





 DEVELOPMENT ASSESSMENT REPORT				
Application No.	REV/2022/0037			
Address	170 Denison Street NEWTOWN NSW 2042			
Proposal	S8.2 Review of DA/2022/0161, refused on 15 September 2022, for ground and first floor alterations and additions to a dwelling house			
Date of Lodgement	23 November 2022			
Applicant	Mr Ashley J Sheiles			
Owner	Ms Elizabeth DV Sheiles Mr Ashley J Sheiles			
Number of Submissions	Initial: 1			
Value of works	\$96,000.00			
Reason for determination at Planning Panel	No substantial change to original determination of 8.2 review			
Main Issues	Heritage, Visual Bulk, Solar Access			
Recommendation	Refusal			
Attachment A	Plans of proposed development			
Attachment B	Applicant's Heritage Impact Statement			
Attachment C	Draft conditions in the event the application is approved			
Attachment D	Determination DA/2022/0161 dated 15 September 2022			
				
LOCALITY MAP				
Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for a Section 8.2 Review of DA/2022/0161 which sought consent for ground and first floor alterations and additions to a dwelling house at 170 Denison Street, Newtown. DA/2022/0161 was refused under delegation on 15 September 2022.

The application was notified to surrounding properties and 1 submission was received in response to the notification of this application. It is noted that 1 submission was also received in response to the initial development application (DA/2022/0161) which was also considered during the assessment of this application.

The main issues that have arisen from the application include:

- The application is not consistent with Part 8 of the MDCP 2011 and the Heritage Conservation Area. Specifically:
 - The size of the proposed lightwell on the ground and first floor is inconsistent with the existing pattern of building setbacks and the overall massing and form of the property
 - The proposed first floor rear facing windows are not appropriate in terms of form for the style of the house
 - No Schedule of Materials and Finishes was provided
- The proposal results in amenity impacts to the adjoining property at 172 Denison Street Newtown

The non-compliances are not supported by Council and therefore the application is recommended for refusal.

2. Proposal

This report is an assessment of the application submitted to Council for a Section 8.2 Review of DA/2022/0161 which seeks consent for ground and first floor alterations and additions to an existing dwelling house. Specifically, this involves the following works:

Demolition

- Rear ground floor wing
- Internal stairs
- First floor rear bedroom including internal dividing wall and rear elevation wall of dwelling house

Construction

Ground floor addition comprising:

- Kitchen/dining area
- One (1) laundry/ bathroom
- Internal stairs
- Lightwell

First floor addition comprising:

- Two (2) bedrooms
- One (1) bathroom
- Internal stairs
- Lightwell
- One (1) skylight to existing rear roof plane

It is noted that the plans submitted with this review application are largely unchanged from the plans refused under Determination DA/2022/0161.

3. Site Description

The subject site is located on the eastern side of Denison Street, between Lands Lane and Fitzroy Lane. The site consists of one (1) rectangle shaped allotment with a total area of 81.72sqm and is legally described as Lot 2 in DP 201515 at 170 Denison Street, Newtown.

An existing two storey terrace dwelling is located on the site. One (1) *Murraya Paniculata* (Orange Jessamine) tree is located within the vicinity of the site at the rear of 172 Denison Street close to the common side boundary.

The property is located within a heritage conservation area.

Surrounding development is comprised of one and two storey dwellings.

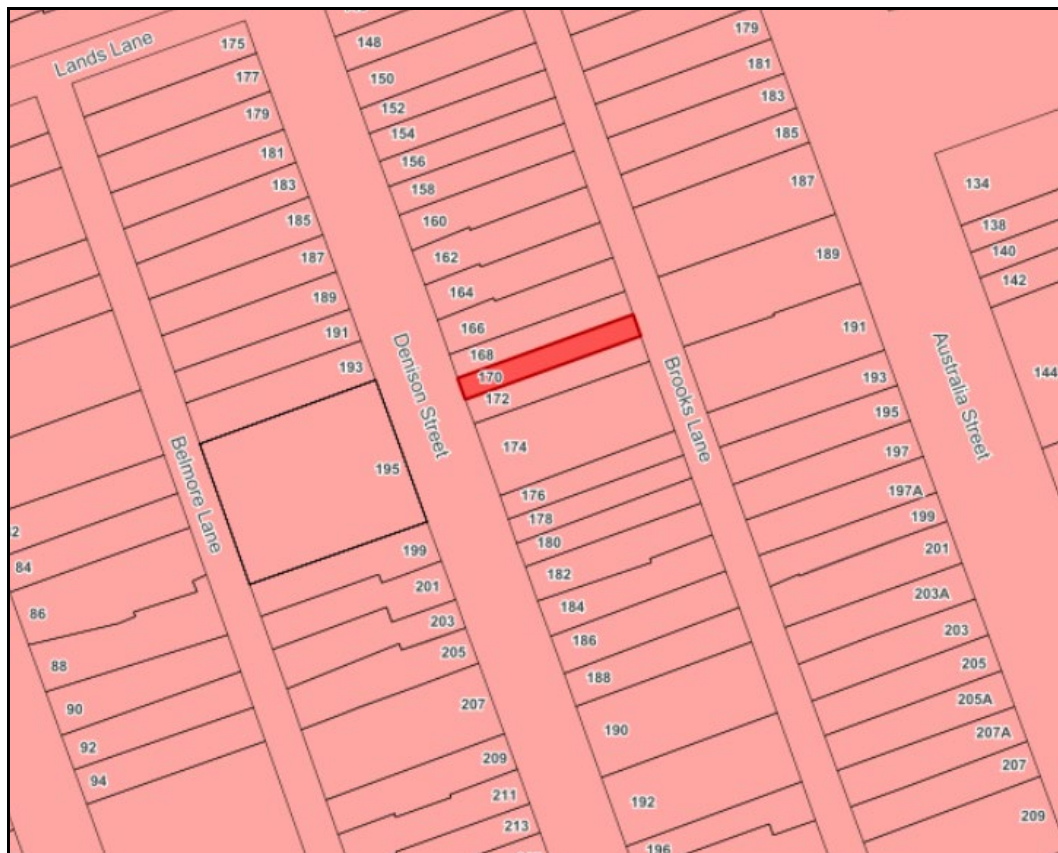


Figure 1: Zoning Map (IWLEP 2022)



Figure 2: View of site (shown in middle) from Denison Street (Untapped Planning, 2021)



Figure 3: View of rear of site from Brooks Lane (shown on left)

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
DA/2022/0161	Ground and first floor alterations and additions to a dwelling house	Refusal – 15 September 2022

4(b) Application history

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

Date	Discussion / Letter / Additional Information
16 January 2023	<p>Council Officers wrote to the applicant requesting the following additional information and amendments:</p> <ul style="list-style-type: none"> • That the size of the lightwell on the ground floor be increased to match the depth of the neighbouring lightwell at 172 Denison Street or by a minimum of 1 metre towards the rear. Council further requested that the lightwell on the first floor be increased to match the amended lightwell on the ground floor. • The two (2) rear first floor windows should be deleted and rather propose one (1) centrally located window on this elevation to match the style and proportions of the neighbouring terrace first floor rear elevation windows. • Provide a Schedule of Materials and Finishes. Council requested that the cladding of the upper level should be weatherboard (likely FC) in a colour commensurate with Colorbond Shale Gray, Windspray or Surfmist. It was noted that areas that would likely be concealed by future construction would be treated with a flat sheet FC that resembles a textured finish similar to weatherboard. • Hourly shadow diagrams in elevation view for 21 June showing impacts to the neighbouring windows at 172 Denison Street. Should there be impact to the neighbouring property, hourly shadow diagrams in plan view for 21 March/September would also be required.
3 February 2023	<p>The applicant advised that no additional information would be submitted to respond to Council's request noting that the requested amendments were not feasible for the applicant as it would result in the loss of a bedroom.</p>

5. Assessment

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

5(a) Section 8.2 Reviews

The following is an assessment of the application against the requirements of Sections 8.2, 8.3, and 8.4 of the *Environmental Planning and Assessment Act 1979*.

Requirement	Proposal
8.2 Determinations and decisions subject to review	
(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division— (a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (c) the decision of a council to reject and not determine an application for development consent.	The subject application relates to the review of a determination of an application for development consent by Council.
(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division— (a) a complying development certificate, (b) designated development, (c) Crown development (referred to in Division 4.6).	The subject application does not relate to any of the applications noted in Clause 2.
(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	Noted.
8.3 Application for and conduct of review	
(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	Noted.
(2) A determination or decision cannot be reviewed under this Division— (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or (b) after the Court has disposed of an appeal against the determination or decision.	The original DA was determined on 15 September 2022. Pursuant to Section 8.10(1)(b)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , an appeal may be made to the Court 6 months after the date of determination. The subject application was lodged on 23 November 2022 and has been reported to Local

	Planning Panel for determination prior to the expiry of the appeal period (15 March 2023)
(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	The applicant has made amendments to the subject application. Council is satisfied that notwithstanding the amendments, the development remains substantially the same as that proposed in the original DA.
(4) The review of a determination or decision made by a delegate of a council is to be conducted- (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.	The original DA was determined under Council Officer delegation. The current application is to be determined by the Local Planning Panel.
(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.	The application is to go before the Local Planning Panel for determination.
(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.	NA.
(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.	NA.
(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.	NA.
(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.	NA.
8.4 Outcome of review	
After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.	It is recommended that the determination remain the same, and that the proposal be refused.

5(b) Reasons for Refusal of DA/2022/0161

Given that the plans submitted with the application for review include minimal amendments to the refused application, it is considered appropriate that assessment against the provisions of *Marrickville Local Environment Plan 2011* (MLEP 2011) and *Marrickville Development Control Plan 2011* (MDCP 2011) be in the form of an analysis against the reasons for refusal of the original determination.

The following provides an assessment of the review application against the reasons of refusal for DA/2022/0161 having regard to the relevant clauses of:

- *Marrickville Local Environmental Plan 2011*.
- Draft Inner West Local Environmental Plan 2020.
- *Marrickville Development Control Plan 2011*.

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 original development application subject of this review 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 original development application subject of this review was lodged on 14 March 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

An assessment of the amended proposal against the reasons for refusal issued under the original determination is provided below;

(i) Reason 1

1. ***Pursuant to the provisions of Part 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and in view of the likely additional amenity impacts for neighbouring properties, the proposal is not in the public interest.***

The proposal did not provide shadow diagrams in elevation view to demonstrate that the proposal will not result in adverse impacts to the neighbouring windows, particularly the window within the lightwell at No. 172 Denison Street. The proposal also results in adverse heritage impacts discussed later in this report and as such continues to result in amenity impacts and would not be in the public interest. The application is recommended for refusal.

(ii) Reason 2

2. ***The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.***

The site is not considered suitable for the proposed development as discussed throughout this report, as the application does not demonstrate that the bulk and scale of the development is appropriate with regard to amenity impacts to the adjoining neighbour at No. 172 Denison Street or the HCA. This reason for refusal has not been adequately addressed.

(iii) Reason 3

3. ***The development is inconsistent with the following Parts of the Marrickville Development Control Plan 2011:***
 - a. ***Part 2.1 - Urban Design, the proposal does not enhance or conserve the existing character or the locality and results in adverse impacts to the contributory dwelling.***
 - b. ***Part 2.7 - Solar Access and Overshadowing, the proposal has not demonstrated compliance with the Part.***
 - c. ***Part 4.1.5 - Streetscape and Design, the development does not complement the character of the area.***
 - d. ***Part 4.1.6 - Built Form and Character, the proposal results in adverse amenity and visual bulk impacts to neighbouring properties and the side***

setbacks have not been designed to follow that of the existing contributory dwelling and at adjoining sites.

- e. Part 8 - Heritage, the proposal results in non-compliance with several controls for development within heritage conservation areas and would result in loss of contributory features and fabric of the dwelling which contribute to the heritage significance of the North Kingston Heritage Conservation Area.*
- f. Part 9.4 - Newtown North and Camperdown (Precinct 4) - the proposal is inconsistent with the desired future character of the precinct as a result of the heritage impacts*

Part 2.1 – Urban Design

Part 2.1 of MDCP 2011 contains the following objectives and controls relevant to the development:

O1 To achieve high quality urban design.

C1 All development applications involving substantial external changes that are visible from or effect public space or have significant land use implications must be consistent with the relevant aspects of the 12 urban design principles that make good public environments, which are to be addressed within the Statement of Environmental Effects (SEE).

As identified within this Part, urban design should consider both the past and the future by layering elements from different periods, including contemporary contributions. The proposed development does not enhance and preserve the existing character of the locality and does not adequately preserve or consider the past for the following reasons:

- The existing building on the site is part of a set of three contributory terrace dwellings and the proposed development involves building setbacks that are inconsistent with the pattern of development of these terrace dwellings
- The proposed development removes a significant portion of original fabric at the rear of the dwelling
- The style and proportion of the proposed two (2) first floor rear facing windows are not appropriate with regard to the adjoining terrace dwellings or the contribution of the dwelling to the HCA
- A Schedule of Materials and Finishes was not provided to demonstrate that the external finish of the contemporary addition is appropriate for the existing contributory dwelling and HCA.

As such, access to the development remains inadequate and is inconsistent with objective O1 and control C1 within Part 2.1 of MDCP 2011. The application is recommended for refusal.

Part 2.7 – Solar Access and Overshadowing

Part 2.7 of MDCP 2011 contains the following objectives and controls relevant to the development:

O3 *To protect solar access enjoyed by neighbours*

C1 *Shadow diagrams must show the effect in plan and elevation view of existing and proposed overshadowing for June 21 at hourly intervals between 9.00am and 3.00pm. Shadow diagrams at only 9.00am, 12.00 noon and 3.00pm may be acceptable where it can be clearly demonstrated that any shadowing of a window, landscaped area or private open space of an adjoining building will receive solar access in accordance with Council requirements.*

The shadow diagrams submitted with this application in plan view indicate additional overshadowing to the southern neighbour at No. 172 Denison Street, specifically to the two (2) side facing windows located along their southern elevation of the ground floor wing that face towards the subject site.

During the assessment of this application, Council raised concerns about solar access and overshadowing, particularly to the neighbour at No. 172 Denison Street as the extent of impact to this property, including principal living area windows was unknown. Council requested additional hourly shadow diagrams and elevational shadow diagrams to understand the impact to side facing windows associated with No. 172 Denison Street. No additional information was provided to respond to Council's request. Given the shadow diagrams submitted with this application are contrary to the requirements of the Part, an assessment of solar access and overshadowing impacts of the proposed development could not be undertaken.

One (1) submission was received during the initial notification of this application which raised concern about overshadowing to surrounding properties and supported Council's reasons for refusal for the original DA. As no additional shadow diagrams were provided, Council is unable to assess the extent of impact to surrounding properties and maintains the original position of refusal in this regard.

As the extent of overshadowing impact to surrounding residential sites cannot be ascertained, Council cannot confirm that the proposed bulk and scale of the development is appropriate for the site. Accordingly, the proposal is inconsistent with objective O3 and control C1 within Part 2.7 of MDCP 2011.

Part 4.1.5 – Streetscape and Design

Part 4.1.5 of MDCP 2011 contains the following objectives and controls relevant to the development:

O8 *To ensure development in streetscapes with a visual cohesiveness and an identifiable uniformity in bulk, scale and height complements that uniformity.*

C2 Facade design must enhance the existing built character by interpreting and translating any positive characteristics found in the surrounding locality into design solutions, with particular reference to: i. The massing, which includes overall bulk and arrangement, modulation and articulation of building parts; ii. Roof shape, pitch and overhangs; iii. Verandah, balconies and porches; and iv. Window shape, textures, patterns, colours and decorative detailing.

While the development would not be visible from Denison Street, the addition would be visible from Brooks Lane at the rear. The proposal does not complement the uniformity and visual cohesiveness of the bulk, scale, and height of the existing streetscape. The proposed building setbacks, particularly to the lightwell, are not consistent with the pattern of development and the removal of significant fabric detracts from the original contributory dwelling. The style and proportions of the proposed rear facing windows which are visible from Brooks Lane are not appropriate for the dwelling and detract from the uniformity of the set of three contributory terrace dwellings. Council cannot confirm whether the proposed external finishes of the addition are appropriate as this information was not provided. The impact of the proposal to the HCA is further discussed in this report.

As such, the development remains inadequate and is inconsistent with objective O8 and control C2 within Part 4.1.5 of MDCP 2011. The application is recommended for refusal.

Part 4.1.6 – Built Form and Character

Part 4.1.6 of MDCP 2011 contains the following objectives and controls relevant to the development:

O10 To ensure development is of a scale and form that enhances the character and quality of streetscapes.

O11 To ensure alterations and additions to residential period dwellings do not detract from the individual character and appearance of the dwelling being added to and the wider streetscape character.

O13 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation

C10 Attached dwellings, dwelling houses and semi-detached dwellings ...

ii. Side setback must be determined in accordance with the following:

Less than 8 metres, At Council's discretion, Visual impact, solar access to adjoining dwellings and street context determine ultimate setback.

The proposed side setbacks are not considered satisfactory as they are not consistent with the established setback pattern within the locality and would result in loss of contributory features and fabric of the dwelling, as discussed further within Part 8 Heritage contained within this report. The proposal has not demonstrated that the form of the development is acceptable to adjoining properties in terms of visual bulk. Further, an assessment of the overshadowing impacts to adjoining residential dwellings, particularly the side facing windows at No. 172 Denison Street could not be undertaken due to insufficient shadow information, as previously discussed within this report. Notwithstanding, it is considered that the proposed bulk and scale of the development would have unacceptable bulk and overshadowing impacts to the adjoining lightwell at No 172 Denison Street which is contrary to objectives O10, O11 and O13 and control C10 in Part 4.1.6 of MDCP 2011.

