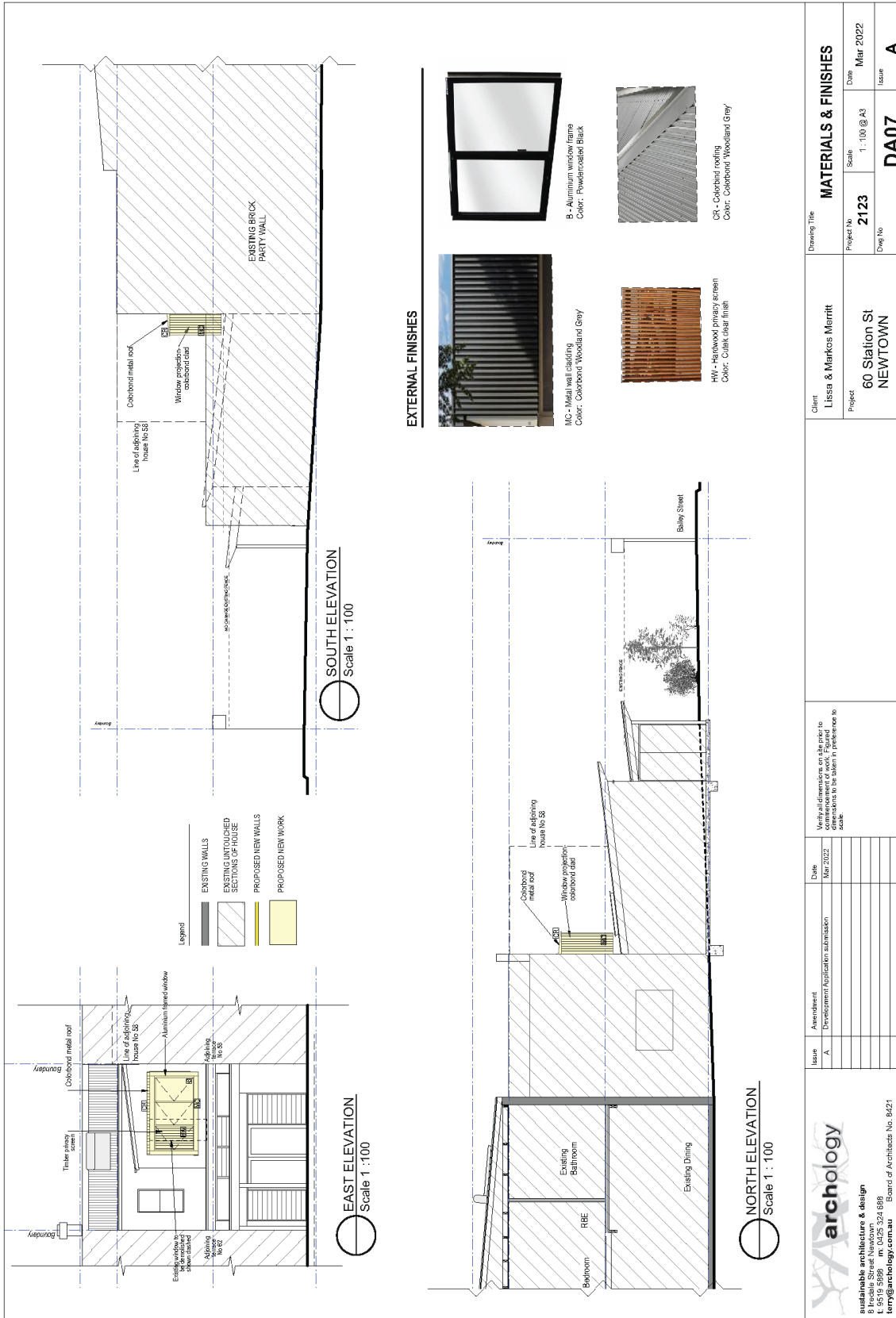


ROOF & STORMWATER PLAN
Scale 1 : 100

<p>archology sustainable architecture & design 8 Healds Street, Newtown, NSW 1590 Tel: 02 9550 1234 info@archology.com.au Board of Architects No. 9421</p>	Issue	A	Amendment	Development Application submission	Date	Mar 2022	Verify all dimensions on site prior to dimensions to be taken in preference to scale.	Client Lissa & Markos Merritt Project 60 Station St NEWTOWN	Drawing Title ROOF & STORMWATER PLAN		
	Issue	A	Development Application submission	Mar 2022	Project No	2123				Scale	1 : 100 @ A3
								Dwg No	DA03	Issue	A



 sustainable architecture & design 8 Healds Street, Newtown, NSW 1505 Phone: 02 9550 1234 Email: info@archology.com.au Board of Architects No. 9421	Issue: A Amendment: Development Application submission	Date: Mar 2022	Note: Verify all dimensions on site prior to commencement of work. Dimensions to be taken in preference to this set of drawings.	Client: Lissa & Markos Morritt Project: 60 Station St NEWTOWN	Drawing Title: GROUND & UPPER FLOOR PLANS
	Issue: A Amendment: Development Application submission	Date: Mar 2022	Note: Verify all dimensions on site prior to commencement of work. Dimensions to be taken in preference to this set of drawings.	Project No: 2123 Scale: 1:100 @ A3 Date: Mar 2022 Issue: A	Drawing Title: GROUND & UPPER FLOOR PLANS



Attachment C – Statement of Heritage Significance

State Heritage Inventory Report

Item Details

Name
Ulster House and Ulster Terrace - Victorian terrace houses, including interiors
Other/Former Names

Address
