







|  DEVELOPMENT ASSESSMENT REPORT | |
|---|---|
| Application No. | DA/2022/0428 |
| Address | 80 Short Street BIRCHGROVE NSW 2041 |
| Proposal | Alterations and additions to existing dwelling including new first floor addition. |
| Date of Lodgement | 6 June 2022 |
| Applicant | Mr Raymond Panetta |
| Owner | Mr Christopher JK Parrott Ms Lucy C Johnston Ms Marilyn J Johnston |
| Number of Submissions | 14 |
| Value of works | \$800,000.00 |
| Reason for determination at Planning Panel | Number of submissions |
| Main Issues | View Loss Privacy Overshadowing |
| 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  |
| Notified Area  | Supporters  |
| Note: Due to scale of map, not all objectors could be shown. | |

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling including a new first floor addition at 80 Short Street Birchgrove.

The application was notified to surrounding properties and 14 submissions were received in response to the initial notification. The amended plans the subject of this report were not required to be notified.

The main issues that have arisen from the application include:

- View Loss
- Overshadowing
- Privacy

The amended plans the subject of this report include alteration to the bulk of the proposed additions and an increased side setback to the south-western side boundary facilitating greater opportunities for maintenance of solar access, privacy and views through the site. The form of the proposed development is considered to be compatible with the streetscape and neighbourhood. Therefore, the application is recommended for approval.

2. Proposal

The proposal includes alterations and additions to an existing dwelling including a new rear first floor addition.

The existing rear ground level portion of the dwelling is to be reconfigured with an open plan living, dining, and kitchen area.

The new upper level is to contain two bedrooms and bathroom. Access to the upper level is to be via a stairwell and corridor from the front roof cavity.

3. Site Description

The subject site is located on the northern side of Short Street, between Spring Street and Curtis Road. The site consists of one allotment and is generally rectangular with a total area of 233.7sqm.

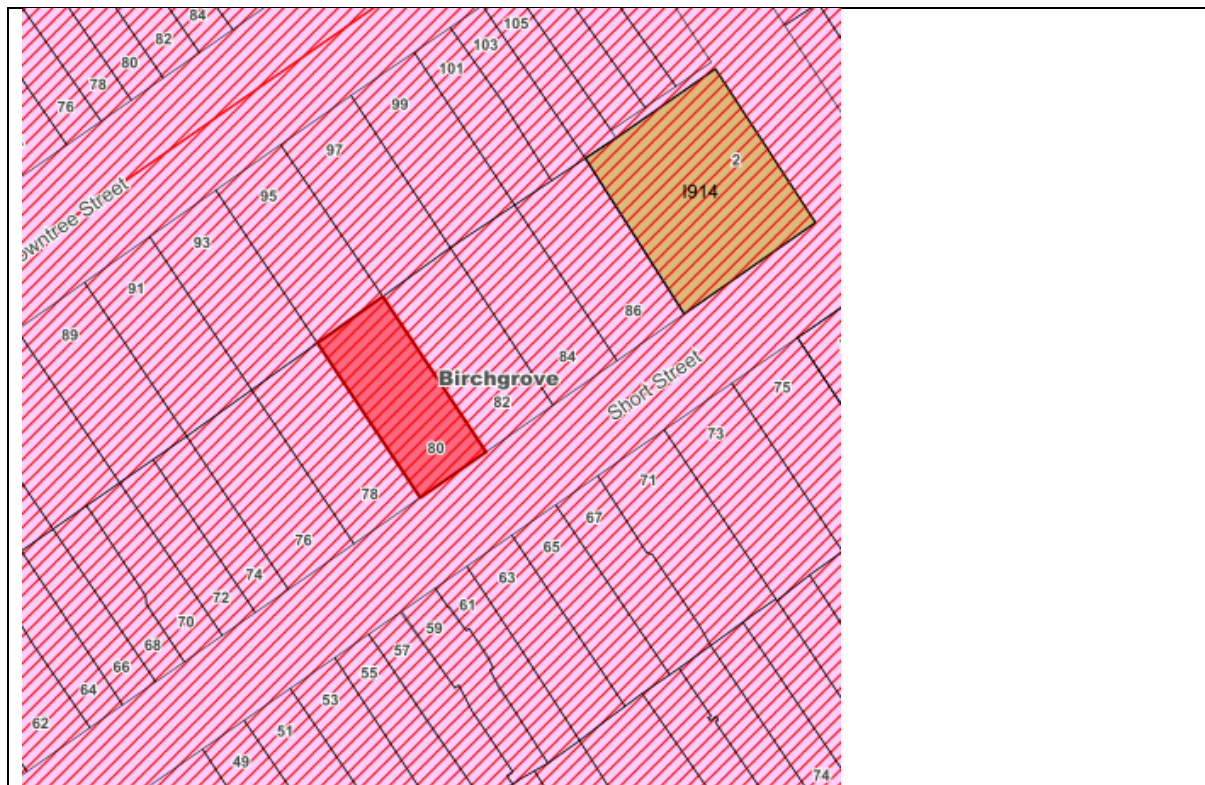
The site has a frontage to Short Street of 10.06 metres.

The site supports a single storey detached dwelling set above the road level. The adjoining properties support single storey and two storey detached dwellings.

The property is located within a conservation area.

The following trees are located on the site and within the vicinity.

- A Broad-leafed Privet and Camphor Laurel are located within the rear setback of the subject site.
- A Jacaranda and Weeping Bottlebrush are located on the adjacent site to the rear at 95 Rowntree Street.
- A Jacaranda and Tree Fern are located on the adjacent site at 78 Short Street.



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 |
|-----------------|---|------------------------|
| PDA/2021/0418 - | Pre-lodgement - Alterations & additions | Advice issued 5/1/2022 |

Surrounding properties

| Application | Proposal | Decision & Date |
|----------------|--|--------------------|
| D/2016/377 | <u>78 Short Street</u> Ground and first floor additions and alterations to existing dwelling and associated works, including retaining wall and landscaping works | Approved 8/11/2016 |
| TREE/2021/1161 | <u>80 Short Street</u> Tree removal | Issued 9/11/2021 |

| | | |
|----------------|---|---|
| M/2010/47 | <u>93 Rowntree Street</u> Section 96 application to modify D/2006/588 which approved alterations and additions to existing dwelling. Modification entails changes to first floor balcony off Bedroom 4 | Approved 21/5/2010 |
| DAREV/2016/21 | <u>95 Rowntree Street</u> Review of Determination of D/2016/245 for alterations and additions to existing dwelling including ground and first floor additions and ground floor deck. Review entails amended plans. | Approved Deferred Commencement 11/4/2017 |
| TREE/2021/1027 | Tree removal | Approved 19/10/2021 |
| MOD/2022/0084 | <u>97 Rowntree Street</u> Section 4.55(1A) to modify approved works under D/2018/580 to delete pool and associated terrace, a roof pop up and associated terrace, and changes to the upper floor roof and windows. | Approved 11/7/2022 |
| D/2018/580 | Ground and first floor alterations and additions to the existing dwelling-house, including ground floor level and roof terraces, and associated works, including new pool and landscaping works. | Approved 11/7/2022 |

4(b) Application history

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

| Date | Discussion / Letter / Additional Information |
|-----------|--|
| 9/9/2022 | Request for information forwarded to applicant |
| 7/10/2022 | Information submitted |
| 7/11/2022 | Information submitted |

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 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

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

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

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

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.

5(a)(iii) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of vegetation from within the site. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

An Arboricultural Impact Assessment (AIA) report prepared by Margot Blues and dated 13/05/22 has been submitted.

Trees 1 (*Ligustrum lucidum* - Broadleafed Privet) and Tree 2 (*Cinnamomum camphora* - Camphor Laurel) are located within the rear setback of the subject site and are nominated for removal. These trees are on the Trees Minor Works list and therefore removal can be supported provided sufficient new canopy cover can be provided.

Trees 3 (*Jacaranda mimosifolia* - Jacaranda) and Tree 4 (*Callistemon viminalis* - Weeping Bottlebrush) are located on the adjacent site to the rear at 95 Rowntree Street. The proposed incursion into the Tree Protection Zone of Tree 3 is 12.5% with no encroachment into the Structural Root Zone (SRZ and TPZ in accordance with AS4970 'Protection of trees on development sites'). Given the age and condition of Tree 3 it is not likely that the proposed works will have any detrimental impact provided any roots encountered that require pruning for the excavation in the rear setback are cut cleanly. Tree 4 is in very poor condition (if not dead) and as the works are outside the SRZ, there will be no impact to this tree.

Trees 5 (*Jacaranda mimosifolia* - Jacaranda) and Tree 6 (*Cyathea species* - Tree Fern) are located on the adjacent site at 78 Short Street and therefore must remain viable in conjunction with the proposed works. As there are currently structures within the SRZ/TPZ it is likely that root occupation into the site has been constrained. Conditions are provided to ensure these trees are viably retained.

Overall, the proposal is considered acceptable with regard to the SEPP subject to the imposition of conditions, which have been included in the recommendation of this report.

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

5(a)(iv) Local Environmental Plans

Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 6/6/2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

5(b) *Leichhardt Local Environmental Plan 2013 (LLEP 2013)*

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

- Section 1.2 - Aims of the Plan
- Section 2.3 - Zone objectives and Land Use Table
- Section 2.7 - Demolition
- Section 4.3A - Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor Space Ratio
- Section 4.4A - Exception to maximum floor space ratio for active street frontages
- Section 4.5 - Calculation of floor space ratio and site area
- Section 4.6 - Exceptions to development standards
- Section 5.10 - Heritage Conservation
- Section 5.21 - Flood Planning
- Section 6.1 - Acid Sulfate Soils
- Section 6.2 - Earthworks
- Section 6.4 - Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 under the *LLEP 2013*. The *LLEP 2013* defines the development as:

dwelling house means a building containing only one dwelling.

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

Section 4 Principal Development Standards

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

| Standard | Proposal | non compliance | Complies |
|--|--------------------|----------------|----------|
| Floor Space Ratio Maximum permissible: 0.9:1 or 210.3sqm | 0.74:1 or 172sqm | - | Yes |
| Landscape Area Minimum permissible: 15% or 35sqm | 20.24% or 47.3sqm | - | Yes |
| Site Coverage Maximum permissible: 60% or 140.2sqm | 59.69% or 139.5sqm | - | Yes |

5(c) Development Control Plans

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

| LDCP2013 | Compliance |
|---|-------------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |
| Part B: Connections | |
| B1.1 Connections – Objectives | Yes |
| B2.1 Planning for Active Living | Yes |
| B3.1 Social Impact Assessment | n/a |
| B3.2 Events and Activities in the Public Domain (Special Events) | n/a |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | Yes |
| C1.3 Alterations and additions | Yes |
| C1.4 Heritage Conservation Areas and Heritage Items | Yes |
| C1.5 Corner Sites | n/a |
| C1.6 Subdivision | n/a |
| C1.7 Site Facilities | Yes |
| C1.8 Contamination | Yes |
| C1.9 Safety by Design | Yes |
| C1.10 Equity of Access and Mobility | Yes |
| C1.11 Parking | Yes |
| C1.12 Landscaping | Yes |
| C1.13 Open Space Design Within the Public Domain | n/a |
| C1.14 Tree Management | Yes |
| C1.15 Signs and Outdoor Advertising | n/a |
| C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings | n/a |
| C1.17 Minor Architectural Details | n/a |
| C1.18 Laneways | n/a |
| C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls | n/a |
| C1.20 Foreshore Land | n/a |
| C1.21 Green Roofs and Green Living Walls | n/a |
| | |
| Part C: Place – Section 2 Urban Character | |
| C.2.2.2.5: Mort Bay Distinctive Neighbourhood – Upper Slopes Sub-Area | Yes |
| | |

| | |
|---|----------------------|
| Part C: Place – Section 3 – Residential Provisions | |
| C3.1 Residential General Provisions | Yes |
| C3.2 Site Layout and Building Design | Yes – see discussion |
| C3.3 Elevation and Materials | Yes |
| C3.4 Dormer Windows | n/a |
| C3.5 Front Gardens and Dwelling Entries | Yes |
| C3.6 Fences | Yes |
| C3.7 Environmental Performance | Yes |
| C3.8 Private Open Space | Yes |
| C3.9 Solar Access | Yes – see discussion |
| C3.10 Views | Yes – see discussion |
| C3.11 Visual Privacy | Yes – see discussion |
| C3.12 Acoustic Privacy | Yes – see discussion |
| C3.13 Conversion of Existing Non-Residential Buildings | n/a |
| C3.14 Adaptable Housing | n/a |
| | |
| Part C: Place – Section 4 – Non-Residential Provisions | n/a |
| | |
| Part D: Energy | |
| Section 1 – Energy Management | Yes |
| Section 2 – Resource Recovery and Waste Management | |
| D2.1 General Requirements | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development | Yes |
| | |
| Part E: Water | |
| Section 1 – Sustainable Water and Risk Management | |
| E1.1 Approvals Process and Reports Required With Development Applications | Yes |
| E1.1.1 Water Management Statement | Yes |
| E1.1.2 Integrated Water Cycle Plan | n/a |
| E1.1.3 Stormwater Drainage Concept Plan | Yes |
| E1.1.4 Flood Risk Management Report | n/a |
| E1.1.5 Foreshore Risk Management Report | n/a |
| E1.2 Water Management | Yes |
| E1.2.1 Water Conservation | Yes |
| E1.2.2 Managing Stormwater within the Site | Yes |
| E1.2.3 On-Site Detention of Stormwater | Yes |
| E1.2.4 Stormwater Treatment | n/a |
| E1.2.5 Water Disposal | Yes |
| E1.2.6 Building in the vicinity of a Public Drainage System | n/a |
| E1.2.7 Wastewater Management | n/a |
| E1.3 Hazard Management | n/a |
| E1.3.1 Flood Risk Management | n/a |
| E1.3.2 Foreshore Risk Management | n/a |
| | |
| Part F: Food | n/a |
| | |
| Part G: Site Specific Controls | n/a |

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design

The amended proposal the subject of this report results in the upper level addition breaching the side setback control by 0.6m to the south-western side boundary and 1.1m to the north-eastern side boundary. As noted elsewhere in this report, the location of the upper level addition rearward of the original main dwelling roof is preferred on heritage design grounds. The breach to the north-eastern side boundary would not result in any significant amenity impacts to adjoining properties. The breach to the south-western side boundary, although introducing additional bulk at upper level would still allow the proposal to satisfy the solar access controls of the DCP.