The proposal seeks to increase the existing site coverage by a minor amount. The overall site coverage of the development is not considered acceptable, as the application has not demonstrated that resultant impacts of the development are acceptable to adjoining properties.

Given the above, the application is recommended for refusal.

Part 8 – Heritage

Part 8 of MDCP 2011 contains the following objectives and controls relevant to the development:

***O3** To provide guidelines for alterations and additions which complement and do not detract from the heritage significance of individually listed heritage items, HCAs and period buildings*

***O5** To encourage new development which complements existing heritage items and heritage conservation areas in a modern context*

***C17** Existing patterns of building setback must be retained and matched by any new development within the group or terrace.*

***C21** Extensions and alterations visible from the street must be consistent with the overall massing and form of the property (refer to the specific style sheets) and must not dominate the existing building form.*

The subject site is a contributory building within the North Kingston Estate Heritage Conservation Area (HCA). As discussed further within this report under Section 5.10 of *MLEP 2011*, the proposed development does not respond to the significance of the HCA and does not comply with the heritage conservation provisions within this Part. Specifically,

- The proposed development would result in loss of contributory features and fabric of the dwelling and does not maintain the elements on the site which were constructed during the period of significance of the conservation area, given the extent of demolition of the original building at the rear and lack of any suitable southern side setback.
- The development does not maintain the existing side setbacks to the ground or first floor and has not been designed to retain original wall features to interpret the original setbacks and form of the contributory dwelling.
- The subject site is part of a set of three terrace dwellings which all comprise side setbacks at the rear. The size of the proposed lightwell does not achieve a consistent pattern of development with regard to the lightwell for the adjacent dwelling at No. 172 Denison Street and it further removes a significant portion of the existing ground floor wall which is considered to be important contributory fabric of the dwelling to the HCA.
- The proposed additions to the dwelling are not visible from the main street frontage, however, would be visible from Brooks Lane at the rear.
- The proposal is inconsistent with and seeks to alter the overall form and massing of the original building.

- The style and proportions of the proposed rear facing windows which are visible from Brooks Lane are not appropriate for the dwelling and detract from the uniformity of the set of three contributory terrace dwellings.
- A Schedule of Materials and Finishes was not provided

As such, the application has not demonstrated compliance with Objectives 3 and 5 and Control 21 of Part 8 of MDCP 2011. The application is recommended for refusal.

It is noted that one (1) submission for this application raised concern that the proposal has not appropriately considered impacts to the heritage objectives. It is noted that Council recommended amendments to the proposal during the assessment of the application to alleviate the impact to the existing contributory dwelling and adjoining terrace dwellings and the HCA however no amended plans were received as noted within this report.

Part 9.4 – Newtown North and Camperdown (Precinct 4)

The site is located within the Newtown North and Camperdown precinct. The proposal does not protect the existing contributory dwelling on the site or the group of three contributory terraces including original detailing and finishes as discussed throughout this report. Accordingly, the proposal does not satisfy Part 9.4 of MDCP 2011.

(iv) Reason 4

4. The development is inconsistent with the following provisions of the Inner West Local Environmental Plan 2022, a draft Environmental Planning Instrument at the time of lodgement of the application:

- Clause 1.2 - Aims of Plan, the proposal does not protect the heritage of the area, has not demonstrated that amenity impacts of the development are acceptable to adjoining properties and does not create high quality urban place.***
- Clause 2.3 - Zone objectives, the proposal does not maintain the built character of the surrounding area.***
- Clause 5.10 - Heritage conservation, the proposal adversely impacts the contributory dwelling within the heritage conservation area and fails to conserve the heritage significance of the area.***

For the reasons discussed below in relation to Reason 5, the application remains inconsistent with the following aims within Clause 1.2(2) of Draft IWLEP 2020:

- to identify, protect and conserve environmental and cultural heritage and significant local character,*
- to achieve a high-quality urban form and open space in the public and private domain by ensuring new development exhibits architectural and urban design excellence,*
- to protect and enhance the amenity, vitality and viability of Inner West for existing and future residents, workers and visitors,*

For the reasons discussed below in relation to Reason 5, the application remains inconsistent with the objectives of Clause 5.10(1) of Draft IWLEP 2020:

- (a) *to conserve the environmental heritage of Inner West,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

The draft IWLPP 2020 included the following objectives for the R2 zone:

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposal results in adverse amenity impacts and heritage impacts as discussed throughout this report and therefore is not consistent with the objectives of the R2 zone within the draft LEP.

- (v) Reason 5

5. The development is inconsistent with the following provisions of the Marrickville Local Environmental Plan 2011:

- a. ***Clause 1.2 - Aims of Plan, in that the proposal does not protect the heritage of the area and does not provide a high standard of design as a result of impacts to the locality and amenity.***
- b. ***Clause 5.10 - Heritage Conservation, in that the proposal adversely impacts a contributory building within the North Kingston Estate Heritage Conservation Area and does not conserve the heritage significance of the area.***

Clause 1.2 – Aims of Plan

It is considered that the proposed development remains inconsistent with a number of aims of MLEP 2011 set out in Clause 1.2(2) including:

- (b) *to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,*
- (g) *to identify and conserve the environmental and cultural heritage of Marrickville,*
- (h) *to promote a high standard of design in the private and public domain.*

The proposal has not provided sufficient information to demonstrate that the development will have an acceptable impact on the amenity of adjoining residential properties with regard to visual bulk and solar access and therefore Council cannot ascertain if the nearby residential amenity will be protected. The shadow diagrams submitted with the application do not include elevational diagrams of the adjoining neighbours' side facing windows at 172 Denison Street and therefore are inadequate to demonstrate that the proposed bulk and scale is appropriate for the site.

The subject site is a contributory building within the North Kingston Estate Heritage Conservation Area (HCA). As discussed earlier within this report under Part 8 of MDCP 2011 and under Clause 5.10 of *MLEP 2011* below, the proposed development does not respond to the significance of the HCA and does not comply with the heritage conservation provisions.

The proposed development does not provide a high standard of design in the public and private domain as discussed under Part 2.1 within this report.

Given the above, the development is inconsistent with the Aims of the Plan and is recommended for refusal.

Clause 5.10 – Heritage conservation

The subject site is a contributory building within the North Kingston Estate Heritage Conservation Area (HCA). The proposed development would not be visible from Denison Street however would be visible from Brooks Lane at the rear. The development would have unacceptable impacts on the significance of the HCA as the proposal results in the loss of contributory elements and fabric of the existing dwelling on site. The development does not respond to the significance of the HCA, comply with the objectives or controls within Part 8 of MDCP 2011 as discussed within this report, or maintain and/or reinstate elements of the contributory building that contribute to the consistency of the group of terrace houses and surrounding streetscape. Specifically,

- The development does not maintain the existing side setbacks to the ground or first floor and has not been designed to retain original wall features to interpret the original setbacks and form of the contributory dwelling.
- The subject site is part of a set of three terrace dwellings which all comprise side setbacks at the rear. The size of the proposed lightwell does not achieve a consistent pattern of development with regard to the lightwell for the adjacent dwelling at No. 172 Denison Street and it further removes a significant portion of the existing ground floor wall which is considered to be important contributory fabric of the dwelling to the HCA
- The proposal is inconsistent with and seeks to alter the overall form and massing of the original building.
- The style and proportions of the proposed rear facing windows which are visible from Brooks Lane are not appropriate for the dwelling and detract from the uniformity of the set of three contributory terrace dwellings.
- A Schedule of Materials and Finishes was not provided

During the assessment of the application, Council's Heritage Advisor raised concerns with proposed development due to the abovementioned reasons and requested additional information to address these concerns. The additional information requested by Council is listed in Section 4 of this report. No additional information was provided to address these concerns. As such, the application is inconsistent with the objectives of Clause 5.10(1) in that the proposal does not seek to:

- (a) to conserve the environmental heritage of Marrickville,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

Consequently, the application is recommended for refusal.

Notwithstanding, Council considers that the proposal could achieve consistency with this Clause and Part 8 of the MDCP 2011 by implementing the amendments requested by Council which are outlined in Section 4 of this report, however the applicant has chosen not to adopt the recommended changes.

5(e) The Likely Impacts

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

Impact to Contributory Dwelling and HCA

The development would have unacceptable impacts on the significance of the HCA as the proposal results in the loss of contributory elements and fabric of the existing dwelling on site. Overall, the development does not respond to the significance of the HCA or comply with the heritage provisions within Part 8 of the MDCP 2011.

Neighbouring Amenity Impacts (Visual bulk and Solar Access)

The development would result in poor amenity to the adjoining lightwell at No. 172 Denison Street as the proposed lightwell is significantly smaller than the adjoining neighbour and because the development is built to the southern side boundary in this location, there is concern that the proposal would result in overshadowing to the two (2) windows along the side elevation within the lightwell at No. 172 Denison Street, one of which services the kitchen. However, as no additional shadow diagrams were provided in response to Council's request, and the extent of the additional impact is unknown.

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 36 days to surrounding properties, in light of the Christmas period. One (1) submission was received in response to the initial notification. It is noted that the submission received during the notification of DA/2022/0161 was also considered as part of the assessment of this application.

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

- Overshadowing – see Section 5 in this report.
- Heritage – see Section 5 in this report.

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 contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Advisor – The proposal has been reviewed by Council’s Heritage Advisor who outlined concerns regarding bulk/scale, inconsistent pattern of development with adjoining terrace dwellings, demolition of significant contributory fabric and insufficient information regarding the proposed materials and finishes. Accordingly, Council’s Heritage Advisor did not provide support for the proposal.
- Urban Forests – The proposal has been reviewed by Council’s Urban Forests Team who outlined no objection to the proposed landscape/planting plans. Appropriate conditions of consent regarding the protection of the neighbouring tree are provided if any consent is granted.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* or the Marrickville Development Control Plan 2011.

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

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

9. Recommendation

- 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*, refuse Application No. REV/2022/0037 for a S8.2 Review of DA/2022/0161, refused on 15 September 2022, for ground and first floor alterations and additions to a dwelling house at 170 Denison Street, Newtown for the following reasons:

The development is inconsistent with the following provisions of the *Marrickville Local Environmental Plan 2011*:

- a. Clause 1.2 - Aims of Plan, in that the proposal does not protect the heritage of the area and does not provide a high standard of design as a result of impacts to the locality and amenity.
- b. Clause 5.10 - Heritage Conservation, in that the proposal adversely impacts a contributory building within the North Kingston Estate Heritage Conservation Area and does not conserve the heritage significance of the area.

The development is inconsistent with the following provisions of the draft Inner West Local Environmental Plan 2020, a draft Environmental Planning Instrument at the time of lodgement of the application:

- a. Clause 1.2 - Aims of Plan, the proposal does not protect the heritage of the area, has not demonstrated that amenity impacts of the development are acceptable to adjoining properties and does not create high quality urban place.
- b. Clause 2.3 - Zone objectives, the proposal does not maintain the built character of the surrounding area.
- c. Clause 5.10 - Heritage conservation, the proposal adversely impacts the contributory dwelling within the heritage conservation area and fails to conserve the heritage significance of the area.

The development is inconsistent with the following Parts of the Marrickville Development Control Plan 2011:

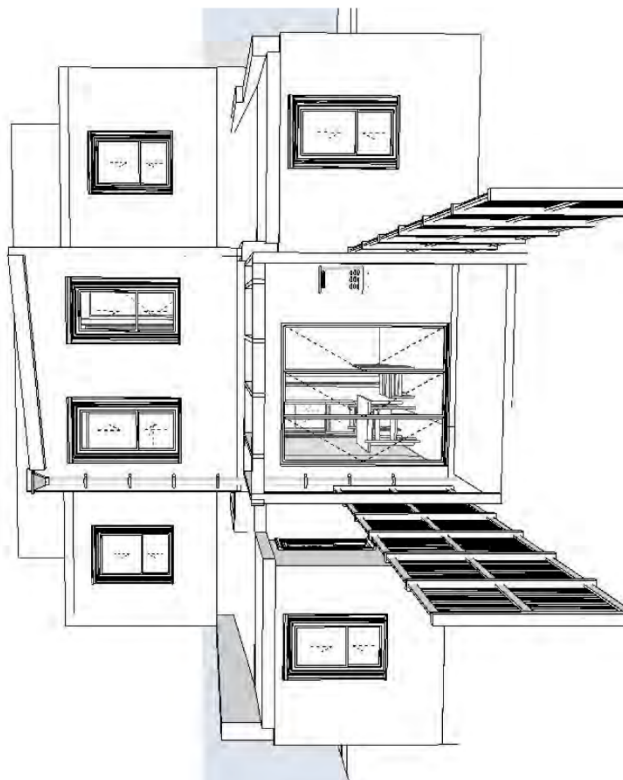
- a. Part 2.1 - Urban Design, the proposal does not enhance or conserve the existing character or the locality and results in adverse impacts to the contributory dwelling.
- b. Part 2.7 - Solar Access and Overshadowing, the proposal has not demonstrated compliance with the Part in that the shadow diagram provided are not in accordance with Control C1 and do not allow an assessment of impacts to windows at neighbouring properties.
- c. Part 4.1.5 - Streetscape and Design, the development does not complement the character of the area.
- d. Part 4.1.6 - Built Form and Character, the proposal results in adverse amenity and visual bulk impacts to neighbouring properties and the side setbacks have not been designed to follow that of the existing contributory dwelling and at adjoining sites.
- e. Part 8 - Heritage, the proposal results in non compliance with several controls for development within heritage conservation areas and would result in loss of contributory features and fabric of the dwelling which contribute to the heritage significance of the North Kingston Heritage Conservation Area.
- f. Part 9.4 - Newtown North and Camperdown (Precinct 4) - the proposal is inconsistent with the desired future character of the precinct as a result of the heritage impacts.

The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

Pursuant to the provisions of Part 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* and in view of the likely additional amenity impacts for neighbouring properties, the proposal is not in the public interest.

Attachment A – Plans of proposed development

RESTORATION WORKS
 RESTORATION WORKS TO THE ORIGINAL FACADE IS TO BE UNDERTAKEN TO ENHANCE THE PRESENTATION OF THE EXISTING DWELLING WITHIN DENISON STREET AND THE NORTH KINGSTON ESTATE



Proposed Addition & Alterations for Ash & Elizabeth Sheiles

170 Denison St Newtown NSW

Stage: Development Approval

DRAWING LIST SHEET	LAYOUT NAME
A0	Cover
A00	Specifications
A01	Schedules Basic Summary Site Location
A02	Site Plans
A03	Management Plan
A100	Concept Drainage Plan
A101	Ground Floor
A102	First Floor
A103	Roof Plan
A300	Demolition Plan
A301	Elevations
A400	Elevations
A500	Overshadowing Plans-Winter
A501	Overshadowing-summer
A502	Hourly Overshadowing Plan
A503	Hourly Elevation Overshadowing Plan

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BE ADVISED : SOME CLAUSES IN THIS SPECIFICATION MAY NOT BE RELEVANT TO THIS PROJECT