48 - 80 Station Street NEWTOWN NSW 2042
Local Govt Area
Inner West
Group Name

Item Classification
Item Type
Built
Item Group
Residential buildings (private)
Item Category
Terrace

Statement Of Significance
Ulster House and Ulster Terrace are of historical significance for their association with builder/contractor, local entrepreneur and one-time Sydney City and Newtown Council alderman, Peter Francis Hart. The terrace configuration illustrates 19th century speculative building practices, though curiously, the owner/builder Peter Hart chose to live in the modest terrace at the southern end of the row, not the grander "Ulster House" at the northern end of the terrace row. Of aesthetic significance as an exceptionally long group of Victorian Filigree style terraces consisting of Ulster House (No. 48 Station Street) an elaborately detailed grand terrace, and the more modestly detailed Ulster Terrace (a terrace row) at Nos. 50-80 Station Street.

Assessed Significance Type
Local
Endorsed Significance
Local
Date Significance Updated
1/11/2012

Listings

Listing Name	Listing Date	Instrument Name	Instrument No.	Plan No.	Gazette Page	Gazette Number
Local Environmental Plan	12/0/2011	Marrickville Local Environmental Plan 2011	1172			2011/645
Within a conservation area on an LEP		within draft cons. area Marrickville LEP 2001				
Heritage study						

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8.2.14 Enmore-Newtown Heritage Conservation Area – HCA 12

Section 8.2.14 of the DCP applies to the Enmore-Newtown Heritage Conservation Area (HCA 12) (Figure 1).