The proposal results in the rear ground level addition extending no further rearward than the existing development on the subject site. The proposed upper level addition would extend 1m beyond the rear upper level building location zone established by the dwelling at 78 Short Street. The application contends that despite the breach of the upper level BLZ the design is compatible with the streetscape and meets the objectives of the control in the circumstances through compliance with the amenity controls of the DCP.

The proposal complies with 3.6m Building Envelope control.

C3.9 Solar Access

The amended proposal the subject of this report demonstrates compliance with the applicable controls regarding impact to neighbouring properties, as follows:

C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.

C17 Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.

In this regard, it is noted that the amended shadow diagrams submitted for the amended proposal demonstrates the retention of three hours of solar access to the rear north-facing main living room glazing of 78 Short Street between 9am and 3pm at mid-winter. It is noted that the north-eastern side windows in 78 Short Street are not protected under the DCP controls.

It is noted that the existing form of development on the subject site, 93 Rowntree Street and 95 Rowntree Street is such that the rear private open space of 78 Short Street does not currently receive 3 hours of solar access to 50% of its area at mid-winter. The proposal would result in additional shadow impact to the private open space of that property. This additional impact would occur between 9am to 12noon. The impact at 9am would be an additional 3.7sqm; 0.7sqm at 10am; 0.4sqm at 11am and 0.15sqm at 12noon. The additional shadow to the POS arises from the raising of the height of the existing southwestern side boundary wall structure for the rear ground floor level of the alterations and additions.

The proposed upper level addition represented in the amended plans shows additional shadows falling onto existing solar panels located on the lower section of the north-eastern roof plane to 78 Short Street at 9am and 10am mid-winter. In this regard control C8 to Part C3.9 of the DCP states:

C8 Proposals for new development are to maintain solar access to existing solar collectors having regard to performance, efficiency, economic viability and reasonableness of their location. A development proposal may be required to be modified to protect solar access to

existing solar collectors, where the development doesn't comply with the suite of controls in this Development Control Plan.

Given the resultant impact to the subject solar panels, it is considered appropriate that a condition be placed on any consent requiring the south-western side wall height being reduced/roof edge altered in such a manner so that no shadow is to fall onto the existing solar collectors located on the roof of 78 Short Street between 9am-3pm mid-winter.

Despite this it is considered that the proposal is generally satisfactory.

C3.10 Views

The original proposal received submissions raising loss of views from neighbouring properties. The amended proposal has altered the size and location of the upper level addition resulting in reduced bulk.

However, with regard to impacts of the proposal on views currently available over the site from neighbouring properties, it is noted that any upper level addition on the subject site would result in a degree of view loss from both 78 Short Street and 93 Rowntree Street.

The amended plans involve a lowering of the roof link element from that originally proposed by 0.2m and a decrease in the rearward projection of the upper level by 0.2m. The side setback of the upper level has been increased by 0.5m to be 900mm. The upper rear balcony has been deleted. These changes reduce the overall bulk of the proposed upper level.

Inspection confirming the type and extent of affected views was undertaken. The impact of the amended design on existing views from neighbouring properties is assessed in detail below.

78 Short Street

An assessment of view impact of the proposal in accordance with the planning principle established in *Tenacity Consulting v Warringah* (2004) NSWLEC 140 is below:

Step 1 - The first step is the assessment of views to be affected
(Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.)

The existing views over the subject site from 78 Short Street include distant skyline views from the upper rear study and deck to North Sydney skyline to the north-east, to the Sydney Harbour Bridge and City skyline to the east. The pictures below identify existing views from No.78 Short Street over the subject site and also available views not over the subject site.



Picture 1 - View obtained from the upper level study and north-eastern side deck of No.78 over subject site.



Picture 2 - View obtained from the upper level north-eastern side deck of No.78 over subject site.



Picture 3 - View obtained from the upper level north-eastern side deck of No.78 in south-easterly direction over side boundary and the subject site, also showing solar panels.



Pictures 4 - View obtained from upper level bedroom windows of No.78 in north-easterly direction over front and side boundaries of subject site.



Pictures 5 - View obtained from an upper level bedroom window of No.78 in north-easterly direction over front and side boundaries of subject site.



Picture 6 - View obtained from the upper level south-eastern bedroom windows and balcony of No.78 in easterly direction over street toward City skyline.



Picture 7 - View obtained from the upper level south-eastern bedroom balcony of No.78 over subject site and street looking in north-easterly direction toward North Sydney & Harbour Bridge.

Step 2 - The second step is to consider from what part of the property the views are obtained. *(For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic).*

Views (standing/sitting) from the upper rear study and deck of 78 Short Street to the North Sydney skyline are obtained over the side boundaries of 80, 82, 84, 86 Short Street and 2 Spring Street. This view would be impacted in part by the proposed development.

Views of the Sydney Harbour Bridge and City skyline are obtained from the upper level rear deck (standing/sitting) of 78 Short Street. These views would not be impacted by the proposed development.

Views of the North Sydney skyline, Sydney Harbour Bridge and City skyline are obtained from the upper level bedroom side windows (standing) of 78 Short Street. These views would not be impacted by the proposed development.

Views (sitting/standing) of the North Sydney skyline, Sydney Harbour Bridge and City skyline are also available from the front upper level bedroom balcony/windows over the street from 78 Short Street. These views would not be impacted by the proposed development.



Picture 8 - View obtained from the upper level south-eastern bedroom balcony of No.78 over street looking in south-easterly direction from City Skyline to Anzac Bridge support.

Step 3 - The third step is to assess the extent of the impact.

(This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas, though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating).

As noted above, the existing land views including to North Sydney skyline, Harbour Bridge and City Skyline obtained from the front bedroom windows and balcony of 78 Short Street over the existing front main roof plane and front of the subject site will not be affected by the development.

The existing views to the North Sydney skyline from the upper level study and side deck would be largely obstructed rearward of a point approximately 300mm rearward of the gutter of the existing main roof. Despite the severe impact to this view, on the basis of the amended drawings a limited standing view line would still be available from the eastern corner of the deck over the proposed roof link in the rear original roof plane of the subject site and from a south-eastern side bedroom window.

Step 4 - The fourth step is to assess the reasonableness of the proposal that is causing the impact.

(A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.)

The proposal has been amended since initial lodgement involving a reduction in height of the roof link element and to reduce the rearward projection of the upper level rear addition.

The proposal is generally compliant with both the Leichhardt Local Environmental Plan 2013 and Development Control Plan 2013 including the statutory development standards. However, the proposal results in a breach of the side setback control of the DCP. Despite this breach, it is considered that any upper level addition located to the rear of the original roof form of the dwelling, in accordance with the heritage design controls would result in a building bulk resulting in a similar view impact.

It is considered that strict compliance with the required side boundary setbacks would not significantly retain or reduce view loss impacts to 78 Short Street. 78 Short Street will maintain a significant majority of existing significant views, including some currently obtained over the side boundary with the subject site. It is considered unreasonable to seek complete retention of those existing views obtained, not only across the side boundary of the subject site, but across multiple neighbouring side boundaries to the north-east of the subject site.

While it is acknowledged that there will be a view loss impact to the rear upper level study and deck of 78 Short Street, it is considered that the proposal is reasonable and that the existing view angles over the subject site are such that a development of the subject site fully compliant with the Councils suite of planning controls would likely result in similar view loss impacts. 78 Short Street is expected to maintain a significant proportion of the existing views enjoyed across the front portion of the subject site in addition to the wide arc of land views from south to north-east available from the side and front windows and balcony. On balance, given the extensive views available from 78 Short Street, it is considered that the proposal would not be inconsistent with the view sharing principles.

93 Rowntree Street

Step 1 - The first step is the assessment of views to be affected

The existing views over the subject site from 93 Rowntree Street comprise of distant City skyline views obtained either side and over the existing main pitched roof on the subject site. These views comprise partial glimpses of the City skyline through vegetation. Extensive City skyline views are also available from an upper level rear bedroom and balcony of 93 Rowntree Street over the subject site.

The pictures below identify views from 93 Rowntree Street over the subject site.

Step 2 - The second step is to consider from what part of the property the views are obtained.

The views over the subject site from 93 Rowntree Street are gained from windows in the ground floor living /kitchen area from both standing and sitting positions.

The views obtained from the side/rear deck terrace area are gained from standing and sitting positions.

The existing and unaffected significant and extensive views to the City skyline from the upper level rear bedroom windows/balcony are from both standing and sitting positions.



Picture 9 - View obtained from side windows of ground floor living/kitchen area of 93 Rowntree Street looking south-east over the roof of the subject site.



Picture 10 - View obtained from ground floor deck of 93 Rowntree Street looking south-east over the roof of the subject site.



Picture 11 - Existing and unaffected City skyline views from the upper rear bedroom windows of 93 Rowntree Street looking south-east over the subject site and 78 Short Street (on right).



Picture 12 - Existing and unaffected City skyline views from upper rear bedroom windows/balcony of 93 Rowntree Street looking south-east over the subject site.

Step 3 - The third step is to assess the extent of the impact.

It is noted that existing views obtained over the subject site and rear of 78 Short Street and 95 Rowntree Street to the City skyline from the upper level of 93 Rowntree Street are unaffected by the proposal.

The amended drawings demonstrate that the limited City skyline views currently available from the ground level of 93 Rowntree Street over the subject site would be largely lost as a result of the development.

Consequently, the view loss impact of the proposal on 93 Rowntree Street is considered overall to be moderate.

Step 4 - The fourth step is to assess the reasonableness of the proposal that is causing the impact.

While it is acknowledged that there will be a view loss impact to the ground level of 93 Rowntree Street, it is considered that the proposal is reasonable and that the existing view angles over the subject site are such that a development of the subject site fully compliant with the Council suite of planning controls would likely result in similar view loss impacts. The existing significant views available from the upper rear level of 93 Rowntree Street remain unaffected. Given this, it is considered that the proposal would not be inconsistent with the view sharing principles.

95 Rowntree Street

Step 1 - The first step is the assessment of views to be affected

The existing views over the subject site from 95 Rowntree Street comprise of distant City skyline views filtered by vegetation obtained either side and over the existing main pitched roof on the subject site. These views comprise partial glimpses of the City skyline through vegetation.

The pictures below identify views from 95 Rowntree Street over the subject site.

Step 2 - The second step is to consider from what part of the property the views are obtained.

The views over the subject site from 93 Rowntree Street are gained from windows in the ground floor living /kitchen area. The views are gained from both standing and sitting positions.

The views obtained from the side/rear deck terrace area are gained from standing and sitting positions.

The existing and unaffected significant and extensive views to the City skyline from the upper level rear bedroom windows/balcony are from both standing and sitting positions.



Picture 13 - View obtained from rear ground floor level of 95 Rowntree Street looking south-east over the roof of the subject site.



Picture 13 - View obtained from rear ground floor level of 95 Rowntree Street looking south-east over the roof of the subject site with glimpses of City Skyline.



Picture 14 - View obtained from upper level balcony of 95 Rowntree Street looking south-east over the roof of the subject site.



Picture 15 - View to Harbour Bridge obtained from upper level balcony of 95 Rowntree Street looking east over the roof of 2 Spring Street. (subject site is on far right)

Step 3 - The third step is to assess the extent of the impact.

It is noted that existing filtered views obtained over the subject site to the City skyline from the rear upper level of 95 Rowntree Street are unaffected by the proposal.

The amended drawings demonstrate that the limited filtered City skyline views currently available from the ground level of 93 Rowntree Street over the subject site would be lost as a result of the development.

Consequently, the view loss impact of the proposal on 93 Rowntree Street is considered overall to be minor.

Step 4 - The fourth step is to assess the reasonableness of the proposal that is causing the impact.

While it is acknowledged that there will be a view loss impact to the ground level of 95 Rowntree Street, it is considered that the proposal is reasonable and that the existing view angles over the subject site are such that a development on the subject site fully compliant with the Council suite of planning controls would likely result in similar view loss impacts. The existing filtered views available from the upper rear level of 95 Rowntree Street remain unaffected. Given this, it is considered that the proposal would not be inconsistent with the view sharing principles.

97 Rowntree Street

The outlook from the rear deck of this property would not be significantly impacted by the proposed development as there are no significant existing views from 97 Rowntree Street over the subject site.

The picture below identifies the outlook from the rear of 97 Rowntree Street over the subject site.



Picture 15 - View from rear deck of 97 Rowntree Street looking south over the subject site.

While it is acknowledged that certain properties will be affected by view loss impact, it is considered that the proposal is reasonable and that a redevelopment of the subject site fully compliant with the suite of council planning controls would likely result in similar view loss

impacts. The proposal is therefore considered to be acceptable with regard to view impacts under this Part.

C3.11 Visual Privacy

The amended proposal would not result in significant overlooking impacts to the adjoining properties 78 and 82 Short Street.

The amended design has deleted the originally proposed rear upper balcony and replaced it with a window only similar to that serving the rear of bedroom 2.

As the upper rear windows comprise bedroom and bathroom windows, being low usage rooms, the potential for significant overlooking impacts to adjoining properties is minimised.

It is noted that the separation distance from these windows to the rear boundaries of 93, 95 and 97 Rowntree Street is greater than 6m. Fixed side privacy screens are shown on plans limiting view lines toward the rear of 78 and 82 Short Street. Consequently, it is considered that no significant overlooking impacts to adjoining properties would result.

C3.12 Acoustic Privacy

It is considered that the amended proposal incorporating rear ground level living areas and rear upper level bedrooms would not result in significant acoustic privacy impacts to adjoining properties.

5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Fourteen (14) submissions were received in response to the initial notification.

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

- Visual bulk, scale, character and impact on the heritage conservation area
- Visual and acoustic privacy
- Overshadowing
- Impact on trees
- View loss impacts
- Building Location Zone & Side Setbacks

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

| | |
|-----------------|--|
| <u>Issue:</u> | The proposal breaches the FSR and Site Coverage development standards. |
| <u>Comment:</u> | The amended proposal complies with all applicable development standards. |

- Issue: The applicant did not consult neighbouring properties prior to lodging the development application with Council.
- Comment: The applicant is under no obligation to consult with neighbouring properties.
- Issue: The proposal represents a precedent.
- Comment: The amended proposal has been assessed on its individual merits under the applicable planning controls.
- Issue: Owner's consent has not been sought for new boundary fencing.
- Comment: The amended proposal does not seek development consent for new boundary fencing. The construction of the rear dwelling additions to the site boundary does not comprise a boundary fence. Any future boundary fencing between adjoining sites would be subject to the provisions of the Dividing Fences Act and is a civil matter between relevant landowners.