- 11.0 GENERAL
- 11 ALL DIMENSIONS SHALL BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK
- 12 ALL MATERIALS SHALL COMPLY WITH RELEVANT CURRENT AUSTRALIAN STANDARDS AND UNLESS OTHERWISE STATED ON THE PLANS SHALL BE NEW AND THE BEST OF THE RESPECTIVE KIND AND SUITABLE FOR THEIR INTENDED PURPOSES.
- 13 ALL WORKMANSHIP SHALL COMPLY WITH RELEVANT CURRENT AUSTRALIAN STANDARDS AND TO HAVE JURISDICTION OVER THE WORKS.
- 14 ALL WORK SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF THE RESPECTIVE AUTHORITY.
- 15 THE ARCHITECTURAL DRAWINGS SHOULD BE READ IN CONJUNCTION WITH THE SPECIFICATION, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THAT PART OF THE CONSTRUCTION DOCUMENTS REFERRED TO IN THE BUILDING CONTRACT.
- 16 DO NOT SCALE FROM DRAWINGS. NOTIFY OF ANY ERRORS OR OMISSIONS BEFORE PROCEEDING WITH ANY WORK.
- 17 ENSURE THAT SUBSTRATES ARE SUITABLE FOR THE INTENDED SUBSEQUENT FINISHES. COMMENCEMENT OF WORK ON THE SUBSTRATES IMPLIES ACCEPTANCE BY THE SUBCONTRACTOR OF THE SUBSTRATES ON WHICH FINISHES ARE APPLIED.
- 18 CONTRACTOR IS TO SUPPLY ALL EQUIPMENT NECESSARY FOR THE COMPLETION OF THE RESPECTIVE CONTRACTOR'S RESPONSIBILITY FOR THE PROGRESSIVE CLEAN UP DURING AND AFTER THE COMPLETION OF RESPECTIVE WORKS.
- 19 2.0 EARTHWORKS
- 21 UNLESS OTHERWISE STATED, REMOVE TOPSOIL TO A MINIMUM DEPTH OF 200mm INCLUDING ALL SURFACE AND SUB-SURFACE OBSTACLES AND DEBRIS. EXPOSED SURFACES SHOULD BE STABILISED WITH SUITABLE CLEAN FILL AND COMPACT IN LAYERS NOT GREATER THAN 300mm TO REDUCE LEVELS AS SHOWN.
- 22 BOTTOM EDGE OF THE FOOTING
- 23 ALL RETAINING WALLS TO BE TREATED WITH "BIKOTE" WATERPROOFING AGENT
- 3.0 CONCRETE
- 31 ALL CONCRETE REINFORCEMENT AND FORMWORK SHALL BE TO STRUCTURAL ENGINEERS DETAILS. RELEVANT BUILDING CODES AND STANDARDS
- 32 THE FOOTING AND SLAB CONSTRUCTION IS TO COMPLY WITH AS 2870
- 33 PROVIDE A PROPRIETARY VAPOUR BARRIER WHICH CONSISTS OF HIGH IMPACT RESISTANT POLYETHYLENE FILM MIN 0.20mm THICK WHICH HAS BEEN PIGMENTED AND BRANDED BY THE MANUFACTURER
- 4.0 TIE-BAR PROTECTION:
- 41 PROVIDE ANTI-TERMITE TREATMENT UNDER THE BUILDING AREAS IN ACCORDANCE WITH AS 3057, AS 3660 AND APPENDIX 6, FOR RETICULATED SYSTEMS.
- 42 BUILDER SHALL PROVIDE "WILEY & KOPRON" OR SIMILAR APPROVED ANTI-TERMITE TREATMENT IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARD CODES
- 5.0 BRICKWORK:
- 51 BRICK WORK SHALL COMPLY WITH:
 - AS 3700 MASONRY CODE
 - AS A183 MASONRY CODE
- 52 BRICK GAUGE 7 STANDARD COURSES + 600mm. MORTAR FOR MASONRY CONSTRUCTION
- 53 TIES SHALL BE 3.5mm DIAMETER GALVANIZED WIRE KINKED FOR AND BUILT IN EVERY 5TH COURSE AT 600mm CENTRE TO CENTRE. TIES SHALL BE LOCATED NEAR PERPENDICULAR TO THE FACE OF THE BRICKWORK AND NOT LOCATE WEBHOLES CLOSER THAN 50mm TO EACH LEAF AT LEAST 50mm.
- 54 VERTICAL CONTROL JOINTS SHALL BE 12mm WIDE FILLED AT COMPLETION WITH A CONTINUOUS FILLER
- 55 CAVITIES TO BE LEFT CLEAR OF MORTAR. PROVIDE CAVITY BOARDS. TEMPORARILY OMIT BRICKS TO PERMIT RAINING OUT OF CAVITY BOTTOMS.
- 56 FORM WEEP HOLES EVERY FOURTH PERPEND ABOVE FLASHING, AND CAVITY FILL KEEP CLEAR OF OPEN FLASHING. MUST LOCATE WEBHOLES CLOSER THAN 50mm TO JOINTS IN DAMP PROOF COURSES ON FLASHING.
- 57 PROVIDE DAMP PROOF COURSES (DPC) IN THE BOTTOM 3 COURSES OF BRICK WORK AND SLAB AND/OR FOOTINGS. DPC ADDITIVE SHALL BE CLEAR IN ALL FACEWORK.
- 58 SET OUT BRICKWORK ACCURATELY. PLUMB, LEVEL AND PROPERLY BONDED. RISING WORK TO BE RAKED TO FACE AND SET OUT TO FACE. BRICKWORK TO BE SET OUT TO FACE WITH A MARGIN OF 10mm OR GREATER THAN 50mm.
- 59 PROVIDE 20mm PLASTERING MARGIN BETWEEN WINDOW FRAME AND INTERNAL BRICKWORK TO BE
- 5.10 WHERE NECESSARY REINFORCE BELOW AND OVER OPENINGS WITH GALVANIZED WOVEN WIRE FABRIC 75mm WIDE IN CENTRE OF EACH LEAF OPENING EXTENDING ALUMINIUM OF 600mm BEYOND THE OPENING.

- 5.11 BUILD IN ALCOHOL FLASHINGS AS FOLLOWS:
 - WHERE SHOWN ON DRAWINGS
 - CAVITY WALLS BUILT TOP SLAB ON GROUND (WHERE NOT PARGE). PROVIDE 100% PROTECTION TO TOP OF ROOF OVER THE FULL WIDTH OF OUTER LEAF. CONTINUOUS ACCESS CAVITY WIRE FABRIC TO BE USED.
 - OVER ROOF - EXTEND THE FULL WIDTH OF EXTERNAL LEAF, STEPPED TO ROOF. 3.0 LEAF TURNED DOWN MIN 50mm OVER BASE FLASHING. TURN UP IN CAVITY FLOPPING INWARDS AND BUILT INTO INNER LEAF TO ABOVE.
 - UPPER ROOF FLASHING - EXTEND THE FULL WIDTH OF EXTERNAL LEAF AND BUILT INTO WITH SILL AND HEAD FLASHING AT EACH END.
 - STRUCTURE OR SERVICES WITHIN 30mm OF OUTER BRICK LEAF IN CAVITY. VERTICAL FLASHING CONTINUOUSLY BELOW FL TO ABOVE STRUCTURE OR FRAME. NOMINAL 300mm WIDE FOR HORIZONTAL STRUCTURES/SERVICES; CONTINUOUS FLASHING BUILT IN AS FOR OVER LINTELS ALWAYS IN CAVITY FROM INBOARD LEAF.
 - MIN 300mm WIDE FRIED TO GLASS BLOCK FRAME AND TURNED DOWN TO CAVITY FROM INBOARD LEAF.
- 5.12 WHERE NECESSARY REINFORCE BELOW AND OVER OPENINGS WITH GALVANIZED WOVEN WIRE FABRIC 75mm WIDE IN CENTRE OF EACH LEAF OPENING EXTENDING ALUMINIUM OF 600mm BEYOND THE OPENING.
- 5.13 UNLESS OTHERWISE SHOWN ON DRAWINGS WINDOW SILLS: 2 FACE BRICK. SPALLED BRICK WINDOW HEADS: SOLID FACE BRICK COURSE

E.G LINTELS	LINTEL SIZE (VERT x HORIZ. x THICK)	BEARING EACH END (mm)
500	75x10	150
1500	75x10	150
1500	90x90x8	230
1800	100x75x8	230
2100	125x75x8	230
2400	125x75x8	230
2500	100x100x8	230
3000	150x90x8	230

- 7.0 CARPENTRY WORK
- 71 STRAP FRAME OVER WALL PLATES AND SECURELY FIX TO TOP OF PLATE BY 2500mm GALV. CLOUD/STRAP.
- 72 REFER TO AS 1884 FOR ROOF FRAMING SIZES UNLESS SPECIFIED ON DRAWINGS.
- 7.3 SUPPLY AND FIX ALL BURLEHEADS & FALSE CEILING AS SHOWN ON THE DRAWINGS.
- 8.0 ROOFING
- 81 SELECTED ROOFING MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARD CODES
- 82 GUTTER, DRAINAGE, DOWNPIPES, FLASHING SHALL BE IN LONGEST POSSIBLE LENGTHS
- 83 ALLOW FOR ALL JOINTS AND JOINING MATERIALS, COLLARS, STRIPS & FASTENINGS NECESSARY TO COMPLETE WORK
- 84 ALLOW FOR ALL ROOF PENETRATIONS, ROOF COWLS, FLASHING, FLAMES THROUGH ROOF
- 85 FIX GUTTERS & FLASHING TO PERMIT THERMAL MOVEMENT IN THEIR FULL LENGTH
- 86 SEAL BETWEEN OVERLAPPING FLASHING; FLASHING TURNED DOWN OVER BASE OR APPROX FLASHING; FLASHING OVER METAL ROOF; FLASHING OVER SECRET GUTTERS; GROUND ROOF PENETRATIONS ETC.
- 9.0 WINDOWS/GLAZING
- 91 UNLESS OTHERWISE STATED ON THE DRAWINGS WINDOW FRAMES SHALL BE ALUMINIUM RESIDENTIAL OR COMMERCIAL IN SECTION WITH POWDERCOAT FINISH AS SELECTED BY OWNER.
- 92 ALLOW FOR FLYSCREENS TO BE FITTED TO ALL WINDOWS
- 93 ALL GLAZED WINDOW UNITS SHALL BE FACTORY MADE AND DELIVERED ON SITE AS A COMPLETE UNIT.
- 94 WHERE RELEVANT WINDOWS ARE TO COMPLY WITH THE SPECIFICATIONS PROVIDED BY THE THERMAL PERFORMANCE ASSESSOR
- 95 CLEAR GLASS GENERALLY OBTAIN FROM UNNOMINATED; THEY SHALL BE IN FRAMES AND INSTALLED TO MANUFACTURERS SPECIFICATIONS
- 96 WHERE GLASS BLOCKS HAVE BEEN NEEDED, THEY SHALL BE IN FRAMES AND INSTALLED TO MANUFACTURERS SPECIFICATIONS
- 10.0 JOINERY
- 101 ALL JOINERY SHALL BE OF HIGHEST QUALITY MATERIALS TO BEST TRADE PRACTICES AND HIGH QUALITY THROUGHOUT UNO.
- 102 INTERNAL DOOR FRAMES SHALL BE 100x40 DOUBLE BEATED FRAME WITH 100x40 WEATHERED THROUGHOUT UNO.
- 10.3 SUPPLY AND BUILD IN TIMBER DOOR FRAMES TO EXTERNAL LOCATIONS AS SHOWN ON ARCHITECTURAL DRAWINGS.

- 11.0 CEILINGS
- 11.1 CEILING SHALL BE RECESSED EDGE, MINIMUM 80mm PLASTERGLASS OR GYPOCK.
- 11.2 FLUSH LIGHTS, SMOKEHEADS, AND OTHER BLEMISHES IN THE SHEETS USING APPROVED SYSTEMS TO PROVIDE FLUSH STOP CORNERS & CASING BEADS TO ALL CORNERS & EDGES
- 11.3 PROVIDE ALL SELECTED MOLTINGS AND CORNICES TO ALL CEILING AS SHOWN ON THE DRAWINGS.
- 12.0 PLASTERING
- 12.1 INTERNAL WALL FINISHES INCLUDING CURBOARD, BIN & FRIDGE RECESSES ETC SHALL BE OTHER THAN FACE FINISHES OR WHERE COVERED BY FEATURE MATERIALS) FLOAT AND SET IN HARDWALL PLASTER UNO
- 12.2 EXTERNAL WALLS SHALL BE COVERED BY 12mm THICK COARSEST OF 1:19. CEMENT/UM SAND RENDER AND FINISHED WITH NORMALLY 20mm HARDWALL PLASTER
- 12.3 SUPPLY AND FIX EXTERNAL CORNER BEADS TO ALL EXTERNAL CORNERS
- 12.4 PROVIDE STOP BEADS WHEN PLASTER WORK ABUTS TIMBER FRAMES, OR FACEWORK
- 12.5 EXTERNAL RENDER WHEN APPLICABLE SHALL BE 2 COAT SAND FINISH. FOR PAINTING)
- 12.6 RECESSED IN INTERNAL CORNERS ADJACENT TO DOOR FRAMES GREATER THAN 40mm SHALL NOT BE PROVIDE JOINTS IN RENDER & FINISHING PLASTER WHERE BRICK WORK ABUTS OR JOINS ON TO CONCRETE WORK
- 13.0 FLOORING FINISHES
- 13.1 CARPET FLOOR COVERINGS TO NOMINATED AREAS COMPLETE WITH SELECTED UNDERLAY GRADUOUS EDGE/ DIMINISHING STRIPS ETC. TO COMPLETE THE WORKS; REFER TO DRAWINGS AND FINISHES SCHEDULE
- 13.2 PROVIDE CARPET FLOOR FINISHES TO ALL UNNOMINATED AREAS COMPLETE WITH ALL MATERIALS, ANGLE TRIMS ETC. TO COMPLETE THE WORKS; REFER TO DRAWINGS AND FINISHES SCHEDULE
- 13.3 PROVIDE TIMBER FLOOR FINISHES TO NOMINATED AREAS COMPLETE WITH ALL MATERIALS, DIMINISHING BOARDS ETC TO COMPLETE THE WORKS. FLOOR BOARDS TO BE Sanded AND POLISHED TO HIGH STANDARD WITH PREMIUM QUALITY SEALER (2 COATS). REFER TO DRAWINGS AND FINISHES SCHEDULE
- 14.0 SIGNAGE
- 14.1 WHERE NECESSARY SUPPLY & FIX SELECTED UNIT AND HOUSE NUMBERS TO EACH UNIT AND TO LETTERBOARDS AS SCHEDULED
- 14.2 'SURFERGRAFF' RESERVES THE RIGHT TO ERECT A BUILDERS SIGN ON THE PROPERTY FACING THE STREET FRONTAGE IN COMPLIANCE WITH AUTHORITY REQUIREMENTS.
- 15.0 PAVING
- 15.1 GENERALLY WHEN PAVING IS INCLUDED IN THE BUILDING CONTRACT THE FOLLOWING SHALL APPLY AS A MINIMUM STANDARD
 - SUPPLY AND LAY ALL PAVING TO EXTERNAL AREAS AS SHOWN ON WORKING DRAWINGS
 - CUT, FILL & COMPACT SAND TO REQUIRED LEVELS, SCORED TO UNIFORM THICKNESS AND LEVELS
 - PROVIDE EDGE RETAINING FOOTING EMBEDDED IN UNIFORM BENEATH THE PAVING BRICK
 - TRAFFICABLE AREAS: MIN. 65mm SOLID CLAY OR CONCRETE
 - PEDESTRIAN AREAS: MIN. 45mm SOLID CLAY OR CONCRETE
 - DRIVEWAY AND BED EDGE BRICK IN MORTAR.
- 15.2 PROVIDE 100mm COMPACTED LIMESTONE BASE TO DRIVEWAY TOPPED WITH 50mm CLEAN SAND AND GRADE TO FALLS
- 15.3 UNLESS NOTED PAVING PATTERN IS TO CLIENTS DETAIL
- 15.4 PROVIDE CURB TO EXTERNAL AREAS AS SHOWN ON DRAWINGS
- 15.5 PEDESTRIAN AREAS: MIN. 65mm SOLID CLAY OR CONCRETE

- 16.0 ENERGY EFFICIENCY
- 16.1 INSULATION MUST FORM A CONTINUOUS BARRIER WITH CEILINGS, WALLS AND FLOORS BY ABUTTING
- 16.2 INSULATION IS NOT TO AFFECT DOMESTIC SERVICES OR FITTINGS
- 16.3 REFLECTIVE INSULATION IS TO BE PROVIDED WITH A MINIMUM 25mm AIRSPACE AND IS FITTED CLOSE TO OPENINGS SUCH AS WINDOWS/DOORS ETC. AND IS PROVIDED WITH ADEQUATE SUPPORT.
- 16.4 BULK INSULATION MUST MAINTAIN ITS POSITION, THICKNESS
- 16.5 CONSTRUCTION JOINTS, SUCH AS BETWEEN WALL AND FLOOR, ARE TO BE TIGHT FITTING OR SEALED USING CAULKING OR JOINTER TIPS SUCH AS SIKKING OR CORNICES
- 16.6 EXHAUST FANS ARE TO BE FITTED WITH A SELF CLOSING DAMPER
- 16.7 ROOF LIGHTS MUST BE SEALED WITH WEATHERPROOF SEAL
- 16.8 HEATED WATER PIPING MUST BE THERMALLY INSULATED AND PROTECTED AGAINST THE WEATHER AND SUN
- 16.9 INTERVAL HEATED WATER PIPING TO HAVE AN R VALUE OF 0.2
- 16.10 ENCLOSED SUB-FLOOR AND ROOF SPACE TO HAVE AN R VALUE OF 0.45

Specifications

Proposed Addition & Alterations Ash & Elizabeth Shielles
170 Devon St Newtown NSW
Development Approval

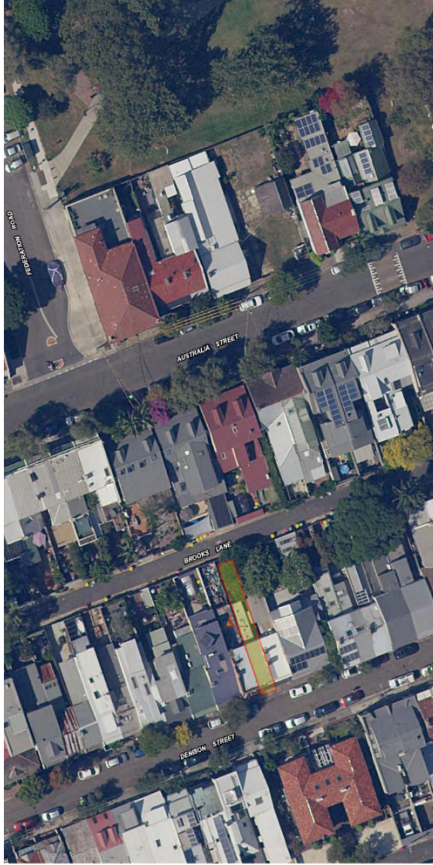
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Location Plan/Satellite Imagery

EXTERNAL DOOR SCHEDULE			
ID	Nominal W x H Size	Opening Type	Notes
D-01	1,900x2,300	Bi-Fold	Aluminium

Window Types			
ID	Nominal W x H Size	Opening Type	Notes
Skyl-01	---	Hinged	Aluminium 600x1,200
Wf-01	610x1,370	Awning	Aluminium ---
Wf-02	610x1,370	Awning	Aluminium ---
Wf-03	700x1,200	Awning	Aluminium ---
Wf-04	700x1,200	Awning	Aluminium ---
Wf-05	610x1,370	Awning	Aluminium ---

EXTERNAL MATERIALS AND COLOUR SCHEDULE

GROUND FLOOR WALLS
 COLOUR: HAMPTONS (OR SIMILAR)
 BRAND: AUSTRAL
 FINISH: EXPOSED

EXTERNAL CLADDING
 COLOUR: WHITE (OR SIMILAR)
 BRAND: JAMES HARDIE
 PROFILE: LINEA

ROOF CLADDING
 COLOUR: SUREMIST (OR SIMILAR)
 BRAND: COLORBOND
 PROFILE: TRIMDEK OR KLIP-LOK

EXTERIOR PAVING
 COLOUR: NATURAL SANDSTONE
 BRAND: AS SELECTED

WINDOW FRAMES
 COLOUR: WHITE (OR SIMILAR)
 TYPE: ALUMINIUM

FASCIA / GUTTERS
 COLOUR: SUREMIST (OR SIMILAR)
 BRAND: COLORBOND

STRUCTURAL FLOORING
 FINISH: TO MATCH EXISTING FLOORING (OR SIMILAR)
 TYPE: REINFORCED CONCRETE SLAB

RESTORATION WORKS
 RESTORATION WORKS TO THE ORIGINAL FACADES TO BE UNDERTAKEN TO ENHANCE THE PRESENTATION OF THE EXISTING DWELLING WITHIN DENISON STREET AND THE NORTH KINGSTON ESTATE.