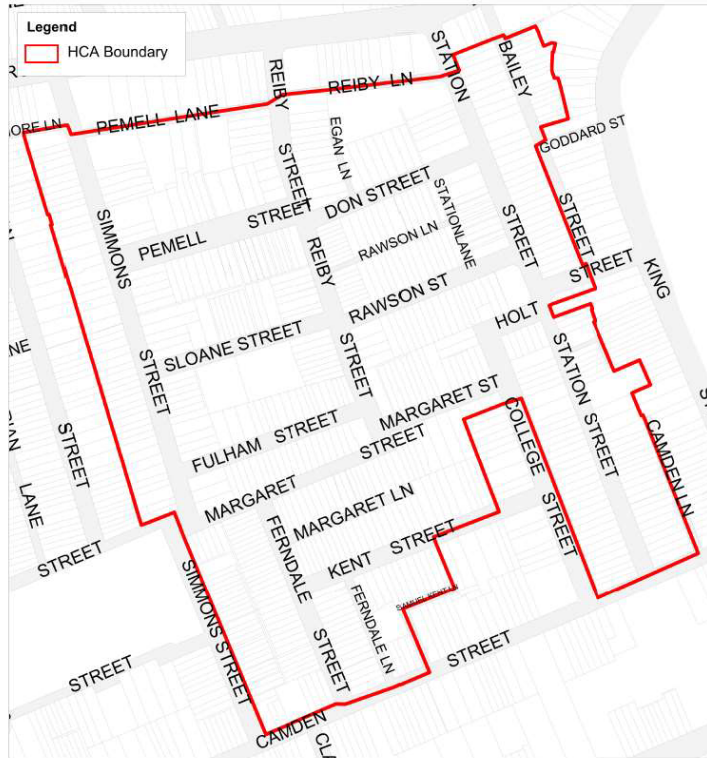


Figure 1: Enmore-Newtown Heritage Conservation Area – HCA 12

8.2.14.1 Statement of heritage significance

The Enmore-Newtown Heritage Conservation Area is historically significant for its streetscapes which demonstrate the pattern and growth of the terrace house typology in Sydney during the mid to late 19th century.

The HCA demonstrates a range of building types and forms available to the Victorian worker, including the detached cottage, semi-detached pair and terrace house. It represents the principal characteristics of the development of the Marrickville LGA from an early estate to a suburban cultural landscape and contains high quality streetscapes and public domain elements representative of civic management and improvement programs including small parks, sandstone kerbing and guttering and street tree planting of the late 20th century.

Early land grants were of 30 acres and were made to emancipists and small settlers, a significant contrast to the large holdings of the estates north of Enmore and Stanmore Roads. Their value for speculative purposes is shown through their rapid re-

8.2 Heritage Conservation Areas (HCAs) Directions and Controls

Procedures / Workflows / Notes

Application ID / Procedure ID	Section of Act	Description	Title	Officer	Date Received	Status	Outcome
No Results Found							

Records Retrieved: 0

Management

Management

Management Category	Management Name	Date Updated
No Results Found		

Records Retrieved: 0

Management Summary

The building shall be retained and conserved. A Heritage Impact Statement or a Conservation Management Plan, may be required to accompany any development application for major works to the building. **There shall be no alterations to the facade of the building other than repairs or reinstatement of original features. The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved where present. Any additions and alterations should be confined to the rear in areas of less significance, should not be visually prominent or overwhelm the existing building, and shall be in accordance with the relevant planning controls.**

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Records Retrieved: 8

Title	Year	Item Number	Author	Inspected By	Guidelines Used
Review of Potential Heritage Items for Marrickville Council	2009	2030304	Paul Davies & Associates		Yes
Review of Potential Heritage Items for Marrickville Council	2009	2030304	Paul Davies Pty Ltd		Yes
Review of Potential Heritage Items for Marrickville Council	2009	2030304	Paul Davies Pty Ltd		Yes
Review of Potential Heritage Items for Marrickville Council	2009	2030304	Paul Davies & Associates		Yes
Marrickville Heritage Study Review	1997	2030304	Tropman & Tropman Architects	1997-1999	Yes
Marrickville Heritage Study Review	1997	2030304	Tropman & Tropman Architects	1997-1999	Yes
Marrickville Heritage Study Review	1987	2030304	Tropman & Tropman Architects	1997-1999	Yes
Marrickville Heritage Study Review	1987	2030304	Tropman & Tropman Architects	1997-1999	Yes

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Research Potential	Include	Exclude
Criteria f)		
Rarity	Include	Exclude
Criteria g)		
Representative	Include	Exclude
A fine representative example of a terrace row incorporating the row owner's house.		
Integrity/Intactness		Updated 06/09/2009
The houses are relatively intact and retain much of their integrity.		