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.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineer
- Heritage Officer
- Urban Landscape Officer

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$8,000 would be required for the development under *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. 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/2022/0428 for alterations and additions to existing dwelling including new first floor addition at 80 Short Street, BIRCHGROVE subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

| Plan, Revision and Issue No. | Plan Name | Date Issued | Prepared by |
|------------------------------|----------------------------------|-------------|----------------|
| DA-01/B | Site Analysis Plan | 27/4/2022 | Studio Panetta |
| DA-02/C | Site Plan | 20/9/2022 | Studio Panetta |
| DA-03/B | Floor Plan Existing | 27/4/2022 | Studio Panetta |
| DA-04/B | Roof Plan Existing | 27/4/2022 | Studio Panetta |
| DA-05/B | Elevations Existing | 27/4/2022 | Studio Panetta |
| DA-06/B | Elevations Existing | 27/4/2022 | Studio Panetta |
| DA-07/B | Sections Existing | 27/4/2022 | Studio Panetta |
| DA-08/C | Floor Plan Proposed | 20/9/2022 | Studio Panetta |
| DA-09/C | Floor Plan Proposed | 20/9/2022 | Studio Panetta |
| DA-11/C | Concept Stormwater Drainage Plan | 20/9/2022 | Studio Panetta |
| DA-12/C | Elevations Proposed | 20/9/2022 | Studio Panetta |
| DA-13/C | Elevations Proposed | 20/9/2022 | Studio Panetta |
| DA-14/C | Elevations Proposed | 20/9/2022 | Studio Panetta |
| DA-15/C | Sections Proposed | 20/9/2022 | Studio Panetta |

| | | | |
|------------|---|-----------|-----------------------------------|
| DA-16/C | Sections Proposed | 20/9/2022 | Studio Panetta |
| DA-17/C | Sections Proposed | 20/9/2022 | Studio Panetta |
| DA-18/B | Landscape Plan | 27/4/2022 | Studio Panetta |
| DA-21/C | Materials and Finishes | 20/9/2022 | Studio Panetta |
| C-02/C | Ground Floor Stormwater | 4/5/2022 | Development Engineering Solutions |
| V3 | Arboricultural Impact Assessment Report | 11/3/2022 | Margot Blues |
| Issue A | Heritage Impact Statement | May 2022 | Studio Panetta |
| A446246_03 | BASIX Certificate | 23/9/2022 | Raymond Panetta |

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. That the south-western side wall height of the upper level of the additions shall be reduced and/or the roof edge altered in such a manner so that no shadow from the proposed works is to fall onto the existing solar collectors located on the roof of 78 Short Street between 9am-3pm mid-winter.

FEES

3. 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 \$2,254.00 |
| 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.

4. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Ashfield Section 94A Development Contributions Plan 2009 – Amendment No.3* OR *Marrickville Section 94/94A Contributions Plan 2014* OR *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

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

Payment amount*:

\$8,000

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. 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

6. 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.

7. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

| Tree No. | Botanical/Common Name | Location |
|----------|---|--------------------|
| T3 | <i>Jacaranda mimosifolia</i> (Jacaranda) | 95 Rowntree Street |
| T4 | <i>Callistemon citrinus</i> (Bottlebrush) | 95 Rowntree Street |
| T5 | <i>Jacaranda mimosifolia</i> (Jacaranda) | 78 Short Street |
| T6 | <i>Cyathea species</i> (Tree Fern) | 78 Short Street |

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

1. Green for trees to be retained;
2. Red for trees to be removed;

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Margot Blues dated 13 May 2022 for tree numbering and locations.

8. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

9. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

| Tree/location | Approved works |
|--|----------------|
| T1 - <i>Ligustrum lucidum</i> (Privet) / rear side | Removal |
| T2 - <i>Cinnamomum camphora</i> (Camphor Laurel) / rear side | Removal |

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

10. 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 (RVMP) in accordance with the relevant Development Control Plan.

11. 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.

12. 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.

13. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

14. 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.

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 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 Neighbours 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.

PRIOR TO CONSTRUCTION CERTIFICATE

18. 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.

19. Stormwater Drainage System – Minor Developments (OSD is not required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The Stormwater Drainage Concept plan on Drawing No. C01 prepared by ENGINEERING DEVELOPMENT SOLUTIONS and dated 28 May 2022, must be amended to comply with the following;
- b. 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 DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;
- g. 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;
- h. As there is no overland flow/flood path available from the rear and trapped areas to the Birchgrove Road frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 1. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 2. The maximum water level over the sag pit shall not be less than 150 mm below the floor level or damp course of the building; and
 3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- i. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.

- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- k. No nuisance or concentration of flows to other properties;
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. The design 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;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- p. 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 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- s. No impact to street tree(s);

20. Changes to Levels

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

- a. A 150 mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

21. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved shed will utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) and appropriate floor levels, within the specified radius of the trunk of the following trees (if woody tree roots are encountered that are not approved for removal):

| Tree No. | Botanical/Common Name | Radius in metres |
|----------|--|------------------|
| 5 | <i>Jacaranda mimosifolia</i> (Jacaranda) | 1.6 m |

The plans must be clearly annotated with the requirement to have the Project Arborist on site during excavation for the footings and for woody roots to be protected.

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain).

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

DURING DEMOLITION AND CONSTRUCTION

24. Tree Protection Zone

To protect the following trees, no work must commence until their Protection Zone is fenced off at the specified radius from the trunks to prevent any activities, storage or the disposal of materials within the fenced area in accordance with Council's *Development Fact Sheet—Trees on Development Sites*. The fences (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

| Tree No. | Botanical/Common Name | Protection Zone |
|----------|---|--|
| 3 | <i>Jacaranda mimosifolia</i> (Jacaranda) | Fence across the rear setback from side boundary to side |
| 4 | <i>Callistemon citrinus</i> (Bottlebrush) | |

| | | |
|--|--|---|
| | | boundary along the top of the alignment of the existing retaining wall. |
|--|--|---|

25. Inspections by Project Arborist

The trees to be retained must be monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

| Tree No./ Botanical/ Common Name/ Location | Time of Inspection | Key stage/ Hold point |
|--|--------------------------------|---|
| Tree 3 - <i>Jacaranda mimosifolia</i> (jacaranda) / 95 Rowntree Street Tree 4 - <i>Callistemon species</i> (Bottlebrush) / 95 Rowntree Street Tree 5 - <i>Jacaranda mimosifolia</i> (Jacaranda) / 78 Short Street Tree 6 - <i>Cyathea species</i> (Tree Fern) / 78 Short Street | Prior to commencement of works | <ul style="list-style-type: none"> Inspection and sign off installation of tree protection measures. |
| | During Works | <ul style="list-style-type: none"> Supervise all site preparation and ground level demolition works within the TPZ; Supervise all works inside or above the TPZ; Supervise all excavation (undertake root pruning if required for trees 3 and 4), trenching works, and tree/planting replenishment |

| | | |
|--|--|---|
| | | within the TPZ; • Supervise all tree work. |
|--|--|---|

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

26. Limited Root Pruning

No tree roots of 20mm or greater in diameter located within the specified radius of the trunk of the following tree may be severed or injured in the process of any works during the construction period:

| Tree No. | Botanical/Common Name | Radius in metres |
|----------|--|------------------|
| 5 | <i>Jacaranda mimosifolia</i> (Jacaranda) / 78 Short Street | 1.6m |

All excavation within the specified radius of the trunk being hand dug under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 20mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

27. 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.

28. 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**29. 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.

30. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

31. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Certificate of Arboriculture that:

A minimum of 2 x 45 litre size trees, one which will attain a minimum mature height of six (6) metres and one which will attain a minimum mature canopy spread of three (3) metres, must be planted in suitable locations within the property at a minimum of one (1) metre from any boundary and allowing for future tree growth. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species or on the Trees Minor Works list in Council's Tree Management Controls, palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the trees are found dead before they reach dimensions where they are protected by Council's Tree Management Controls, they must be replaced in accordance with this condition.

32. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

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.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access

to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 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.

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*.

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.

Dial before you dig

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

Useful Contacts

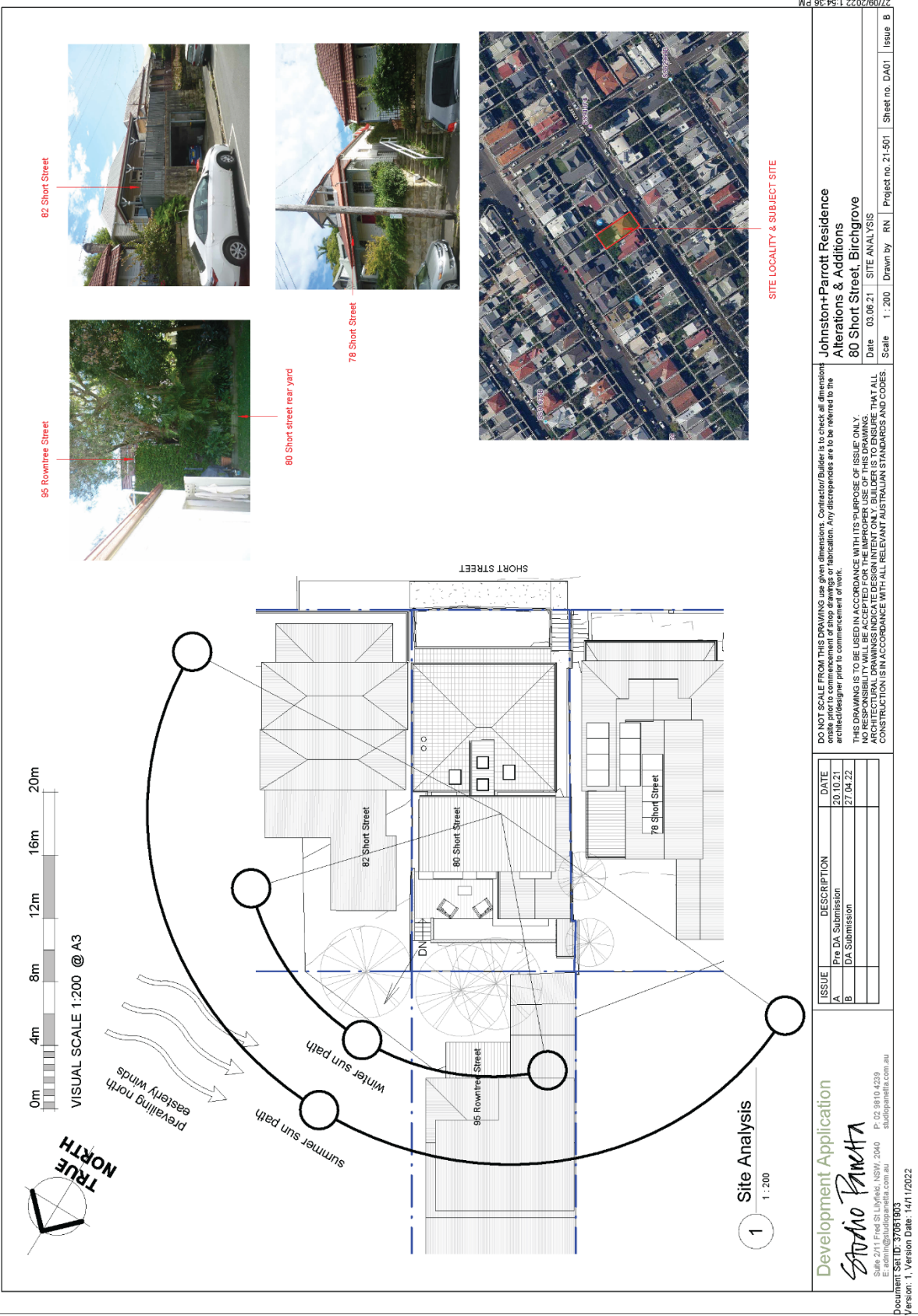
| | |
|----------------------------|--|
| BASIX Information | 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au |
| Department of Fair Trading | 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance. |
| Dial Prior to You Dig | 1100 www.dialprior toyoudig.com.au |
| Landcom | 9841 8660 To purchase copies of Volume One of "Soils and Construction" |
| Long Service Corporation | Payments 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. |

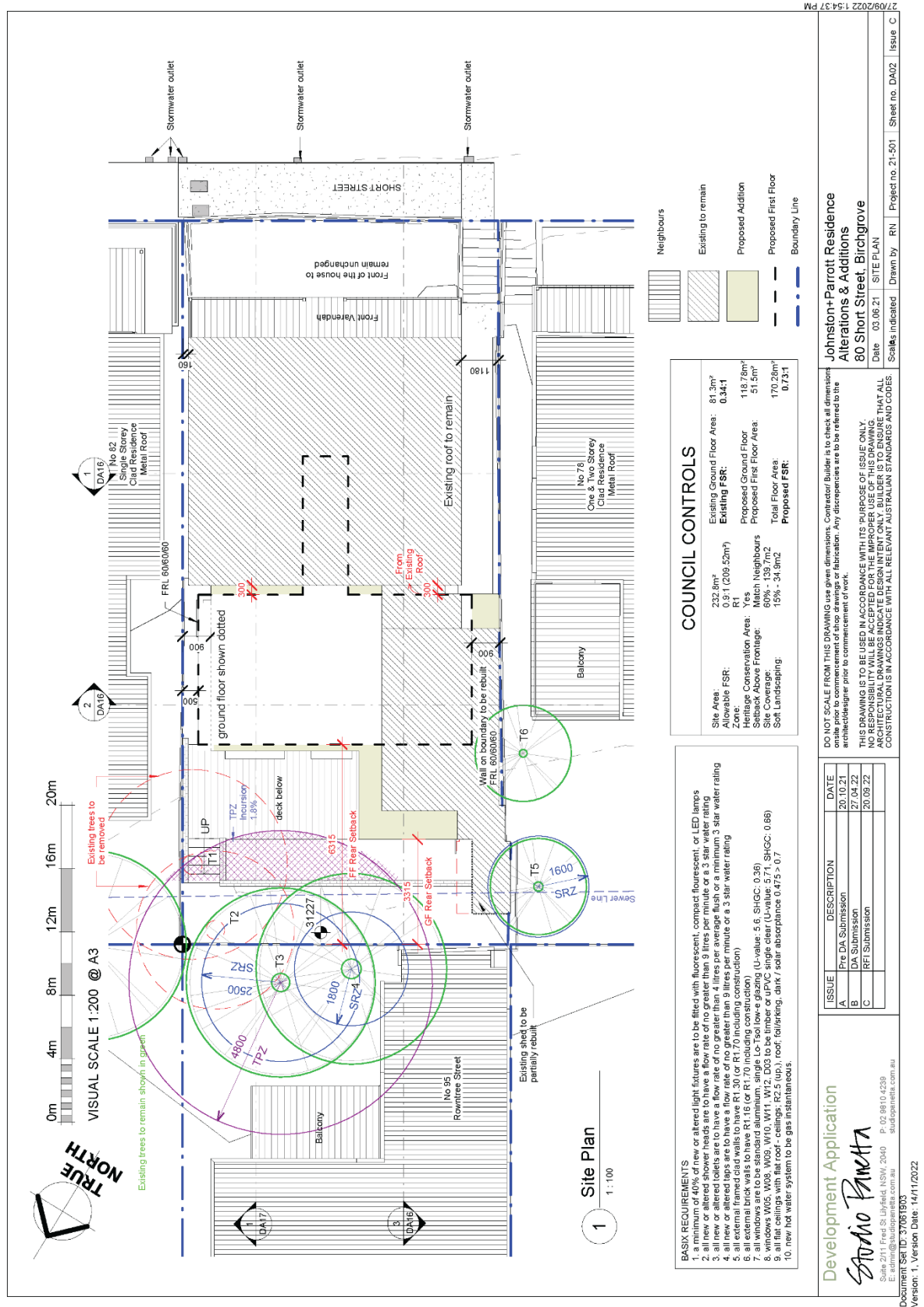
| | | |
|---|--------------|--|
| NSW Office of Environment and Heritage | 131 555 | www.environment.nsw.gov.au |
| Sydney Water | 13 20 92 | www.sydneywater.com.au |
| Waste Service - SITA Environmental Solutions | 1300 651 116 | www.wasteservice.nsw.gov.au |
| Water Efficiency Labelling and Standards (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. |