SUMMARY OF BASIS COMMITMENTS - 170 DENISON STREET NEWTOWN NSW 2042
This is a summary of the Basis Commitments as detailed in the Basis Certificate A4336050. For definitions refer to www.sppw.vic.gov.au. Builders and Owners must refer to the CURRENT BASIS CERTIFICATE for complete details.

WATER COMMITMENTS	
ALL SHOWER HEADS	3 STAR (C = 60/90)
ALL DWELLING TOILETS	3 STAR
ALL KITCHEN TAPS	3 STAR
ALL BATHROOM TAPS	3 STAR
ALL SHOWER AND WALLS	3 STAR
ALL SUSPENDED FLOOR WITH ABOVE DWELLING	YES
CONCRETE SLAB ON GROUND	YES
DWELLING NO.	170 Denison
CONSTRUCTION	RENOVATION
ADDITIONAL INSULATION (R-VALUE)	N/A
FLOOR ABOVE EXISTING DWELLINGS OR BUILDINGS	N/A
EXTERIOR WALLS - FRAMES	N/A
EXTERNAL WALL BRICK VENEER	N/A
EXTERNAL WALL CAVITY BRICK	N/A
RANKED CEILINGS, PITCHED ROOF	N/A
CEILING: R1.70/0.90/0.90	N/A
ROOF: POLYCARBONATE	N/A
ENERGY COMMITMENTS	N/A
THE APPLICANT MUST ENSURE A MINIMUM OF 40% OF RUMBLE GRASS AND AN UNLIMITED WITH FLUORESCENT COMPACT FLUORESCENT OR LED LIGHTING	N/A
GLAZING COMMITMENTS	N/A
WINDOW DOOR NO.	1
ORIENTATION	EAST
AREA OF WINDOW FRAME	5.15
OVERSHADOWING HEIGHT (M)	2.8
SHADING DEVICE	NONE
FRAME AND GLASS TYPE	ALUMINIUM FRAME WITH POLYCARBONATE GLASS (R-VALUE 5.7, U-VALUE 0.47)
WINDOW DOOR NO.	1
ORIENTATION	EAST
AREA OF WINDOW FRAME	2.17
OVERSHADOWING HEIGHT (M)	1.5
SHADING DEVICE	NONE
FRAME AND GLASS TYPE	ALUMINIUM FRAME WITH POLYCARBONATE GLASS (R-VALUE 5.7, U-VALUE 0.47)
WINDOW DOOR NO.	1
ORIENTATION	EAST
AREA OF WINDOW FRAME	0.72
OVERSHADOWING HEIGHT (M)	1.5
SHADING DEVICE	NONE
FRAME AND GLASS TYPE	ALUMINIUM FRAME WITH POLYCARBONATE GLASS (R-VALUE 5.7, U-VALUE 0.47)

Schedules | Basis Summary | Site Location
 Proposed Addition & Alterations
 Ash & Elizabeth Shielles
 Development Approval

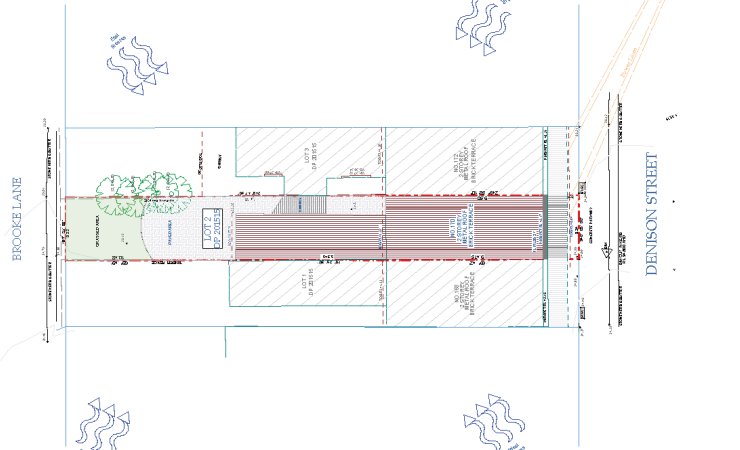
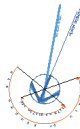
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RESTORATION WORKS
 RESTORATION WORKS TO THE ORIGINAL FACADE IS TO BE UNDERTAKEN TO ENHANCE THE PRESENTATION OF THE EXISTING DWELLING WITHIN DENISON STREET AND THE NORTH KINGSTON ESTATE



Existing Site Plan | Analysis
 1:200

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Site Plans

Proposed Addition & Alterations
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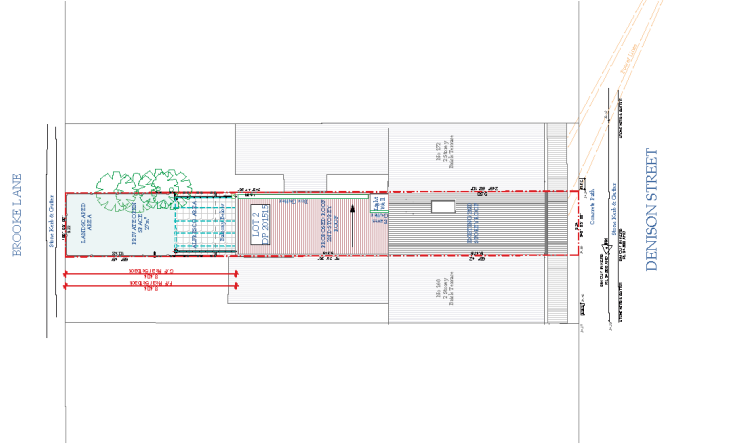
Rev: JC
 Date: 02/12/2022
 Drawn By: JC
 Amendment:

SITE NOTES

- ALL DIMENSIONS ON SITE TO EXISTING WORK.
- RESIDENCE PRIOR TO COMMENCEMENT OF ANY WORK.
- BE REMOVED AND MADE GOOD AS NECESSARY.
- THE EXACT LOCATION OF UNDERGROUND AND ABOVE GROUND SERVICES TO BE OBTAINED ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.
- ALL WORKS TO BE BEGUN IN CONJUNCTION WITH THE SPECIFICATION PROVIDED.
- BE AWARE OF EXISTING SERVICES. CONFIRM LOCATIONS PRIOR TO EXCAVATION TAKE EXTREME CARE TO AVOID SERVICES.
- REFER ALL MAJOR WORKS TO PAMPS, WALKWAYS, DRIVEWAYS ETC. REFER TO CIVIL ENGINEERS DOCUMENTATION.

SITE CALCULATIONS

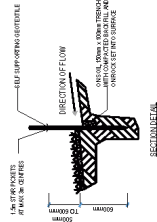
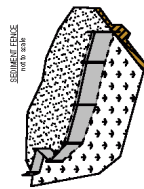
SITE AREA	8172m ²
EXISTING FLOOR AREA	57.69m ²
PROPOSED GROUND FLOOR ADDITION	12m ²
PROPOSED FIRST FLOOR ADDITION	19.46m ²
TOTAL FLOOR AREA	88.15m ²
F.S.R	108%
LANDSCAPED AREA	14.6m ² , 17.5%
TOTAL SITE COVERAGE	53.9m ² , 66%



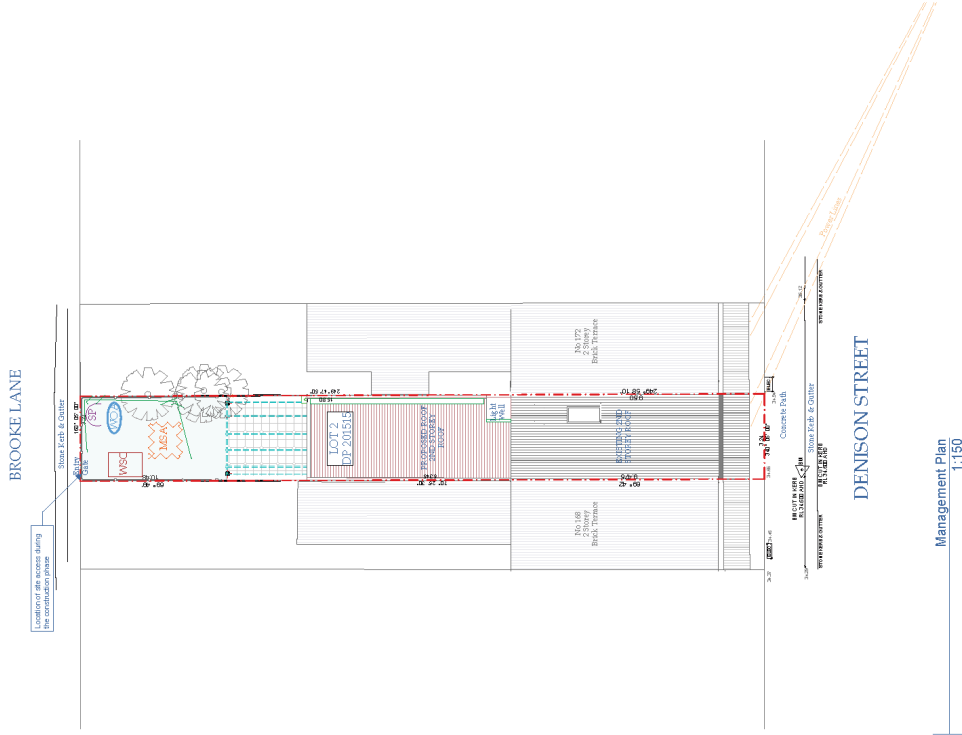
Proposed Site Plan
 1:200

- MANAGEMENT NOTES**
- THIS MANAGEMENT PLAN MUST BE FOLLOWED DURING THE CONSTRUCTION PHASE OF THE PROJECT.
 - ALL EXCESS MATERIALS MUST BE RE-USED, RECYCLED OR THE LAST OPTION DISPOSED OF AT AN APPROVED E.P.A WASTE FACILITY SITE.
- WASTE FACILITIES**
- CONSTRUCTION WASTE TO BE COLLECTED BY A COUNCIL APPROVED WASTE COMPANY.
 - ANY ASBESTOS TO BE REMOVED FROM THE DWELLING MUST BE DONE BY AN APPROVED ASBESTOS REMOVAL COMPANY CHOSEN BY THE OWNER.

- NOTES**
- BUILDER TO PROVIDE 1.8m SECURITY FENCE TO PERIMETER OF SITE AS PER COUNCIL REQUIREMENTS.
 - MAINTAIN NATURAL GROUND LINE. ALL FILL TO BE CONTAINED WITHIN BUILDING ENVELOPE.



- SEDIMENT CONSTRUCTION NOTES**
- CONSTRUCT SEDIMENT FENCE AS CLOSE AS POSSIBLE TO THE CONTOURS OF THE SITE.
 - DRIVE 1.5m LONG STAR PICKETS INTO GROUND, 3m APART.
 - DIG A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE.
 - THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
 - BACKFILL TRENCH OVER EASE OF FABRIC.
 - SELF SUPPORTING GEOTEXTILE TO UPSLOPE SIDE OF POSTS WITH WIRE TIES OR AS RECOMMENDED BY GEOTEXTILE MANUFACTURER.
 - JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH 150mm OVERLAP.



Management Plan

Proposed Addition & Alterations
Development Approval

Ash & Elizabeth Shelles
170 Denison St Newtown NSW

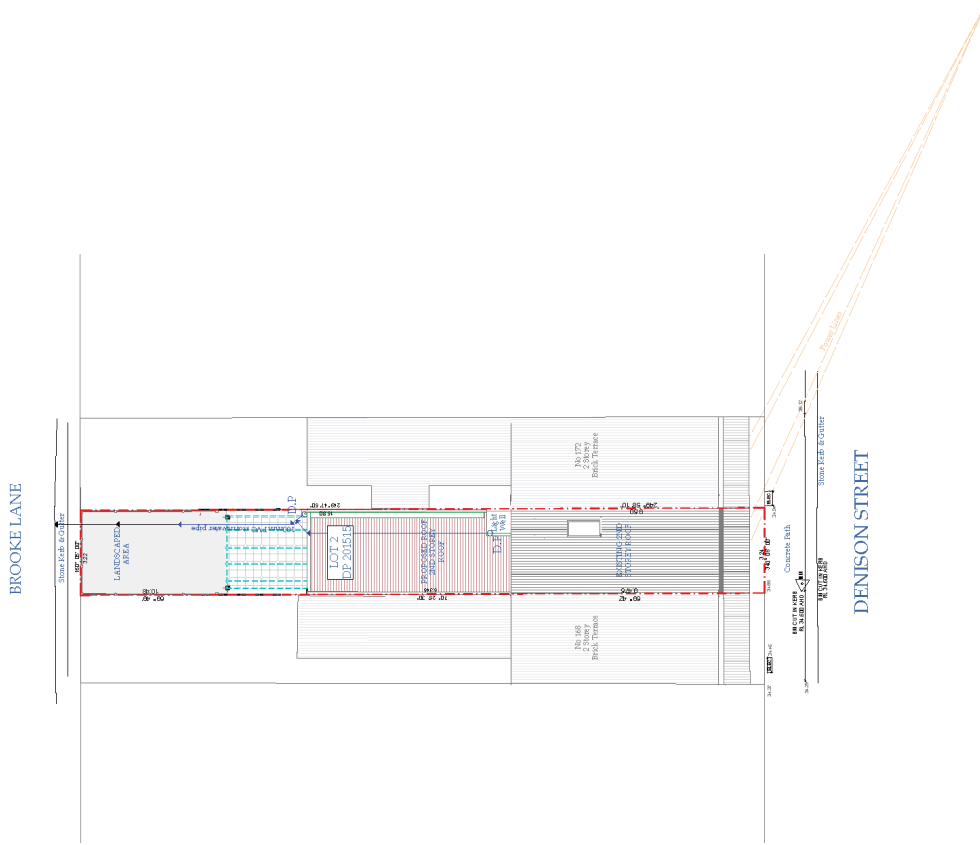


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Designed By: JC
Job No: S02-3376
Page No: A02
Scale: @ A3 As Indicated

Rev: JC
Date: 02/12/2022
Drawn By: JC
Amendment:

- NOTES**
- ALL STORMWATER DRAINAGE LINES SHALL HAVE A MINIMUM FALL OF 1:100.
 - ALL STORMWATER DRAINAGE LINES SHALL BE CONFIRMED BY FLUMES DURING CONSTRUCTION.
 - PROVIDE EARTHROUTERS WITH FALLS TO DOWNPIPES TO BE CONFIRMED BY FLUMES DURING CONSTRUCTION.
 - DRAINAGE SYSTEMS TO COMPLY WITH ALL RELEVANT STANDARDS AND REQUIREMENTS.
 - ALL DOWNPIPES TO BE 100mm DIAMETER AT 100mm U/G.
 - POSITION OF STORMWATER DRAINAGE LINES AND DOWNPIPES TO BE CONFIRMED ON SITE.