References

References

Title	Author	Year	Link	Type
No Results Found				

Records Retrieved: 0

Historic Themes Records Retrieved: 4

National Theme	State Theme	Local Theme
Marking the phases of life	Social institutions	Unknown
Marking the phases of life	Social institutions	Unknown
Building settlements, towns and cities	Agriculture	Unknown
Building settlements, towns and cities	Agriculture	Unknown

Assessment

Criteria a)

Historical Significance

Ulster House and Ulster Terrace are of historical significance for their association with builder/contractor, local entrepreneur and one-time Sydney City and Newtown Council alderman, Peter Hart. The terrace configuration illustrates 19th century speculative building practices, though curiously, the owner/builder Hart chose to live in the modest terrace at the southern end of the row, not the grander "Ulster House" at the northern end of the terrace row.

Exclude

Include

Criteria b)

Historical Association Significance

Exclude

Include

Criteria c)

Aesthetic/Technical Significance

Of aesthetic significance as an exceptionally long group of Victorian Filigree style terraces consisting of Ulster House (No. 48 Station Street) an elaborately detailed grand terrace, and the more modestly detailed Ulster Terrace (a terrace row) at Nos. 50-80 Station Street..

Exclude

Include

Criteria d)

Social/Cultural Significance

Exclude

Include

Criteria e)

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The original owners of the land within the Marrickville Council area were the Cadigal and Wangal clans of the coastal Eora people. They spoke Eora, which may have been a dialect of the Dharug (Darug) language, though sources differ on this point. With the establishment of the penal colony at Sydney Cove in 1788 the dispossession of the original inhabitants was begun. In 1789 a smallpox plague decimated the Aboriginal population, though descendants of the Cadigal and Wangal people still reside within the Sydney metropolitan area. On 8 January 1794 Paul Page, William Jenkins and James Jenkins were each granted 30 acres in the area south of what is now Enmore Road. By 1835 Jenkins' grant was owned by Captain Sylvester Browne (best known as the father of novelist T.A. Browne, "Rolf Boldrewood") and John Verge designed a house that looked out to Botany Bay. Browne moved to Victoria and in June 1838 the villa, called "Enmore House", was advertised for lease. In June 1840 the entire estate, by now 40 acres, was advertised for sale. The purchaser appears to have been Isaac Simmons.

Simmons subdivided part of the property as the "Beautiful Village of Enmore" in about 1841. This stretched from Juliet Street to Simmons Street. In the vicinity of what is now Metropolitan Road was "Enmore House" itself, which retained 9 acres of grounds.

In August 1841 Jacob Josephson (an emancipist who had been transported in 1818) bought "Enmore House" and its grounds from Simmons. On Jacob Josephson's death in 1845, his son Joshua Josephson, a businessman, politician and later solicitor-general and judge inherited the house.

The remainder of Browne's property appears to have been bought by Mary Reibey, the emancipist businesswoman (transported for horse-stealing in 1790) who was, by this time, both wealthy and respectable. In the early 1840s she had "Reiby House" built, a villa that stood between what is now Reiby Street and Station Street. In about 1847 "Stanmore House" (between Simmons Street and Reiby Street), probably designed by architect Henry Robertson, was also built for Mary Reiby. Reiby House survived in Reiby Lane until 1966, when it was purchased by the City of Sydney Council and demolished for low income home units. Stanmore House is still extant, hidden behind shopfronts, to the east of the Enmore Theatre. With the opening of the railway line from Sydney to Parramatta in September 1855 there was a rash of subdivisions in Newtown. About 1855 an area, including the eastern side of Railway Street from Holt Street to Enmore Road was subdivided as the "Valuable building allotments at Newtown opposite the railway station" estate.