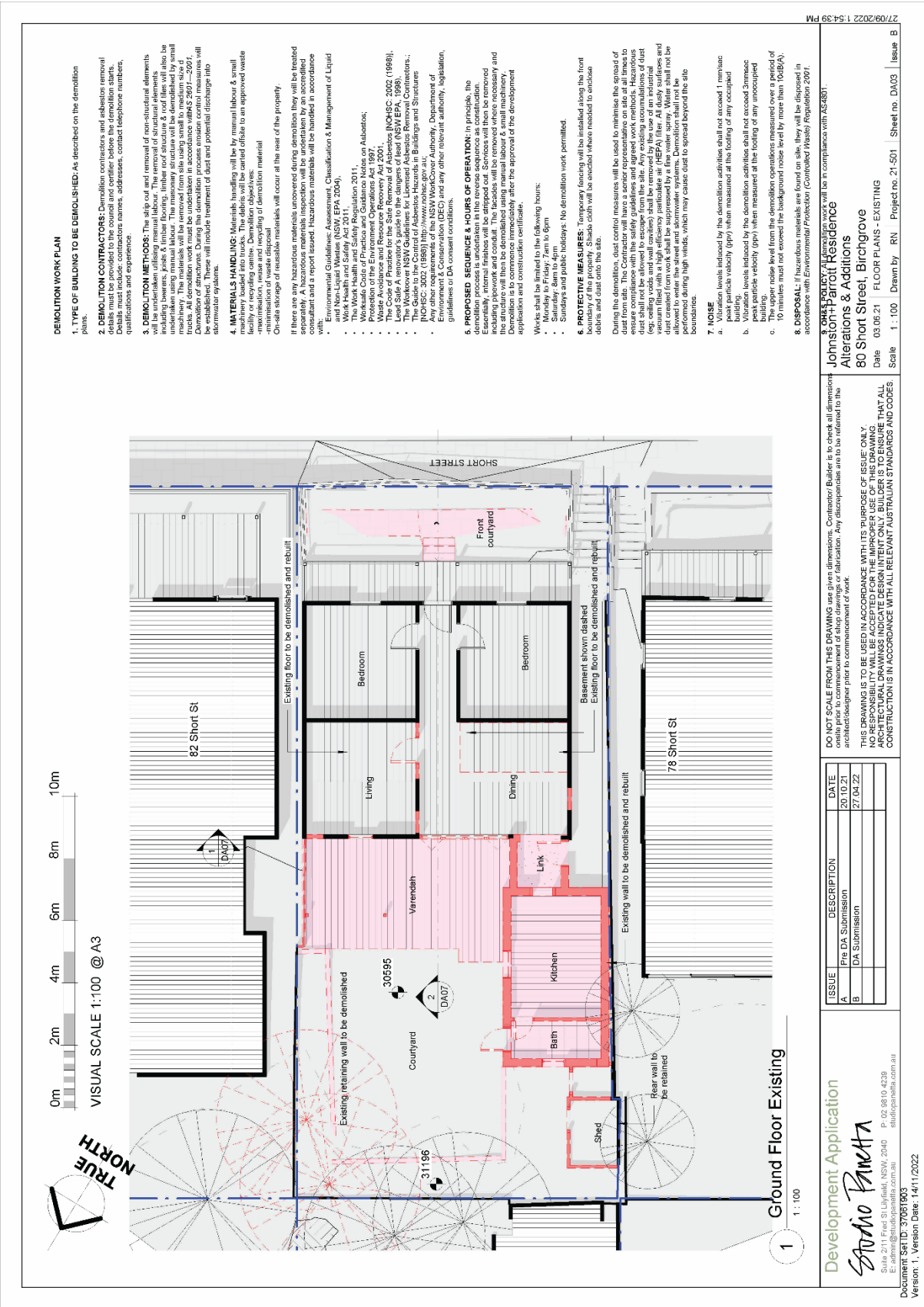
Street Numbering

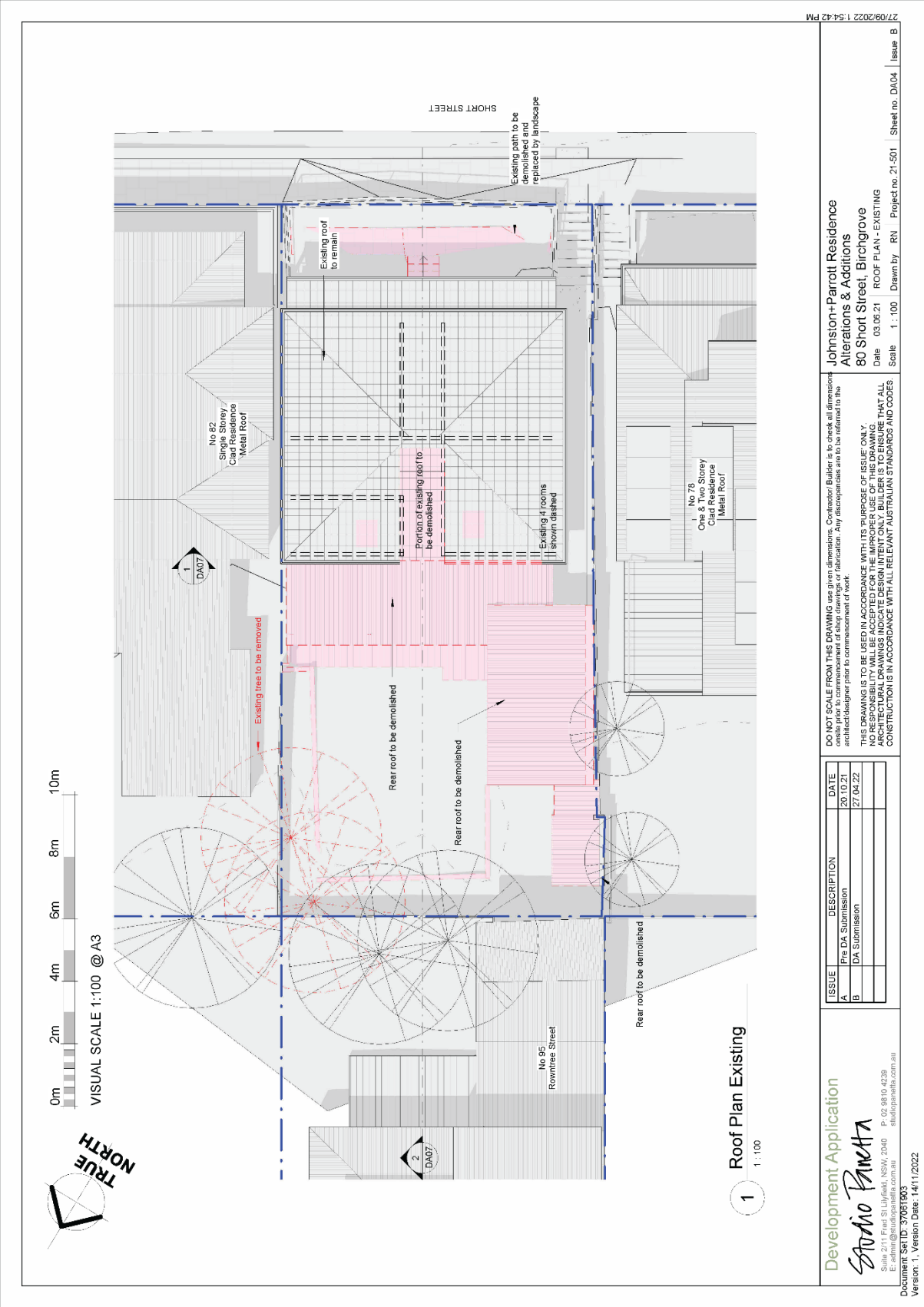
If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

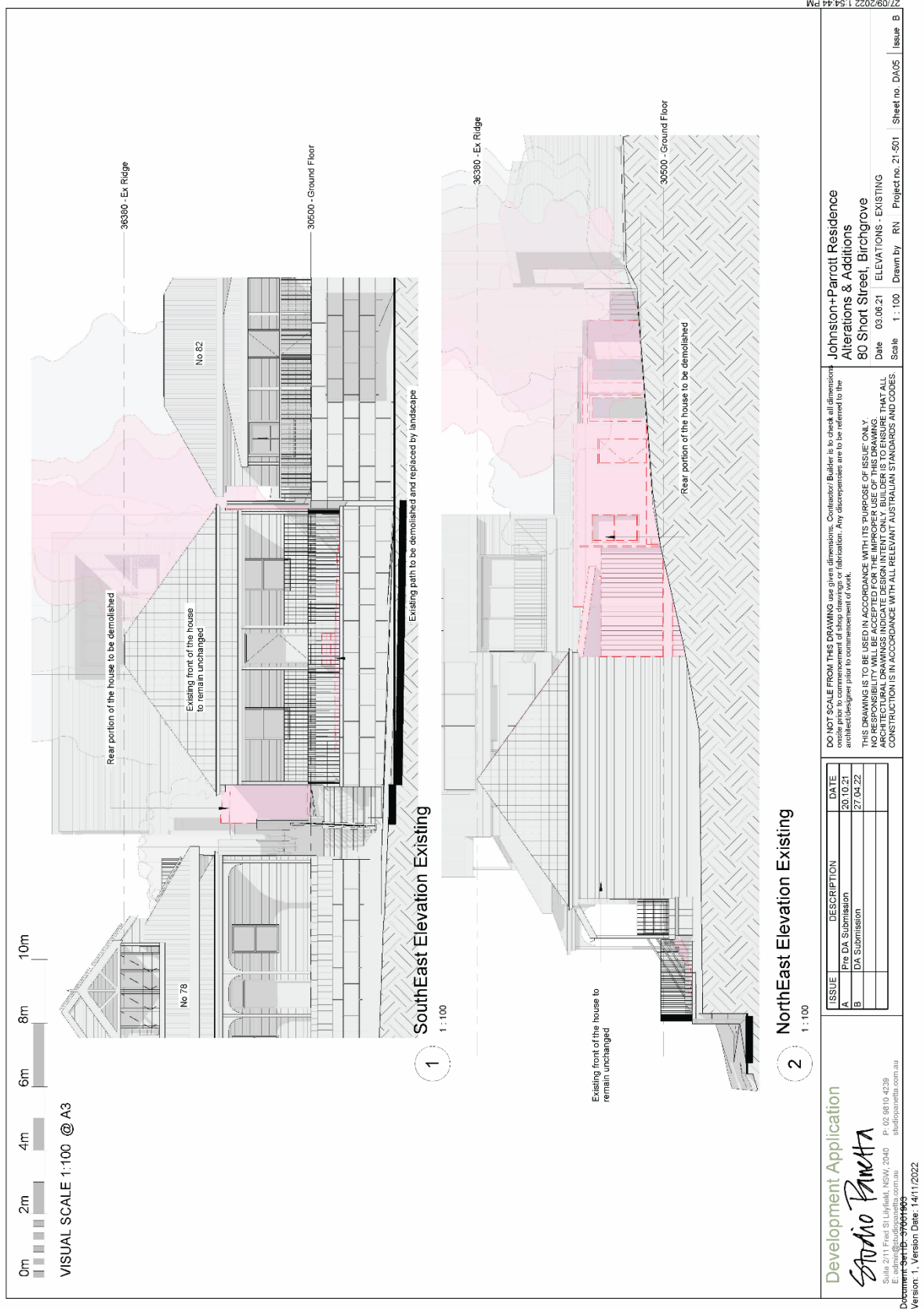
Attachment B – Plans of proposed development