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Concept Drainage Plan
 Proposed Addition & Alterations
 Development Approval
 Ash & Elizabeth Shielles
 170 Denison Street Newtown NSW

Designed By: JC
 Job No: S01-3376
 Page No: A03
 Scale: @ A3
 Rev: JC
 Date: 02/12/2022
 Drawn By: JC
 Amendment:

Concept Drainage Plan
 1:150



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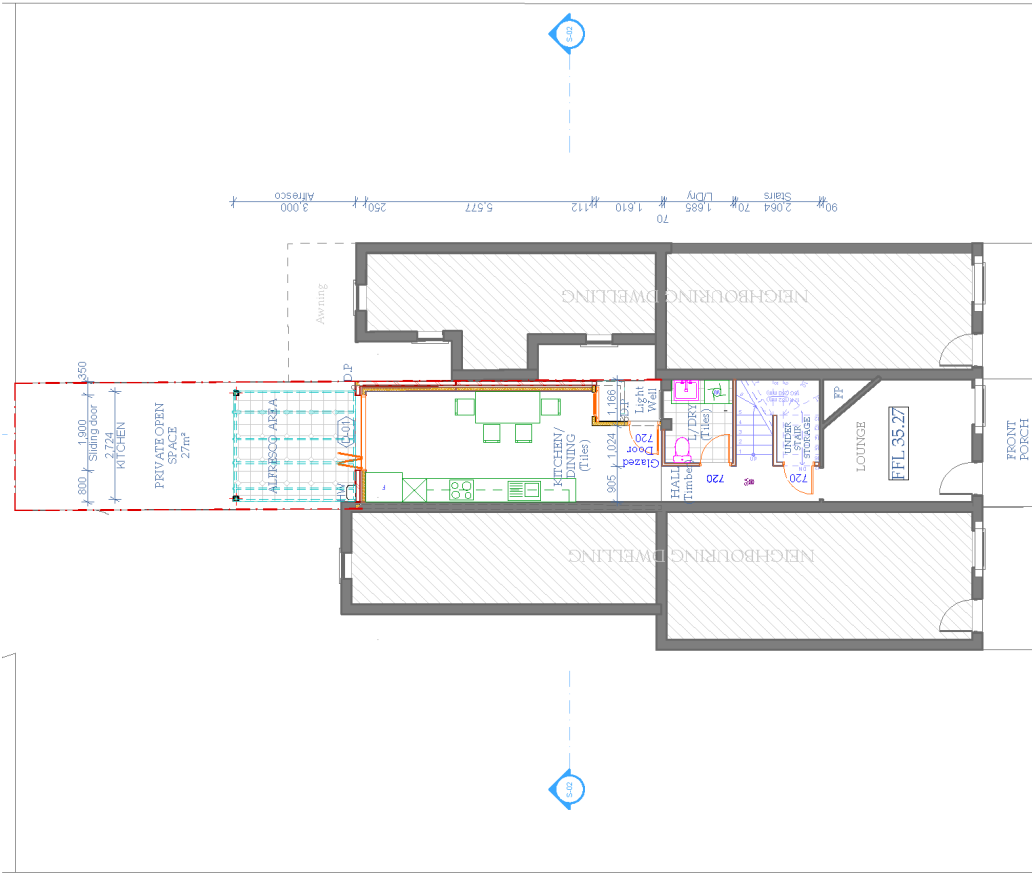


Rev 04
Date 12/12/2022
Drawn By JC
Amendment

Designed By JC
Job No: S02.3276
Page No: A00
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Ground Floor
Proposed Addition & Alterations Ash & Elizabeth Shielles
170 Denison Street Newcom NSW
Development Approval

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CONSTRUCTION NOTES

- * ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT NCC AND THE LATEST RELEVANT AUSTRALIAN STANDARDS AS WELL AS ALL RELEVANT LOCAL COUNCIL REQUIREMENTS.
- * ALL WORK SHALL BE DONE BY QUALIFIED TRADES PEOPLE WITH APPROPRIATE CERTIFICATION AND INSURANCES NECESSARY.
- * ALL BRICKWORK (INCLUDING BRICK VENEER) SHALL BE IN ACCORDANCE WITH THE ASSOCIATED ASSUMES CODE.
- * ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE ASSUMES CODE.
- * FITMENTS ARE TO CARRY OUT WORKS TO COMPLETION IN A GOOD WORKMANLIKE MANNER WHETHER THOSE ITEMS ARE SHOWN AND/OR SPECIFIED OR NOT.
- * ALL DIMENSIONS ON SITE TO BE TO FINISH UNLESS OTHERWISE SPECIFIED.
- * SUPPLY AND INSTALL 'KORDAN' PHYSICAL TERMITE TREATMENT (UNLESS OTHERWISE APPROVED) TO COMPLY WITH AS3660.1 AND MANUFACTURERS SPECIFICATION.
- * ALL FRAMING SHALL BE IN ACCORDANCE WITH AS1848 AND TO THE REQUIREMENTS OF THE NCC.
- * FOR ALL STRUCTURAL MEMBERS, FOOTINGS & LOAD BEARING WALLS REFER TO FUTURE STRUCTURAL DOCUMENTATION PREPARED BY ENGINEERS.
- * ALL WORK SHALL BE IN ACCORDANCE WITH HARDWIRED SMOKE ALARMS IN ACCORDANCE WITH AS3786.
- SA INDICATES SMOKE ALARM

LEGEND

DP	DOWN PIPE
SA	SMOKE ALARM
WIN	WINDOW
OPN	OPENING
FFFL	FINISH FLOOR LEVEL
Col	COLUMN

TOTAL FLOOR AREA
47.01m²
Existing FFL (Finished Floor Levels) to remain unchanged.

Ground 1:100



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Rev 04
 12/12/2022
 J.C.

Designed By J.C.
 Job No: 502.3376
 Page No: A01
 Scale: @ A3

Proposed Addition & Alterations
 Development Approval
 Ash & Elizabeth Shelles
 170 Denison St Newcom NSW

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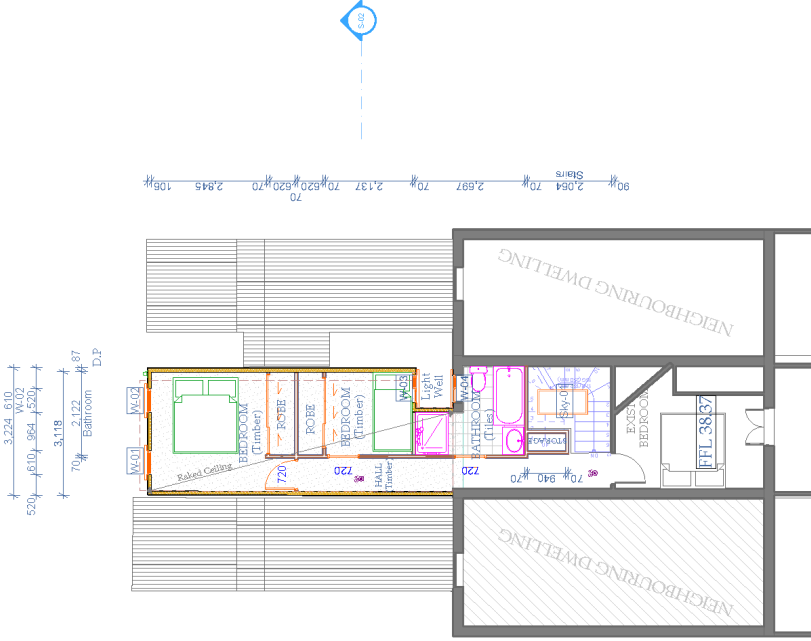
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CONSTRUCTION NOTES

- * ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT NCC AND THE LATEST RELEVANT AUSTRALIAN STANDARDS AS WELL AS ALL LOCAL COUNCIL REQUIREMENTS.
- * ALL WORK SHALL BE DONE BY QUALIFIED TRADES PERSONS AND MUST BE CERTIFIED AND INSURANCES NECESSARY.
- * ALL BRICKWORK (INCLUDING BRICK VENEER) SHALL BE IN ACCORDANCE WITH AS3700 MASONRY CODE.
- * ALL TRADES SHALL INCLUDE ALL NECESSARY TRADES AND MUST BE CERTIFIED AND INSURANCES NECESSARY.
- * ALL WORK SHALL BE DONE IN A MANNER THAT PROVIDES A GOOD WORKMANLIKE MANNER WHETHER THOSE ITEMS ARE SHOWN AND/OR SPECIFIED OR NOT.
- * CONFIRM ALL DIMENSIONS ON SITE TO EXISTING WORK PRIOR TO COMMENCEMENT OF ANY WORK.
- * ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE TREATMENT UNLESS OTHERWISE APPROVED TO COMPLY WITH AS3600.1 AND MANUFACTURERS SPECIFICATION.
- * ALL TIMBER FRAMING SHALL BE IN ACCORDANCE WITH AS1720.1 AND AS1720.2.
- * FOR ALL STRUCTURAL MEMBERS, FOOTINGS & LOAD BEARING WALLS REFER TO FUTURE STRUCTURAL DOCUMENTATION PREPARED BY ENGINEERS.
- * ELECTRICIAN TO SUPPLY AND INSTALL APPROVED WIRE MESH SMOKE ALARMS IN ACCORDANCE WITH AS3785.
- SA INDICATES SMOKE ALARM

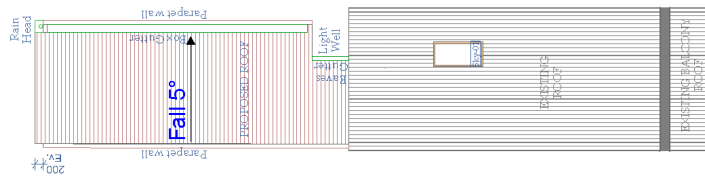
LEGEND

DP	DOWN PIPE
SA	SMOKE ALARM
OPN	OPENING
HW	HOT WATER
COL	COLUMN
FFL	FLOOR LEVEL
FFL 3837	EXISTING FLOOR LEVEL (including stair void)
463.7m	EXISTING FFL (finished floor levels) to remain unchanged.



First Floor
 1:100

- ROOF NOTES**
- * RAKED ROOF FRAMING TO PROPOSED ROOF.
 - * RAKED CEILING TO BE AS INDICATED ON PLAN.
 - * PROPOSED ROOF TO BE COLOREBOND.
 - * COLOUR OF PROPOSED ROOF TO COMPLY WITH THE REQUIREMENTS OF THE BASIX CERTIFICATE.
 - * UNDERSIDE OF ROOF TO HAVE 55mm FOIL BACKED INSULATION TO BE SPECIFIED BY CONTRACTOR.
 - * EAVES GUTTERS TO BE COLOREBOND QUAD GUTTER U.N.O.
 - * DIMENSIONS SHOULD BE CHECKED ON SITE.
 - * U.N.O. UNLESS NOTIFIED OTHERWISE.



Roof Plan
1:100



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Roof Plan
 Proposed Addition & Alterations
 Development Approval
 Ash & Elizabeth Shielles
 170 Denison, St Newcom NSW



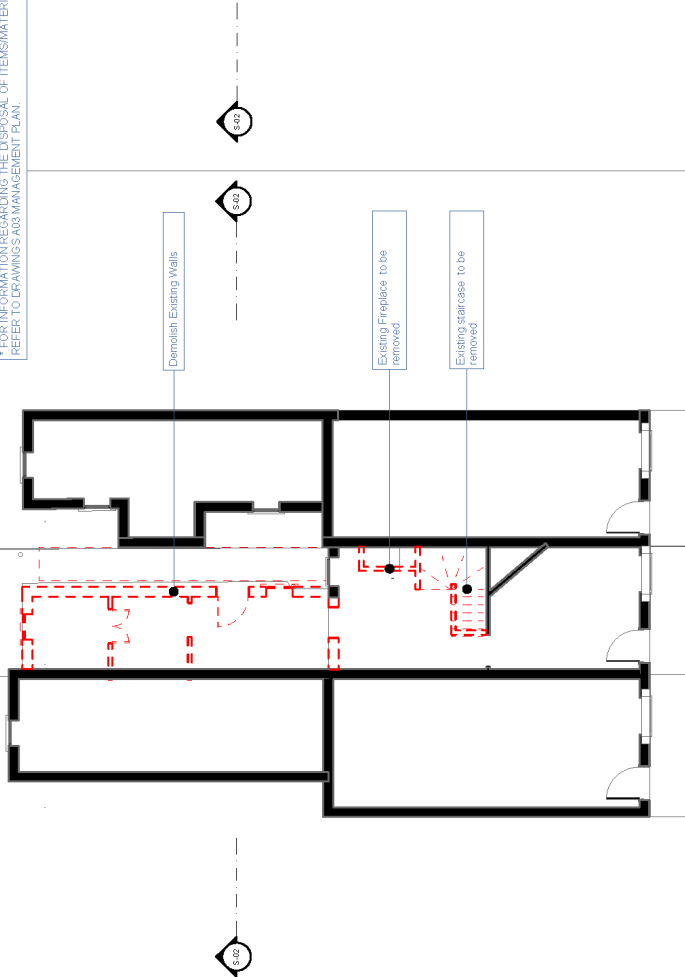
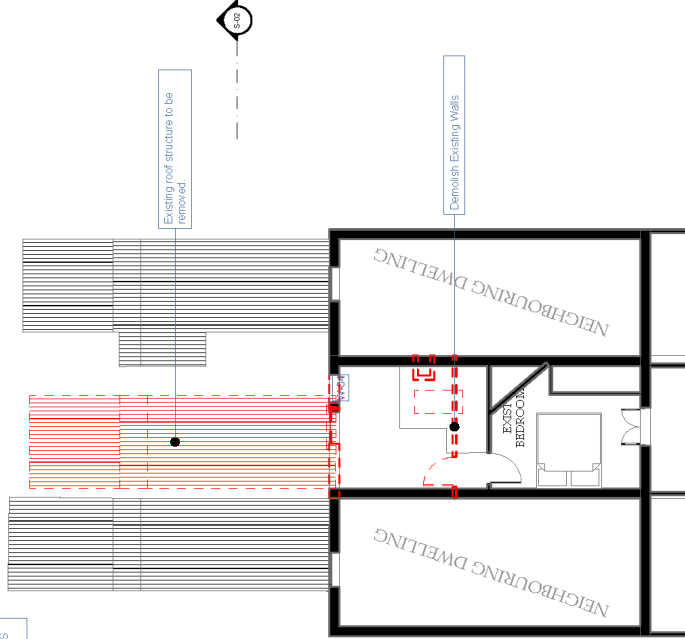
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 Job No: S02-13716
 Page No: A102
 Scale: @ A3
 As Indicated

Rev: IC
 Date: 19/12/2022
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 Amendment:

Rev 04
 19/12/2022
 IC

Demolish existing dwelling
 Demolition should be undertaken only under the supervision of a suitably experienced person and using only experienced operators and drivers. Obtain and pay for any required inspection which are additional to the building consent. Take all precautions necessary to minimise nuisance caused by dust, dirt, rubbish and wear. Notify relevant agencies by unauthorised persons. Illustrate and protect all holes, unsafe buildings and other hazards. Leave site and building safe at the close of each days work.
REINSTATE AND MAKE GOOD: reinstate and make good demolition damage to adjoining properties, existing work, services, or property.

DEMOLITION NOTES
 * CAP OFF EXISTING PLUMBING AND ELECTRICAL WORKS AS NECESSARY BY CERTIFIED TRADESPERSON.
 * MODIFIED BRICKWORK TO BE TOOTHED INTO EXISTING WHERE APPLICABLE.
 * EXISTING MATERIALS TO BE REUSED TO OWNERS DETAIL.
 * MATERIALS REMOVED FROM SITE MUST BE DISPOSED OF AS PER COUNCIL REGULATION.
 * INVESTIGATION SHOULD BE UNDERTAKEN BEFORE ALL WORKS THAT ARE TO BE UNDERTAKEN.
 * THE CONTRACTOR IS TO ACCEPT FULL RESPONSIBILITY FOR THE STABILITY AND STRUCTURAL INTEGRITY OF EXISTING STRUCTURES WITHIN AND ADJACENT TO THE WORKS.
 * REMOVE ALL WALLS, DOORS, WINDOWS AND OTHER ITEMS SHOWN IN RED ON THIS DRAWING.
 * FOR INFORMATION REGARDING THE DISPOSAL OF ITEMS/MATERIALS REFER TO DRAWINGS A03 MANAGEMENT PLAN.



Rev 04
 Date 12/12/2022
 Drawn By JC
 Amendment

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 Job No: S02-1376
 Page No: A03
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First (3)
 1:100

Demolition Plan
 Proposed Addition & Alterations
 Ash & Elizabeth Shielles
 170 Denison Street Newtown NSW
 Development Approval

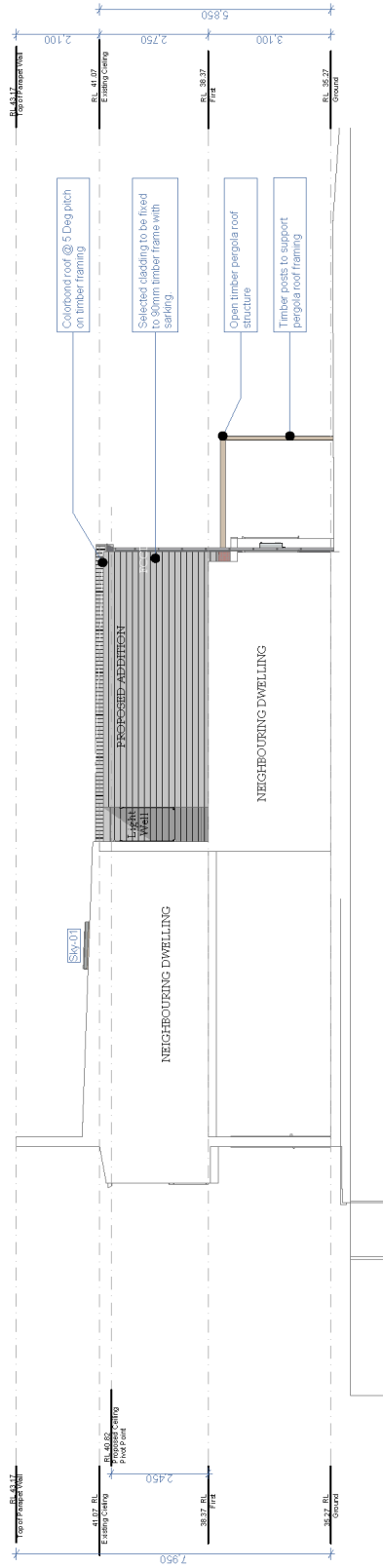
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NE Elevation
1:100



SE Elevation
1:100

Elevations

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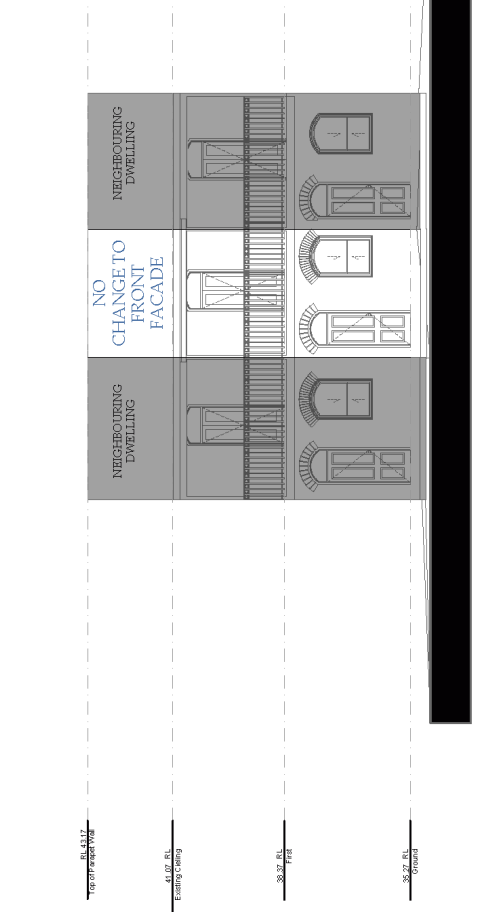
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Job No: S02-1376
Page No: A300
Scale: @ A3
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Date: 01/12/2022
Drawn By: JC
Amendment:

Proposed Addition & Alterations
Development Approval
Ash & Elizabeth Shielles
170 Denison St Newtown NSW

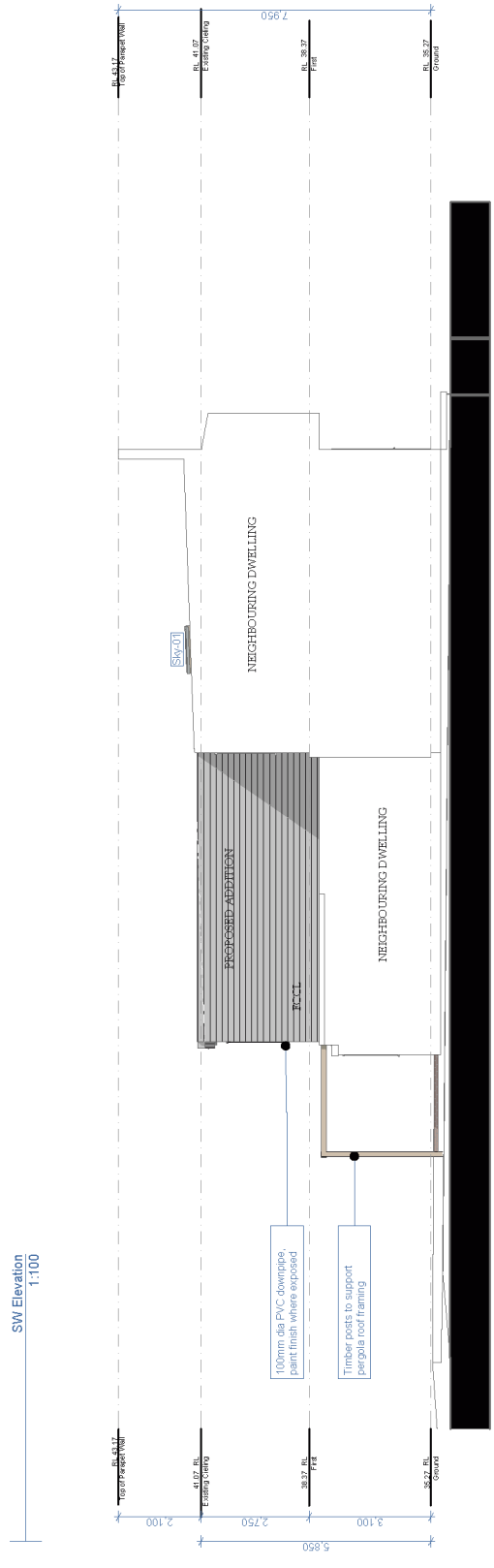
RESTORATION WORKS
 RESTORATION WORKS TO THE ORIGINAL FACADE IS TO BE UNDERTAKEN TO ENHANCE THE PRESENTATION OF THE EXISTING DWELLING WITHIN DENISON STREET AND THE VORTHINGTON ESTATE



LEGEND

FCCL	Flare Cement Cladding
BRV	Brick Veneer Wall
DBR	Double Brick Wall
HW	Hot Water System

SW Elevation
1:100



NW Elevation
1:100

Elevations

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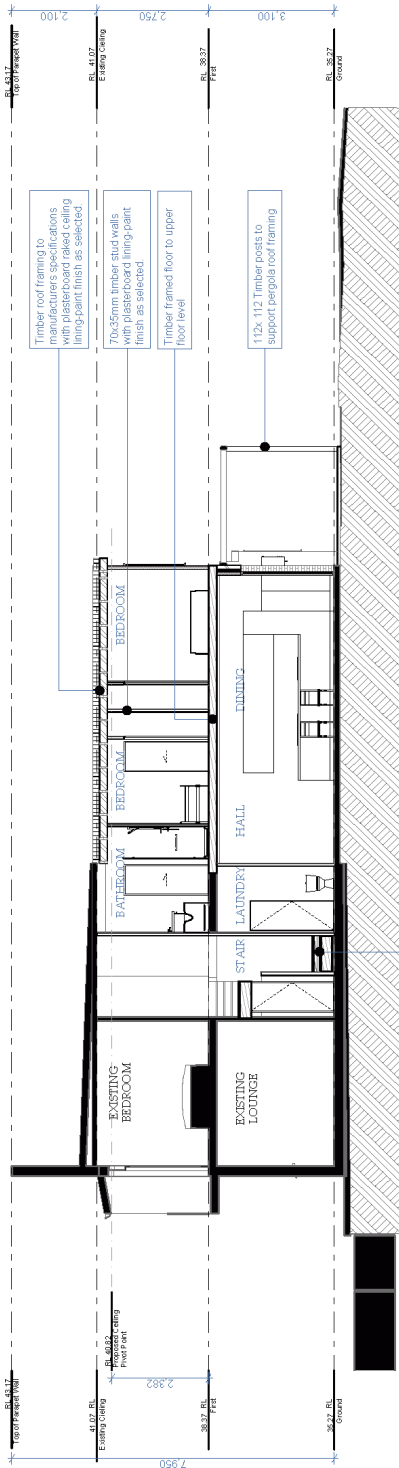
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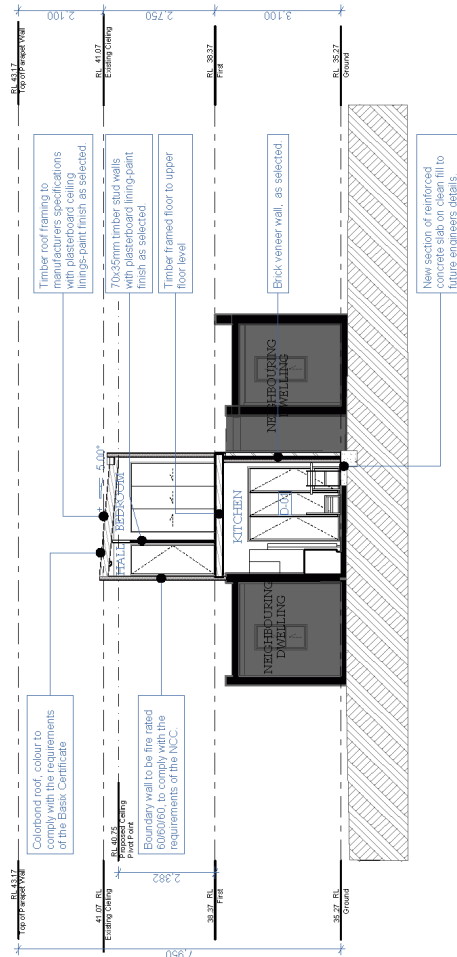
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 Page No: A3/1
 Scale: @ A3

Rev: JC
 Date: 19/12/2022
 Drawn By: JC
 Amendment:

Proposed Addition & Alterations
 Development Approval
 Ash & Elizabeth Shielles
 170 Denison St Newtown NSW



S-01 Section 1:100



S-02 Section 1:100

Sections

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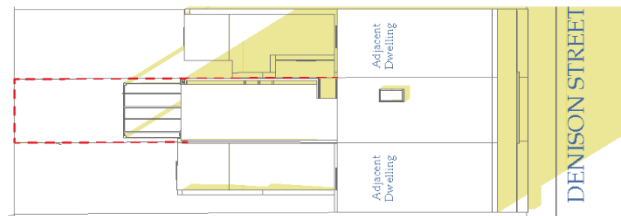


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Job No: S01-3376
Page No: A400
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Proposed Addition & Alterations
Development Approval
Ash & Elizabeth Shielles
170 Denison St Newtown NSW

Rev: JC
Date: 02/12/2022
Drawn By: JC
Amendment:



Shadow Study, 21 June at 09:00h
1:200



Shadow Study, 21 June at 12:00h
1:200



Shadow Study, 21 June at 15:00h
1:200

Overshadowing Plans-Winter

Proposed Addition & Alterations Ash & Elizabeth Sheiles
Development Approval
170 Denison St Newtown NSW

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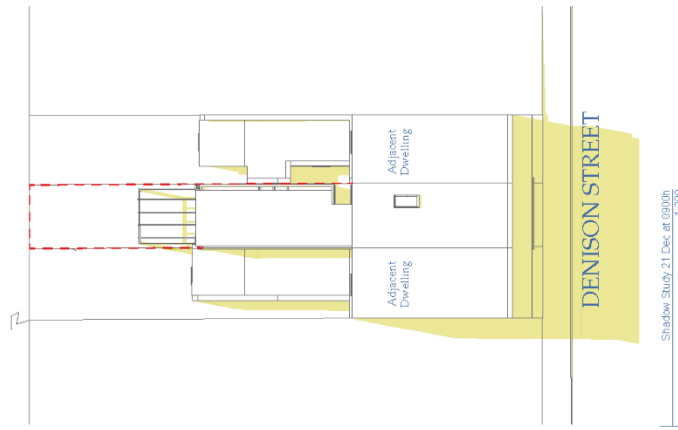
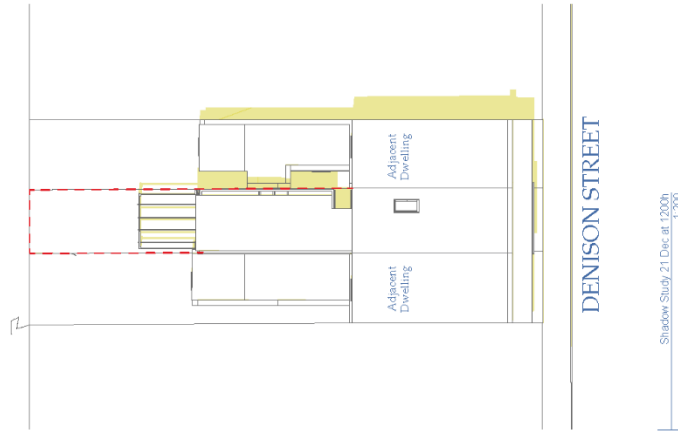
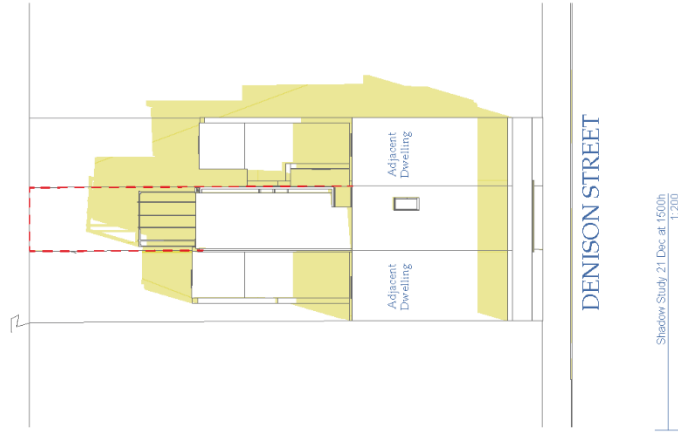
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Page No: A500
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Amendment: As Indicated



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Job No: 501-1878
Page No: A01
Scale: @ A3

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Amendment: As Indicated

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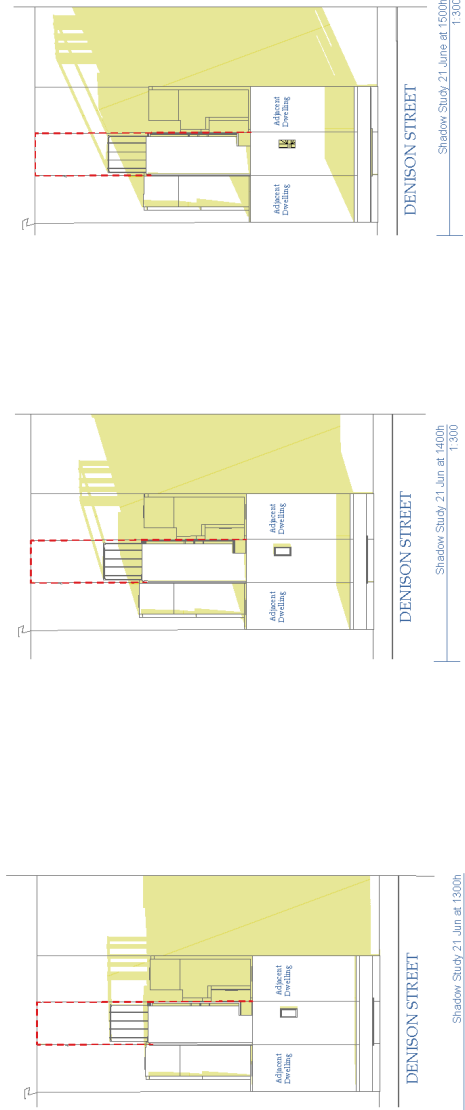
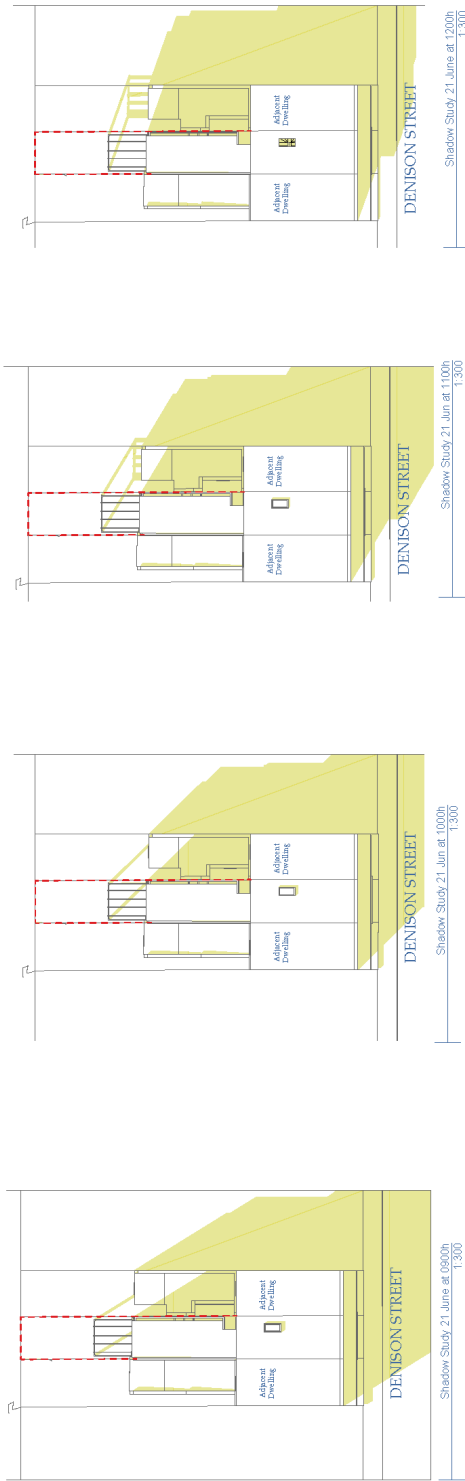
Overshadowing - summer
Proposed Addition & Alterations
Development Approval

Ash & Elizabeth Sheiles
170 Denison St Newtown NSW

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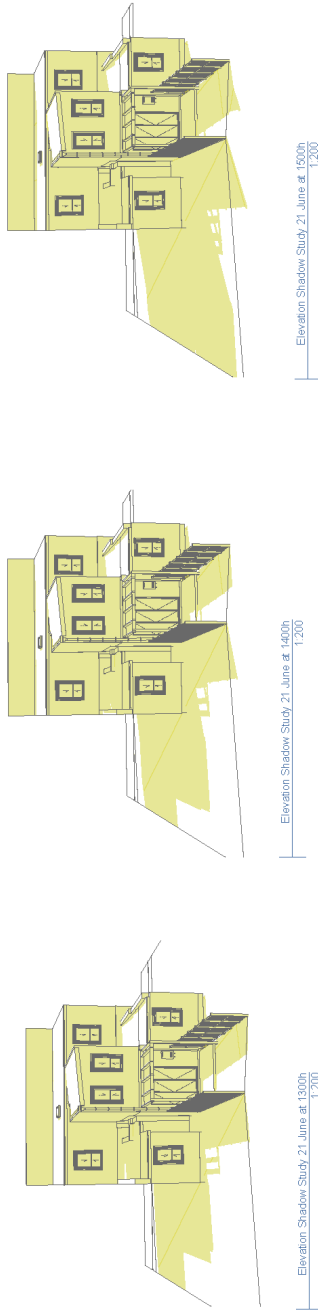
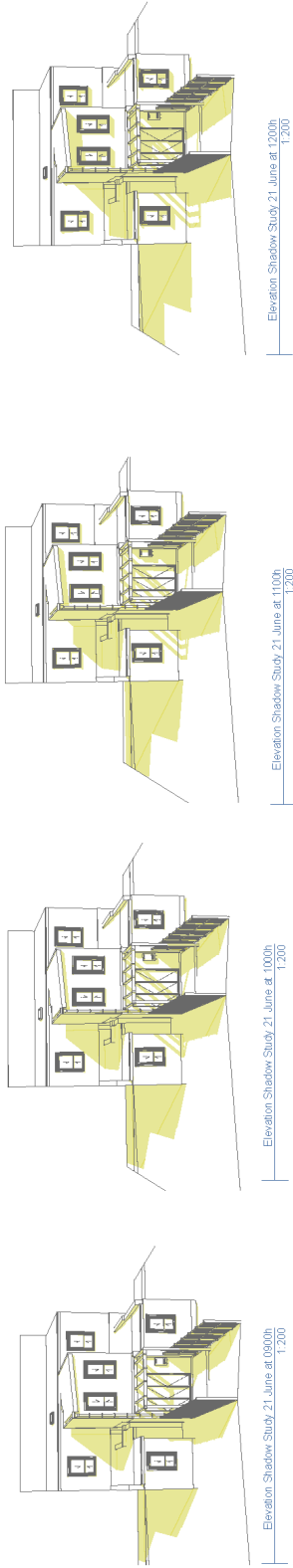
Hourly Overshadowing Plan
 Proposed Addition & Alterations Ash & Elizabeth Shielles
 170 Denison Street NSW
 Development Approval

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Houly Elevation Overshadowing Plan
Proposed Addition & Alterations Ash & Elizabeth Shielles
Development Approval
170 Division St Newtown NSW

Designed By: JC
Job No: S03-1376
Page No: A583
Scale: @ A3

Rev: JC
Date: 02/12/2022
Drawn By: JC
Amendment:

Attachment B – Applicant’s Heritage Impact Statement



The General Manager
Inner West Council
PO Box 14
PETERSHAM NSW 2049

Office: 19A Fitzgerald Street, Windsor
Correspondence: PO Box 4189, Pitt Town NSW 2756
Phone: (02) 4589 3049
Email: enquiry@edwardsheritage.com.au
Web: edwardsheritage.com.au

Our reference: EHC2022/0271

19 December 2022

Dear Sir / Madam,

Heritage Impact Statement for alterations and additions to the existing terrace house at 170 Denison Street, Newtown.