Peter Francis Hart purchased a number of blocks in Station Street in the 1870s and built 16 houses, which he named "Ulster Terrace". The grandest of these terraces was called "Ulster House", located at the northern end of the row, now 48 Station Street. The group was completed in 1877 and Hart wrote to Newtown Council in November 1877 "asking that Kerbing and Guttering may be laid down in front of the houses lately erected in Station Street and offering to contribute 25 percent towards the cost. Received and resolved upon the motion of Alderman Bailey, seconded by Alderman Cozens, that as soon as the Council is in a position to ascertain the levels, the matter will receive attention." (Newtown Council Minutes, 20 November 1877).

Peter F. Hart was born to John and Margaret Hart in Belfast in 1840. It is thought he married Elizabeth Murray in Berrima in 1865 and had a son named after himself in 1867. He was a builder/contractor owning 'Hart's Buildings' off Gloucester Street down near Circular Quay. He attempted unsuccessfully to join the Sydney City Council as an alderman for Gippis Ward in 1872." He succeeded as an alderman in City Council's Gippis Ward in May 1883 and he continued unopposed in the subsequent five elections for that seat until 1899. Even though he started as an 'ardent advocate of municipal reform', he later considered himself as 'part of the old Brigade'. He may have been on the Committee for the Adelaide Jubilee Exhibition in June 1887. Peter Hart attempted to get onto the Newtown Council for the newly created Camden Ward in September 1886. It cannot be said he contributed a great deal to Council and he retired in June 1887." <http://cityofsydney.nsw.gov.au/newtownproject/biography-2/biography4.html>) Peter Hart and his family resided at 80 Station Street, at the southern end of "Ulster Terrace", until about 1891. Edward Dean leased "Ulster House" from Hart, living there from about 1882 until his death in 1905. Hart retained ownership of "Ulster House" and "Ulster Terrace" until his death in 1917. 48-80 Station Street were then bought by Herman Gustav William Unger. Unger owned these properties until at least 1948.

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Two storey terrace row of 17 houses commencing with No. 48 Station Street, a large stuccoed brick Victorian Filigree style terrace with a two storey verandah/balcony with decorative cast iron balustrading and freize, and a tall, elaborately decorated parapet. The remainder of the row, 16 terrace houses, were originally identical with the exception of No. 64 which features the words "Ulster Terrace" in stucco on its parapet. Each terrace is setback from the street and has a small front garden, divided from its neighbours by stuccoed brickdividing walls extending out from the party walls and with double curved profile (similar to original balcony roof profile).

The terraces were originally stuccoed brick, with parapet and corrugated steel double-curve roofed two storey verandah/balconies with cast iron balustrading and freizes. Each ground floor façade featured three windows divided by cast iron barley twist columns and a timber panelled front door with fanlight above. Each first floor façade featured two pairs of timber panelled and glazed french doors. Ulster Terrace has a raised parapet atop the central house, bearing the name of the terrace. Detailing to Ulster Terrace includes stucco urns atop the party walls. There are palisade fences with rendered piers to the footpath.

Physical Condition

The houses appear to be in good condition.

Modifications And Dates

- No. 50 Station Street: security screens to ground floor doors and windows, enclosed 1st floor balcony, barley twist columns removed from ground floor window to façade.
- No. 52: intact except for skillion balcony roof, aluminium framed ground floor window. This terrace has black and white tessellated tiling to its entry pathway.
- No. 54: intact except for concreted front garden, enclosed first floor balcony, skillion balcony roof, aluminium framed window to ground floor.
- No. 56: intact except for enclosed first floor balcony, skillion balcony roof, modern flush front door, modern metal fencing installed on original base (fence posts and original gate are intact). The walls have been sprayed with a cementitious paint.
- No. 58: intact except for modern front window, balcony balustrade replaced with a timber spindle balustrade, and a flush front door.
- No. 60: intact except for removal of cast iron barley twist columns from front ground floor window.
- No. 62: intact except for removal of cast iron barley twist columns from front ground floor window.
- No. 64: intact except for removal of cast iron barley twist columns from front ground floor window
- No. 66: intact except for removal of cast iron barley twist columns from front ground floor window
- No. 68: intact except for removal of cast iron barley twist columns from front ground floor window, and first floor balcony enclosure (however cast iron balustrade and freize to the balcony are intact)
- No. 70: render stripped from brickwork, concrete breeze block balustrade constructed in front garden behind front fence, raising of height of front garden to level of front verandah and concreting of front garden, 1st floor balcony enclosure, skillion balcony roof, modern front window and door
- No. 72: 1st floor balcony enclosure, modern concrete balustrade to front verandah, modern windows.
- No. 74: render stripped but otherwise intact, including retention of original cast iron barley-twist columns to front ground floor window
- No. 76: Caithness - Barley twist columns removed from ground floor front window, otherwise intact
- No. 78: modern ground floor front window, otherwise intact
- No. 80: barley twist columns removed from front ground floor window, otherwise intact.