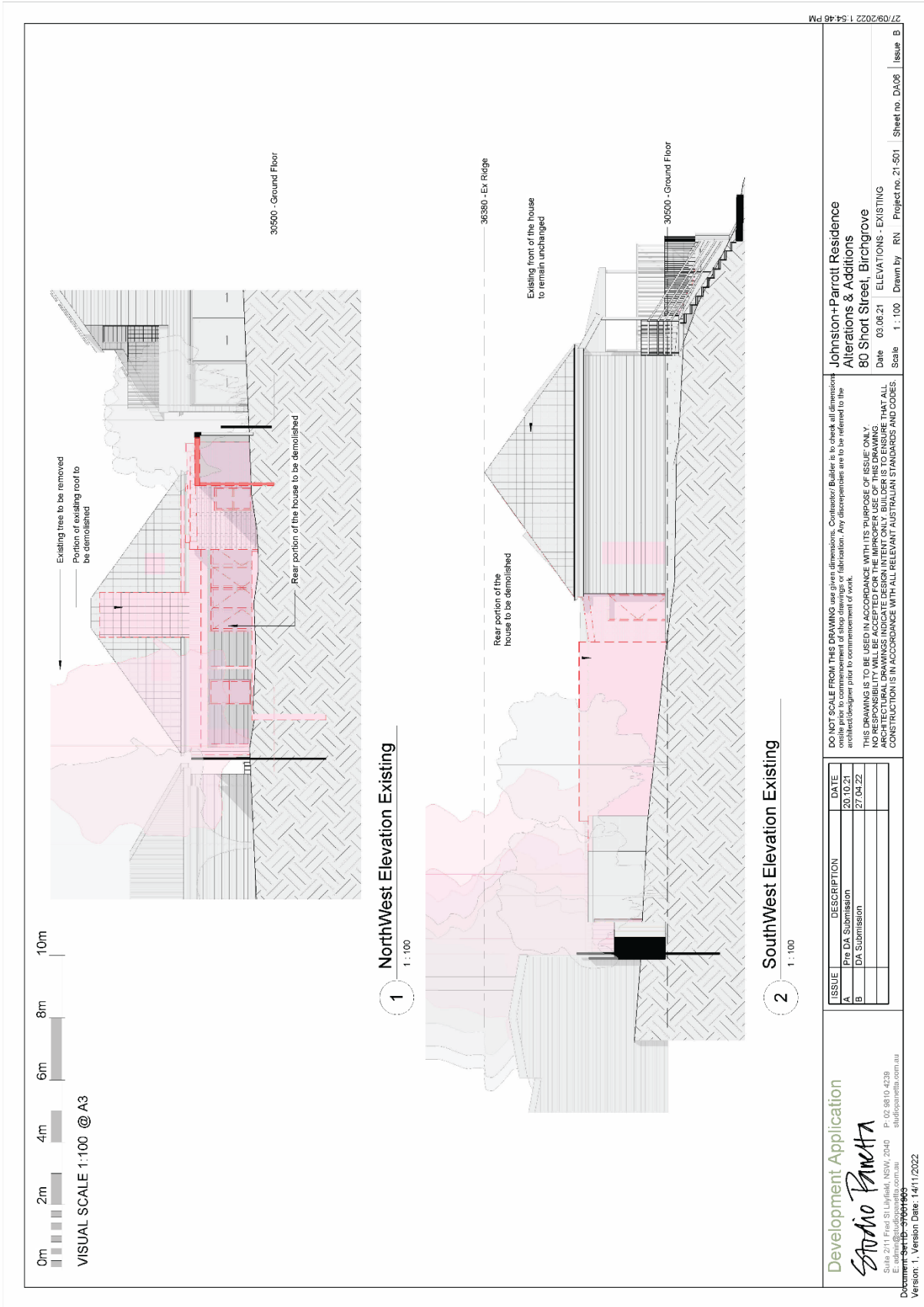


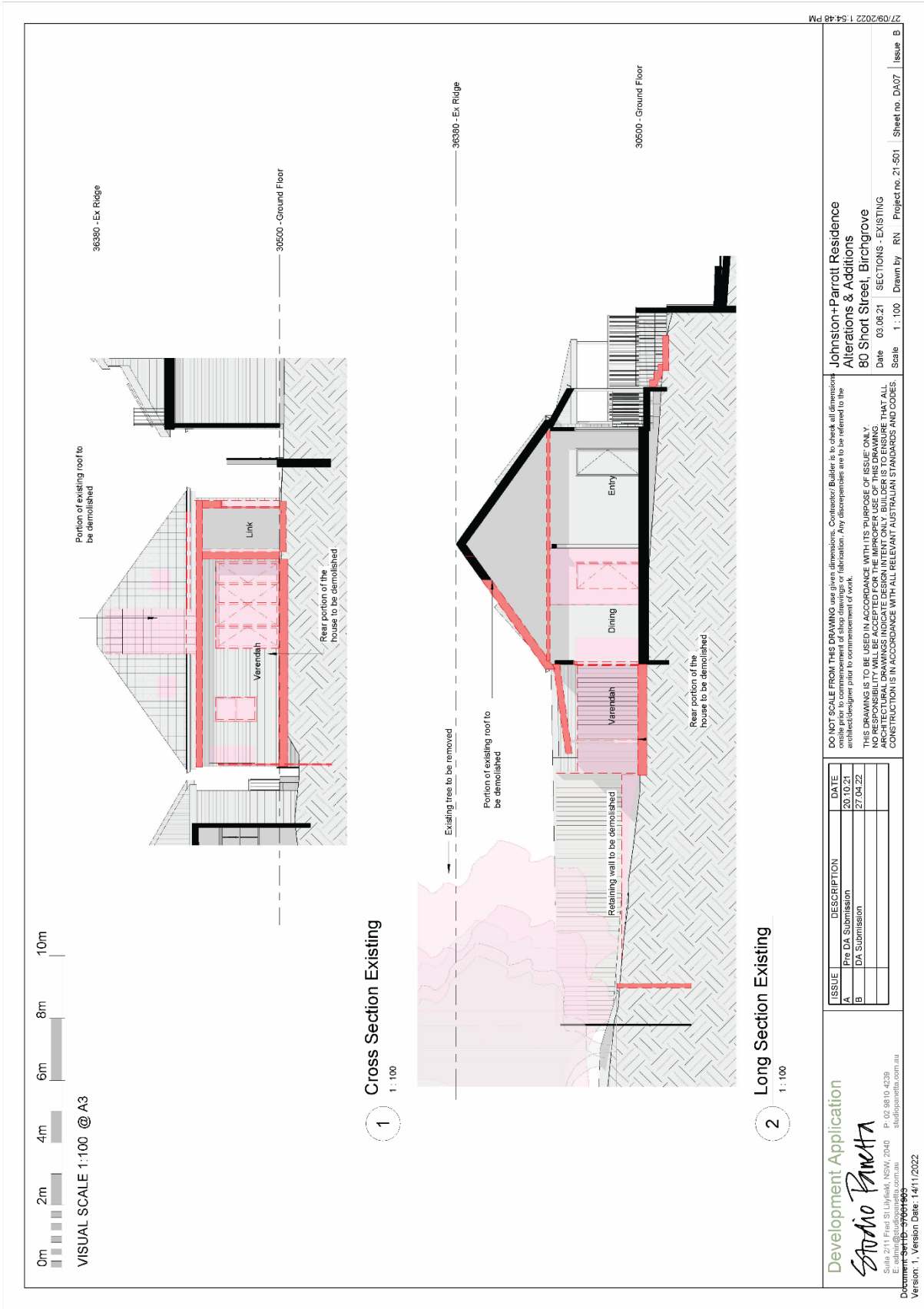


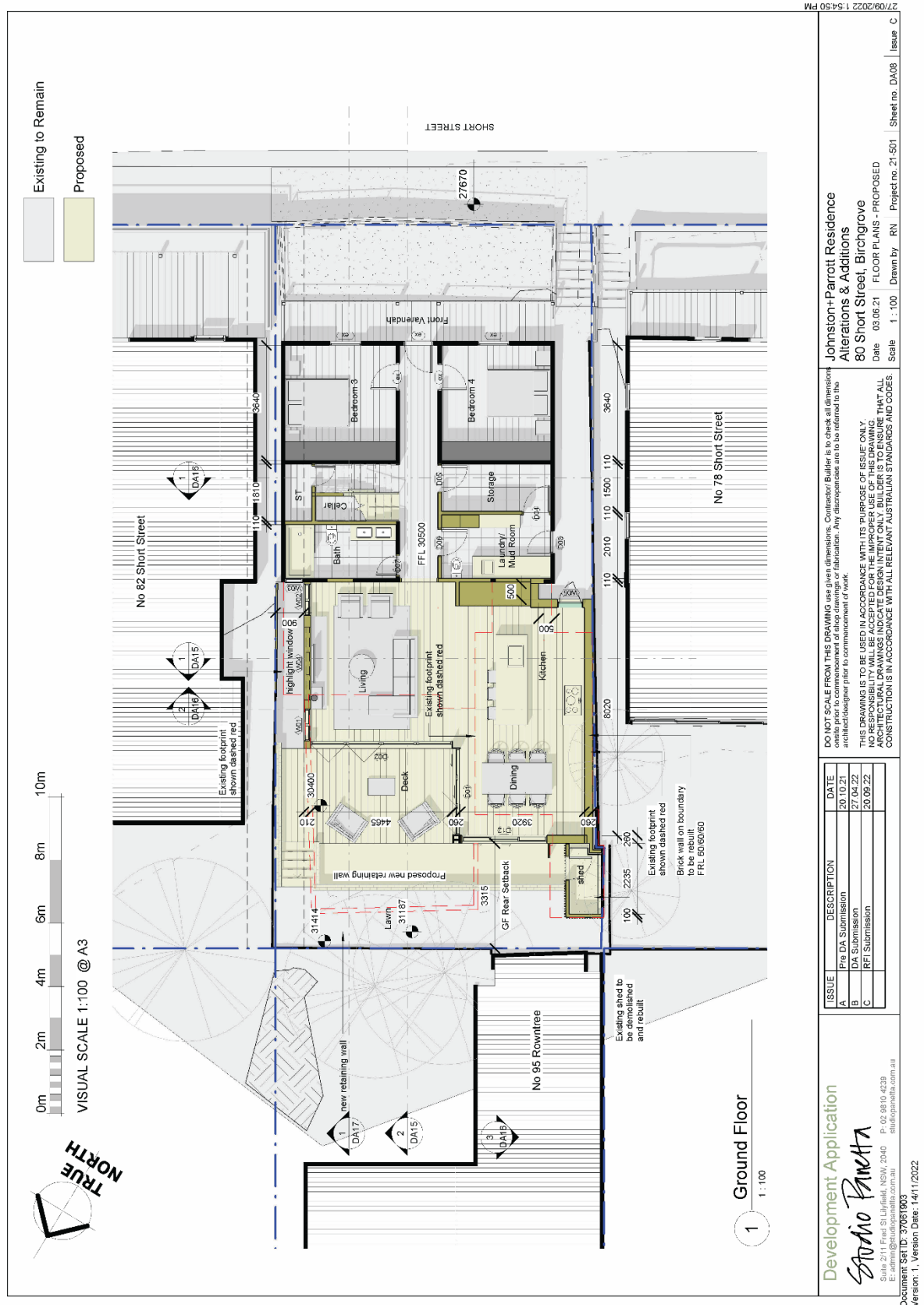


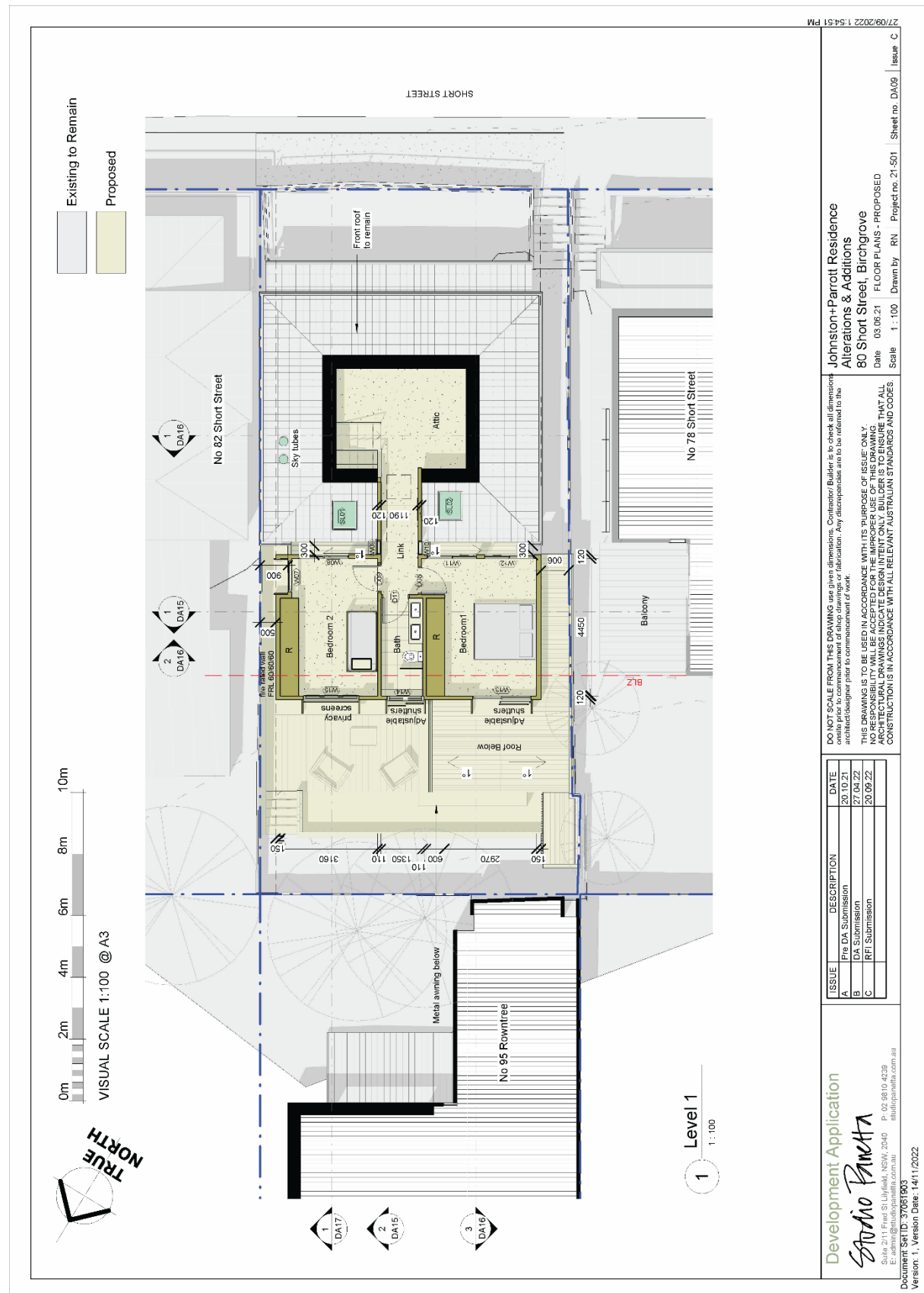


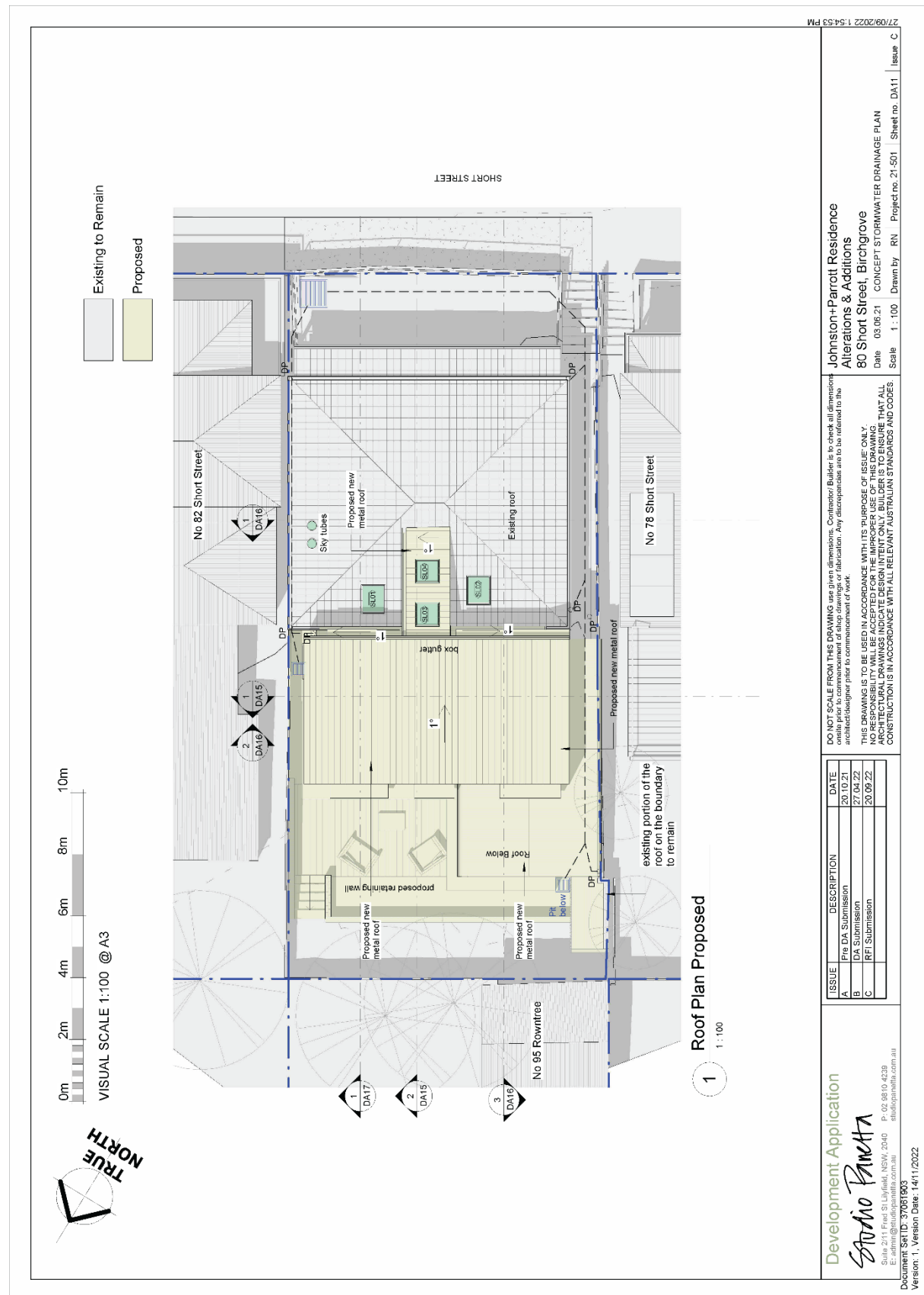


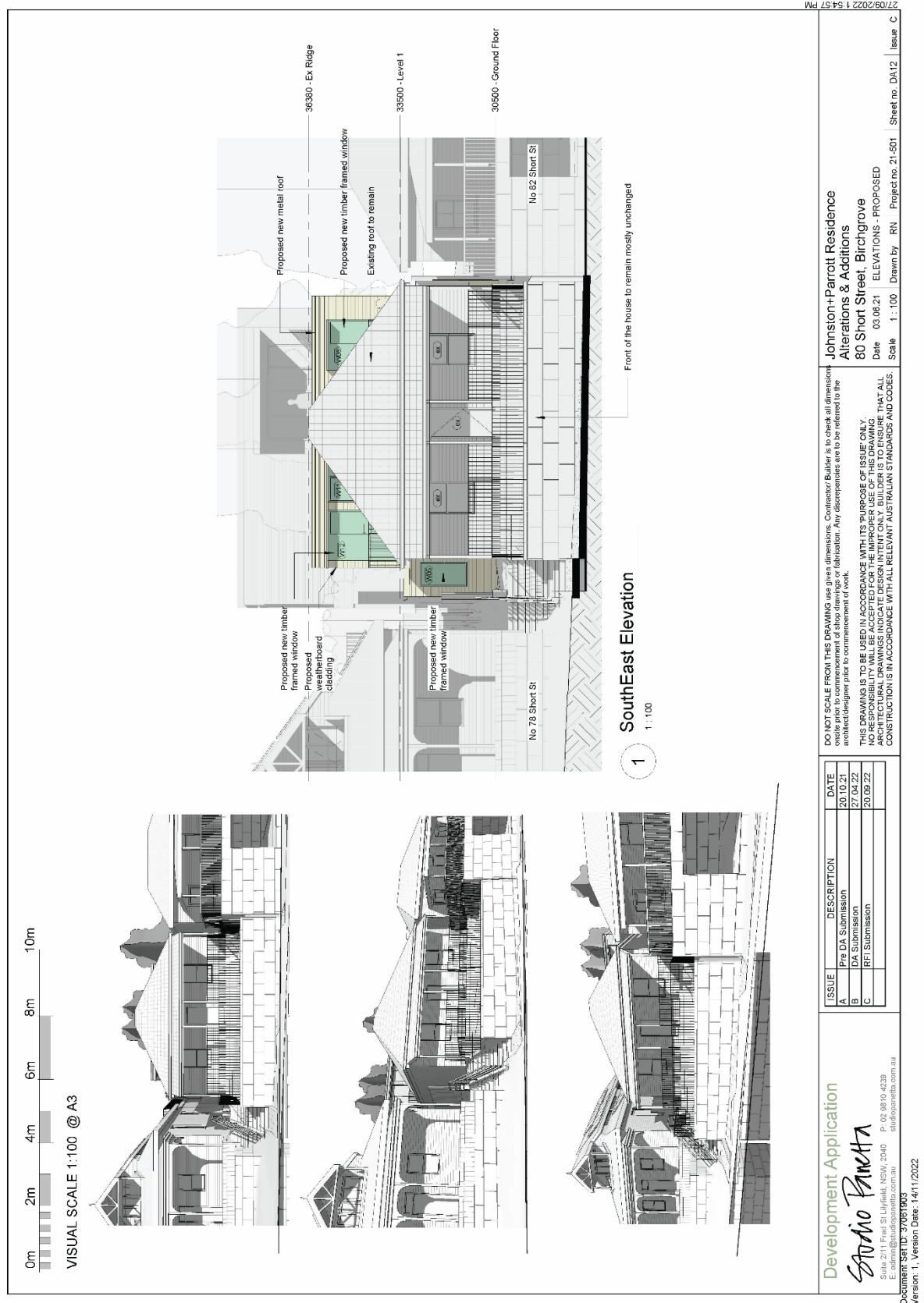


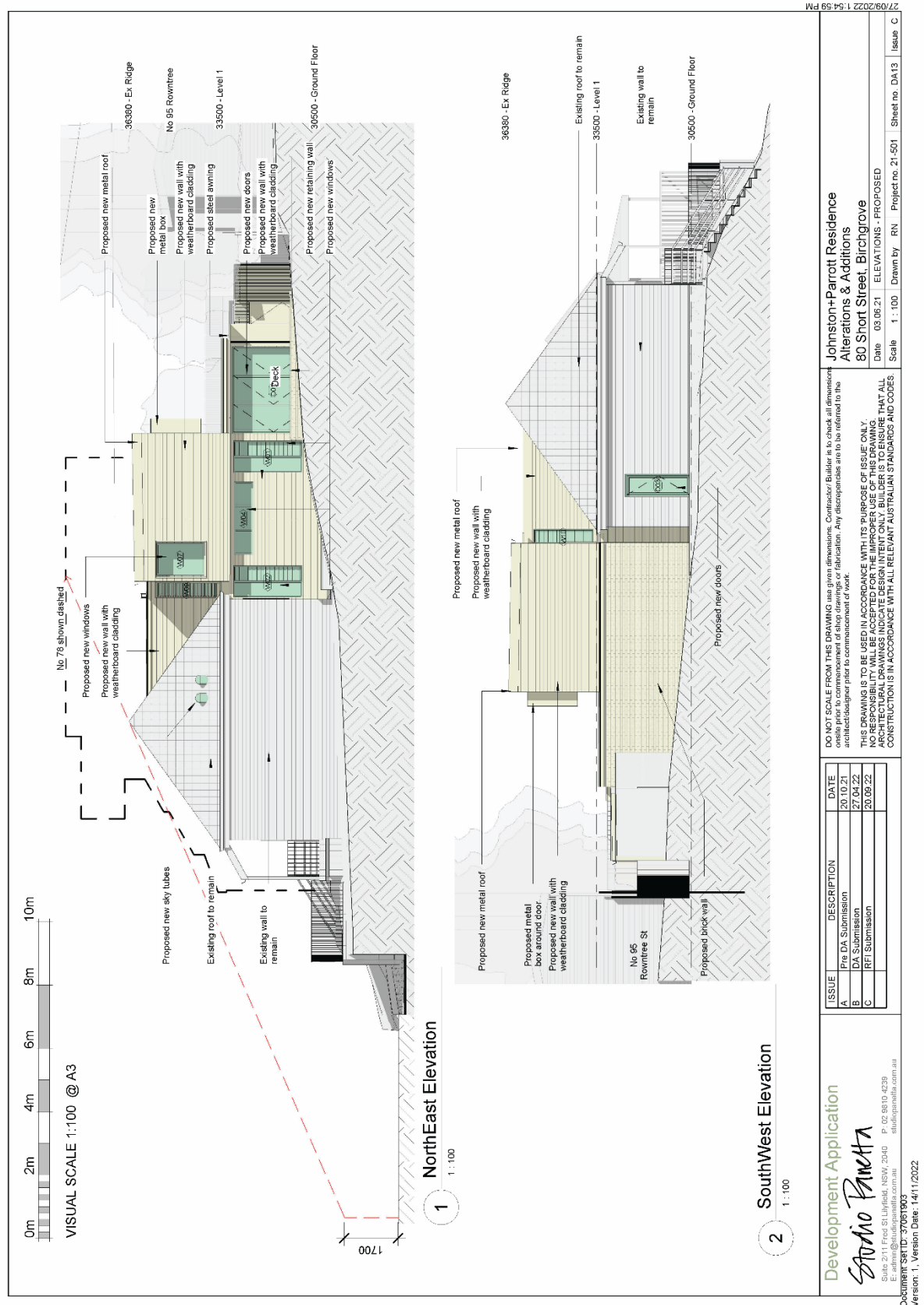












0m

2m

4m

6m

8m

10m

Visual Scale 1:100 @ A3

Proposed new metal roof

Proposed new windows with external shutters

Proposed new metal roof

Proposed new metal roof

Proposed new doors

Shed to be demolished and rebuilt on existing footprint

Proposed new retaining wall

36350 - Ex Ridge

33500 - Level 1

30500 - Ground Floor

Proposed steel awning

Proposed new doors

Proposed new windows

Proposed new retaining wall

Deck

Shed

NorthWest Elevation

1

1 : 100

27/09/2022 1:55:01 PM

DO NOT SCALE FROM THIS DRAWING use plan dimensions. Contractor/Builder is to check all dimensions on site prior to commencement of site works or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING. ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