Edwards Heritage Consultants Pty Ltd (EHC) has been engaged by Mr Ashleigh Sheiles to prepare a concise Heritage Impact Statement for alterations and additions to the existing terrace house at 170 Denison Street, Newtown ('the site').

This Heritage Impact Statement (HIS) provides a concise assessment of the development proposal, which involves alterations and additions to the existing terrace house and is to accompany a s8.2 Review of Determination Application to Inner West Council, which involves a review of Development Application DA/2022/0161, having been refused by Council on 15 September 2022.

1. Brief description of the site

The site is known as Lot 2 in Deposited Plan 201515, and commonly known as 170 Denison Street, Newtown.

Situated on the site is an attached two-storey terrace house which is part of a group of three. The subject dwelling is situated in the centre of the group. It is described as being of masonry construction, with an asymmetrically composed front elevation comprising an entry door with an arched transom window atop and adjoined by a single double-hung sash window with arched lintel.

The first floor is defined by a shallow projecting balcony with a centrally positioned set of French doors that open onto the timber framed balcony with decorative cast iron panelled balustrade. The balcony roof is hipped on the outer ends of the two adjoining terraces, though presents as a skillion roof form over the subject site. Above the balcony is a high-forehead parapet wall, which features a relief panel and decorative double dogs-tooth course.

The main roof form comprises a single skillion roof plane, concealed behind the parapet wall. There are two masonry chimneys projecting off the southeastern party wall and the rear elevation at the first floor features a single double-hung sash window. Behind the main two-storey form is a single storey skillion roofed wing also of masonry construction.

Beyond the rear wing, the remainder of the site is characterised by an informal paved courtyard garden, with direct access to Brooks Lane at the rear.

Internally, the terrace house comprises a simple floor plan, with a living room and sitting area within the main two-storey footprint, a steep set of timber joinery stairs at the centre providing access to two small rooms at the first floor. The rear wing comprises a kitchen, bathroom and lanundry.

Overall, the terrace house displays characteristics that are repeated in the two adjoining terraces, with the two either side being mirrored in their composition to the ground floor. The terrace house group collectively displays characteristics attributed to the working-class terrace house typology of the late 19th century and of the Victorian Filigree architectural style.

The terrace house group (Nos.168-172) displays a reasonable degree of design integrity, having been little altered structurally, though at the time of inspection, No.168 appears to be derelict and in a poor state of condition and repair. Nos.170 and 172 however, appear more substantially intact and in reasonable condition cosmetically.

2. Heritage listing status

The site is not identified as an item of heritage significance, however is located within the *North Kingston Heritage Conservation Area*, which is listed on Schedule 5 of the *Inner West Local Environmental Plan 2022*.

3. Existing heritage significance assessments

The citation on the NSW State Heritage Inventory (SHI No.2030503) provides a description of the *North Kingston Heritage Conservation Area* as follows. Elements of the description of the HCA that are particularly relevant to the subject site have been emphasised in bold by EHC.

LOCATION

The North Kingston Estate Heritage Conservation Area is located between Salisbury Road, Camperdown and the railway line at Newtown.

KEY PERIOD OF SIGNIFICANCE: 1855 - 1920

DESCRIPTION

*The Kingston North Heritage Conservation Area is one of the earliest large developments in the Marrickville local government area. Its dense urban pattern was created in a single subdivision of 190 acres of the Kingston Farm in 1854, most of which were further divided into narrower lots. The Area contains a wide range of modest 19th-century workers housing from the Victorian period with some infill cottages and terraces from the Federation and Inter-War and contemporary periods. **The typologies include timber and brick workers cottages, attached housing and small runs of terraces.** Modesty of scale and simplicity of form are important elements in the character of the built environment of the Kingston North area.*

The Area also includes a very good group of middle-class Victorian houses and corner shops. These are located on Albermarle Street, which enjoys an axial vista of the spire of St Stephen's Church, designed by Edmund Blacket and built between 1871 and 1874, replacing an earlier (1844) church on the site. Numbers 38, 54, 55-59 and 69-73 Albermarle Street, 18-24 Oxford Street and 88-90 Chelmsford Street are listed in the Marrickville LEP as individual heritage items. Their strong streetscape presence, relationship to each other, contribution to the streetscape of Albermarle Street and context within the Kingston North development makes them a particularly significant group within the area.

Other individual heritage items include St Stephen's Church and the surviving part of the cemetery, the former Newtown Baptist Church on the corner of Church and Lennox Streets, the three rows of terraces on Lennox Street (2-8 and 38-84 Lennox Street); the group of

former shops in Bedford/Probert Streets; St Joseph's Roman Catholic Church and Boys' and Girls' schools in Bedford, Lennox and Oxford Streets; and the Court House/Police Station group at 222 Australia Street and hotel at number 202. Several more properties were investigated as part of the Heritage Items Review and are recommended for listing for their individual heritage values; including the Victorian Italianate terrace at 82-88 Chelmsford Street, Coronation Hall (95-103 Lennox Street) and the former Electricity substation at 134 Lennox Street. Each of these existing and potential individual heritage items contributes to the variety and quality of their immediate streetscapes and the heritage significance of Kingston North as a heritage conservation area.

Similar building typologies are found throughout the area regardless of the underlying period of construction. These respond to the narrow street frontage available to development and the preponderance of roof planes and ridgelines oriented parallel to the road alignment. The streetscapes within the area are tightly defined with **most dwellings built boundary-to-boundary with minimal setbacks and create a strong street wall**. Building heights vary between one and two stories throughout the area, although a general trend of single storey and more modest cottages and terraces at the northern end and more substantial, two storey terraces south of Bishopgate Street can be seen. The area also contains some notable streetscapes of terrace housing, for example the groups of terraces in Australia, Probert and Lennox Streets, each of which is highly contributory to the streetscape through the consistency of its facade, form and detailing.

The mixture of uses is traditional for the inner areas of Sydney and include residential, small-scale retail, churches, schools, parks and industrial. Their juxtaposition provides ongoing evidence of the compact form and integration of land uses common in the 19th Century. Most contribute to the area through the retention of 19th and early 20th Century fabric, scale and form.

Even though the area demonstrates a wide range of built forms, eras and typologies very little development in the area reads as intrusive, even though there are poor examples of each type of development to be found in the area. A small number of 1960s red textured brick residential flat buildings can also be found scattered through the area providing evidence of early urban redevelopment.

The evidence of the surviving fabric suggests that many early fences were of iron palisade construction. Many have survived and continue to contribute highly to the integrity and quality of the streetscapes and the area. They are particularly prominent elements when viewed on an angle from the footpath; when their strong rhythms yet transparent quality is highlighted. Other early fences included low (less than 600mm) timber paling pickets (with flat tops). Many original fences have been replaced by a variety of styles, materials and heights, introducing a highly discordant element into the streetscape views. These fences are however all potentially removable and although impossible to replace the original fabric, the opportunity exists to construct a new fence that fits more gently within the streetscape.

Most private open space is minimal, with little space available for the planting of trees. **Where space is available and accessible from the rear lane it is often used for car parking**. The topography is undulating. Albemarle Street generally follows the main ridge line in the area with Australia Street describing the secondary ridge at right angles, with the other streets falling away to the low points at the outside edges of the conservation area.

Opportunities for extensive or district views are limited, although some can be gained from the southern edges of the precinct. **Street views are generally strongly directional and guided by the street wall of the adjacent housing**. A notable exception to this is available along the axial vista along Albemarle Street towards the spire of St Stephen's Anglican Church, which is a rare element within the Marrickville area.

CONTRIBUTORY ELEMENTS

- Street layout
- Narrow lots oriented at 90° to the street alignment
- Street tree plantings
- St Stephen's Church, steeple and axial vista from Albermarle Street
- Street names set into footpath
- Sandstone block kerbing
- High urban density, narrow streets and frequency of attached dwellings creates an intimate streetscape quality
- Residential character demonstrated through diversity of architectural style - within the single and two-storey 19th-century and Federation period terrace housing typologies
- High incidence of substantial private and public buildings that demonstrate individual heritage value and which contribute to the integrity of this area as a focal point for the development of the first phase of Sydney's expansion beyond the inner city core.
- Setbacks from the street alignment are minimal but consistent within building groups and visual catchments**
- Building typologies reinforce the tight urban grain.
- Groups and runs of terraces demonstrate strong streetscape qualities including cohesiveness of form, scale, rhythm and materials.**
- High quality detailing to front elevation of intact and substantially intact houses and terraces
- Increasing simplification of scale and detailing towards rear – including window size, bulk and visual prominence in view from street**
- Roof forms appropriate to typology and period of construction**
- Primary ridgelines of roofs are aligned parallel to the street
- Roof forms of groups or runs of buildings demonstrating consistent pitch and rhythm**
- Lack of major alterations to roof form and volumes**
- Original chimneys contribute to the quality and visual interest of roofscapes
- Original dormer windows - small and vertically proportioned
- Intact or substantially intact built elements
- Consistency of form and detailing to intact and substantially intact original dwellings and streetscapes
- Any additions visible from the public domain that are of a minor scale, respect original built form and are unobtrusive in the context of the streetscape**
- Building heights appropriate to typology and period of construction
- Detailing and finishes appropriate to typology and period of construction
- Window openings appropriate for architectural type
- Timber framed windows
- Complex timber framed windows to main bay of front elevation
- Use of appropriate colour schemes for detailing
- Fences appropriate to typology and period of construction
- Original Iron Palisade fences
- Original low face-brick (not rendered or painted) walls
- Footprints of additions to the rear respect the traditional pattern of development (including service wing/pavilion/recessive scale)**
- Vehicle access from rear lanes (where available)

NON CONTRIBUTORY ELEMENTS

- Overscaled and poorly proportioned additions
- Alterations to roof forms and volumes visible from the street, including poorly sited and proportioned dormer windows and lifted ridgelines.
- Inappropriate use of dormers (contrary to typology)
- Application of conjectural detailing to new work
- Concrete tiles or inappropriate use of metal panels to roof.

- Painting and rendering etc (including to original face brick)
- Removal of original detailing
- Alteration to fenestration patterns (including reconfiguration/re-orientation of vertical openings to horizontal)
- Removal/replacement of timber windows with aluminium-framed windows
- Roller shutters to windows
- Historically inappropriate fence design and details not relevant to building typology and/or incongruous/visually intrusive in streetscape views
- Visually intrusive security measures (eg security bars painted a light colour and enclosing grilles to verandahs)
- Replacement fences of type or form inappropriate to building typology and/or intrusive on aesthetic value of streetscape
- High/solid front fences and walls
- Infilled verandahs

The citation on the NSW State Heritage Inventory (SHI No.2030503) provides a Statement of Cultural Significance of the *North Kingston Heritage Conservation Area* as follows:

The North Kingston Estate Heritage Conservation Area is of historical significance for demonstrating the pattern of development in the Council area from early land grants to densely settled urban landscape.

This can be seen through the range of high style and modest dwellings of typologies and densities found in the area which demonstrate the different phases of development and options for housing available to the worker of the 19th Century. It occupies land within the Kingston Farm Estate; one of the most important of Marrickville's early Estates. The subdivision pattern and distribution of development throughout the precinct provides the earliest example found in Marrickville of the socio-topographic patterns of land use; with the ridgeline of Albemarle Street notable for its early and grander houses, with modest workers' cottages on the lower slopes. The street layout was formed in the original subdivision of 190 acres.

The North Kingston Estate Heritage Conservation Area is of aesthetic significance for its 19th Century houses (detached and semi-detached) and their settings, 19th and early 20th Century terraces and houses (detached and semi-detached) including several highly cohesive groups, 19th Century corner shops, local shopping precinct and small industrial development found throughout the area. The modest scale of the original cottages and terraces in the area reinforces their original purpose as worker's housing.

The Area is representative of the range of building types and forms available to the Victorian worker, including the detached cottage, semi-detached pair and terrace house.

4. Background to the development proposal

This Heritage Impact Statement (HIS) provides a concise assessment of the development proposal, which involves alterations and additions to the existing terrace house and is to accompany a s8.2 Review of Determination Application to Inner West Council, which involves a review of Development Application DA/2022/0161, having been refused by Council on 15 September 2022.

Development Application DA/2022/0161 involved the alterations and additions to the existing dwelling, with the demolition of the extant single storey rear wing and construction of a new two-storey wing.

Council's reasons for refusal in the Notice of Determination identify that the proposal failed to satisfy the objectives and requirements of numerous provisions within the *Marrickville Local Environmental Plan 2011*, the draft *Inner West Local Environmental Plan 2022* and the *Marrickville Development Control Plan 2011*.

Specifically, the proposal was refused on the basis that the design was not considered to protect the neighbouring amenity, the development did not enhance or conserve the existing character of the locality and resulted in adverse impacts to the contributory values of the dwelling.

EHC has undertaken a desktop review of the documentation submitted for DA/2022/0161, including a review of the reasons for refusal in the Notice of Determination. A visual examination of the site and the streetscapes of both Denison Street and Brooks Lane was also undertaken.

As a consequence, design changes have been made to the proposal to respond to the Council’s reasons for refusal and on the basis of the observations and recommendations of EHC based on the inherent site and streetscape characteristics.

5. Description of the development proposal

This concise HIS provides an assessment of the development proposal as shown on the plans and drawings referenced in Table 1 below:

TABLE 1 – Plans and drawings referenced				
Drawing No.	Revision	Title	Dated	Prepared By
A0	04	Specifications	12/12/2022	Superdraft
A00		Schedule – Basix Summary – Site Location		
A01		Site Plans		
A02		Management Plan		
A03		Concept Drainage Plan		
A100		Ground Floor		
A101		First Floor		
A102		Roof Plan		
A103		Demolition Plan		
A300		Elevations		
A301		Elevations		
A400		Sections		
A500		Overshadowing – Plans – Winter		
A501		Overshadowing – Summer		
A502		Hourly Overshadowing Plan		
A503		Hourly Elevation Overshadowing Plan		

The development proposal seeks consent for the alterations and additions to the existing dwelling house.

Currently, the overall footprint of the terrace house and its internal configuration are modestly dimensioned and do not provide for a functional floor plan that meets the owners lifestyle requirements and contemporary living standards.

The objective of the proposal therefore, is to accommodate additional habitable floor area to improve occupant amenity and to consolidate and rationalise the various previous accretions to the dwelling.

To achieve this, it is proposed to demolish the existing dilapidated rear single storey wing. This structure displays inherent structural defects, with substantial cracking in the mortar, rot in timber joinery including flooring and substantial rising damp issues. The existing internal timber staircase and adjoining chimneybreast will also be removed, as with the partition wall to the rear bedroom at the first floor.

Following the partial demolition works, it is then proposed to erect a new two-storey addition, comprising a new living and kitchen area to the ground floor, with bedrooms to the first floor. New internal stair access will be reintroduced in the current location (centre of the dwelling) though will be reconfigured to provide a more functional gradient and configuration.

The new additions will be constructed of facebrick to the ground floor and select cladding to the first floor, allowing for a more lightweight appearance to the first floor.

At the very rear of the additions, a small timber pergola is proposed to provide outdoor amenity.

6. Heritage impact assessment

The evaluation criteria for assessing the likely impact of a proposed development (as published by the Heritage Council of NSW) has been applied in this impact assessment.

Contributory values

The existing terrace house is identified as a contributory building to the *North Kingston Heritage Conservation Area*. The contributory values are considered imbued in the cumulative group characteristics (comprising Nos.168, 170 and 172) and primary presentation to Denison Street, largely through the architectural composition, form and detailing. The terrace house group has a reasonable degree of prominence in Denison Street, owing to its verticality, with adjoining buildings of a smaller scale.

At the rear from Brooks Lane, only partial glimpses are obtained from a pedestrian scale and the terrace house group is only discernible when viewed from a direct perpendicular perspective. Oblique views are obscured by adjoining built forms and vegetation, including high garage doors and rear boundary fences. Additionally, the narrow width of the laneway does not afford deep depth of view, whereby the rear of the terrace house can only be partially seen (mostly the upper portion of the first floor, roof form and chimneys) and does not significantly contribute to or define the laneway character.