Further Comments

Draft

History

Historical Notes or Provenance

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Updated

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Heritage Item ID
2030304

Source
Local Government

Location

Addresses

Records Retrieved: 2

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
48 - 80	Station Street	NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address
48 - 80	Station Street	NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address

Description

Designer
Peter Francis Hart, owner and builder/contractor

Builder/Maker
Peter Francis Hart, owner and builder/contractor

Construction Year Start & End
- 1877

Period
Unknown

Physical Description

Updated

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PART 8: HERITAGE

subdivision and amalgamation into a series of estates with substantial houses that exploited the good views to the south, and then re-subdivision into smaller parcels that formed the basis of today's street alignments. Major development within the HCA commenced with the arrival of the rail line in the mid 1850s and continued through successive releases of land over the next 50 years, with the final subdivision made in 1902. The prevailing form of development was the terrace house, and the stylistic development of the type during the second half of the 19th century can be seen in the style and form of the groups within the HCA. Federation period terraces represent the culmination of the medium density typology, superseded by the rise of suburbia in the 20th century.

The area is historically significant for its association with Mary Reiby an early land owner who built a villa at the north-eastern corner bounded by Enmore Road, Station Street, Holt Street and Reiby Street. It was subdivided after her death, and the house survived until 1966 when it was demolished by Sydney City Council to erect the high-rise development on the site today.

The area demonstrates many important variations upon the typology of the modest terrace house, including single and two storey versions and some very early examples of the genre built under a single hipped roof span, and the most utilitarian design of the type. The HCA is socially significant for the prominent location of community facilities at the northern end of the area close to Enmore Road including Reiby Hall, the Masonic Temple and Hall, and the former church at 60 Reiby Street (now in community use).

8.2.14.2 Summary of core heritage values and elements

- i. The area is characterised by mid to late Victorian terraces and cottages on narrow lots.
- ii. Good groups, runs and sets of terraces and detached cottages include unusual variations and details rare in the Marrickville LGA, including Station Street, Bailey Street, Simmons Street and Sloane Street.
- iii. The HCA provides valuable evidence of the range of building types and forms available to the Victorian worker, including the detached cottage, semi-detached pair and terrace house.
- iv. The HCA demonstrates the pattern of development in the Enmore-Newtown area including the evolution of the terrace typology. The Federation period terraces represent the culmination of the typology which was superseded by the rise of suburbia in the 20th century.
- v. The historic pattern of successive re-subdivision of land has resulted in a maze-like street pattern, with internal views tightly described by the street walls and terminating vistas. Streetscapes are narrow and the density of development establishes a tightly described street wall, which creates a sense of intimacy and privacy within the area.
- vi. The HCA demonstrates socio-topographical distribution of housing with many larger terraces on higher parts and the surrounding lower areas dominated by modest, single storey terraces.
- vii. The high urban density, narrow streets and frequency of attached dwellings creates an intimate streetscape quality.
- viii. Setbacks from the street alignment are minimal but consistent within building groups and visual catchments.
- ix. Residential character is demonstrated through diversity of architectural styles within the single and two storey 19th century and Federation period terrace housing typologies.