Development Application

Studio Panetta

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Issue

Description

Date

A

Pre DA Submission

20.10.21

B

DA Submission

27.04.22

C

RFI Submission

20.09.22

Johnston+Parrott Residence Alterations & Additions

80 Short Street, Birchgrove

Date 03.06.21

Elevations - PROPOSED

Scale 1 : 100

Drawn by RN


Project no. 21-501

Sheet no. DA14

Issue C

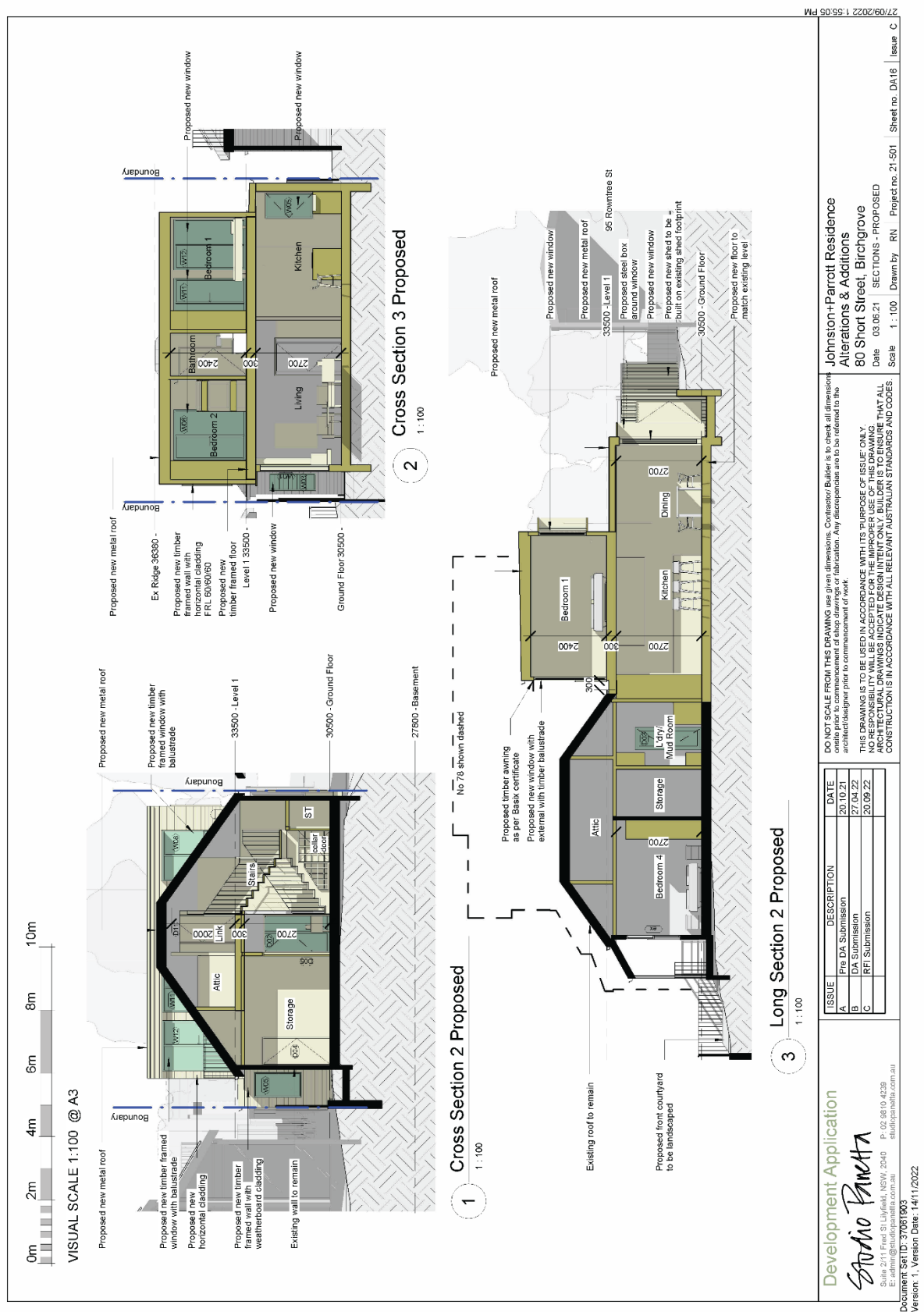
2

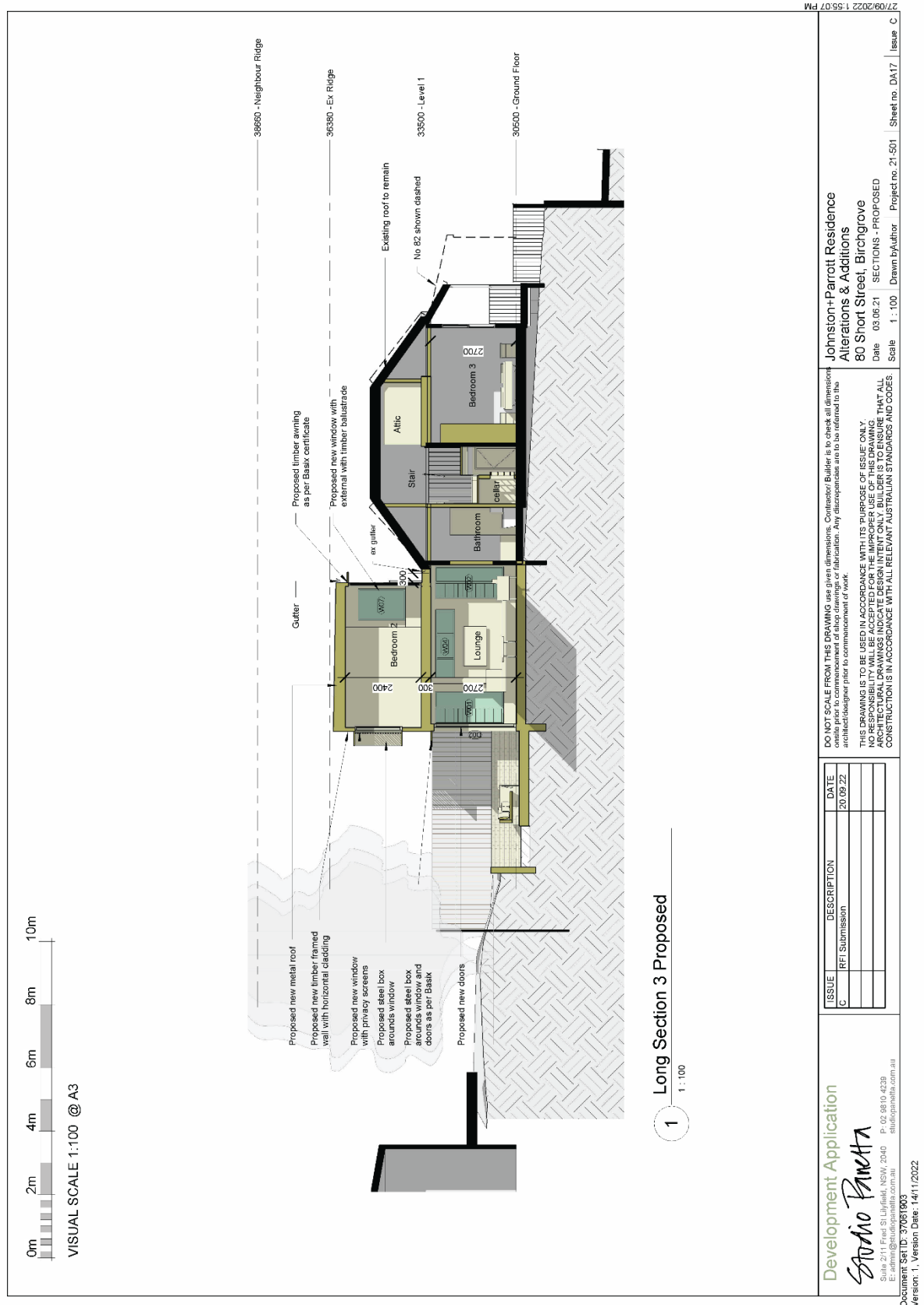
Rear Backyard View

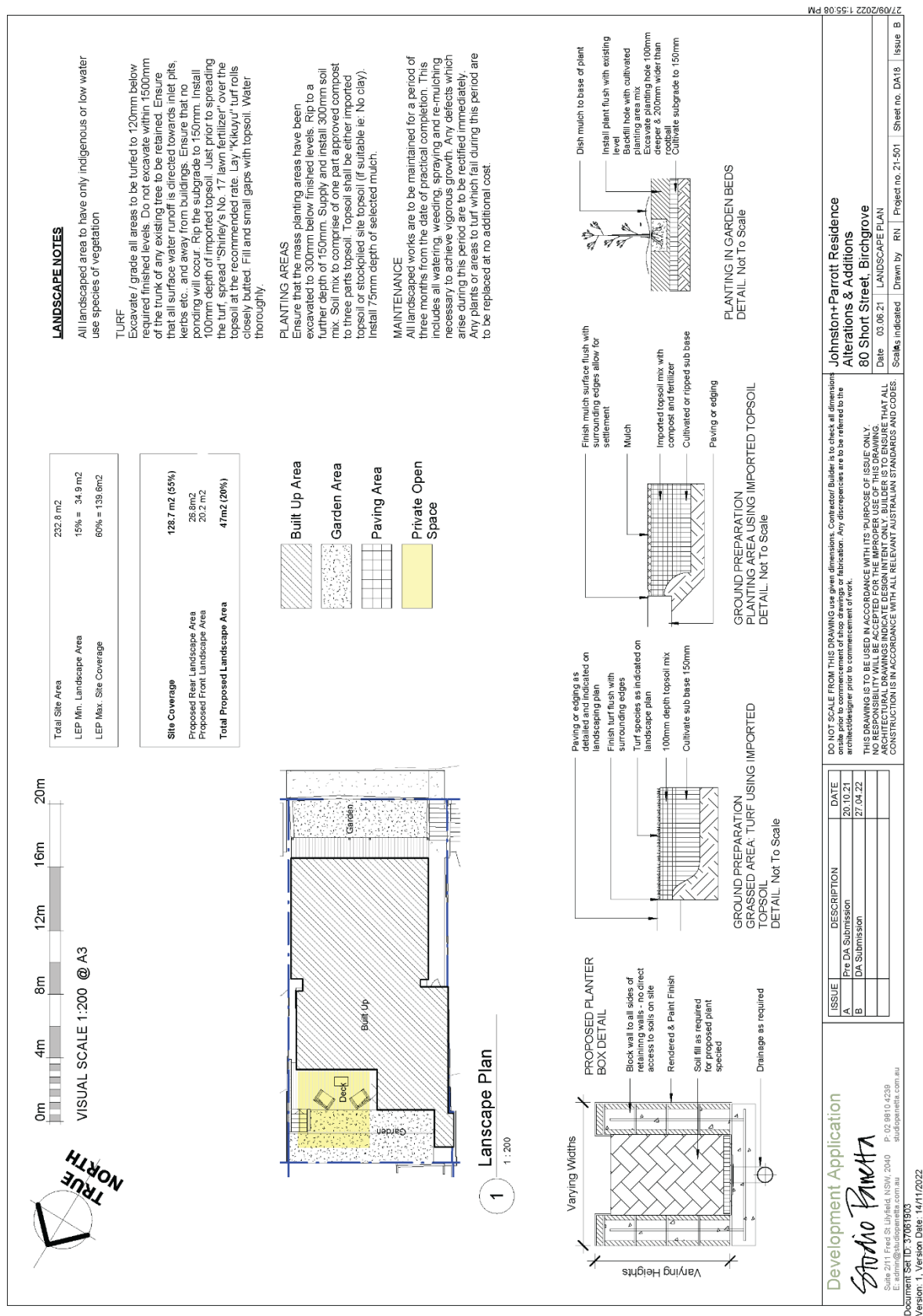


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Attachment C – Statement of Heritage Significance

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HERITAGE IMPACT STATEMENT

for

**80 SHORT STREET,
BIRCHGROVE**

Prepared For

**INNER WEST
COUNCIL
(LEICHHARDT)**
(Development Application)

Prepared by

Raymond Panetta Architect
ARAIA BA(Arch) BArchitecture (Hons) Reg. No.7466

Issue A – May 2022

Architects

Interiors

Document Set ID: 36417920
Version: 1, Version Date: 08/06/2022



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- 1.2 SITE IDENTIFICATION
- 1.3 HERITAGE MANAGEMENT FRAMEWORK
- 1.4 REPORT LIMITATIONS

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1. INTRODUCTION

This report has been prepared by Studio Panetta as an assessment of the heritage impacts of the proposed construction of alterations and additions to a dwelling within a heritage conservation area, at 80 Short Street, Birchgrove. This Heritage Impact Statement (HIS) identifies the heritage impacts both physical and visual of the proposed alterations to the dwelling in relationship to the heritage area and other dwellings nearby.

See Section 2.1 for a full description of the subject site.

This report has been prepared to comply with the structure and methodology outlined in the Heritage Council of NSW's guidelines for Statements of Heritage Impact. In addition, the report provides an overview:

- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance,¹
- Design in Context: Guidelines for Infill Development in the Historic Environment,²
- Inner West Development Control Plan (DCP) 2013

1.1 AIM OF REPORT

This report aims to assess the physical and visual impacts of the proposed development on the significance of the Heritage Conservation Area.

1.2 SITE IDENTIFICATION

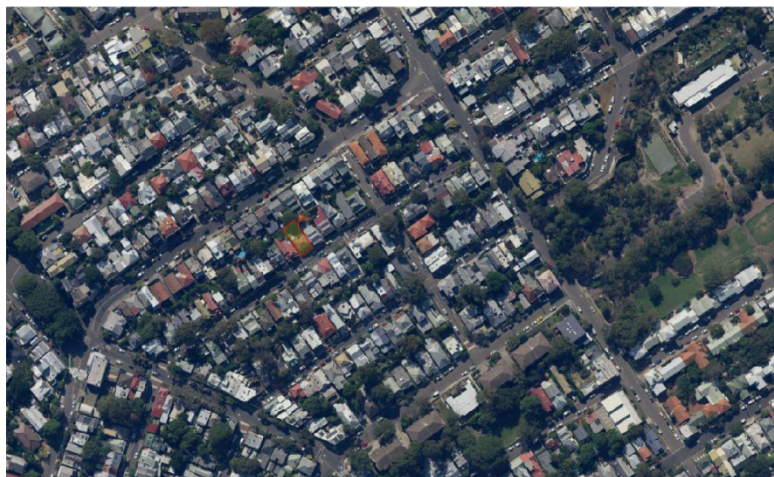


Figure 1: Approximate location (Source: Six maps)

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80 Short Street, Birchgrove, Lot 28, DP 111126 is between Parramatta River and Mort Bay in Sydney's inner west. Short Street is a small road linking Curtis Rd to Ballast Point Rd.

The character of this section of the street displays a range of housing types but there is a concentration of weatherboard single and two storey cottages, with number 74 and above being Victorian two storey terraces.

1.3 HERITAGE MANAGEMENT FRAMEWORK

In NSW the management and conservation of items of cultural or environmental heritage is governed by the Environmental Planning and Assessment Act 1979 and the Heritage Act 1977.

80 Short Street is not listed on the NSW State Heritage Register. It is not an item of local significance in Schedule 5 of the Leichhardt LEP.

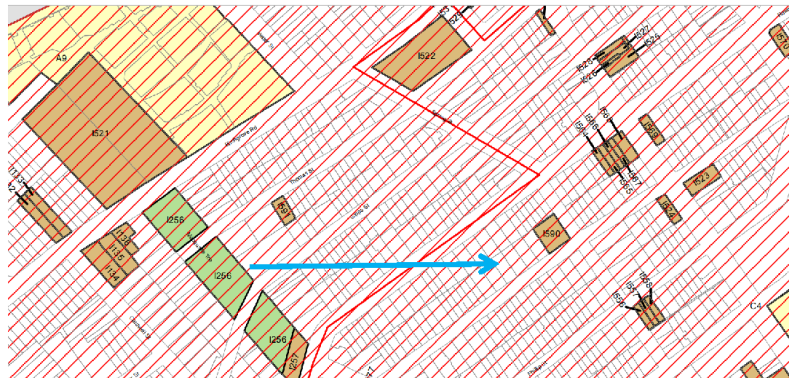


Figure 2: Detail of heritage map from Leichhardt LEP. The Heritage Conservation Area (HCA) is shown hatched in red. Individually listed items are shown in tan. The subject site is indicated with a blue arrow.

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1.4 REPORT LIMITATIONS

This report only addresses the relevant heritage planning provisions and does not address general planning or environmental management considerations.

2. SITE AND CONTEXT

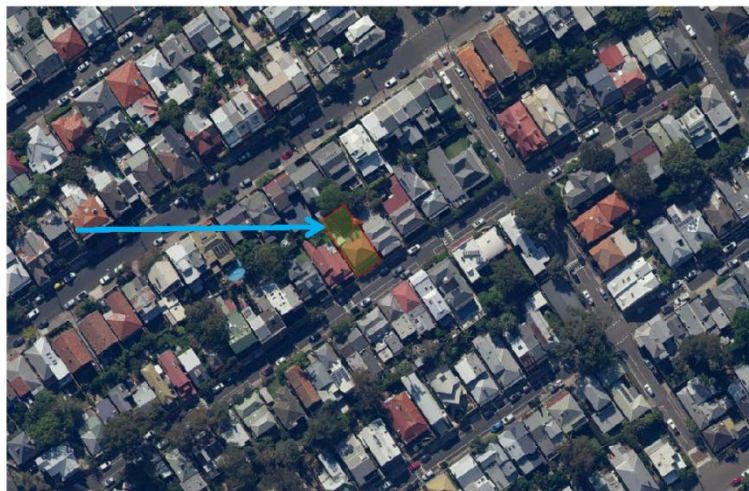


Figure 3: local area. Source: SIX Maps. Subject site indicated with a blue arrow.