Brooks Lane is largely defined as utilitarian in character, being characterised by garage doors and high boundary fencing of varied materiality, with little sense of address to the laneway by the attributing built forms. There is a prevalent layering of contemporary single and double storey additions at the rear of terrace houses, many of which are considered themselves to be of contributory value to the HCA, however the additions are concentrated to areas of lesser visual significance and in areas that have been more substantially modified, whereby reducing the material impacts to significant fabric, as well as responding to the established character and pattern of development in the laneway.

The contributory values of subject site are therefore considered to be principally imbued in the front elevation and presentation to Denison Street, with the contribution to Brooks Lane being more substantially obscured and of lesser integrity overall.

The proposed alterations and additions are entirely concentrated to the rear of the terrace house, maintaining the existing character and presentation to Denison Street, whereby protecting the principal contributory elements.

Demolition works

A visual examination of the subject site, together with a desktop review of the existing 'as built' floor plans strongly evidences that the existing single storey rear wing is not original fabric, having likely been reconstructed in the mid-20th century. This is evidenced in the mid-century profiling to timber joinery and the disjoint in the symmetry in form and footprint to the rear wings of the two adjoining terrace houses.

Consequently, demolition of the existing rear single storey wing is considered to have a negligible impact and would not involve the removal of significant fabric or features (see Figure 10).

Internally, while the existing timber staircase and chimneybreast are original features of the terrace house, they are not considered elements that are expressly visible from the exterior of the dwelling and do not contribute to the contributory values of the terrace house. Their removal is supported on the basis that there would be no discernible change to the exterior. Recommendations are made however to ensure the retention of the existing masonry chimneys that project above the roofline.

New additions

Section 8.2.1 of the *Marrickville DCP 2011* provides development principles for the HCA.

The design principles are based on the underlying approach that while much of the building typology of the HCA was developed up to 150 years ago, the *'adaptation of buildings has taken place and continues to be proposed to meet contemporary needs'*. Furthermore, the *'focus of development controls for Marrickville LGA's HCAs is the consideration of the impact of development on each of the HCA's overall value'*.

The proposed two-storey additions will attach to the rear of the terrace, with a narrow-throated connection that incorporates a vertical lightwell. This design feature allows for a sense of delineation between the 'new and the old' and allows for the original two-storey form of the terrace house to be interpreted and appreciated. The contemporary design approach accords with Article 22.2 of the Australia ICOMOS *Burra Charter* (2013) which states that *'New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.'* Additionally, the contemporary approach accords with Section 8.2.1 of the *Marrickville DCP 2011*, which encourages *'additions to older buildings should, rather than replicate or mimic existing forms, be modern and complementary and not overwhelm the original form and fabric'*.

It is accepted that the scale of the rear additions will be visible from Brooks Lane, but only the upper storey will be visible, and most discernible when viewed from a perpendicular perspective at the rear boundary. The scale and setbacks of adjacent built forms will by virtue of their respective silhouettes, largely obscure views of the additions when viewed obliquely in Brooks Lane.

The scale of the additions will be entirely concealed from view from Denison Street and will not be visually dominant when viewed from Brooks Lane, being of a scale, height and form that is consistent with the established pattern of development. In this regard, the additions will not interrupt the established rhythms and continuum in Brooks Lane and is consistent with the identified elements that contribute to the consistency of the streetscape as specified in Section 8.2.9 of the *Marrickville DCP 2011*. The scale of the additions will not overwhelm the original form and fabric of the terrace house. The use of weatherboard styled cladding to the first floor will also aid in reducing the perceived visual bulk and 'heaviness' of the design.

The additions have been redesigned to adopt a low-pitched (5 degrees) skillion roof form that is considered a more compatible design that is harmonious with the traditional pattern of development in the streetscape. This element of the additions will be the more visible aspects by virtue of the shallow depth of view, the oblique viewing angle and what is reasonably perceived and visible from a pedestrian scale in the laneway. The use of vertically arranged fenestration and a traditional materials and finishes palette will also aid in assimilating the additions to the streetscape.

Overall, the proposed additions will be of a height, scale, form and language that are not dissimilar from the established pattern of development in the laneway and will not become visually dominant in and of itself.

7. Recommendations and mitigation measures

Subject to the following recommendations, the proposed alterations and additions are considered to have an entirely acceptable and negligible impact on the identified contributory values of the subject site and the broader HCA.

1. The existing chimneys above the roof line should be retained. This will require an engineered solution to ensure the structural adequacy of the retained portions.
2. Consideration should be given to implementing a palette of materials and finishes that assimilate with the materials and finishes of the streetscape and broader HCA. In this manner, preference should be given to using a darker shade of masonry to the ground floor.

HERITAGE IMPACT STATEMENT – 170 Denison Street, Newtown

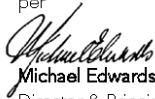
EHC2022/0271

Should you have any further questions on this matter, please do not hesitate to contact the undersigned at our office.

Yours faithfully,

EDWARDS HERITAGE CONSULTANTS PTY LTD

per



Michael Edwards B.Env. Plan, M.Herit. Cons, M.ICOMOS, JP
Director & Principal Heritage Consultant / Advisor

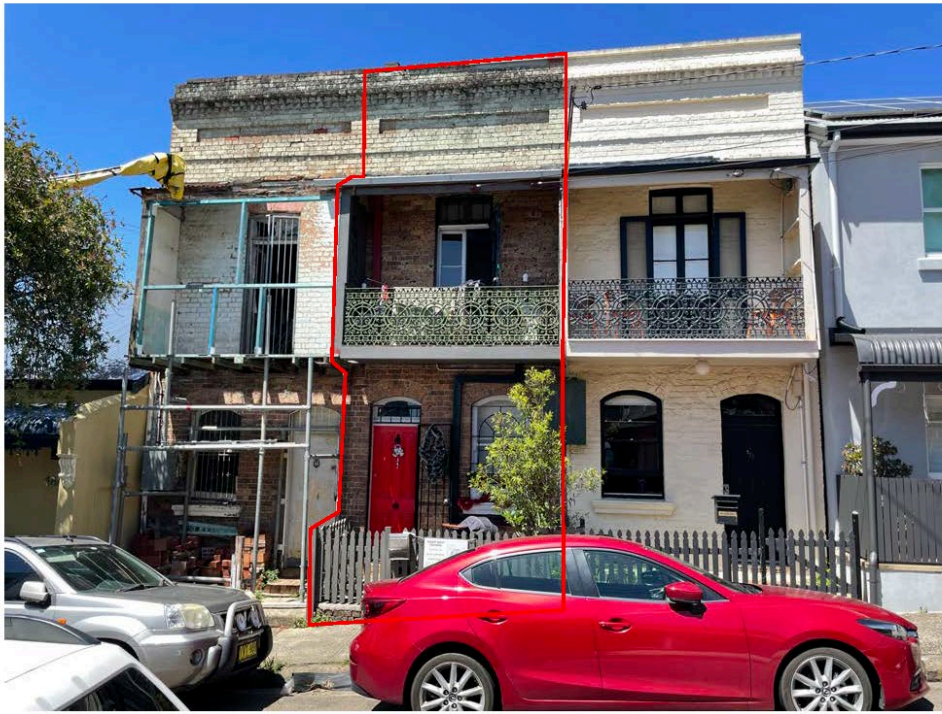


Figure 1: View of the terrace house (centre of frame).



Figure 2: View from Denison Street.



Figure 3: View from Denison Street.

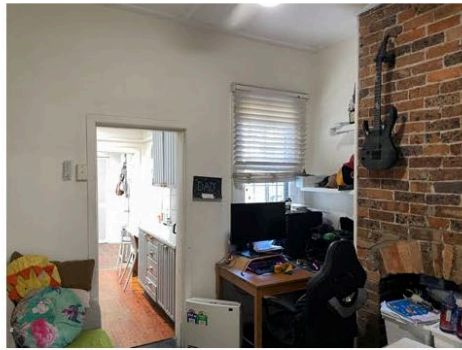


Figure 4: View of the ground floor living room.



Figure 5: View towards the ground floor bathroom.

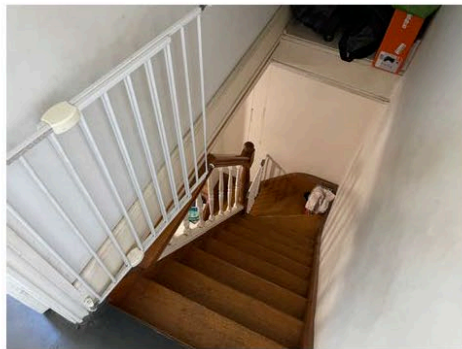


Figure 6: View of internal staircase.



Figure 7: View of first floor master bedroom.



Figure 8: View of ground floor side passageway.



Figure 9: View of ground floor side passageway.



Figure 10: View of the rear elevation of the rear wing.



Figure 11: View of the rear of No.168 (centre) and No.166 (right).



Figure 12: View of the rear of No.172.



Figure 13: View of the rear elevation from Brooks Lane.



Figure 14: View towards the site from Brooks Lane.



Figure 15: View towards the site from Brooks Lane.

Attachment C –Conditions of consent in the event of approval

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
A00 - Rev 04	Schedules/ BASIX Summary/ Site Location	12/12/2022	Superdraft
A01 - Rev 04	Site Plans	12/12/2022	Superdraft
A100 - Rev 04	Ground Floor	12/12/2022	Superdraft
A101 - Rev 04	First Floor	12/12/2022	Superdraft
A102 - Rev 04	Roof Plan	12/12/2022	Superdraft
A103 - Rev 04	Demolition Plan	12/12/2022	Superdraft
A300 - Rev 04	Elevations	12/12/2022	Superdraft
A301 - Rev 04	Elevations	12/12/2022	Superdraft
A400 - Rev 04	Sections	12/12/2022	Superdraft
A436050	BASIX Certificate	20/10/2021	Green Star Rating

As amended by the conditions of consent.

GENERAL CONDITIONS**2. 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.

3. Boundary fencing

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with details confirming that the pergola and side boundary fencing within three (3) metres of the *Murraya paniculata* plantings (Orange Jessamine) located at 172 Denison Street on the rear common side boundary with the subject site will be constructed using isolated piers/posts (no strip footings).

4. Waste Management Plan

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

5. 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.

6. 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.

7. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**9. 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.

10. 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.

11. 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

12. Paving/Decking Within the Vicinity of Trees

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with detailed plans demonstrating that the pavement works/decking (under pergola) within the specified radius of the trunk of the following trees/vegetation are constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved and so woody roots can be retained if located under the existing pavement. When preparing an area for paving with the specified radius, the soil surface must not be skimmed or excavated. The new surface and subgrade must be established at grade.

Tree No.	Botanical/Common Name	Radius in Metres
-	<i>Murraya paniculata</i> plantings (Orange Jessamine) / 172 Denison Street rear side	3 m

13. Party Walls

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

14. 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.

15. Acoustic Report – Aircraft Noise

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

16. 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

17. Tree Protection

To protect the following trees, ground protection must be installed (or existing pavement within 3 metres must be retained during substantial works to the dwelling) prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council’s *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
-	<i>Murraya paniculata</i> plantings (Orange Jessamine) / 172 Denison Street rear side

18. Canopy Pruning

Canopy pruning of the following trees which is necessary to accommodate the approved building works (pergola) must be undertaken by a qualified Arborist or Horticulturist (minimum AQF Level 3 qualification).

Tree No.	Botanical/Common Name
-	<i>Murraya paniculata</i> plantings (Orange Jessamines) / 172 Denison Street rear side

The person acting on this consent has approval under Council's Tree Management Controls to achieve a clearance of the pergola structure. Pruning is limited to those branches that will come into direct contact the built structure. The pruning must be undertaken in accordance with AS4373 'Pruning of amenity trees'. Where access to adjacent land (pruning beyond the boundary to achieve compliance with AS4373) is required to carry out approved tree works, Council advises that the owner's consent must be sought.

19. Root Pruning

All roots encountered when excavating for the fence/pergola posts within three (3) metres of the *Murraya paniculata* plantings (Orange Jessamine) located at the rear of 172 Denison Street must be cut cleanly using a sharp and fit for purpose tool.

20. 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.

21. Stormwater Drainage System

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

22. 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

23. Aircraft Noise –Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

ON-GOING

24. Bin Storage

All bins are to be stored within the site.

ADVISORY NOTES

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.

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.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

REASONS FOR REFUSAL

1. Pursuant to the provisions of Part 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and in view of the likely additional amenity impacts for neighbouring properties, the proposal is not in the public interest.
2. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. The development is inconsistent with the following Parts of the Marrickville Development Control Plan 2011:
 - a. Part 2.1 - Urban Design, the proposal does not enhance or conserve the existing character or the locality and results in adverse impacts to the contributory dwelling.
 - b. Part 2.7 - Solar Access and Overshadowing, the proposal has not demonstrated compliance with the Part in that the shadow diagrams provided are not in accordance with Control C1 and do not allow an assessment of impacts to windows at neighbouring properties.
 - c. Part 4.1.5 - Streetscape and Design, the development does not complement the character of the area.
 - d. Part 4.1.6 - Built Form and Character, the proposal results in adverse amenity and visual bulk impacts to neighbouring properties and the side setbacks have not been designed to follow that of the existing contributory dwelling and at adjoining sites.
 - e. Part 8 - Heritage, the proposal results in non-compliance with several controls for development within heritage conservation areas and would result in loss of contributory features and fabric of the dwelling which contribute to the heritage significance of the North Kingston Heritage Conservation Area.
 - f. Part 9.4 - Newtown North and Camperdown (Precinct 4) - the proposal is inconsistent with the desired future character of the precinct as a result of the heritage impacts.
4. The development is inconsistent with the following provisions of the Inner West Local Environmental Plan 2022:
 - a. Clause 1.2 - Aims of Plan, the proposal does not protect the heritage of the area, has not demonstrated that amenity impacts of the development

- are acceptable to adjoining properties and does not create high quality urban place.
- b. Clause 2.3 - Zone objectives, the proposal does not maintain the built character of the surrounding area.
 - c. Clause 5.10 - Heritage conservation, the proposal adversely impacts the contributory dwelling within the heritage conservation area and fails to conserve the heritage significance of the area.
5. The development is inconsistent with the following provisions of the Marrickville Local Environmental Plan 2011:
- a. Clause 1.2 - Aims of Plan, in that the proposal does not protect the heritage of the area and does not provide a high standard of design as a result of impacts to the locality and amenity.
 - b. Clause 5.10 - Heritage Conservation, in that the proposal adversely impacts a contributory building within the North Kingston Estate Heritage Conservation Area and does not conserve the heritage significance of the area.

Attachment D- Original Determination



NOTICE OF DETERMINATION – REFUSAL

Issued under Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2022/0161
Applicant	Ms Elizabeth DV Sheiles
Land to be developed	170 Denison Street NEWTOWN NSW 2042
Proposed development	ground and first floor alterations and additions to a dwelling house
Cost of development	\$96,000.00
Determination	The application was determined by Delegation to Staff and consent was refused .
Date of refusal	15 September 2022

Reasons for refusal

1. Pursuant to the provisions of Part 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and in view of the likely additional amenity impacts for neighbouring properties, the proposal is not in the public interest.
2. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
3. The development is inconsistent with the following Parts of the Marrickville Development Control Plan 2011:
 - a. Part 2.1 - Urban Design, the proposal does not enhance or conserve the existing character or the locality and results in adverse impacts to the contributory dwelling.

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 innerwest.nsw.gov.au
 02 9392 5000

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 PO Box 14, Petersham NSW 2049

- b. Part 2.7 - Solar Access and Overshadowing, the proposal has not demonstrated compliance with the Part.
 - c. Part 4.1.5 - Streetscape and Design, the development does not complement the character of the area.
 - d. Part 4.1.6 - Built Form and Character, the proposal results in adverse amenity and visual bulk impacts to neighbouring properties and the side setbacks have not been designed to follow that of the existing contributory dwelling and at adjoining sites.
 - e. Part 8 - Heritage, the proposal results in non compliance with several controls for development within heritage conservation areas and would result in loss of contributory features and fabric of the dwelling which contribute to the heritage significance of the North Kingston Heritage Conservation Area.
 - f. Part 9.4 - Newtown North and Camperdown (Precinct 4) - the proposal is inconsistent with the desired future character of the precinct as a result of the heritage impacts.
4. The development is inconsistent with the following provisions of the *Inner West Local Environmental Plan 2022*, a draft Environmental Planning Instrument at the time of lodgement of the application:
- a. Clause 1.2 - Aims of Plan, the proposal does not protect the heritage of the area, has not demonstrated that amenity impacts of the development are acceptable to adjoining properties and does not create high quality urban place.
 - b. Clause 2.3 - Zone objectives, the proposal does not maintain the built character of the surrounding area.
 - c. Clause 5.10 - Heritage conservation, the proposal adversely impacts the contributory dwelling within the heritage conservation area and fails to conserve the heritage significance of the area.
5. The development is inconsistent with the following provisions of the *Marrickville Local Environmental Plan 2011*:
- a. Clause 1.2 - Aims of Plan, in that the proposal does not protect the heritage of the area and does not provide a high standard of design as a result of impacts to the locality and amenity.

- b. Clause 5.10 - Heritage Conservation, in that the proposal adversely impacts a contributory building within the North Kingston Estate Heritage Conservation Area and does not conserve the heritage significance of the area.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Angela Berryman** on (02) 9392 5979 or angela.berryman@innerwest.nsw.gov.au.



Martin Amy
Team Leader Development Assessment