2.1 AREA DESCRIPTION

The site falls in the AREA 15, Town of Waterview Conservation Area, of Leichhardt Conservational Area LEP.

The land in this conservation area is located around a small creek (known as Curtis Waterhole) that enters Waterview Bay (now Morts Bay) at its most western point. The area is generally sheltered and includes flat low-lying land near the bay (where Morts Dock was built) rising south to higher land along Darling Street and west to the prominent knoll of Dock Road and Bates Street

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2.2 LOCAL CONTEXT AND SETTING

Short Street is a residential street with a few trees on both sides provided by the houses front yards. Houses along the street are set back behind small and moderate front yards. On the northern side of the street is visible the sandstone wall pattern from Spring St to No 74 terraces. Though most of the houses are weatherboard single story cottages, the street has 6 two storey terraces, being no 74, no 72, no 70, no 68, no 66 and no 64.

The street links Curtis Rd and it crosses Spring St all the way to Ballast Point Rd.



Figure 4: example of neighbouring houses on Short Street



Figure 5: example of terraces on Short Street

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2.3 HISTORICAL INVESTIGATION

The following description of the history of the area is reproduced from the Inner West Heritage Conservation Area:

The area that was later developed by Thomas Mort as the Town of Waterview included land originally purchased from Gilchrist's Balmain Estate in 1836 by Curtis and Lamb. In 1854 these two lots at the eastern end of the bay were purchased by Captain Rowntree and Thomas Holt for a slipway and dry dock. Thomas Mort was impressed with the sheltered bay and joined them in the enterprise.

Mort also accepted the transfer of most of the land around the dock area and commissioned Surveyor FH Reuss to lay out a township of 700 modest residential allotments. Initially Mort sought to provide rental accommodation near the dock to attract skilled labour and he indicated that a building society might be formed to assist purchasers, probably so that there would always be a pool of skilled workers living nearby. Allotments were 1/2 chain (33ft) wide with depths ranging from 84–109 feet, but subsequent resubdivision to allow two houses (terrace or semi) on one allotment occurred at the time of building and produced many smaller parcels. There were no back lanes for night soil disposal.

Small groups of similar houses suggest the area was constructed by small-scale building contractors, or by individual owner/builders.

Mort purchased more land adjoining the original township and after his death in 1877 his trustees continued the dense subdivision and development of this area in response to the growth of Morts Dock Industries and the building boom of the 1880s.

It took forty years from 1857 for the town to be fully occupied. Just over half the allotments had been sold by 1878, but by 1896 the streets created within Mort's Town — Mort, Church, Phillip, Short, College, Rowntree, Curtis, Spring and Cameron Streets — were filled with an assortment of houses, 796 in all, 396 of brick, 348 of weatherboard, 51 of stone and one of iron. Small groups of corner shops and pubs served the community.

By 1861 the dock was leasing facilities to other maritime activities, and it developed its own associated engineering industries. Morts Dock and Engineering Co grew rapidly to become

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the largest private employer in Australia in a variety of maritime and engineering industries. During the 1940s it built corvettes, frigates and a floating dock. Economic fluctuations affecting the dock also affected its workers. The dock, the Town of Waterview and its pubs were the site of the beginnings of the urban labour movement. The dock closed in 1958; the site was levelled and used as a container terminal. More recently, the land was developed for residential purposes by the Department of Housing.

2.4 SITE PHOTOGRAPHS



Figure 6: Street presentation No. 80 Short Street Birchgrove

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Figure 7: No. 80 Short Street from the street, showing house entry



Figure 8: House from front yard

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Figure 9: View from the house front yard



Figure 10: View from the front verandah looking towards the street

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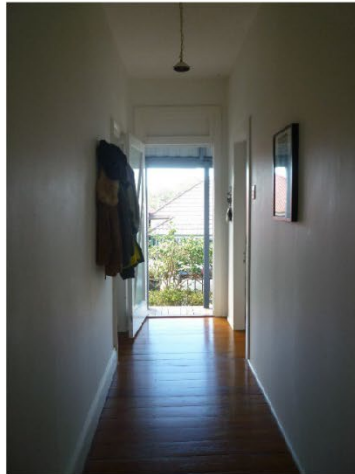


Figure 11: Interior view of the entry corridor



Figure 12: View of the existing shed at the rear of the property

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2.5 STATEMENT OF SIGNIFICANCE

The dwelling is within the Town of Waterview Conservation Area on the Leichhardt LEP 6. This conservation area has the following Statement of Significance:

- *One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area, through the form and fabric of its houses, corner shops and pubs, its street layout and allotment shapes, demonstrates a remarkably intact area of early workers' housing from 1850s to 1890s with later infill development prior to World War II (ie pre1939). It is significant for its surviving development prior to World War II.*
- *Demonstrates through the density of pubs (and former pubs) within the township area its close association with the growth of the urban labour movement. A number of these pubs are of national heritage significance for their historical and enduring social values as part of the history of unionism and of the Ships Painters and Dockers Union in particular.*
- *Demonstrates, through the nature of its housing, the important role played by Morts Dock as a magnet for workers and the location of their housing.*
- *Demonstrates, through its rendered and painted brickwork, the nature of construction in Sydney before the ready availability of hard pressed, face bricks.*
- *Demonstrates the work of Surveyor Reuss.*
- *Associated with prominent local entrepreneurs and land developers, some of whom were aldermen of Council.*
- *Demonstrates, with Bodalla Village on the New South Wales south coast, the role of Thomas Mort in providing 'appropriate' housing for his employees.*

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3. DEVELOPMENT PROPOSAL

3.1 PROPOSAL DESCRIPTION

The following proposal is a brief summary of drawings submitted as part of a development application. These should be referred to for final detail.

- Demolition of:
 - The existing verandah at the rear of the property
 - The existing kitchen and wc.
 - The existing shed to be rebuilt.
 - The existing roof above the kitchen, and wc areas.
 - The existing walls around the kitchen and wc areas.
 - Portion of the existing roof at the rear part of the house.
- Construction of:
 - New kitchen floor, laundry and bathroom.
 - New staircase to the first floor addition.
 - New dining and living area.
 - New main bedroom on the first floor with additional bedroom.
 - New bathroom on the first floor.
 - Reconstruction of the shed at the rear.



Figure 13: demolition plan, ground floor

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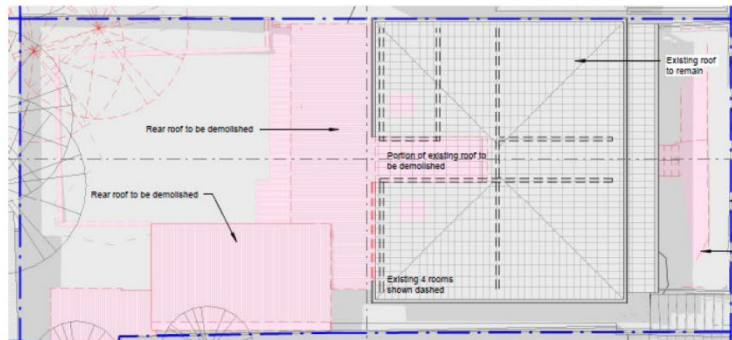


Figure 14: demolition plan, roof

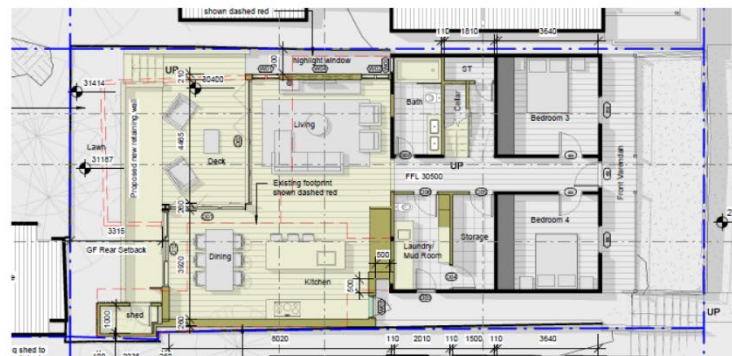


Figure 15: proposed ground floor

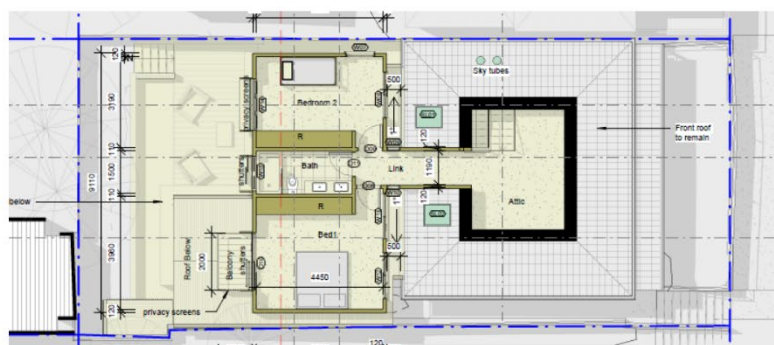


Figure 18: proposed first floor

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4. HERITAGE IMPACT ASSESSMENT

4.1 INTRODUCTION

The following section assesses the impacts of each option against:

- The guideline questions of Statements of Heritage Impact
- Guidance statements from a pre-DA letter of advice provided by Council

4.2 EVALUATION AGAINST THE GUIDELINES OF THE HERITAGE COUNCIL OF NSW

The NSW Heritage Manual Statements of Heritage Impact provides guideline questions relating to various potential heritage impacts. The relevant questions, and an assessment against each in turn, are provided below.

Major Partial Demolition

| Question to be answered | Comment |
|--|---|
| Is partial demolition essential for the heritage item to function? | Partial demolition of the rear walls is necessary for the proposed development to function. The current layout is not appropriate for the current/future needs of the family. |
| Will any features of the item be affected by the demolition (eg fireplaces in buildings)? | There are no existing important features being demolished. |
| Is partial demolition sympathetic to the heritage significance of the item (eg creating large square openings in internal walls rather than removing the wall altogether)? | The detailing is sympathetic and preserves the legibility of walls by retaining corners and nibs in the rear section. |
| If partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired? | The condition of the fabric is not the reason for the proposed demolition. |

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Major additions

| Question to be answered | Comment |
|--|--|
| How will the impact of the addition on the heritage significance of the item be reduced? | The addition's impact on the cultural significance has been minimised by: <ul style="list-style-type: none">• its placement at the rear• in keeping with the existing materials and colours |
| Can the additions be located within an existing structure? If not, why not? | The required amenity for the current residents cannot be fit within the envelope of the existing structure. |
| Will the additions visually dominate the heritage item? | The additions will not visually dominate the existing building, being sited to the rear of the property. |
| Are the additions sited on any known, or potentially significant archaeological deposits? If so, have alternative locations for the additions been considered? | No archaeological investigation or assessment has been made |
| Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)? | The additions are sympathetic in their roof form below and dethatched to the main structure, in their preservation of internal elements (nibs) to allow legibility of existing walls and structure, and in the materials selected. |

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4.3 EVALUATION AGAINST PRE-DA DESIGN GUIDANCE

The following statements of guidance were provided in writing by the Inner West Council in the form of pre-DA advice (ref. PDA/2021/0418). Responses addressing each in turn are below.

| Guidance | Response |
|---|---|
| The south-western elevation door openings proposed for the storage room and the kitchen is to be deleted. The door entry to the laundry/mudroom is generally considered acceptable. | The design has been amended and the door to the storage room has been deleted |
| The skylights proposed above the staircase in the north east roof plane of the existing main hipped roof form are to be deleted. Sky tubes can be considered as an alternative to allow solar access into the dwelling. | The design has been amended to comply with council's advice and the skylights have been replaced by sky tubes. |
| The 2x horizontal windows proposed in the south east (front) elevation of the basement have to be deleted. The windows on the front south elevation below the front verandah are not supported and are to be removed. The window openings are not characteristic of window openings in a heritage conservation area and cannot be supported as habitable space. | The design has been amended and the basement has been deleted |
| Windows and doors proposed in the south east elevation of the rear addition, including the louvred window proposed to the kitchen, must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). | All front windows have been amended to comply with council's request. Front windows are all to be timber framed painted white as per the Materials and Finishes schedule. |

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| Guidance | Response |
|---|---|
| Existing layout within the original portion of the dwelling, including the existing living and dining rooms, and relocate the proposed bathroom, stairs, laundry and store to within the rear addition; | The proposed design aims to keep the existing roof over the 4 existing bedrooms. The nibs of the existing walls are being kept as a reference to the existing house. However, relocating the advised areas would have a great impact on the open space living area. Also, relocating the stairs would cause the deletion of the additional bedroom upstairs which is a requirement from clients. As they have small children and the need to have them close at night. |
| North western corner of the dining room in its round by setting the addition in behind the main building form. This can be achieved by redesigning the addition so that it sits 500mm in from, and behind, the north western corner of the existing dining room. The addition may step back out to the current setback proposed in the southwest elevation; and | The proposed design has been amended and a clear separation from the old house with the new has been designed. |
| Existing ceilings and floor to ceiling height in the main building form of the dwelling. | The existing ceiling height cannot be kept as this would cost the attic head height and access to the first floor addition. |

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4.4 ASSESSMENT

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area:

- Alterations will be visually subservient to the existing two storey dwelling and will be visually intelligible as a separate and new 'pavillion' of the house.
- Materials will be in keeping with the existing dwelling. All colours will follow the heritage colour palette desired by council.

The following aspects of the proposal could detrimentally impact on heritage significance:

- The impact of these alterations has been minimised through the retention of certain configuration elements, particularly nib walls of brick to illustrate the former wall and the existing roof over the 4 front rooms.
- All windows facing the front of the house are to have vertically proportions and the use of the same materials and colours of the existing dwelling to the new addition visible from the street.

5. CONCLUSION

The design proposal represents a visually appealing scheme, with a design that is sympathetic to the existing house and will not have any detrimental effects on the amenities of its immediate surroundings.

All envisaged heritage impacts have been carefully addressed to resolve these issues. The well-balanced nature of the proposal will help it to rest comfortably in its surroundings and will have minimal effects on the streetscape.

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